

Remediation & Redevelopment Program

Issues & Trends 2015

July 1, 2015
12:00 p.m. – 1:00 p.m.

Dial: 1-855-947-8255
Passcode: 6612 745#



Questions will be taken during the presentation or
can be submitted to DNRRCComments@wisconsin.gov





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Managing Contaminated Soil and Certain Other Waste Materials

NR 718 and NR 500



Regulatory Process



- NR 500 Series – Waste and Materials Management Program
- NR 347 – Water Program
- NR 718 – Remediation and Redevelopment Program



Applicability



- NR 500 – Solid Waste Exemption
- NR 528 – Storm Water Sediments
- NR 538 – Beneficial Reuse
- NR 347 – Sediment
- NR 718 – Contaminated soils and other solid waste material from response action sites



Exempt Disposal “Clean Fill”



- Mine spoils (crushed stone, sand and overburden soils)
- Clean soil
- Brick*
- Building stone*
- Concrete* (may be reinforced)
- Unpainted/untreated wood
- Broken pavement (may include asphalt or concrete)

* Not “clean fill” if includes lead paint or PCB contamination

“Clean Fill”



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What is “clean”?

No
detects

or

Detects
below
NR720

Or

Below
back-
ground

Clean?

Detects
Below
NR720

or

Detects
above
NR720

LHE + NR718?

Detects
above
NR720

Most
expensive
and

Most
protective

Licensed Landfill



Location options

- No restriction
- No cover
- No obligation

Clean

- Location criteria met
- Shown to be protective
- Possible cover and/or restriction

LHE + NR718

Managed by facility guidelines

Licensed Landfill



NR 718 - Purpose



Outlines standards for the storage, transportation, treatment and disposal of **contaminated soil and certain other solid wastes** excavated during response actions conducted under NR 700.

NR 718 Exemptions



Chapter NR 718 exempts specific types of response actions from obtaining site-specific approvals from the waste program, when the response actions are conducted in accordance with NR 718.



NR 718 Exemptions



Exemptions may include approval for disposal of:

- Contaminated soil on the property where it was generated;
- Solid waste excavated during a response action on the property where it was generated;
- Contaminated soil on an off-site property.

Program Authority



When NR 718 is applicable, RR Program staff will review exemptions for managing contaminated soil and certain waste materials excavated at response action sites.

Program Authority



Remember:

A response action site includes any site subject to jurisdiction under ch. 292, Wis. Stats., whether the person has or has not notified the DNR of the discharge.

Program Authority



There are situations where it is appropriate to request a low-hazard waste exemption (LHE) under s. 289.43(8), Wis. Stats. from the Waste and Materials Management (WMM) Program.

Approval Process



Not sure if NR 718 applies?

Regional coordinators within the RR and WMM Programs will assist in identifying the lead program when authority is not clear.



Not Applicable



Activities not covered under NR 718 include:

- disposal of solid waste other than contaminated soil, such as foundry sand, ash or cinders, from a response action site at a site other than the response action site;
- disposal of solid waste from a site that is not an active response action site;

These activities are regulated under NR 500 to 538 and may be eligible for a LHE.



Not Applicable



- Disposal of contaminated soil at an active or on a closed licensed landfill requires WMM approval.
- Disturbing or building on unlicensed fill/waste sites also requires an exemption to construct on an historic fill site from the RR Program.



Not Applicable



- Management of excavated soils and solid waste that would be defined as hazardous waste or TSCA regulated waste.



Locational Criteria



1. Floodplain.
2. Wetland or critical habitat area.
3. Navigable waterway.
4. Water supply well.
5. High groundwater level.
6. Placement depth.
7. Threat to public health, safety, or welfare or the environment.

Receiving Sites



Exemption from location criteria will consider:

1. Waste characteristics and quantities,
2. The geology and hydrogeology of the area,
3. The unavailability of other environmentally suitable alternatives,
4. Compliance with other state and federal regulations,
5. The threat to public health, safety, or welfare or the environment.



