

Approx. Code Location (Wis. Admin. Code section)	Plain Language Description of Proposed Rule Change	Purpose of Proposed Rule Change
Chapter NR 700 - General Requirements		
Section NR 700.03 - Definitions		
NR 700.03	Add a definition for “soil cleanup standard” along with a note that references the tables of Residual Contaminant Levels (RCLs).	Increase consistency between media in code by providing a definition for the medium (soil), similar to standards for other environmental media (e.g., groundwater quality standards, vapor action level, vapor risk screening level).
NR 700.03(1s)	Correct the note following the definition for “attenuation factor” by removing an inaccurate reference to ch. NR 720 in the note following the definition.	Remove an inaccurate reference to Chapter NR 720, <i>Soil Cleanup Standards</i> , from a note to a vapor intrusion-related definition.
NR 700.03 or NR 720.03	Revise land use classification definitions in ss. NR 700.03 and/or 720.03, including added definitions for “commercial” and “recreational” and potentially modify “residential” and “industrial”. Currently "industrial land use," "nonresidential setting," and “residential setting” are defined in ch. NR 700 (see ss. NR 700.03(28m), (39m), (49g)). These definitions are not fully consistent with the land use classifications in s. NR 720.05(5), which uses the terms "industrial" and "nonindustrial". Also, add a definition for "exposure scenario" and check for consistency of land use categories across media.	Increase consistency in land use classification definitions in chs. NR 700 and NR 720 and across media.
Chapter NR 720 - Soil Cleanup Standards		
NR 720	Clarify soil vapor and distinctions between soil vapor and other media and pathways.	Provide clear code language and regulatory certainty.
Section NR 720.02 - Applicability		
NR 720.02	Clarify that ch. NR 720 may apply to soil-like materials such as fill, unconsolidated materials, waste fill, and foundry sand. Clarify that ch. NR 720 may apply to floodplain soils and sediment if contaminated sediment or floodplain soils present a human health risk from direct contact.	Apply environmental standards to contaminated soil-like materials and to contaminated sediment and floodplain soils.
Section NR 720.05 - General		

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NR 720.05(2)	Clarify that a performance standard and a numerical RCL may both be applied at a site.	Clarify process. In practice, both performance standards and numeric RCLs apply at most sites due to site complexity.
NR 720.05(3)	Clarify that a performance standard and a numerical RCL may both be applied at a site. Clarify that cleanup standards are not optional.	Clarify process and code language. In practice, both performance standards and numeric RCLs apply at most sites due to site complexity. Numeric RCLs are used to determine if a performance standard such as a cap might be needed.
NR 720.05(5)	Revise the note under this subsection and incorporate it into code to clarify that code requires a continuing obligation at sites using industrial exposure, site-specific exposure, and at sites with a soil performance standard. These requirements are currently stated under ch. NR 726.	Clarify process and provide consistent requirements throughout code.
NR 720.05(5)	Update s. NR 720.05(5) to reference the "industrial land use" definition in s. NR 700.03. Reference any other updated land use definitions included in s. NR 700.03 and/or s. NR 720.03.	Increase consistency in land use classification definitions in chs. NR 700 and NR 720 and across media. Update available land use classifications to be more reflective of actual exposures.
NR 720.05(5)	Provide additional detail on relationship between land use and exposure scenario when selecting an appropriate soil cleanup standard. Explain which direct contact RCL category (residential, commercial/industrial, recreational) correlates with the different land use categories.	Increase consistency in land use classification definitions in chs. NR 700 and NR 720 and across media. Update available land use classifications to be more reflective of actual exposures.
Section NR 720.07 - General requirements when establishing soil cleanup standards applicable to a site or facility		

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NR 720.07	Revise this section to more clearly describe when and how soil performance standards and numeric RCLs apply at a site. Clarify that numeric RCLs must be used to determine whether soil remedial action is needed.	Clarification of process and code language.
NR 720.07 or new section	Clarify the applicability of soil cleanup standards, including the point of compliance (i.e., the vertical surface) over which soil standards apply. For direct contact RCLs, the point of exposure would be assumed to be at all locations and all depths, with the depth for each site based on site-specific information and a minimum of 0 to 4 feet interval.	Creates consistency with code on continuing obligations that specify residual soil contamination in 0 to 4 feet interval for direct contact.
NR 720.07(1)(a) and (b)	Clarify that a performance standard and a numerical RCL may both be applied at a site. Clarify that cleanup standards are not optional.	Clarification of process. In practice, both performance standards and numeric RCLs apply at most sites due to site complexity. RCLs are needed to determine whether soil remedial action is needed, and if needed, the type of remedial action.
NR 720.07(2)	Reorder this subsection on compliance to follow the sections on establishing RCLs, such that provisions on compliance with RCLs follow the sections on how to establish RCLs. Revise to include additional details on how to comply with RCLs (e.g., clarify averaging, cumulative risk evaluation, etc.).	Clarify code language and place processes for establishing and complying with standards in chronological order.
Section NR 720.08 - Procedures for establishing soil performance standards		

