

NR 700 RULE  
UPDATE

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October 2  
2013

# NR 700 REVISIONS WEBINAR

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UPDATE

# NR 706 – HAZARDOUS SUBSTANCE DISCHARGE NOTIFICATION & SOURCE CONFIRMATION REQUIREMENTS

Roxanne N Chronert  
Spill Team Sponsor



October 2  
2013

# SUMMARY OF NR 706 CHANGES

- Removed most references to the LUST program as these are either no longer needed or covered by other rule language.
- Clarify that discharges to the environment may include long-term applications or permitted discharges.
- Provide more specific details on how to report non-emergency discharges.

# SUMMARY OF NR 706 CHANGES

- Clarify that even if a discharge is exempt from notification it must be adequately responded to
- Add a provision to report the source and cause of discharges from LUST systems in order to comply with the 2005 Federal Energy Act.
- Updated definition of Petroleum Product.

# REFERENCES TO LUST

- Added: Additional responsibilities for owners or operations of underground storage tank systems.
- Removed:
  - Indication of discharge from UST discharge monitoring system.
  - UST discharge source confirmation
  - UST response action status Report

**Rule cite: NR 706.05 & NR 706.11**

# LONG-TERM APPLICATIONS OR PERMITTED DISCHARGES

- Discharge includes:
  - *Recent discharges,*
  - *Historic discharges, and*
  - *Discharges caused by the long-term application or permitted discharge of a substance.* If accumulation of a permitted discharge or approved application constitutes a hazardous substance discharge to the air, lands or waters of the state, the person must report and respond to the discharge in accordance with applicable state law.

**Rule cite: NR 706.05(1)**

# REPORT NON-EMERGENCY DISCHARGE

- Telefaxing a completed discharge notification form provided by the department or
- Alternative procedures approved by department.
  - E-mail notification
- Laboratory results shall be included
- Provide geographic position via NR716.15(5)(d)
  - Center of property
  - WTM

**Rule cite: NR 706.05(c) and NR 706.05 (d)**

# ADEQUATE RESPONSE

- Notification of the discharge is exempt (reportable quantities)
- A response to the discharge is still required under s. 292.11, Stats.

Rule cite: NR 706.07

# FEDERAL ENERGY ACT

- At time of release notification also provide information on source and cause of the discharge from UST system.
  - Source: tank, piping, dispensers, submersible pump, delivery problem, other
  - Cause: spills, overfills, physical or mechanical damage, corrosion, installation problems, other

**Rule cite: NR 706.11(3)**

# PETROLEUM PRODUCT

- New Definition: refined petroleum based substance or blend intended for use as motor fuel, turbine fuel, lubrication, cooling, machine cutting or heating.
- Old Definition: gasoline products, diesel-like products and light crude oils, medium grade crude oils and intermediate products, and heavy crude oils and residual products

**Rule cite: NR 706.03(5)**



# QUESTIONS?

Questions via Live Meeting "Q & A" feature

or email [Michael.Prager@wisconsin.gov](mailto:Michael.Prager@wisconsin.gov)



# NR 712 – PERSONNEL QUALIFICATIONS

Mark Gordon  
Bureau for Remediation and  
Redevelopment

# SUMMARY OF NR 712 CHANGES

- Added a provision to clarify this chapter. Applies to Phase 1 and 2 Environmental Assessments.
- These documents need to be prepared under the supervision of a P.E., a hydrogeologist or a scientist.
- Recommending that ASTM standards be followed when conducting Phase 1 and 2 Environmental Assessments.

# SUMMARY OF NR 712 CHANGES

- The definition of hydrogeologist has been expanded to require that the person must be licensed as a hydrologist or registered as a geologist.
- The existing education requirements for hydrogeologists were not changed.
- The certification statement for hydrogeologists has been modified to include language that the individual is licensed or registered.

# NR 712 – RELATED ISSUE

- The issue of who needs to sign closure requests was the subject of much discussion earlier this year.
- DNR initially took the position that closure requests must be signed by both an engineer and a hydrogeologist.
- We received significant feedback that requiring both signatures does not necessarily improve the quality of the documents.

# NR 712 – RELATED ISSUE

- Ultimately DNR decided that until further notice, we would accept either an engineer or a hydrogeologist's signature on closure requests.
- We are currently evaluating data from recent closure requests to see what information the data provide.



