

Chapter NR 712

PERSONNEL QUALIFICATIONS FOR CONDUCTING ENVIRONMENTAL RESPONSE ACTIONS

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NR 712.01 Purpose. This chapter establishes minimum standards for experience and professional qualifications for persons who perform and provide certain services or scientific evaluations associated with specified environmental response actions. This chapter is adopted pursuant to ss. 144.442, 144.76, 144.77 and 227.11 (2), Stats.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-95.

NR 712.02 Applicability. (1) Except as provided in s. NR 712.11, this chapter applies to work performed by environmental consultants hired by the department under the authority of s. 144.442 or 144.76, Stats.

(2) Except as provided in s. NR 712.11, this chapter applies to all sampling and field work conducted during any response action being taken to satisfy the requirements of chs. NR 700 to 726.

(3) Except as provided in s. NR 712.11, this chapter applies to any person who provides engineering services or performs any scientific evaluation associated with a remedial action or any of the interim actions specified in s. NR 708.11 (4) for a site, facility or portion of a site or facility that is subject to regulation under s. 144.442 or 144.76, Stats., regardless of whether there is direct involvement or oversight by the department.

Note: Responsible parties who take an immediate action or interim action that does not involve the construction or operation of on-site treatment or an engineering control, as specified in s. NR 708.11 (4), are not required to hire personnel who meet the qualifications in this chapter, except that sampling and field work that is being done in conjunction with the immediate or interim action must comply with the requirements of this chapter.

(4) The department may exercise enforcement discretion on a case-by-case basis and choose to regulate a site, facility or a portion of a site or facility under only one of a number of potentially applicable statutory authorities. However, where overlapping restrictions or requirements are applicable, the more restrictive control. The department shall, upon receipt of a request from a responsible party, provide a letter that indicates which regulatory program or programs the department considers to be applicable to a site or facility.

Note: Sites, facilities or portions of a site or facility that are subject to regulation under s. 144.442 or 144.76, Stats., may also be subject to regulation under other statutes, including the solid waste statutes in ss. 144.43 to 144.47, Stats., or the hazardous waste management act, ss. 144.60 to 144.74, Stats., and the administrative rules adopted pursuant to those statutes. One portion of a site or facility may be regulated under a different statutory authority than other portions of that site or facility.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-95.

NR 712.03 Definitions. In this chapter:

(1) "Hydrogeologist" has the meaning specified in s. NR 600.03 (98).

Note: Section NR 600.03 (98) defines "hydrogeologist" to mean "a person who is a graduate of an accredited institution of higher education and who has successfully completed 30 semester hours or 45 quarter hours of course work in geology. At least 6 semester hours or 9 quarter hours of the geology course work shall be hydrogeology, geohydrology or groundwater geology. This person shall also have acquired, through education and field experience, the ability to direct the drilling of borings and the installation and development of wells, describe and classify geologic samples and evaluate and interpret geologic and hydrogeologic data."

(2) "Professional engineer" means an engineer registered with the department of regulation and licensing.

(3) "Scientist" means a person who is a graduate of an accredited institution of higher education and who has successfully completed the necessary credit hours to receive a degree in a field of scientific expertise applicable to environmental response actions, including, but not limited to, geology, chemistry, agronomy, crops and soils, soil science, toxicology and biology.

(4) "Supervised field experience" means experience collecting samples of air, soil, water or other media completed with guidance from, and oversight by, a person who meets the requirements of s. NR 712.05 (2).

(5) "Supervision" means personal, active oversight and control of the preparation of submittals.

Note: Supervision of field personnel may be by telephone or other form of remote communication, unless otherwise specified in this chapter.

History: Cr. Register, April, 1994, No. 460, eff. 5-1-95.

NR 712.05 Sampling and field work requirements. (1) **GENERAL.** All sampling, field work and development of plans for field activities for response actions being taken to satisfy the requirements of ss. NR 708.09 to 708.15 or chs. NR 716 to 726 shall be conducted by or under the supervision of a professional engineer, hydrogeologist or scientist, unless sub. (2) or an exemption in s. NR 712.11 is applicable.

(2) **SAMPLING FOR IMMEDIATE AND INTERIM ACTIONS NOT INVOLVING TREATMENT OR ENGINEERING CONTROLS.** For immediate actions and interim actions that do not involve treatment or engineering controls, samples of air, soil, water or other media for field measurement or analytical laboratory analysis are not required to be collected under the supervision of a professional engineer, hydrogeologist or scientist, but shall be collected by one of the following, unless the sampling is exempt under s. NR 712.11 (2):

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(a) A graduate of a vocational or technical school with course work in science or engineering who has 40 hours of supervised field experience; or

(b) Any person who has all of the following:

1. 40 hours of training in collecting, preserving, filtering and transporting environmental samples and decontaminating sampling equipment that meets the requirements of sub. (4) (a).

