

**From:** Schrank, Jayson S - DNR  
**Sent:** Tuesday, October 25, 2022 9:24 PM  
**To:** Britta Chambers  
**Cc:** Lijane Brunner  
**Subject:** BRRTS # 02-17-590808 3M- Menomonie, WI  
**Attachments:** RP Letterhead.pdf; RP Packet Info.pdf; Form 4400-237 - TECHNICAL\_ASSISTANCE\_AND\_ENVIRONMENTAL\_LIABILITY\_CLARIFICATION\_REQUEST.pdf

**Importance:** High

Good evening Britta and Lijane,

Please find the attached Responsible Party (RP) Notification letter and additional information and resources to help meet DNR requirements. Please note the 30- and 60-day deadlines and what is required for each deadline. To help speed up the process a bit, as I know you had mentioned being on a bit of a time crunch, I am emailing this instead of mailing it. Please reply to confirm you have received the email and are able to open up the attachments.

Feel free to contact me if you have any questions. Thank you, and I look forward to working with you further.

Best,  
Jayson

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### **Jayson Schrank**

Regional Spills Coordinator / Hydrogeologist  
Remediation & Redevelopment Program  
Wisconsin Dept. of Natural Resources  
890 Spruce Street, Baldwin, WI 54002

**Cell Phone: 715-410-8841**

[Jayson.Schrank@wisconsin.gov](mailto:Jayson.Schrank@wisconsin.gov)



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October 25, 2022

3M – Menomonie  
Attn: Britta Chambers  
1425 Stokke Parkway  
Menomonie, WI 54751  
Sent via e-copy

Subject: Reported Contamination at 3M-Menominie, 1425 Stokke Parkway, Menomonie, WI  
DNR BRRTS Activity # 02-17-590808  
Closed SERTS ID 20211103WC17-1  
Closed SERTS ID 20220516WC17-1+  
DNR FID # 617056660

Dear Ms. Chambers,

On October 21<sup>st</sup>, 2022, 3M Environmental Engineer Brad Luedtke, on behalf of 3M, notified the Wisconsin Department of Natural Resources (DNR) that a hazardous substance discharge or other environmental pollution was detected at the site described above.

Information submitted to the DNR regarding this site indicates you are responsible for the discharge of a hazardous substance or other environmental pollution (hereafter referred to as “contamination”) at the above-described site. “Site” refers to the property where the contamination occurred and any other property it has migrated to, as defined in Wisconsin Administrative Code (“Wis. Admin. Code”) § NR 700.03 (56).

This letter explains how to initiate the investigation and cleanup of contamination of the site, and how to access further information and assistance from the DNR. The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs to investigate and clean up the contamination.

### **Legal Responsibilities:**

Persons meeting the definition of “responsible party” under Wis. Admin. Code § NR 700.03 (51) must follow applicable law to address the discharge of a hazardous substance to the environment or other environmental pollution. Wisconsin Statutes (“Wis. Stat.”) ch. 292 and Wis. Admin. Code chs. NR 700-799 provide specific requirements for undertaking appropriate response actions to address contamination, including requirements for emergency and interim actions, public information, site investigations, remedy selection, design and operation of remedial action systems, and case closure.

### **Special Vapor Intrusion Concern with Trichloroethylene:**

Contamination that includes trichloroethylene (“TCE”), a chlorinated solvent and common degreaser, is of special concern from a human health perspective due to its potential for acute (short-term) health risks at relatively low concentrations in air. TCE is also a breakdown product of tetrachloroethylene (“PCE,” also known as “Perc”), a historically common dry-cleaning chemical. Vapors can travel from contaminated soil or groundwater and along preferential pathways, such as within sewer lines, and enter occupied buildings. This is known as vapor intrusion (VI). Screening for VI must be conducted at every contaminated site in Wisconsin, as defined in Wis. Admin. Code § 716.11 (5) (a). **However, when TCE is present, screening for VI should be made a priority and an interim action under Wis. Admin. Code § NR 708.11 may be necessary.** For an overview on VI, see *What is Vapor Intrusion?* (RR-892). For more information, go to [dnr.wi.gov](http://dnr.wi.gov) and search “vapor.” Additional technical guidance on VI is available in *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin*, (RR-800).

### **General Recommendations for Responsible Parties:**

The DNR recommends that you:

#### *1. Hire a Qualified Environmental Consultant*

To ensure response actions you plan to undertake comply with Wisconsin law, you should hire an environmental consultant within **30 days**, by November 25<sup>th</sup>, 2022, to meet the regulatory deadlines listed below. A delay in hiring an environmental consultant could result in you missing key submittal deadlines.

Hiring a consulting firm with staff that have the appropriate state of Wisconsin qualifications to supervise and certify the submittals is a critical component and necessary to meet your requirements. Further, an environmental consultant should be knowledgeable of Wisconsin’s technical procedures and laws, and be able to answer questions regarding cleanup requirements. Required qualifications for environmental consultants are specified in Wis. Admin. Code ch. NR 712. See *Wis. Admin. Code ch. NR 712 Qualifications and Certifications* (RR-081), for more information.

#### *2. Properly Submit Reports on Time with Required Information Included*

Wisconsin law includes timeframes for submitting technical documents and conducting work, as well as specifications for what should be included in those submittals. This letter provides a general overview of the timeframes and first steps to take for site investigation and cleanup. For an overview of timing requirements, please refer to *NR 700 Process and Timeline Overview* (RR-967), *enclosed*.

The DNR developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program* (RR-690), to assist responsible parties and consultants in properly submitting documents. Wis. Admin. Code § NR 700.11 (3g), and other specific provisions within Wis. Admin. Code ch. NR 700, outline the requirements for submittals, including electronic submittals.

#### *3. Consider the Benefits of a Fee-based Technical Review of your Submittals*

In-depth DNR review of technical reports and submittals is available for a fee. The Remediation and Redevelopment (RR) Program project managers are available throughout the process to answer general questions and provide general input as the site moves toward case closure. However, if you want a formal, written response from the DNR, a meeting with the DNR or both on a specific submittal, a review fee will be required in accordance with Wis. Admin. Code ch. NR 749. **Obtaining technical assistance from DNR project managers throughout the process is an effective way to prevent problems and delays at the end of the process when case closure is requested.** Forms, a fee schedule and further information on technical assistance is available at [dnr.wi.gov](http://dnr.wi.gov) by searching “brownfield fees.”

