

DRAFT rule revisions for 10/1/2019 Rule Development Meeting

Subject matter (group/subgroup): Other / Remedy Selection

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Changes (include treatment, list in order of rules):

NR 722.07 (4) (a) 3. gm. is created to read:

NR 722.07 (4) (a) 3. gm. The technical feasibility of managing excavated contaminated soil or other solid waste through ss. NR 718.12 or NR 718.15, if needed to conduct the remedial action option.

NR 722.11 (2) is amended to read:

NR 722.11 (2) If the department authorizes the use of a risk assessment to develop environmental standards, the responsible parties shall utilize standard human health default exposure assumptions ~~approved by the department~~ provided under s. NR 720.12 (3). The department may approve, modify or disapprove of the risk assessment prepared by the responsible parties and shall provide a written explanation of the department's action to the responsible parties.

Plain language explanation/analysis:

For a summary and background of these rule changes, please see the white paper titled, [Revisions to Wis. Admin. Code ch. NR 722 \(Standards for Selecting Remedial Actions\) regarding cross references](#), which was presented at the June 4, 2019, Rule Development Meeting.

Comparable state or federal rules or policies:

Not applicable.

Economic impact comments:

1. Revisions to Wis. Admin. Code s. NR 722.07 regarding soil management

Not applicable; the proposed change is a clarification of existing requirements.

2. Revisions to Wis. Admin. Code s. NR 722.11 regarding standard exposure assumptions

Not applicable; the proposed change is a clarification of existing requirements. Developing a risk assessment under Wis. Admin. Code § NR 722.11 requires the use of “standard exposure assumptions provided by the department”. Rule revisions will indicate where, within code, these “standard exposure assumptions” are defined. There is no substantive change in how risk assessments are developed; however, providing the reference to the other code section may make the process easier as it clarifies that these values are available and where they can be found.