

**State of Wisconsin**  
**DEPARTMENT OF NATURAL RESOURCES**  
101 S. Webster Street  
Box 7921  
Madison WI 53707-7921

Tony Evers, Governor  
Preston D. Cole, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



October 7, 2019

**SENT VIA E-MAIL**

Captain Matthew Shaw  
Wisconsin Air National Guard  
115CES/CEIE  
Dane County Regional Airport  
3110 Mitchell Street, Building 1210  
Madison, WI 53704-2529

Michael Kirchner  
Director of Engineering  
Dane County Regional Airport  
4000 International Lane  
Madison, WI 53704

Mayor Satya Rhodes-Conway  
City of Madison  
210 Martin Luther King Blvd., #403  
Madison, WI 53703

Subject: Reported Contamination in and Responsibilities for Starkweather Creek, Truax Field, 4000 International Lane, Madison, WI 53704; DNR BRRTS Activity #02-13-584369

Dear Captain Shaw, Director Kirchner, and Mayor Rhodes-Conway:

As you are aware, the Wisconsin Air National Guard ("WANG") has already received a responsible party ("RP") letter for per- and polyfluoroalkyl substances ("PFAS") contamination on the base, tracked as BRRTS Activity #02-13-581254. Further, each of your respective entities received a potentially responsible party ("PRP") letter for historic burn pits on or adjacent to the airport property where AFFF fire-fighting foam has been used for many years, tracked as BRRTS Activity #02-13-584369. The Department of Natural Resources ("department") requested that as PRPs, you conduct sampling of the burn pit areas for PFAS. To date, a site investigation has not been completed associated with the burn pit areas. September 2019, the department received surface water sample results from various locations sampled by the department within Starkweather Creek, which flows through and around Dane County Regional Airport property. Several perfluoroalkyl substances (PFAS) were detected in Starkweather Creek. The surface water sample results are attached to this letter as Attachment 1.

Information obtained by the department 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. You are receiving this letter as a person who caused, possesses or controls the PFAS contamination discovered by the department. "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). Under ch. 292, Stats., you may be considered a responsible party whether or not you own the property.

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 department. 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 in investigating and cleaning up the contamination.

Please note that in addition to the standard requirements for responsible parties, this letter also specifies the department's direction that you take any immediate actions necessary to halt and minimize the harmful effects of the contamination. This may include evaluating the need for a proposed interim action to halt and treat PFAS contamination from migrating into Starkweather Creek.

Lastly, this letter also specifies the requirements for public notice near Dane County Regional Airport and Starkweather Creek.

### **Site Investigation, Immediate, Interim and Remedial Actions**

Wis. Admin. Code Chapter NR 716 lists the requirements for investigation of contamination in the environment. Specifically, Wis. Admin. Code § NR 716.11(3)(a) requires that the field investigation determine the "nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in all affected media." Your proposed work plan must outline an investigation that will determine the full extent of PFAS contamination, including contaminant source identification, in the area of Anderson Road and Starkweather Creek. Further remedial responses, in addition to immediate and interim actions, may be necessary upon completion of a remedial action options report.

The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by department staff, and to submit documentation describing immediate actions and outcomes within 45 days of receipt of this letter unless otherwise directed by the department. A final immediate action report should be submitted in accordance with Wis. Admin. Code NR 708.09.

The department also requests that you evaluate the need within 60 days for an interim action to mitigate and treat PFAS-contaminated groundwater and surface water impacting Starkweather Creek, consistent with Wis. Admin. Code NR § 708.11. If directed, the RPs shall take any interim actions directed by the department.

In addition to these steps, pursuant to Wis. Admin. Code §§ NR 714.07(2), (3)(j), and (4), you shall provide public notice regarding PFAS contamination as follows:

1. Post signs at various surface water public access points along Starkweather Creek that are visible to the general public within the area impacted by PFAS.
  - a. The department recommends that the signs be a minimum of 12 inches by 18 inches in size, constructed of a durable material that will withstand the elements, and posted in clearly visible location within the areas described above.
  - b. These signs shall be maintained and remain legible for the duration of the response action until final case closure is received in accordance with Wis. Admin. Code ch. 726 or until no longer required by the department.
2. Mail letters to all landowners adjacent to Starkweather Creek and to the affiliated neighborhood associations. The letter shall provide them with the same information as outlined in correspondence the department received from the Wisconsin Department of Health Services (Attachment 2), as well as a copy of the necessary sign language (Attachment 3) and a map showing sample results of impacted surface waters (Attachment 1) and posted sign locations. Please work with impacted citizens on sign placement.
3. Provide a public notice in the local newspaper regarding the signs.