## **Required Steps to Take and Documents to Submit:**

The steps listed below serve as a general overview only — all mandatory steps and submittals specified in Wis. Admin. Code, chs. NR 700-799 must be met before the DNR can grant case closure, which is a determination by the DNR that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03 (3m).

1. **Immediate Actions – NR 708.09:** The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by the DNR, and to submit documentation describing immediate actions and outcomes within 45 days after the initial hazardous substance discharge notification is given to the DNR. A final immediate action report should be submitted in accordance with Wis. Admin. Code § NR 708.09. Please submit reports for the November, 2021 release and the May, 2022 release as soon as possible.
2. **Scoping and Work Plan Submittal – NR 716.07 and 716.09:** The law requires that you appropriately scope your site investigation and submit a work plan within **60 days of this notification**, by December, 26<sup>th</sup>, 2022 for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700-799. For additional assistance, the DNR has extensive guidance on its website at [dnr.wi.gov](http://dnr.wi.gov), search “site investigation scoping.”

Per Wis. Admin. Code § NR 716.07 and Wis. Admin. Code § NR 716.09, site investigation scoping and work plans should include an evaluation of the history of the site or facility, including industrial, commercial or other land uses that may have been associated with one or more hazardous substance discharges at the facility. In addition, an evaluation of the history of previous hazardous substance discharges or environmental pollution, the location of the site or facility, and its proximity to other sources of contamination must be included. Site investigation work plans should also include a sampling and analysis strategy to be used during field investigation that considers all information in the evaluation conducted under Wis. Admin. Code § NR 716.07. Emerging contaminants discharged to the environment, including perfluoroalkyl and polyfluoroalkyl substances (PFAS) and 1,4-dioxane, meet the definition of a hazardous substance or environmental pollution under Wis. Stat. § 292.01 and must be considered during site investigation scoping.

Prior to and during a site investigation, you must evaluate whether any interim actions are needed to contain or stabilize a hazardous substance discharge or environmental pollution, pursuant to Wis. Admin. Code § NR 708.11. If you undertake an interim action (*e.g.*, free product removal), you must submit documentation of the action per Wis. Admin. Code § NR 708.15.

As you develop the site investigation work plan, you must include an assessment of the vapor intrusion pathway. Wis. Admin. Code § NR 716.11 (5) outlines the requirements for when to evaluate for the presence of vapors in the sub-surface and in indoor air. The results and conclusions from the vapor assessment must be included in the Wis. Admin. Code § NR 716.15 site investigation report whether or not you elected to take vapor samples. *Addressing Vapor Intrusion at Remediation & Redevelopment Sites in Wisconsin* (RR-800), is available to help responsible parties and their consultants comply with these requirements.

3. **Field Investigation – NR 716.11:** Following submission of the work plan, the site investigation must be started within the timeframe provided under law. The timeframe varies depending on whether you are requesting the DNR’s fee-based review of the work plan. If you do not request a fee-based review of the work plan, you must initiate the field investigation within 90 days of submitting the work plan, and you may proceed with the field investigation upon DNR notification to proceed; however, if the DNR has not responded within 30 days from submittal of the work plan, you may then proceed with the field investigation. If a fee and request for DNR review of the work plan is submitted, the field investigation must begin within 60 days after receiving DNR approval.

4. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the DNR, owners, occupants and various other parties within 10 business days after receiving the sampling results, unless a different timeframe is approved by the DNR, in accordance with Wis. Admin. Code § NR 716.14.
5. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of the laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the DNR. As part of the SIR or in the Remedial Actions Options Report (RAOR), if there is soil contamination, the responsible party shall identify the current land use (*i.e.*, industrial or non-industrial) and zoning for the site or facility in accordance with Wis. Admin. Code § NR 720.05 (5). Also, as part of the SIR or in the RAOR, you must include any interim action report that may be required under Wis. Admin. Code § NR 708.15.
6. **Remedial Actions Options Report – NR 722**: Within 60 days after submitting the SIR, the law requires you to submit a RAOR. The selected remedy in the RAOR should include an evaluation of green and sustainable remediation criteria, as appropriate, as required by Wis. Admin. Code § NR 722.09 (2m). This may be submitted as part of a broader SIR.
7. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the DNR, the responsible party shall submit all plans and reports required by Wis. Admin. Code ch. NR 724.
8. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide a submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to case closure, as required by Wis. Admin. Code ch. NR 725 and § NR 726.13 (1) (d).
9. **Semi-Annual Reporting – NR 700.11**: Wis. Admin. Code § NR 700.11 (1) (a) requires responsible parties to submit semi-annual site progress reports to the DNR until case closure is granted. The reports summarize the work completed over six months and additional work planned to adequately complete the response action at the site. Consultants may submit these reports on behalf of responsible parties. These reports are due in January and July of each year. Please refer to DNR publication *NR 700 Semi-Annual Site Progress Report* (RR-082), for more information.

### **Submittals required under Wis. Admin. Code chs. NR 700-799**

These documents, as applicable, must be submitted to the DNR prior to the responsible party requesting case closure, unless otherwise directed by the DNR:

- Ch. NR 708 reports and documentation for any immediate or interim actions.
- Ch. NR 712 professional certifications and signatures are included with applicable submittals.
- Ch. NR 716 work plan(s) and site investigation report.
- Ch. NR 722 remedial action options report (exception is for Dry Cleaners Environmental Response Fund sites), with the selected remedial action identified.
- Ch. NR 724 design, construction documentation, operation, maintenance and monitoring plans and reports, including vapor mitigation commissioning.
- Ch. NR 725 submittal(s) that confirms that continuing obligations have been identified and affected property owners have been notified by the responsible parties 30 days prior to requesting case closure.
- If requesting case closure, the Ch. NR 726 case closure form and documentation substantiating compliance with the NR 700 rule series.
- Ch. NR 749 fees have been paid, as applicable, including closure and database fees.
- Ch. NR 700 semi-annual site progress reports starting six months after notification.

