

This chapter will be repealed:

Chapter NR 710 Site Discovery and Evaluation

NR 710.01 Purpose. This chapter establishes procedures that the department shall use in evaluating sites and facilities in the environmental repair program, hazardous substance discharge program, leaking underground storage tank program and superfund program, to assist the department in determining the priority for action at those sites and facilities. This chapter is adopted pursuant to ss. 227.11 (2), 289.06 (1), (2), 292.11, and 292.31, Stats.

NR 710.02 Applicability. This chapter applies to the department's discovery, screening and ranking of sites, facilities and portions of sites and facilities that are subject to regulation under the authority of s. 292.11 or 292.31, Stats.

Note: The department's superfund, spills, LUST and environmental repair programs may become aware of a potential site or facility through a wide variety of means, including any one of the following:

1. Notification of hazardous substance discharge, as required by s. 292.11, Stats., and s. NR 706.05, 706.11 or 706.13 for reporting discharges from underground storage tanks.
2. Citizen complaints.
3. Department investigations, observations or inspections.
4. Referrals from other programs or agencies.

Note to Reader: the definition of CERCLIS has been moved to ch. NR 700.

NR 710.03 Definitions. In this chapter:

(1) "CERCLIS" means the comprehensive environmental response, compensation and liability information system, as compiled by the U.S. EPA.

Note: The federal CERCLIS list is available from the U. S. EPA, by writing to: WI Freedom of Information Act Officer, U.S. EPA Region V, 77 W. Jackson Blvd, Chicago, IL 60604.

(2) "Hazard ranking system" means the method used by U.S. EPA to evaluate the relative potential of hazardous substance discharges to cause health or safety problems, or ecological or environmental damage.

(3) "LUST" means leaking underground storage tank.

Note to Reader: section NR 710.05 has been moved to ch. NR 700.

NR 710.05 Identification of responsible parties. The department may attempt to identify potentially responsible parties during any phase of response action by any one of the following methods:

- (1) Interviewing local officials, neighboring residents, persons involved with the operations of the site or facility, and past and present site or facility owners or operators.
- (2) Reviewing operational records of the site or facility.
- (3) Reviewing department records.
- (4) Determining current and past ownership of the site or facility.
- (5) Collecting and analyzing samples.
- (6) Other appropriate means.

NR 710.07 LUST site evaluation procedures. The department shall evaluate all confirmed hazardous substance discharges from leaking underground storage tanks to determine the relative threat each poses to public health, safety and welfare and the environment, and to determine the priority of the site or facility for action and department oversight. The department shall classify a LUST site as either a high, medium or low priority. The department may change, at any time, the priority of a site or facility on the basis of additional information provided by responsible parties or others.

Note to Reader: section NR 710.09 has been moved to ch. NR 700.

NR 710.09 Superfund site assessment. A site or facility may be evaluated by the department to determine eligibility for the federal superfund program, under CERCLA and the NCP. The department also may conduct federal site assessment activities, in cooperation with the U.S. EPA. Assessment activities may include, but are not limited to:

- (1) Identifying sites for addition to CERCLIS;
- (2) Reviewing files by department staff in the form of preliminary assessments;
- (3) Collecting data both on and off site by conducting field sampling;
- (4) Preparing or reviewing federally prepared hazard ranking system scores, using the federal hazard ranking system; and
- (5) Nominating sites or facilities to the national priorities list.

NR 710.11 Environmental repair site evaluation procedures.

- (1) ~~Site evaluation. The department shall evaluate each site or facility which the department suspects may threaten public health, welfare or safety or the environment.~~
- (2) **SITE PRIORITIZATION.** The department may develop and implement a prioritization system for each program to quickly estimate the environmental impact of a site or facility and to establish a general priority for department action.