Additionally, please provide the department with a map of the proposed locations where signs will be posted, a mock-up of the proposed sign, a draft letter to adjacent landowners and the neighborhood associations, and a list

of homeowners and associations that will receive the letter within 21 days of the date of this letter. The signs shall be installed within 14 days of the date of department's written approval.

### **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. Stats.") ch. 292 and Wis. Admin. Code chs. NR 700 through NR 754 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.

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

The department 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 of the date of this letter** 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. Program guidance is available, see *Wis. Admin. Code ch. NR 712 Qualifications and Certifications, RR-081*.

#### *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 department developed the publication *Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690*, enclosed, 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. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. The electronic version must be an exact duplicate of the paper version. Failure to submit both a paper copy and electronic copy delays acceptance of your submittals.

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

In-depth department 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 closure. However, if you want a formal written response from the department, a meeting 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 department 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) and 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 state law must be met before the department can grant “case closure,” which is a determination by the department that no further cleanup is necessary at a site, as defined in Wis. Admin. Code § NR 700.03(3m).

1. **Immediate Actions – NR 708.05**: The law requires you to take any immediate actions needed to halt and minimize harmful effects, unless you are otherwise directed by department staff, and to submit documentation describing immediate actions and outcomes within 45 days after receipt of this letter. A final immediate action report should be submitted in accordance with Wis. Admin. Code NR 708.09.
2. **Interim Actions – NR 708.11**: The law requires you to evaluate the need for interim action prior to initiating a site investigation and during a site investigation. Interim action shall be taken where it is necessary to contain or stabilize a discharge of a hazardous substance or environmental pollution, in order to minimize any threat to public health, safety, or welfare, or the environment. When warranted, responsible parties shall implement an interim action as soon as possible.
3. **Scoping and Work Plan Submittal – NR 716.07 and 716.09**: The law requires that you appropriately scope out your site investigation and submit a work plan within **60 days of this notification**, for completing a site investigation. The work plan must comply with the requirements in Wis. Admin. Code, chs. NR 700 through NR 799. For additional assistance, the department has extensive guidance on its web page at [dnr.wi.gov](http://dnr.wi.gov) and search “brownfield publications.”

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.

4. **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 department’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 department notification to proceed; however, if the department 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 department review of the work plan is submitted, the field investigation must begin within 60 days after receiving department approval.
5. **Sample Results Notification Requirements – NR 716.14**: You must report sampling results to the department, owners, occupants, and various other parties within 10 business days after receiving the sampling

results, unless a different timeframe is approved by the department, in accordance with Wis. Admin. Code § NR 716.14.

6. **Site Investigation Report – NR 716.15**: Within 60 days after completion of the field investigation and receipt of laboratory data, the law requires you to submit a Site Investigation Report (SIR) to the department. 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.
7. **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.
8. **Remedial and Interim Action Design, Implementation, Operation, Maintenance and Monitoring Reports – NR 724**: Unless otherwise directed by the department, the responsible party shall submit all plans and reports required in Wis. Admin. Code ch. NR 724.
9. **Notification of Residual Contamination or Continuing Obligations – NR 725**: In situations where notification is required, the responsible party must provide 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.
10. **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 department until final 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 department publication *NR 700 Semi-Annual Site Progress Report, RR-082*, for more information.

#### Submittals required under Wis. Admin. Code chs. NR 700 - 726

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

- ☐ 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 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 department tracks information on all cleanup sites in a department database available at [dnr.wi.gov](http://dnr.wi.gov) and 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:

Mike Schmoller, Project Manager  
Remediation and Redevelopment Program  
Wisconsin Department of Natural Resources  
3911 Fish Hatchery Road  
Fitchburg, WI 53711-5367

Email: [Michael.Schmoller@wisconsin.gov](mailto:Michael.Schmoller@wisconsin.gov)  
Phone: (608) 275-3303

As previously noted, you are required to submit one paper copy and one electronic copy of plans and reports. To speed up processing, your correspondence should reference the BRRTS and Facility Identification (FID) numbers (if assigned) listed at the top of this letter.

Please visit the department's Remediation and Redevelopment Program website at [dnr.wi.gov](http://dnr.wi.gov) and 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.