### **Additional Information:**

The DNR tracks information on all cleanup sites in a DNR database available at [dnr.wi.gov](http://dnr.wi.gov), search “BOTW.” The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this site is listed at the top of this letter. You may view information related to your site on this database at any time.

All correspondence regarding this site should be directed to:

Jayson Schrank  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
890 Spruce Street  
Baldwin, WI 54002  
[Jayson.Schrank@wisconsin.gov](mailto:Jayson.Schrank@wisconsin.gov)

To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Submittals required under the NR 700 rule series should be sent to the DNR using the RR Program Submittal Portal at [dnr.wi.gov](http://dnr.wi.gov), search “RR submittal portal” (<https://dnr.wi.gov/topic/Brownfields/Submittal.html>). Questions on using this portal can be directed to the contact below or to the environmental program associate (EPA) for the regional DNR office. Visit [dnr.wi.gov](http://dnr.wi.gov), search “RR contacts” and select the EPA tab (<https://dnr.wi.gov/topic/Brownfields/Contact.html>).

Please visit the DNR’s Remediation and Redevelopment Program web page at [dnr.wi.gov](http://dnr.wi.gov), search “Brownfields” for information on selecting a consultant, seeking financial assistance, and understanding the investigation and

cleanup process. Information regarding review fees, liability clarification letters, post-cleanup liability and more is also available.

Information and resources for responsible parties is enclosed.

If you have questions, please call the project manager, Jayson Schrank, at 715-410-8841 or Environmental Program Associate, Hayley Schnae, at 715-456-1720 for more information.

Thank you for your cooperation.

Sincerely,



Jayson Schrank  
Regional Spills Coordinator / Project Manager - Remediation & Redevelopment Program  
West-Central Region

Enclosures:

*RR-967, NR 700 Process and Timeline Overview*  
*RR-502, Selecting a Consultant*

*RR-674, Environmental Contamination Basics*  
*RR-082, NR 700 Semi-Annual Site Progress Report*  
*RR-081, Wis. Admin. Code ch. NR 712 Qualifications and Certifications*  
*Form 4400-237, Technical Assistance and Environmental Liability Clarification Request*

cc: LiJane Brunner, [lhbrunner@mmm.com](mailto:lhbrunner@mmm.com) (e-copy)





## Wis. Admin. Code ch. NR 712 Qualifications and Certifications

### Introduction

This fact sheet is for use by persons who hire and those that provide services associated with conducting certain environmental response actions in Wisconsin. It identifies the necessary professional qualifications and certifications for performing and supervising work, and the requirement for signing and certifying specific submittals for actions conducted under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700-754. This document does not describe the personnel qualifications required by Wis. Admin. Code for sampling, fieldwork and the development of plans for field activities for response actions.

### Wis. Admin. Code § NR 712.03: Definitions

Wis. Admin. Code ch. NR 712 establishes minimum standards for experience and professional qualifications for persons who perform and provide certain services or scientific evaluations associated with specific environmental response actions.

(1) “Hydrogeologist” means a person who is licensed as a hydrologist or registered as a geologist with the department of safety and professional services, and is a graduate of an accredited institution of higher education and who has successfully completed 30 semester hours or 45 quarter hours of course work in geology. At least 6 semester hours or 9 quarter hours of the geology course work shall be hydrogeology, geohydrology or groundwater geology. This person shall also have acquired, through education and field experience, the ability to direct the drilling of borings and the installation and development of wells, describe and classify geologic samples, and evaluate and interpret geologic and hydrogeologic data.

**Note:** The term registered geologist means a Professional Geologist that has been licensed in accordance with the provisions in ch. GHSS 2, Wis. Adm. Code and the term licensed hydrologist means a Professional Hydrologist that has been licensed in accordance with the provisions in ch. GHSS 3, Wis. Adm. Code.

(2) “Professional engineer” means an engineer registered with the department of safety and professional services.

(3) “Scientist” means a person who is a graduate of an accredited institution of higher education and who has successfully completed the necessary credit hours to receive a degree in a field of scientific expertise applicable to environmental response actions, including, but not limited to, geology, chemistry, agronomy, crops and soils, soil science, toxicology and biology.

(4) “Supervised field experience” means experience collecting samples of air, soil, water or other media completed with guidance from, and oversight by, a person who meets the requirements of s. NR 712.05(2).

(5) “Supervision” means personal, active oversight and control of the preparation of submittals.

### Wisconsin Department of Safety and Professional Services Licensing Information

For information on the licensing of professionals in Wisconsin, visit: <https://app.wi.gov/licensesearch>.

## Wis. Admin. Code §§ NR 712.07, NR 712.09: Requirements for Submittal Preparation and Certification

All phases of work necessary to obtain data, develop conclusions and recommendations and prepare submittals shall be conducted or supervised by persons possessing the qualifications required in Wis. Admin. Code, as summarized in the table below. In addition, there are requirements specified under Wis. Admin. Code § NR 712.05 for persons conducting sampling, fieldwork, and the development of plans for conducting field activities.

When submitting documents to DNR, the submittal titles listed in the table should be used, including the rule reference. This will help speed up the review process.

Who must supervise work and certify the submittal?				
Submittal	Professional Engineer (PE)	Hydrogeologist	Professional Engineer and Hydrogeologist	PE, Hydrogeologist or Scientist
Phase I and Phase II Environ. Site Assessment <sup>1</sup>		With GW <sup>2</sup>		Without GW
Wis. Adm. Code § NR 708.11 (4) Interim Action	Without GW		With GW	
Wis. Adm. Code § NR 708.13 Free Product Removal			With GW	
Wis. Adm. Code ch. NR 716 Site Investigation Submittals		With GW		Without GW
Wis. Adm. Code § NR 718.12(1) Immediate Action	Wis. Adm. Code § NR 712.05(2) sampling and fieldwork requirements apply <sup>3</sup>			
Wis. Adm. Code § NR 718.12 (1) and (2) (Interim or Remedial Action)	Without GW		With GW	
Wis. Adm. Code ch. NR 720 Submittals		With GW		Without GW
Wis. Adm. Code ch. NR 722 Remedial Action Options report	Without GW		With GW	
Wis. Adm. Code ch. NR 724 Submittals	Without GW		With GW	
Wis. Adm. Code ch. NR 726 Closure Request	Without GW		With GW	
Wis. Adm. Code ch. NR 727 Request to Modify Continuing Obligations	Without GW		With GW	

<sup>1</sup> Wis. Admin. Code ch. 712 does not apply to Phase I and II reports/actions unless work is done or will be used to satisfy Wis. Admin. Code §§ NR 708.11(4) (i.e. interim action that triggers NR 724), 708.13, 716-754 or to obtain a certificate of completion under the Voluntary Park Liability Exemption program as defined in Wis. Stat. § 292.15 and NR 750.