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NR 720.08	Revise section to be consistent with statutory terminology under Wis. Stat. s. 292.01. For example, under s. NR 720.08(2)(a), delete “permanent” from the phrase “permanent engineering control” and under s. NR 720.08(3)(a), add “soil” to specify that this phrase does not refer to a sediment cover, which is not included within the statutory definition of an engineering control.	Provide clarity and statutory consistency.
NR 720.08	Include language that explains that a performance standard requires compliance with any continuing obligations imposed. This requirement is currently stated under ch. NR 726.	Clarification of process.
NR 720.08(1)	Clarify this subsection and revise language to explain that, while multiple approaches are available for determining soil standards, compliance with soil standards is not optional (e.g., revise the phrase “[i]f a responsible party selects this option...”).	Clarification of process.
NR 720.08(1) and (2)	Currently, both subsections require the operation of a system until the lowest concentration that is practicable is reached. Revise both subsections to require the operation of a system until the RCL is reached or the lowest concentration that is practicable is reached.	Clarify code and provide further flexibility while ensuring protection of human health and the environment.
Section NR 720.10 - Procedures for determining residual contaminant levels based on protection of groundwater		
NR 720.10(1)	Clarify that this subsection pertains to standards for implementing a remedial action. Replace phrase “as the target concentrations in” with “for the hazardous substance in”. Revise language (e.g., “If the responsible party selects this option...”) to clarify that, while multiple approaches are available for determining soil standards, compliance with soil standards is not optional.	Proposed revisions provide clarity to this section.

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NR 720.10(2)	Include the note in this subsection as part of code. This change would allow the use of the process for calculating site specific RCLs that is detailed within RR-890, <i>Soil RCL Determinations Using the U.S. EPA Regional Screening Level Web Calculator</i> , as an option for establishing groundwater-protective soil RCLs.	Clarification of process.
Section NR 720.12 - Procedures for determining residual contaminant levels based on protection of human health from direct contact with contaminated soil		
NR 720.12	Clarify how contaminants that cannot use the EPA RSL calculator are addressed (for example, lead values, which are not derived using the standard EPA RSL equation).	Provide clear methods and standards for soil contaminants that are not derived using the standard EPA RSL equation.
NR 720.12(1)	Revise language (e.g., “option”) to clarify that, while multiple approaches are available for determining soil standards, compliance with soil standards is not optional.	Proposed revisions provide clarity to this section.
NR 720.07(2)(b)	Include language that specifies that cumulative evaluation of carcinogenic polycyclic aromatic hydrocarbons (PAHs) is an acceptable alternative approach to determine standards exceedances.	Provide updated methodology that is consistent with Department of Health Services guidance, which states that assessing risk from PAHs using cumulative risk is appropriate and protective because PAHs often occur as mixtures in the environment and have similar modes of toxicity.

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NR 720.12(3)	Revise to clarify that direct contact RCLs will be derived utilizing the exposure parameters defined in s. NR 720.03, and further defined in a note referencing the EPA RSL default exposure parameters, unless a site-specific RCL is derived with DNR approval.	Improve consistency between state and federal regulations for soil cleanup. Ensure most up-to-date toxicity information is utilized. Streamlines internal processes, as it will eliminate or reduce need to duplicate information that is already available publicly on the EPA’s website.
NR 720.12(3) and (4)	Remove subsections NR 720.12(3) and (4) relating to default exposure assumptions and soil parameter values	These subsections are no longer needed if the EPA RSL calculator is used.
NR 720.12(2)	Add language within or after s. NR 720.12(2) that describes what exposure scenario to utilize based on land use classification. Add language to clarify that the "industrial land use" is based on the "composite worker" scenario in the EPA RSL spreadsheet, the "non-industrial" or "residential" land use, is based on the "residential" exposure scenario, and examples of site-specific exposure scenarios that can be utilized to derive a site-specific RCL are "indoor worker" for "commercial" land use and "recreational" exposure scenario for "recreational" land use.	Update land use classifications and applicable RCLs to more closely reflect actual and potential exposure at sites, and to provide more flexibility in site decisions.
NR 720.12 or NR 720.13	Add section that clarifies that direct contact RCLs derived under s. NR 720.12 apply to floodplain soils and sediment if contaminated sediment or floodplain soils present a human health risk from direct contact.	Apply environmental standards for human health risk from direct contact to contaminated sediment and floodplain soils.
NR 720.12 or NR 720.13	Clarify the application of direct contact RCLs derived under s. NR 720.12 to other soil-like materials such as fill, unconsolidated materials, waste fill, and foundry sand.	Apply environmental standards for human health risk from direct contact to contaminated soil-like materials.
Section NR 720.13 - Other pathways of concern.		

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NR 720.13	Remove hyphen from the word “eco-system”.	Correct code spelling error.
Chapter NR 722 - Standards For Selecting Remedial Actions		
Section NR 722.09 - Selection of a remedial action		
NR 722.09(2)(a)	Update this paragraph and note to be consistent with revisions to ch. NR 720.	Consistency between chs. NR 720 and NR 722.
NR 722.11	Revise this section to require, for use of a risk assessment approach, that an RP to use standard exposure assumptions that are approved in advance and in writing by the DNR. Clarify that, if the DNR enters a negotiated agreement under Wis. Stat. s. 292.11(7), it must specify whether a risk assessment should be prepared and by whom. Consider adding revisions specific to soil cleanup levels derived using site-specific exposure scenarios determined during the risk assessment.	Consistency between chs. NR 720 and NR 722.
Chapter NR 726 - Case closure		
Section NR 726.05 - General requirements for case closure		
NR 726.05(4)	Clarify the response action goals for soil standards within the subsection that lists response action goals for sites or facilities considering closure. This subsection currently lists response action goals for groundwater, surface water, air, and vapor/indoor air but does not include soil.	Consistency in language between chs. NR 720 and NR 726; consistency across media