

Outline of Rule Changes – Scope Statement for Rule No. RR-15-23 (Soil Standards)

Revisions to chs. NR 700, 720, and 722 related to definitions, land use classifications, procedures for identifying environmental standards for soil, and soil cleanup standards used to investigate and remediate environmental contamination

Purpose of outline: provide an overview of code changes discussed under scope statement

Affected rule chapters: chs. NR 700, 720, and 722, Wis. Adm. Code

Categories of rule revisions (outline and PPT):

I. Soil standards:

- A. Addition of a “soil cleanup standard” definition and creation or revision of other terms relating to soil cleanup standards;
- B. Clarification of standards for soil cleanups, including performance standards and RCLs;
- C. Clarification of procedures for establishing soil performance standards and procedures for determining default and site-specific RCLs, including terminology changes, added citations to applicable authorities, and added cross-references to clarify other applicable portions of administrative code;
- D. Clarification of the process for identifying environmental standards for soil that are protective of groundwater and development of requirements and standards for site-specific evaluation;
- E. Clarification of the process for identifying environmental standards for protection of human health from direct contact with contaminated soils and development of requirements and standards for site-specific evaluation;
- F. Specification of criteria for determining RCLs, including specification of cumulative cancer risk target as the applicable RCL to use for polycyclic aromatic hydrocarbons;
- G. Revisions that allow direct contact RCLs to be derived utilizing the U.S. Environmental Protection Agency (U.S. EPA) Residual Screening Level calculator and the identified default exposure assumptions;
- H. Removal of provisions relating to the default exposure assumptions and soil parameter values that are used to calculate RCLs;
- I. Clarification of the applicability of soil cleanup standards, including the point of compliance (i.e., the depth of application) over which soil standards apply; and
- J. Changes to administrative code affected by the proposed rule or that relate to soil cleanup standards

II. Land use classifications applied during soil remediation:

- A. New and revised definitions for terms relating to land use classification (e.g., “industrial land use” and “nonresidential setting”) and insertion of references to these terms;
- B. Clarifications that describe how to determine RCLs based on land use classification, including which exposure scenario (i.e., the extent to which a particular person may be exposed to contamination) to utilize when calculating RCLs in connection with land use classification;
- C. Other clarifications of the requirements and procedures for the selection of land use classification during the remedial action phase of cleanup; and
- D. Changes to administrative code affected by the proposed rule or that relate to land use classifications.

III. Other:

- A. Revisions to clarify that direct contact RCLs for soil may be applied to floodplain soils and sediment when there is human health risk from direct contact with contaminated sediment or floodplain soils;
- B. Clarification of risk assessment approaches, changes to allow the site-specific development of standards based on site-specific exposure, and changes to allow use of the risk assessment approach for contaminated media other than soil; and
- C. Corresponding revisions to provisions relating to environmental requirements and standards for selection of a remedial action within ch. NR 722, Wis. Adm. Code, in order to create consistency between soil cleanup standards and standards for selecting a remedial action.
- D. Additional rule changes or clarifications reasonably related to those discussed above.