<sup>2</sup> GW = groundwater. NOTE: "With GW" means the report includes an investigation or evaluation of groundwater conditions, or groundwater related conclusions or recommendations.

<sup>3</sup> Submittals documenting actions taken pursuant to Wis. Admin. Code § NR 718.12(1) are exempt from Wis. Admin. Code ch. NR 712 requirements but are not exempt from the requirements specified in Wis. Admin. Code § NR 712.05(2).



## Wis. Admin. Code § NR 712.09: Certifications

The appropriate certification statement listed below shall be attached to any submittal to the DNR that is required to be prepared by, or under the supervision of, a professional engineer, a hydrogeologist or a scientist to demonstrate that the requirements of Wis. Admin. Code ch. NR 712 have been met. The responsibility for signing the certification may not be delegated per Wis. Admin. Code § 712.09(1). Per Wis. Admin. Code § 712.05(1), the work must be conducted or supervised by the person certifying. The certification statement must match the code per Wis. Admin. Code § 712.09 (3) a thru c as listed below.

### Professional Engineer

The following certification shall be attached to any submittal that is required to be prepared by, or under the supervision of, a professional engineer under s. NR 712.07 (2), (3) or (5):

"I, \_\_\_\_\_, hereby certify that I am a registered professional engineer in the State of Wisconsin, registered in accordance with the requirements of ch. A-E 4, Wis. Adm. Code; that this document has been prepared in accordance with the Rules of Professional Conduct in ch. A-E 8, Wis. Adm. Code; and that, to the best of my knowledge, all information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

\_\_\_\_\_  
Signature, title and P.E. number

\_\_\_\_\_  
P.E. stamp

### Hydrogeologist

"I, \_\_\_\_\_, hereby certify that I am a hydrogeologist as that term is defined in s. NR 712.03 (1), Wis. Adm. Code, am registered in accordance with the requirements of ch. GHSS 2, Wis. Adm. Code, or licensed in accordance with the requirements of ch. GHSS 3, Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

\_\_\_\_\_  
Signature and title

\_\_\_\_\_  
Date

### Scientist

"I, \_\_\_\_\_, hereby certify that I am a scientist as that term is defined in s. NR 712.03 (3), Wis. Adm. Code, and that, to the best of my knowledge, all of the information contained in this document is correct and the document was prepared in compliance with all applicable requirements in chs. NR 700 to 726, Wis. Adm. Code."

\_\_\_\_\_  
Signature and title

\_\_\_\_\_  
Date



**Remediation & Redevelopment Program**

**March 2021**

**Guidance: NR 700 Semi-Annual Site Progress Report  
Wis. Admin. Code § NR 700.11(1)(a)**

Wisconsin Administrative Code (Wis. Admin. Code) § NR 700.11(1)(a) requires responsible parties (RPs) to submit semi-annual site progress reports to the Wisconsin Department of Natural Resources (DNR) until case closure is granted by the DNR. The reports summarize the completed work and additional work planned to adequately complete the response action at the site or facility. Consultants may submit these reports on behalf of RPs.

Semi-annual reports are required of persons who meet the definition of responsible party in Wis. Admin. Code § NR 700.03(51). Therefore, property owners, such as local governments that have an exemption under Wisconsin Statutes (Wis. Stat.) §§ 292.11(9)(e) or 292.23 and lenders that have an exemption under Wis. Stat. § 292.21 for specific properties, are not required to submit a semi-annual report under state law for those exempt properties.

Semi-annual reporting is required by RPs for all “open” sites in the Bureau of Remediation and Redevelopment Tracking System (BRRTS) database, including those sites the DNR formerly classified as “conditionally closed.” Sites formerly classified by the DNR as “conditionally closed” are sites that have not been granted case closure and, by definition, have remaining action(s) needed (e.g., removing investigative waste, properly abandoning monitoring wells). Semi-annual reporting for sites formerly classified as “conditionally closed” should indicate what steps are being taken to complete the remaining actions needed.

When completing the semi-annual report, the DNR recommends including a summary of the site status including a summary of the work completed, additional work planned, the proposed schedule for additional work and a description of any imminent threats related to the case and immediate actions taken within the reporting period.

Reporting periods are from January 1 to June 30 and July 1 to December 31 each year. Following the conclusion of each reporting period, the DNR will send an email with a unique report identification number to all consultants and responsible parties for open sites in BRRTS. The Report ID number uniquely identifies the activity and reporting period for which an RP is reporting and verifies that the person using the ID is authorized to submit the report. If an email is not received, a report identification number can be requested by submitting the [Report ID Request Form](#) (go to [dnr.wi.gov/botw/NR700Request](http://dnr.wi.gov/botw/NR700Request)).

Reports are due no later than 30 days from the end of the reporting period.

**Schedule for NR 700 Semi-Annual Reporting**

<b>Annual reporting periods</b>	<b>Report due date</b>
January 1 to June 30	July 30
July 1 to December 31	January 30

If you have questions about the reporting process or requirements, please contact Tim Zeichert at (608) 219-2240 or [Timothy.Zeichert@wisconsin.gov](mailto:Timothy.Zeichert@wisconsin.gov).





## Selecting an Environmental Consultant

### Purpose

The purpose of this document is to assist responsible parties in selecting a qualified environmental consultant. The document outlines the steps of hiring an environmental consultant, including potential questions to ask a consultant before hiring.

### Why do I need a consultant?

If the Wisconsin Department of Natural Resources (DNR) notified you of your responsibility for the investigation and cleanup of soil, groundwater or other contaminated media under Wis. Stat. ch. 292, it is recommended that qualified professionals be hired to complete the required work. Wis. Admin. Code ch. NR 712 establishes qualifications for environmental consultants performing this type of work in Wisconsin.