# QUESTIONS?

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# NR 716 SITE INVESTIGATIONS

Jane Lemcke  
Standards & Streamlining  
Team Leader

# OVERVIEW OF CHANGES

- Applicability – other persons seeking closure
- Definitions – a few new or changed
- Timeframes – for submittals of work plan and report, and for starting fieldwork
- More focus on source definition for source control
- Investigation of vapor intrusion

# OVERVIEW (CONT.)

- Sampling and analysis – decisions on methods and documentation left to consultant
- Monitoring wells – protection and integrity
- Sample Results Notification – modified
- SI Documentation – reformatted

# APPLICABILITY

- Changed “purchaser” to “voluntary party”, to be consistent with statutory changes
- Now allow for persons other than the responsible party to conduct a site investigation and cleanup

# DEFINITIONS

- “Field blank” changed to “equipment blank,” also known as “field equipment blank”
- Responsible parties defined for NR 716 to include “other persons seeking closure under NR 726”
- “Temperature blank” and “trip blank” definitions updated to be consistent with revised NR 149 definition

# TIMEFRAMES

- “unless otherwise directed” allows for flexibility
- SI work plan – within 60 days of RP letter
- Field investigation – start within 90 days of submittal of the work plan
  - If fee submitted, start within 60 days of WP approval
  - DNR has 30 days to review: approve/conditionally approve/or proceed without approval
  - “field work” includes preparatory measures

# TIMEFRAMES (CONT.)

- SI Report – submit within 60 days of completion of field work and receipt of lab data
- Sampling results to DNR and owner within 10 days of receiving results
- Notify DNR within 30 days of refusal to obtain access for investigation of a property (current)

# SOURCE DEFINITION

- 716.11 (3)(d) – estimate the mass of contamination in the source area
  - Aimed at discrete source areas, not area-wide contamination
  - See RR 699 – Understanding Chlorinated Hydrocarbon Behavior in Groundwater
- 716.11 (4)– evaluate the extent of contamination in the source area, in soil and saturated materials, and in groundwater
  - Intent is to investigate zone of release, areas of greatest contamination, locate NAPLs and smear zone
  - Extent of groundwater contamination, piezometer use

# INVESTIGATING FOR VAPOR INTRUSION

- Determine the presence and concentration of vapors
  - Sub-slab
  - In indoor air when the impact on an occupied structure needs to be determined – occupied residential setting:
    - Single or multiple family housing
    - Educational settings
    - Child care settings
    - Senior/elder care facilities

# SAMPLING AND ANALYSIS

- NR 716.13: Reformatted to cover only sample collection and analysis
- “Analytical methods used shall be suitable for the matrix, type of analyte, expected level of analyte, regulatory limit, and potential interferences in the samples to be tested.”
- “Maximum holding times for soils shall be in accordance with the sampling method, sample storage container and analytical methods used.”
- VOC Reporting limit = method detection limit

# SAMPLING AND ANALYSIS (CONT.)

- Groundwater samples collected/handled according to NR 140.16 (current), methods updated
- Immediate preservation of soil samples collected for VOC analysis (from NR 700)
- Collection/analysis for geochemical indicators, where NA is a potential remedy
  - Dissolved oxygen, nitrate, dissolved manganese, total and ferrous iron, sulfate and methane, alkalinity, oxidation reduction potential, pH, temperature and conductivity

# MONITORING WELL INTEGRITY

- Reminder – survey the well locations in accordance with NR 141– important at closure
- Flush-mounted wells – include a magnet between cover and annular space seal
- High-traffic areas – use appropriate protective traffic posts
- MWs in ROW – include the DOT construction permit, with the well construction form

# SAMPLE RESULTS NOTIFICATION

- Reformatted
- In general, have 10 days to notify DNR and owners upon receipt of sampling results
- Rule revised to be consistent with manual code (internal rules) on water supply results, so that both RR and DG can help respond to questions about the results
- Information to be included in notification specified in NR 716.14(2), or can use optional form (4400-249)(designed for 2 uses – owner/occupant notification, and summary of recipients for DNR

# SI DOCUMENTATION

- Requirements reformatted
- Include certification (NR 712) within the executive summary
- Include email addresses within the general information section
- Recommend that for paper submittals:
  - All reports be double sided
  - Large reports, use accordion folders instead of 3-ring binders (file space issues)



# QUESTIONS?

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# NR 700 REVISIONS

- Next Webinar: Wednesday, October 9, 2013
- 1:00 – 3:00 pm
- Chapters: 718 & 720
- Presenters: Mark Gordon & Resty Pelayo
- Presentations available at <http://dnr.wi.gov/topic/brownfields/training.html>
- Questions after today can be emailed to [DNRRRComments@wisconsin.gov](mailto:DNRRRComments@wisconsin.gov)