If you have questions, please contact the DNR project manager identified above, or Wendy Weihemuller, Environmental Program Associate, at 608-275-3212, or [Wendy.Weihemuller@wisconsin.gov](mailto:Wendy.Weihemuller@wisconsin.gov) for assistance.

Thank you for your cooperation.

Sincerely,



Christine Haag, Director  
Remediation & Redevelopment Program

Enclosures: Attachment 1 - Sample results from Starkweather Creek  
Attachment 2 - Letter from DHS to DNR  
Attachment 3 - Required sign language  
*NR 700 Process and Timeline Overview, RR-967*  
*Selecting a Consultant, RR-502*  
*Guidance for Electronic Submittals for the Remediation and Redevelopment Program, RR-690*

cc: Darsi Foss - AD/8  
Mark Aquino - SCR-Fitchburg  
Mike Schmoller - SCR-Fitchburg  
Steve Martin - SCR-Fitchburg  
Adrian Stocks - WY/3

Waterbody: Starkweather Creek (WBICs: 805100 & 805200)

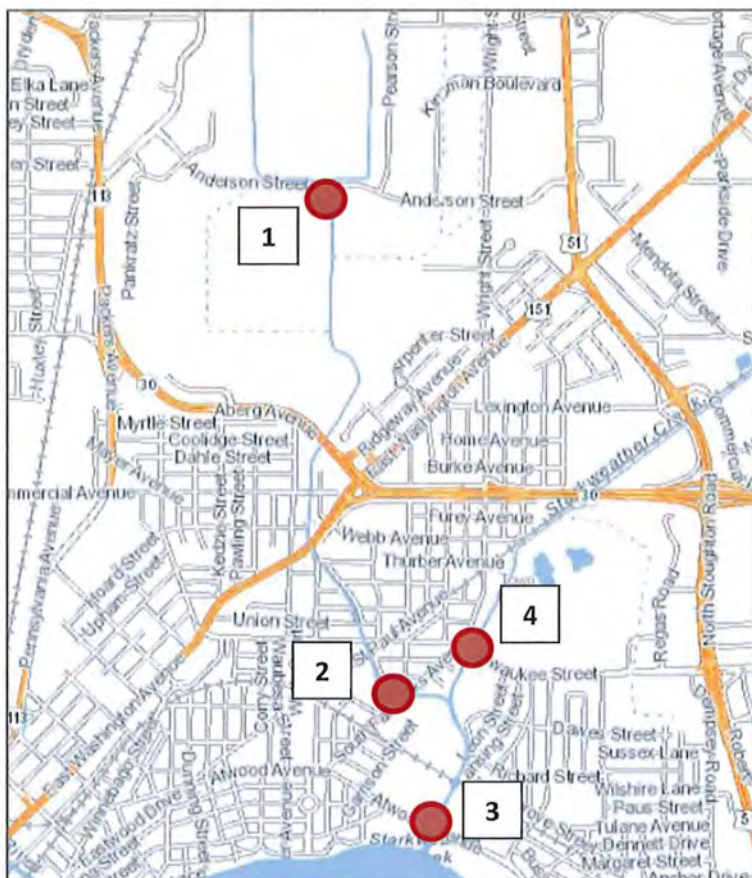
County: Dane

Water chemistry sampling rounds reported: 1 of 3

Fish tissue results reported: None

Why Starkweather Creek was selected for monitoring: PFAS were found in drinking water wells in the City of Madison in proximity to Starkweather Creek. Additionally, Truax Field Air National Guard Base historically held fire suppression training activities with AFFF, a now-known source of PFAS contamination. The headwaters of the West Branch of Starkweather Creek originate on or near Truax Field and the Dane County Regional Airport. Other historical sources of contamination are likely located in the Starkweather Creek watershed.

Monitoring Locations: Four locations were selected for monitoring in Starkweather Creek. Three locations were selected on the West Branch and Mainstem of Starkweather Creek to cover the longitudinal span of the Creek. A fourth monitoring location was selected on the East Branch of Starkweather Creek to determine background conditions of PFAS in the watershed. Additionally, fish tissue samples were collected in the mainstem of Starkweather Creek near the mouth of Lake Monona. Water chemistry results will be paired with fish tissue analysis for PFAS to aid in the potential development of a water quality standard.