Site investigations and cleanup of contamination or environmental pollution can be complex and costly. A qualified environmental consultant can help with investigating and cleaning up your property in accordance with state and federal regulations and act as a liaison between you and the DNR's Remediation and Redevelopment program (RR) staff.

A qualified, experienced consultant can:

- save time, money, and complete the project right the first time;
- help establish a cooperative relationship with regulatory agencies; and
- minimize down time for your business or land use.

Further, Wis. Admin. Code ch. NR 712 requires that some specific environmental work at a site be conducted by persons meeting certain qualifications.

### How can I find a qualified consultant?

The DNR cannot endorse a specific environmental consultant or firm. However, the agency maintains a list of consultants who have identified themselves as doing environmental work in Wisconsin; see the DNR publication RR-024 "Environmental Services Contractors List." Other means of finding or selecting a consultant include calling businesses that have done environmental cleanups, contacting professional associations in which you are a member, or searching "environmental services" or "environmental engineers" on the web.

### What should I tell a consultant when requesting a quote for services?

Tell the potential consultant as much as you can about your property. This will allow them to respond with a quote for the appropriate services. Information to provide to a potential consultant could include:

- the site history, including what types of businesses or land uses have existed at the property;
- materials and products used;
- materials and wastes that have been stored, recycled or disposed of;
- potential areas of contamination (e.g. the site of a previous disposal tank);
- current use of surrounding properties;

- requirements for the investigation and cleanup given by the DNR under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754;
- if you are in a state reimbursement program that may assist with the costs of investigation or cleanup; and
- the source of your water supply.

### **What should I ask a consultant?**

When soliciting quotes for service, you may want to ask the potential consultant about their firm and experience, including:

- whether their staff meet the professional qualifications required in Wis. Admin. Code ch. NR 712 (e.g. whether any of their staff are licensed and registered as professional engineers and/or registered as hydrogeologists with the Wisconsin Department of Safety and Professional Services);
- how many years of experience they have doing environmental work in Wisconsin;
- how many similar investigations and cleanups they have completed in Wisconsin or elsewhere (cleaning up a leaking petroleum tank can be very different from cleaning up hazardous waste);
- what administrative rules they expect to follow (if a potential consultant is not familiar with the Wis. Admin. Code chs. NR 700-754, governing environmental cleanups or Wis. Admin. Code ch. NR 140, governing groundwater standards, it is an indication that they are not familiar with Wisconsin regulations);
- what level of insurance they carry for errors, omissions, and liability;
- whether they will help prepare requests for reimbursement if your cleanup is eligible; and
- whether they can provide references for you to contact.

Don't hesitate to ask a potential consultant why their approach to your environmental cleanup would differ from other consultants.

### **What questions should I ask when checking a consultant's references?**

When checking the references of a potential consultant, you may want to ask the following questions:

- What tasks did the consultant perform for you, what was the size of the project, and what type of contamination did the consultant address (to compare how similar their project is to yours)?
- Did the consultant stay on schedule, or provide reasonable explanations for delays?
- Did the consultant keep you informed of the project's status, new developments and options for cleanup?
- If problems arose, were they resolved to your satisfaction?
- Did the consultant work effectively with the DNR (and local officials if relevant)?
- Were invoices or payment requests clear and timely?
- Did the consultant request approval in advance of billing for all significant changes to the original cost estimate?

### **What should I expect for the cost of a cleanup?**

Costs for environmental cleanup vary widely based on the type and extent of contamination and the regulatory requirements. Ask the consultant what to expect for your situation. You may also want to ask these questions:

- Will subcontractors submit competitive bids?
- What hourly rates and overhead apply to professional staff?



- What are the per diem charges for staff doing field work?
- How often will I be billed?
- How will bills be itemized?

Watch for cost estimates that are significantly higher or lower than those received from other consultants. Ask those consultants how they can get the job done more economically, or whether they think proposals from other consultants are incomplete. Also compare proposed schedules for completion of work. There may be good reasons for faster cleanups, but make sure to understand those reasons. Sometimes the least disruptive and least costly cleanups, such as natural attenuation of contamination, take the longest.

It is important to understand the terms of a contract before signing, including who will be responsible for the work and the timing. Clarify that any changes in cost or work should be approved by you first, and that the contract includes language that allows contract termination at any time if you are not satisfied with the consultant's work.

### **Is financial help available?**

Financial assistance may be available depending on your situation. Wisconsin offers certain loans, grants and reimbursement programs for various types of cleanups. Ask your consultant if you might be eligible for financial aid, and whether they have experience with these programs. For more information on available financial programs, visit [dnr.wi.gov](http://dnr.wi.gov) and search "brownfields".

### **What else should I know?**

Wisconsin has numerous options to complete an environmental cleanup while enhancing the redevelopment and resale potential of your property. An experienced consultant can help to identify the best cleanup approach while meeting your business needs.

The DNR can also provide information and assistance. Please visit the Remediation and Redevelopment (RR) program website at [dnr.wi.gov](http://dnr.wi.gov) and search "brownfields" for more information on cleanups, financial assistance, liability tools and more. You may also want to review cleanup related DNR publications such as, *Environmental Contamination Basics, RR-674* and *Brownfields Basics – Tools for Cleaning Up and Redeveloping Contaminated Properties, RR-663*.

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The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

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# Environmental Contamination: The Basics

RR-674

September 2014

In an industrialized society like ours, a wide variety of contaminants are discharged to the environment every day from residential, commercial and industrial sources. Many of these discharges may not pose a threat to the public and the environment. However, a significant discharge of a contaminant or hazardous substance has the potential to impact human health or the environment. When a significant discharge occurs, the Wisconsin Department of Natural Resources (DNR), particularly the Remediation and Redevelopment Program (RR Program), provides oversight and assistance in making sure the public and the environment are protected.