2. 80 hours of supervised field experience that meets the requirements of sub. (4) (a).

3. A letter or certificate that meets the requirements of sub. (4) (b).

(3) **SAMPLING FOR INTERIM ACTIONS INVOLVING TREATMENT OR ENGINEERING CONTROLS AND REMEDIAL ACTIONS.** For remedial actions and interim actions that involve treatment or engineering controls, samples of air, soil, water or other media for field measurements or analytical laboratory analysis shall be collected by a professional engineer, hydrogeologist, scientist or any one of the following working under the supervision of a professional engineer, hydrogeologist or scientist, unless the sampling is exempt under s. NR 712.11 (2):

(a) A graduate of a vocational or technical school with course work in science or engineering who has 40 hours of supervised field experience; or

(b) Any other person who has all of the following:

1. 40 hours of training in collecting, preserving, filtering and transporting environmental samples and decontaminating sampling equipment that meets the requirements of sub. (4) (a).

2. 80 hours of supervised field experience that meets the requirements of sub. (4) (a).

3. A letter or certificate that meets the requirements of sub. (4) (b).

(4) **TRAINING AND EXPERIENCE.** (a) Training and supervised field experience required by subs. (2) and (3) shall include sampling methods for all media that a person is expected to sample in the course of his or her employment.

(b) A letter or certificate documenting the supervised field experience and training shall be signed and dated by the person conducting the training. The person conducting the training must meet the qualifications specified in sub. (2). The letter or certificate shall be kept on file with the employer. Documentation of supervised field experience and training shall be provided to the department upon request.

(5) **SOIL BORING LOGS.** (a) The written descriptions of soil and rock on soil boring logs shall be prepared by a graduate of an accredited institution of higher education with a major in an appropriate science or engineering specialty. This person shall have acquired, through education and actual field experience, the ability to direct the drilling of borings, classify geologic samples and evaluate and interpret geologic and hydrogeologic data. The following academic disciplines are considered appropriate science specialties for preparers of soil boring logs: earth sciences, geochemistry, geology, geophysics, hydrogeology and soil science. The following engineering majors are

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considered appropriate engineering specialties for preparers of soil boring logs: environmental, civil, geological, geotechnical, mining, mineral, petroleum, agricultural and geophysical.

(b) The logs shall be developed in accordance with the requirements of ch. NR 141 and shall be signed by the person that developed the written description in the boring logs of the soil and rock.

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NR 712.07 Requirements for submittal preparation. (1) Submittals that are prepared to satisfy the requirements of s. NR 708.11 (4) or 708.13 or chs. NR 716 to 726, which require the performance of engineering services or scientific evaluations, shall be prepared by or under the supervision of a professional engineer, hydrogeologist or scientist, except as provided in s. NR 712.11. All phases of work necessary to obtain data, develop conclusions, recommendations and prepare submittals shall be conducted or supervised by the professional engineer, hydrogeologist or scientist.

(2) Submittals prepared to satisfy the requirements of ch. NR 724 or s. NR 708.11 (4), including free product removal conducted in accordance with s. NR 708.13, for response actions taken to address groundwater contamination shall be jointly prepared by, or under the supervision of, a professional engineer and a hydrogeologist.

(3) Submittals prepared to satisfy the requirements of ch. NR 724 or s. NR 708.11 (4) for response actions that address any media other than groundwater shall be prepared by, or under the supervision of, a professional engineer.

Note: This chapter is not intended to authorize the practice of professional engineering in violation of ch. 443, Stats.

(4) Hydrogeologists shall prepare or supervise the preparation of submittals involving the assessment of groundwater conditions at a site or facility, when prepared to satisfy the requirements of ch. NR 716.

(5) Submittals addressing any media other than groundwater, which are prepared to satisfy the requirements of ch. NR 716 or 720, shall be prepared by or under the supervision of a professional engineer, a hydrogeologist or a scientist.

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NR 712.09 Submittal certification. (1) Submittals prepared by, or under the supervision of, a professional engineer, a hydrogeologist or a scientist shall be dated and certified by the professional engineer, hydrogeologist or scientist using the appropriate certification set forth in sub. (3). The responsibility for signing the certification may not be delegated to others.

(2) The act of signing the certification means that the professional engineer, hydrogeologist or scientist certifies that, to the best of her or his knowledge, all information contained in the submittal is correct and the submittal was prepared in accordance with all of the applicable requirements of chs. NR 708 to 726. Conclusions and recommendations in the submittal shall represent the certifier's best professional opinions and judgments.