- 1) West Branch Starkweather at Anderson St
- 2) West Branch Starkweather Creek at Fair Oaks Ave
- 3) Starkweather Creek at Atwood Ave
- 4) East Branch Starkweather Creek at Milwaukee St

06/20/19	1) Starkweather Creek	2) W Br Starkweather	3) W Br Starkweather	4) E Br Starkweather	Field Blank
Analyte (ng/l)	Anderson St	Fair Oaks Ave	Atwood Ave	Milwaukee St	
10:2 FTSA	ND	ND	ND	ND	ND
11Cl-PF3OUdS	ND	ND	ND	ND	ND
4:2 FTSA	0.11*	0.42	0.22*	ND	ND
6:2 FTSA	16	56	31	0.18*	ND
8:2 FTSA	4.1	7.9	3.3	ND	ND
9Cl-PF3ONS	ND	ND	ND	ND	ND
DONA	ND	ND	ND	ND	ND
FOSA	0.93	0.94	0.57	ND	ND
HFPO-DA	ND	ND	ND	ND	ND
N-EtFOSA	ND	ND	ND	ND	ND
N-EtFOSAA	ND	ND	ND	ND	ND
N-EtFOSE	0.56	ND	0.88	ND	ND
N-MeFOSA	ND	ND	ND	ND	ND
N-MeFOSAA	ND	ND	0.11*	0.072*	ND
N-MeFOSE	ND	ND	ND	ND	ND
PFBA	7.9	13	20	16	ND
PFBS	10	24	20	9	ND
PFDA	1.5	5.6	2	0.3*	ND
PFDoA	0.54	0.79	0.25*	ND	ND
PFDoS	ND	ND	ND	ND	ND
PFDS	ND	ND	ND	ND	ND
PFHpA	6.3	11	6.7	1.1	ND
PFHpS	2.2	7.9	4	ND	ND
PFHxA	21	42	26	4.3	ND
PFHxDA	ND	ND	ND	ND	ND
PFHxS	71	160	96	2.6	ND
PFNA	1.1	2.9	1.8	0.31	ND
PFNS	0.047*	0.17	ND	ND	ND
PFOA	23	43	27	2.6	ND
PFODA	ND	ND	ND	ND	ND
PFOS	79	270	160	2.6	ND
PFPeA	11	14	ND	ND	ND
PFPeS	8.7	20	12	ND	ND
PFTeDA	ND	ND	ND	ND	ND
PFTTrDA	ND	ND	ND	ND	ND
PFUnA	0.15*	0.46	0.2*	ND	ND

\*Between LOD and LOQ

ND =Non-Detect



Tony Evers  
Governor



Andrea Palm  
Secretary

**State of Wisconsin**  
Department of Health Services

DIVISION OF PUBLIC HEALTH

1 WEST WILSON STREET  
PO BOX 2659  
MADISON WI 53701-2659

Telephone: 608-266-1251  
Fax: 608-267-2832  
TTY: 711 or 800-947-3529

October 4, 2019

Christine Haag  
Wisconsin Department of Natural Resources  
Remediation & Redevelopment Program Director

Dear Ms. Haag,

The Wisconsin Department of Health Services (DHS) received a request from the Wisconsin Department of Natural Resources (DNR) to assess the health risks of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in surface waters. This request is part of the ongoing investigation at Starkweather Creek, Truax Field, 4000 International Lane, Madison, WI (BRRTS Activity No. 02-13-584369). We were specifically asked for assistance with messaging to put on signs in the area.

During recreational activities in lakes and creeks, people can be exposed to PFAS by swallowing and touching the water. Accidental swallowing (ingestion) is the main source of PFAS exposure from surface water; this is especially true for children as they swallow more water than adults during recreational activities. However, touching (dermal) is a minor source of PFAS exposure. Available information suggests that as a class of chemicals PFAS do not easily enter through the skin, although the extent to which they do cross the skin depends on the chemical's characteristics and some PFAS are more readily absorbed than others. This means that people are not likely to absorb PFAS through the skin while swimming, splashing, or wading in the waters.

There is a small chance of swallowing (ingestion exposure) PFAS in surface water during recreational activities. Accidentally swallowing water is unlikely to cause someone to become sick. However, we recommend avoiding unnecessary exposure to PFAS to prevent any potential long-term health effects. Touching (dermal exposure) is not a major source of exposure from surface water and should not lead to health effects. However, we recommend people wash their hands after touching surface water to avoid accidentally ingesting PFAS through hand-to-mouth activity. Currently, we do not know how much PFAS is present in fish caught from this area. However, following the current statewide fish consumption advisory will limit your PFAS exposure.