A **Hazardous Substance**, as defined in s. 292.01, Wis. Stats., means any substance or combination of substances, including any waste of a solid, semisolid, liquid or gaseous form which may cause or significantly contribute to an increase in the mortality or an increase in serious irreversible or incapacitating reversible illness, or which may pose a substantial present or potential hazard to human health or the environment because of its quality, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, substances that are toxic, corrosive, flammable, irritants, strong sensitizers or explosives as determined by the DNR.

## What is the RR Program?

The RR Program becomes involved when a discharge of a hazardous or potentially hazardous substance occurs to the lands, waters or air in the State of Wisconsin. When a discharge is reported, the RR Program evaluates the severity of the discharge and, if necessary, ensures that the proper cleanup procedures are followed to minimize any threat to human health or the environment.

The RR Program also provides technical and regulatory assistance to public and private parties looking for information, investigating and cleaning up properties with real or perceived contamination. In certain circumstances, the DNR is required to charge a fee for technical assistance. Attention is provided to abandoned or underutilized properties, known as *brownfields*, in an effort to return these properties back to productive use. This effort also promotes the revitalization of blighted areas, as well as the reuse or redevelopment of properties already located in urban areas in order to preserve undeveloped land, also referred to as *greenfields*.

## Why should I be concerned?

Not only is it a legal requirement to take necessary steps to address contamination, but contamination can have an adverse impact on human health and the environment. It can take many forms and can occur anywhere. In Wisconsin, two major concerns for environmental and public health impacts from contamination are the degradation of groundwater and vapor intrusion of chemicals. Soil, air and surface water contamination are also areas of concern. When a discharge to the environment has been identified, the DNR is mandated by state law to require response actions that are protective of human health, safety and welfare, and to restore the environment to the extent practicable.

An individual or local government may assume liability for environmental cleanups by acquiring a contaminated property, although there are exemptions for local governments that acquire properties by certain



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[dnr.wi.gov](http://dnr.wi.gov), search "Brownfield"





means. The Wisconsin Supreme Court has determined that if you own a contaminated property where contaminants are continuing to migrate, then you may be responsible for cleaning it up, even if you did not cause the contamination, because you are interpreted as having “possession and control” of the discharge.

Stressed vegetation, stained soils, odors, a sheen on the surface of water or a strange taste to water are often obvious indicators of a potential discharge or environmental problem. In addition to these more obvious factors, historical property usage such as plating operations, dry cleaners or engine repairs could also be indicative of other hidden environmental problems. For example, a serious environmental problem that is hard to detect is leakage from an underground storage tank (UST). Unless good records are kept regarding product usage, underground leaks are hard to identify.



### **What is a discharge?**

A discharge to the environment is defined in s. 292.01, Wis. Stats., and means, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying or dumping. To obtain more information on what constitutes a hazardous substance discharge, refer to the Regulations listed in the “For more information” section on page three.

### **How is a discharge discovered?**

Discharges to the environment are discovered in several ways. The most common methods of discovery are visual observation while the discharge is taking place (i.e. a leaking gas pump) or historical discharges discovered during building expansion or demolition, road construction activities, utility repairs or tank removal or upgrade activities.

Discharges can also be discovered at the time of property transfer if a potential buyer requests a Phase I or Phase II Environmental Site Assessment (ESA). A Phase I ESA consists of a historical search and identifies current and past property usage and areas of potential environmental concern. A Phase II ESA consists of collecting soil and groundwater samples at the property from those areas identified in the Phase I ESA with suspected or known contamination (i.e. areas of drum storage, stressed vegetation, stained soils, above and below ground storage tanks, etc.).

### **When do I need to report a discharge?**

According to the “Spill Law,” s. 292.11, Wis. Stats., persons who cause, possess or control the discharge of a hazardous substance that adversely impacts, or threatens to adversely impact public health, welfare or the environment must immediately report the discharge to the DNR. Generally, this responsibility falls upon the current property owner. **Emergency spills must be immediately reported by calling the DNR 24-hour toll free Spill Hotline at 1-800-943-0003.** Non-emergency discharges discovered via a tank removal or environmental testing can be reported by completing and submitting the *Notification for Hazardous Substance Discharge* form (4400-225) or visiting your DNR regional headquarters in person during normal business hours (please see page 4 for contact information). If the testing was done as part of a Phase II ESA, report the discharge immediately upon discovery. Do not wait until a Phase II ESA report is completed to report a spill.

### **What happens next?**

Once the DNR has been notified that contamination exists at a site, the DNR will inform the responsible party by telephone or mail if any further actions are needed. The range of actions is defined in the NR 700 rule series (referenced in the “For more information” section). The responsible party is then, in most cases, issued a responsible party letter that outlines legal responsibilities for addressing contamination. The letter will ask



the responsible party to hire a qualified environmental consultant. The consultant will submit a work plan that details how they will investigate the degree and extent of the contamination (if necessary, across property boundaries) by collecting soil or groundwater samples.

After determining the degree and extent of the contamination, the environmental consultant will prepare a site investigation report that summarizes the results of their findings. Typically, the consultant will also provide a cleanup strategy in this report. Cleanup measures are then undertaken by the consultant on behalf of the responsible party to restore the environment.

Once the site appears to meet all regulatory requirements, the consultant will prepare a closure request for DNR submittal. Once the appropriate fee has been submitted, the DNR reviews the closure request and determines whether or not the site has been cleaned up to acceptable levels. If closure is appropriate, the DNR or any other state agency with jurisdiction over the case will issue a closure letter indicating that the responsible party has complied with the conditions of closure.

#### **What is a “Responsible Party?”**

A responsible party is an individual or public or private entity who causes a discharge of a hazardous substance or who possesses or controls a hazardous substance which is discharged. The responsible party is legally required under Wisconsin’s Spill Law to notify the DNR of the discharge and to investigate and remediate the environment. There may be more than one responsible party at a site.

#### **What is the role of an environmental consultant?**

When the DNR informs you that you need to address contamination, you will be requested to hire the services of a professional environmental consultant. The role of the environmental consultant is to determine the most appropriate and cost effective way to investigate and remediate the contaminated site. The consultant should act as a representative for the responsible party on technical matters and should have a thorough understanding of regulatory requirements. It is important to feel comfortable with your environmental consultant, as they will be working closely with you and the DNR. Qualifications for environmental consultants are specified in ch. NR 712, Wis. Admin. Code. More information can be found in *Selecting an Environmental Consultant* (RR-502) at [dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf](http://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf).

