

## Chapter NR 508

### RESPONSES WHEN A GROUNDWATER STANDARD IS ATTAINED OR EXCEEDED

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**Note:** Chapter NR 508 as it existed on June 30, 1996 was repealed and a new chapter NR 508 was created effective July 1, 1996. Corrections made under s. 13.93 (2m) (b) 7., Register, August, 1997, No. 500.

**NR 508.01 Purpose.** The purpose of this chapter is to establish procedures for responding to a groundwater standard which is attained or exceeded at any groundwater monitoring well at a solid waste facility and for conducting assessment monitoring at Subtitle D wells. This chapter is adopted under ch. 289, Stats., and s. 227.11, Stats.

**History:** Cr. Register, June, 1996, No. 486, eff. 7-1-96.

**NR 508.02 Applicability.** (1) Except as otherwise provided, this chapter governs all solid waste facilities as defined by s. 289.01 (35), Stats., except hazardous waste facilities as defined in s. 291.01 (8), Stats., and regulated under chs. NR 660 to 679, and metallic mining operations as defined in s. 293.01 (9), Stats., and regulated under ch. NR 182.

(2) This chapter does not apply to the design, construction or operation of industrial wastewater facilities, sewerage systems and waterworks treating liquid wastes approved under s. 281.41, Stats., or permitted under ch. 283, Stats., nor to facilities used solely for the disposal of liquid municipal or industrial wastes which have been approved under s. 281.41, Stats., or permitted under ch. 283, Stats., except for facilities used for the disposal of solid waste.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register March 2003 No. 567; correction in (1) made under s. 13.93 (2m) (b) 7., Stats.

**NR 508.03 Definitions.** The terms used in this chapter are defined in s. NR 500.03.

**History:** Cr., Register, June, 1996, No. 486, eff. 7-1-96.

**NR 508.04 Responses when a groundwater standard is attained or exceeded at any groundwater monitoring well.** If a PAL, ACL or ES is attained or exceeded at any groundwater monitoring well according to s. NR 140.14 and the value is confirmed, the owner or operator shall comply with subs. (1) and (2) and may be required, either by the department or under s. NR 508.05 (5), to comply with subs. (3) and (4).

(1) The owner or operator shall notify the department in accordance with s. NR 507.30.

(2) The owner or operator shall respond in accordance with s. NR 140.24 or 140.26.

(3) If required by the department, the owner or operator shall develop a site investigation workplan and a site investigation report in accordance with ss. NR 716.05 to 716.11 and 716.15 to 716.17. If a site investigation report is submitted under s. NR 716.15, it shall include proof of financial responsibility to comply with s. NR 520.05 (1).

(4) If required by the department, the owner or operator shall evaluate and select remedial action options and develop a remedial action options report in accordance with ch. NR 722. Any soil contamination shall be addressed in accordance with the requirements of ch. NR 720.

(5) If the owner or operator implements remedial action, the department shall determine whether the remedial action has met the requirements of ch. NR 140 in accordance with ch. NR 726.

**Note:** For the purpose of this chapter, the department considers a value to be confirmed if a follow up field sample attains or exceeds the groundwater standard.

**Note:** Section NR 140.14(3) addresses exceedances for analytical results that fall between the limit of detection and the limit of quantitation.

**History:** Cr. Register, June, 1996, No. 486, eff. 7-1-96.

**NR 508.05 Responses when a groundwater standard is attained or exceeded at a Subtitle D well.** If a PAL, ACL or ES is attained or exceeded at a Subtitle D well and the value is confirmed, the owner or operator shall continue detection monitoring in accordance with s. NR 507.19 and shall respond in accordance with s. NR 508.04 and the following requirements:

(1) The owner or operator may demonstrate that a reported value represents a false exceedance of a groundwater standard in accordance with s. NR 507.28 (3). If the department does not concur with the written demonstration within 30 days, the owner or operator shall begin assessment monitoring in accordance with this subsection. If the department concurs within 30 days after receipt of the demonstration, the owner or operator need not begin assessment monitoring.

(2) The department may approve an alternate assessment monitoring program if the only parameters which are at or above the groundwater standards are the inorganic detection monitoring parameters listed under municipal solid waste in ch. NR 507 Appendix I Table 1.

(3) The owner or operator shall conduct an assessment monitoring program in accordance with all of the following requirements:

(a) The owner or operator shall collect and analyze assessment monitoring samples from all of the Subtitle D wells at the facility. The first set of assessment monitoring samples shall be collected during the first routine monitoring event following receipt of the groundwater standard exceedance. The first set of assessment monitoring samples shall be analyzed for the parameters determined under either subd. 1. or 2. or as approved by the department in writing:

1. All of the parameters listed in ch. NR 507 Appendix II.
2. All of the parameters detected in leachate samples collected to date in accordance with s. NR 507.21 (2).

(b) Annually, the owner or operator shall sample and analyze the leachate for the parameters listed in ch. NR 507 Appendix II. Within 14 days after obtaining the leachate sampling results, the owner or operator shall place the results in the operating record. Within 60 days after the end of the sampling period, the owner or operator shall submit the leachate sampling results to the department.

(c) Semiannually, the owner or operator shall sample the Subtitle D wells for all of the following:

1. All ch. NR 507 Appendix II parameters which have been detected in the leachate after July 1, 1996.
2. All ch. NR 507 Appendix II parameters which have been detected in Subtitle D wells after July 1, 1996.

(d) All assessment monitoring samples being analyzed for metals shall be obtained using the low-flow sampling technique.

**(3m)** The owner or operator may submit a written request to eliminate select parameters from the assessment monitoring program required under this section after 4 rounds of assessment monitoring have been collected and analyzed. The request shall demonstrate that these parameters were not detected in any of the 4 rounds. The department may approve eliminating any parameters that were not detected in the first 4 rounds or detected once but not confirmed in subsequent rounds.

**(4)** The owner or operator may submit a written request to cease the assessment monitoring program required under this section. The request shall demonstrate that 2 consecutive semi-annual sampling rounds show that all detected parameters in the groundwater samples from the Subtitle D wells are at or below groundwater standards listed in ch. NR 140 Tables 1 and 2, or PALs or ACLs established in accordance with s. NR 507.27. The department may approve the cessation of assessment monitoring

if the only parameters which remain above the groundwater standards are the inorganic detection parameters listed under municipal solid waste in ch. NR 507 Appendix I Table 1.

**(5)** If an ES is attained or exceeded at a Subtitle D well and the value is confirmed, the owner or operator, in addition to s. NR 508.05 (intro.) and subs. (1) to (3), shall do all of the following:

(a) Notify the clerk of each municipality within which the landfill is located and whose boundary is within 1,200 feet of the limits of filling of any sampling result which exceeds an enforcement standard. The owner or operator shall notify the clerk within 14 days of receiving the sample result.

(b) Develop a site investigation work plan and a site investigation report in accordance with s. NR 508.04 (3).

(c) Evaluate and select remedial action options and develop a report in accordance with s. NR 508.04 (4).

**Note:** For the purpose of this chapter, the department considers a value to be confirmed if a follow up field sample attains or exceeds the groundwater standard.

**History:** Cr. Register, June, 1996, No. 486, eff. 7-1-96; **CR 05-020: cr. (3m) Register January 2006 No. 601, eff. 2-1-06.**