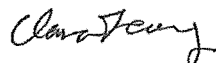
**Recommendations:**

To best protect people from potential PFAS exposure from surface water, DHS recommends people avoid drinking or accidentally swallowing water and wash after wading or playing in the water. We also recommend pets to be thoroughly rinsed off after contact with water to avoid swallowing PFAS that may be on their fur.

DHS recommends this information be shared broadly with the community, either through the posting of signs or other communication methods, such as websites. The attached appendix has sample sign language to include on the signs.

Please let me know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Clara Jeong". The signature is fluid and cursive, with the first name "Clara" and last name "Jeong" clearly distinguishable.

Clara Jeong, PhD  
Toxicologist  
Division of Public Health

**Appendix: Sample Sign Language**

The Wisconsin Department of Health Services recommends that to best protect you, your family, and your pets from potential PFAS exposure:

- Avoid drinking or accidentally swallowing the water.
- Wash your hands after wading or playing in the water.
- Rinse pets after contact with water to avoid swallowing PFAS that may be on their fur.

Touching the water is not a health concern.

For more health information, visit:

- Wis. DHS website: [www.dhs.wisconsin.gov/chemical/pfas.htm](http://www.dhs.wisconsin.gov/chemical/pfas.htm)
- Wis. DNR Fish Advisories: [www.dnr.wi.gov/topic/fishing/consumption](http://www.dnr.wi.gov/topic/fishing/consumption)

# ADVISORY

## Possible Chemical Exposure Hazard

This water contains PFAS (per- and polyfluoroalkyl substances)

The Wisconsin Department of Health Services recommends that to best protect you, your family, and your pets from potential PFAS exposure:

- Avoid drinking or accidentally swallowing the water or foam.
- Wash your hands after wading or playing in the water or foam.
- Rinse pets after contact with water or foam to avoid swallowing PFAS that may be on their fur.

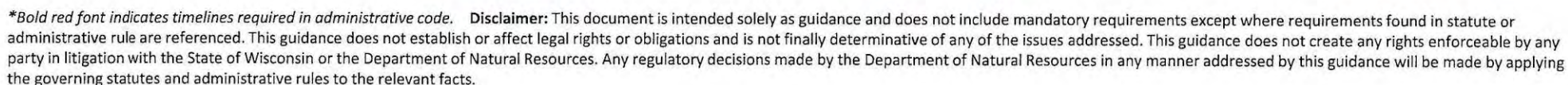
Touching the water or foam is not a health concern.

This surface water is currently being investigated and cleaned up in accordance with Wisconsin laws.

For more information:

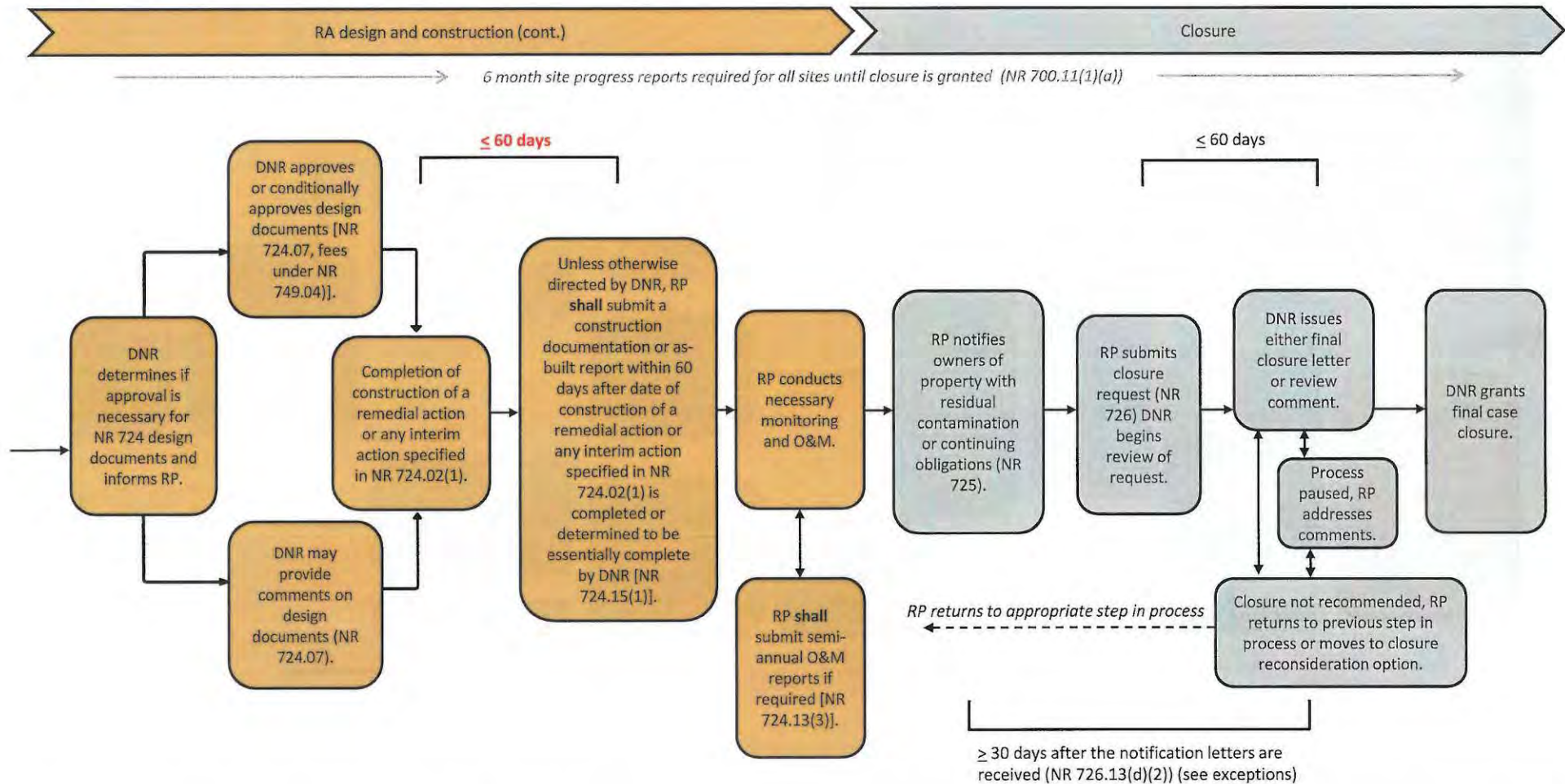
- Wisconsin Air National Guard: 3110 Mitchell Street, Building 1210, Madison; xxx-xxx-xxxx
- Dane County Regional Airport: 4000 International Lane, Madison; xxx-xxx-xxxx
- City of Madison: 210 Martin Luther King Blvd, #403, Madison; xxx-xxx-xxxx
- Wis. DNR PFAS website: [dnr.wi.us](http://dnr.wi.us) (search "PFAS")
- Wis. DNR Bureau for Remediation and Redevelopment Tracking System: [dnr.wi.us](http://dnr.wi.us) (search "BOTW", Activity #02-13-584369)





## NR 700 Process & Timeline Overview\*

(page 2 of 2)



\***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.





## 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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This document is intended solely as guidance and does not contain any 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 matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

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.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay - 711





## Guidance for Submitting Documents

The purpose of this document is to outline the appropriate format and procedures for submitting documents to the Remediation and Redevelopment Program. 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. Consultants and representatives of responsible parties are required to submit one paper copy and one electronic copy of submittals, including case closure documents. **The electronic version should be an exact duplicate of the paper version.**

### Submittal Method

- ✓ **Paper copies should be sent to the applicable regional office.** If you are unsure as to which region documents should be submitted, review the DNR Region Map found at [dnr.wi.gov/topic/Brownfields/documents/rr/regionmap.pdf](http://dnr.wi.gov/topic/Brownfields/documents/rr/regionmap.pdf) or contact your project manager.

Region	To	Address
Northeast Region	Assigned Project Manager	Contact Project Manager
Northern Region	Assigned Project Manager	Contact Project Manager
South Central Region	Attn: Wendy Weihermuller, Environmental Prog. Associate	3911 Fish Hatchery Road Fitchburg, WI 53711
Southeast Region	Attn: Jennifer Dorman, Environmental Prog. Associate	2300 N Dr. Martin L. King Jr. Dr. Milwaukee, WI 53212
West Central Region	Assigned Project Manager	Contact Project Manager

- ✓ **Electronic submittals** - the DNR highly encourages submitting electronic documents via the RR Program Submittal Portal, instead of CD/DVD or email. Please submit documents as a single PDF (except closure packets – instructions can be found on page 2). **Electronic submittals may not be “locked” or password protected per Wis. Admin. Code § NR 700.11(3g).**