#### **For more information...**

The RR Program web site has many features to assist you. For example, you can locate DNR staff contacts, access DNR publications, obtain environmental information on specific properties or find information on financial incentives. The web site can be found at [dnr.wi.gov/topic/Brownfields](http://dnr.wi.gov/topic/Brownfields).

The following are just a few of the DNR resources can be found on the RR Program web site:

##### Information on Contaminated Sites:

- *BRRTS on the Web*, the RR Program’s list of open (still investigating) and closed (cleanup completed) contaminated sites in Wisconsin. [dnr.wi.gov/topic/Brownfields/botw.html](http://dnr.wi.gov/topic/Brownfields/botw.html)
- *RR Sites Map*, the RR Program’s web-based mapping system for contaminated and cleaned up sites [dnr.wi.gov/topic/Brownfields/rsm.html](http://dnr.wi.gov/topic/Brownfields/rsm.html)

In addition, appointments to view paper copies of DNR files can be made by contacting your DNR regional headquarters at the telephone numbers listed below during normal business hours. Please be aware that some of our services require a fee. Please see our web site at [dnr.wi.gov/topic/Brownfields/Fees.html](http://dnr.wi.gov/topic/Brownfields/Fees.html) for more information on fees.

Publications:

- [Environmental Services Contractors List \(RR-024\)](#)
- [Notification for Hazardous Discharge \(non-emergency\) \(4400-225\)](#)
- [Financial Resources Guide for Cleanup and Redevelopment \(RR-539\)](#)
- [Selecting an Environmental Consultant \(RR-502\)](#)
- [Voluntary Party Remediation and Exemption from Liability \(RR-506\)](#)

All Remediation and Redevelopment publications can be searched for at [dmr.wi.gov/topic/Brownfields/Pubs.html](http://dmr.wi.gov/topic/Brownfields/Pubs.html).

Regulations:

- Hazardous Substance (Wisconsin State Statutes 292.01)
- Spills Law (Wisconsin State Statutes 292.11)
- Wisconsin Administrative Code Chapter NR 140
- Wisconsin Administrative Code Chapter NR 700 Rule Series

**Regional Office Contacts**

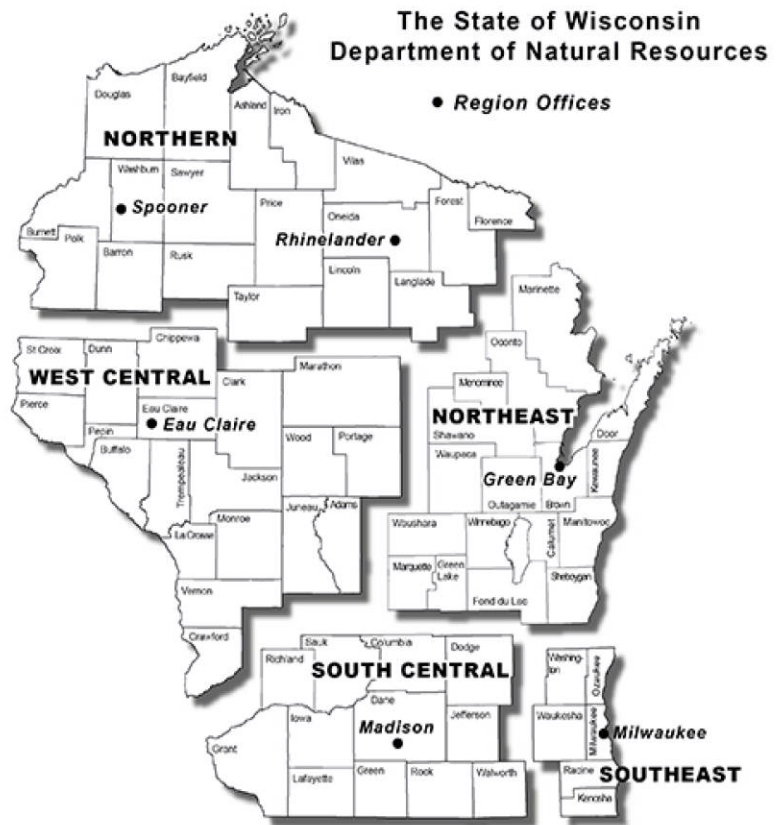
Northeast Region (NER, Green Bay)  
920-662-5168