Sampling Requirements



One sample for each 100 yd³ for the first 600 yards with a minimum of 2 samples.

For volumes that exceed 600 cubic yards, one additional sample for each additional 300 cubic yards.



Sampling Requirements



Analyze samples for all contaminants detected during site investigation and for contaminants expected based on past land use.

Collect samples from areas most likely to contain residual soil contamination.



Sampling Requirements



- Coordinate with DNR early
- Certain receiving sites/conditions may require atypical characterization sampling – eg. SPLP testing



Analytical Methods



- SPLP sampling may be recommended especially for material to be placed in a location that will be the destination for large quantities of contaminated soil or with potential groundwater concerns.



Notice to DNR



Soil managed as part of an Interim Action or Remedial Action requires written notice at least 7 days prior to initiating soil excavation activities.



Notice to DNR



Submit a soil mgmt. plan including:

1. The RP contact information
2. Soil volume
3. Originating site location
4. Consultant/contractor contact
5. Soil management schedule

(continued)



Notice to DNR



Submit a soil mgmt. plan including:

6. Sample analysis results

7. Soil management description

8. Sufficient information to justify that the placement of the soil will meet s. NR 726.13 (1) (b) 1. to 5



Notice to DNR



If management of the soil is proposed for a location other than where it was excavated, provide the following additional information:

- Receiving site property owner contact information.
- The location of the receiving site.
- The geology and hydrogeology of the site.



Notice to DNR



Please include all of the information required for DNR to provide approval.

Example approval template letters may be helpful in preparing your exemption request.



Example Approval Letters



See related documents posted with this presentation:

- 718 Exemption for On Site Management template letter
- 718 Exemption for Off Site Management template letter



Post-cleanup Safeguards



- Maintain site conditions to ensure protectiveness over time
- Ensure future actions don't result in a new discharge
- Who is responsible if a receiving site “fails” in the future?
- DNR tracks sites receiving contaminated material.



Notice to DNR



If the soil management requires a continuing obligation, written notice shall be provided to affected parties at least 30 days prior to submitting the soil management plan to the department for review.



Notice to DNR



For sites where a soil management plan or other remedial action includes a continuing obligation, the sites are included on the department database.



Summary of Key Points



- NR 718.12 Exemption Applicability
- Program Authority
- Receiving Site Requirements
- Sampling Requirements
- Soil Management Plans



What's Next?



- Soil Management Guidance
 - NR 718, LHE and NR 347
- External Advisory Groups
 - Soil Management
 - Sediment Management



What's Next?



- External Advisory Group Members
 - Non-Metallic Mining/Quarry Operators
 - Landfill Operators
 - County and City Government Reps
 - Utilities
 - Developers
 - Environmental Groups
 - Legal and Consulting Reps
 - State agencies – DNR, DOT, DHS, DATCP



What's Next?



- Advisory Group Issues
 - Definition of “clean” soil
 - Confirmation of soil requiring management
 - Determining contamination limits for receiving sites
 - Implementation and enforcement of continuing obligations
 - Reporting requirements
 - Liability concerns



What's Next?



- Advisory Group Meetings
 - July 9, 2015 in Waukesha
 - Room 314 in State Office Building
 - Call in option available – See website
 - 9:00-12:00 – Soil issues
 - 1:00-3:00 – Sediment issues including discussion of NR 347
 - dnr.wi.gov/topic/Brownfields/bsg.html (Advisory subgroups tab)



Questions

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Next *Issues & Trends*



July 15, 2015

12:00 – 1:00 p.m.

Averaging Soil-Contaminant Concentration Data

Presenter: Resty Pelayo

August 5, 2015

12:00 – 1:00 p.m.

Navigating Voluntary Party Liability Exemption (VPLE)

Presenter: Michael Prager

Audio from today's presentation and information about this and future *Issues & Trends Series* can be found on the RR Program Training Webpage at: dnr.wi.gov/topic/Brownfields/Training.html

Questions / Comments / Suggestions regarding the
Issues & Trends Series can be submitted to:

DNRRRComments@wisconsin.gov

Thank you