### Instructions for using the Document Uploader

1. Go to the RR Submittal Portal – <https://dnrx.wisconsin.gov/rresubmittal>.
2. If you have a Web Access Management System (WAMS) account – log in.
  - a. If you do not have a WAMS account, click the second link to request a User ID and password.
  - b. Once you have a User ID and Password log in to the RR Submittal Portal – <https://dnrx.wisconsin.gov/rresubmittal>.
3. Click Document Uploader on the left.
  - a. If this is your first time submitting a document, you will need to request access to upload documents. This will only need to be done one time. You can expect to be approved within one business day. If you do not get approved within one business day please contact Danielle Wincentsen at [Danielle.Wincentsen@wisconsin.gov](mailto:Danielle.Wincentsen@wisconsin.gov).
4. Complete the form and click submit.



A few things to note about the Document Uploader:

- In most cases only one PDF can be uploaded per submittal. There are a few exceptions that allow more than one document to be uploaded at a time:
  1. If you are submitting a form; or
  2. A file is larger than 250 MB and needs to be split into more than one file.
- If you are submitting a Closure Review Request, only a .zip file can be uploaded.

For more information go to [dnr.wi.gov, search RR Submittal Portal](#).

## General Notes on Submittals

- Consultants should use the Notification for Hazardous Substance Discharge (Non-Emergency Only) Form 4400-225 for historic discharges, found at [dnr.wi.gov, search notification](#).
- Consultants are encouraged to submit the appropriate form found on the fees tab at [dnr.wi.gov, search RR Program fees](#), signed and scanned, using the Document Uploader in the RR Submittal Portal. **After submitting the electronic copy, mail a copy of the confirmation page with fee check.** Fees paid by check should be sent to the appropriate regional environmental program associate found on the EPA tab at [dnr.wi.gov, search RR contact](#).
- **Any site-specific or follow-up questions should be directed to the assigned DNR project manager.**
- Backing up the files is essential. As a provider of documents under Wis. Admin. Code ch. NR 700, the consultant or representative is responsible for keeping a backup copy.
- All files should be scanned to ensure they are free of viruses. The consultant's or representative's anti-virus software should be kept up-to-date.
- If the submitted electronic file can't be read (i.e. is illegible), opened, or is corrupted and unusable, then the consultant or representative will be notified, and a new electronic copy is to be provided.

## Case Closure Submittals

1. Case Closure requests should be submitted as a zipped folder. Within the zipped folder, the files should be organized, and the contents clearly labeled as follows:
  - a. Case Closure form ([dnr.wi.gov, search Case Closure form](#))
  - b. Seven separate file folders labeled for each of the required attachments (e.g., Attachments A through G)
    - i. The file folders should include the required PDF attachments for each of those sections of the Case Closure form, along with each PDF clearly labeled with the DNR-specified title (e.g., A.1. Groundwater Analytical Tables), and organized within the file folder (e.g., Attachment A: Data Tables) in the order specified in the Case Closure form ([dnr.wi.gov, search Case Closure form](#)).
  - c. **A single PDF of the entire closure packet (form and attachments) should also be included in the zip file.**

*An example of an acceptable closure submittal can be found at:*  
[dnr.wi.gov/topic/brownfields/documents/directory.pdf](#)



2. Professional submittal certifications required per Wis. Admin. Code ch. NR 712.09 must be included.
3. Summaries of all data must include information collected by previous consultants.
4. Do not submit lab data sheets unless these have not been submitted in a previous report. Include these as a separate PDF from the narrative summary. Tabulate all data required in Wis. Admin. Code § NR 716.15(3)(c), in the format required in Wis. Admin. Code § NR 716.15(4)(e).
5. If any map or figure is not required but the submitter feels it is relevant to the case closure request, fully explain the reason(s) why it is included and attach that explanation (properly labeled with the map/figure title).
6. **When submitting revisions to a closure submittal as requested by the DNR project manager, the consultant need only submit the revised pages (both paper and electronic copies).** These revised pages should be initialed and dated by the consultant. It is recommended that revisions be submitted through the RR Program Submittal Portal.