Northern Region (NOR, Antigo)  
715-623-4190, ext. 3127

South Central Region (SCR, Fitchburg)  
608-275-3212

Southeast Region (SER, Milwaukee)  
414-263-8688, 414-263-8680

West Central Region (WCR, Eau Claire)  
715-839-2784



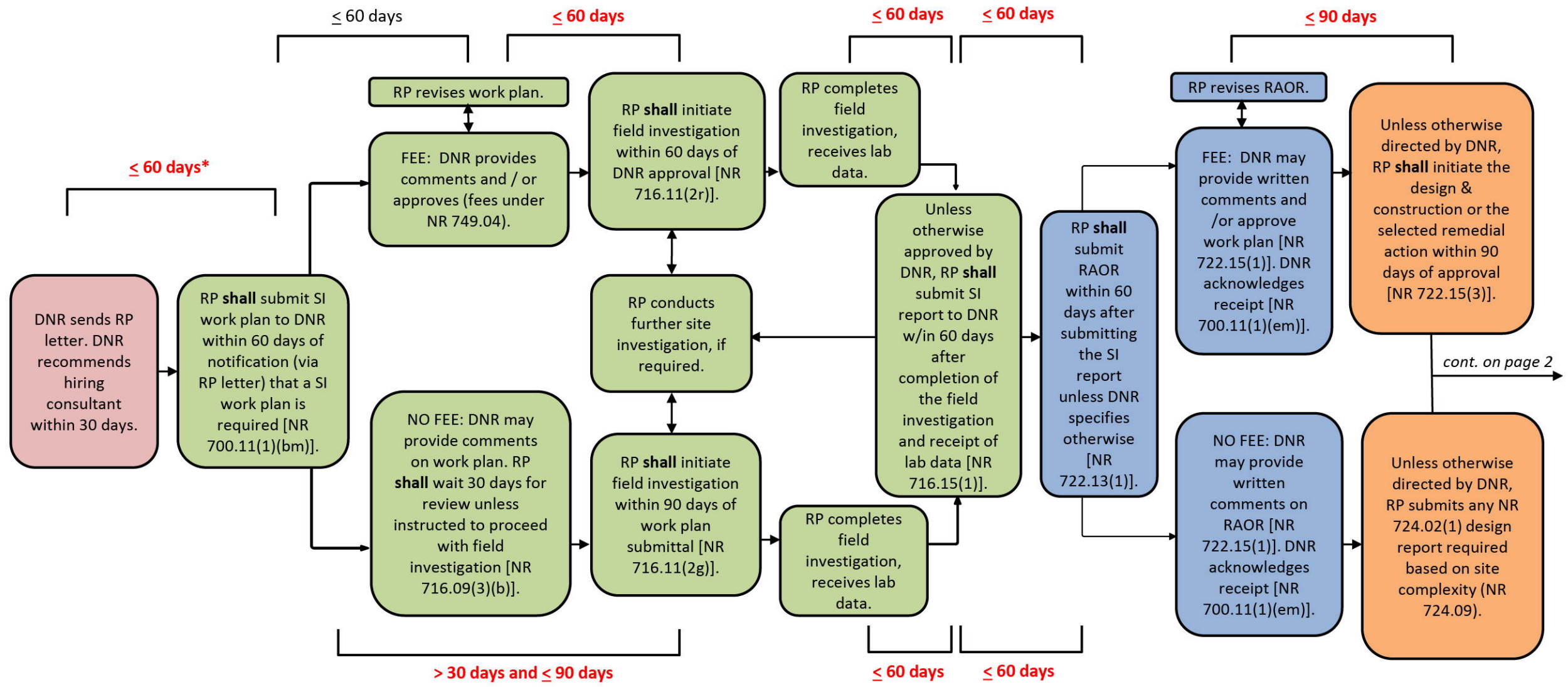
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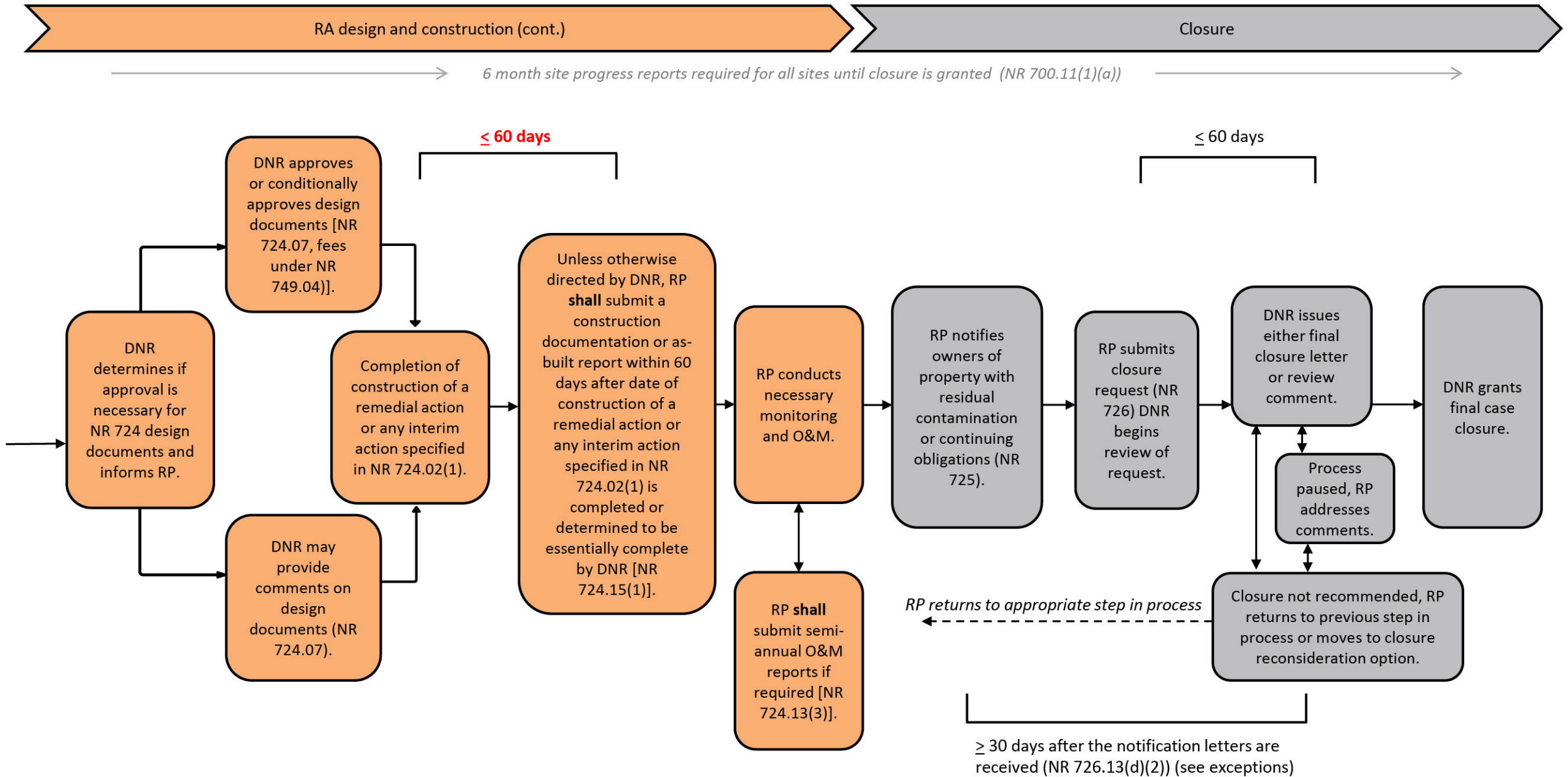
# NR 700 Process & Timeline Overview\*



6 month site progress reports required for all sites until closure is granted [NR 700.11(1)(a)]



\***Bold red font indicates timelines required in administrative code.** **Disclaimer:** This document is intended solely as guidance and does not include mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any manner addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.



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