### **Electronic File Format**

1. Except as outlined below, submittals should be created in or converted to the portable document format (PDF), readable by Adobe Acrobat Reader. Adobe Acrobat Reader can be downloaded for free at <https://get.adobe.com/reader/>.
2. Save DNR forms using a PDF format. This is especially important if the form will need to be edited before submittal to the DNR.
3. Electronic files shall have a minimum resolution of 300 dots per inch (dpi) to ensure legibility without creating excessive file size as specified in Wis. Admin. Code § NR 700.11(3g).
4. Report submittals should not be larger than 250 MB in size. Please split submittals into 250 MB or less files and label accordingly.
5. All documents shall be digital format versions rather than scanned versions except documents that are only available as scanned versions according to Wis. Admin. Code § NR 700.11(3g). Deeds and legal descriptions may be scanned versions.
6. Voluminous attachments or appendices (e.g., lab QA) may be submitted by electronic format only, if specifically approved in advance by the DNR.
7. **Electronic files may not be locked or password protected.** This means the files can't require a password to open or edit. However, files can use a feature that makes them read only or "protected" to prevent inadvertent editing, as long as the feature can be turned off without a password.
8. It is recommended that documents such as lab reports, chain of custody documents, boring logs, etc., that are received as hard copy by the consultant be scanned as PDF files. To minimize file size, PDF files should be prepared by converting directly from the original electronic versions or with black and white scans.
9. The DNR may request that the electronic copy of sampling results be submitted in a different format such as spreadsheets, plain text tabular files, hypertext markup language files (HTML) and extensible markup language files (XML).
10. When submitting site investigations under Wis. Admin. Code ch. NR 716 and O&M reports under Wis. Admin. Code ch. NR 724, it is recommended that lab data be submitted as one separate PDF, and the narrative and data summary (figures, tables, etc.) be submitted as a



second separate PDF. If copies of the Phase I and II environmental site assessments are included in the Wis. Admin. Code ch. NR 716 documents, these should also be submitted as separate PDFs.

## **Document Formatting**

1. Titles for typical reports and submittals required under Wis. Admin. Code ch. NR 700 are found in Attachment A.
2. All documents are to be legible. Providing illegible information will result in a submittal being considered incomplete until corrected.
3. Include a cover letter with reports submitted under Wis. Admin. Code ch. NR 700 that clearly lists the BRRTS/FID number; describes the title and type of submittal; and what action, if any, is requested from the RR Program.
4. Prepare visual aids, including maps, plans, drawings, fence diagrams, tables, and photographs according to the applicable portions of Wis. Admin. Code chs. NR 716 through 726.
5. Use bold and italics font on information of importance on tables and figures. Use bold font for Wis. Admin. Code ch. NR 140 groundwater enforcement standard (ES) attainments or exceedances, and italicized font for Wis. Admin. Code ch. NR 140 groundwater preventive action limit (PAL) standard attainments or exceedances.
6. Do not use shading or highlighting on the tables, figures, maps, or other documents.
7. Include the level of detection on data tables for results which are below the detection level (i.e. do not just list as no detect (ND)). Include the units on data tables. Units should be consistent with the applicable standards. Include all sample locations. Contour lines should be clearly labeled and defined.
8. Provide one paper copy no larger than 11x17 inches, unless otherwise directed by the department. Maps and figures may be submitted in a larger electronic size than 11x17 inches, in a PDF readable by Adobe Acrobat Reader. However, larger-size documents must be legible when printed.

## **Contact Information**

This document is updated as needed. Comments may be sent to: Sonya Rowe, (608) 261-4934, [sonya.rowe@wisconsin.gov](mailto:sonya.rowe@wisconsin.gov).

## Attachment A – Document Title Naming Conventions

Document Title Naming Convention	NR 700 Reference
Phase I Environmental Site Assessment	NR 750.03(2m)
Phase II Environmental Site Assessment	NR 750.03(2m)
Immediate Action Report	NR 708.05(6) and NR 708.09
Interim Action Report	NR 708.15
Free Product Removal Report	NR 708.13
Site Investigation Work Plan	NR 716
Site Investigation Report	NR 716
Soil Management Plan	NR 718
Soil Management Exemption Request	NR 718
Site-Specific Soil Cleanup Standards	NR 720.10, NR 720.12
Determination of Soil Performance Standards	NR 720.08
Remedial Action Options Report	NR 722
Infiltration/Injection Request for GW Treatment	NR 140.28(5) and 812.05
Historic Fill Exemption Request	NR 506.085
Remedial Action Design report	NR 724
Operation & Maintenance Report	NR 724
Construction Documentation report	NR 724
Long Term Monitoring Plan	NR 724
Closure Request	NR 726
Post-Closure Modification Request	NR 727

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