

3, *Comment* – Firstly, we commend the WI DNR and others who worked on the proposed changes to the NR 700 rules. This was undoubtedly a significant amount of work, especially during a time when the DNR’s staff and resources are stretched and limited.

We think there are several improvements proposed in the rules that will help better protect Wisconsin’s citizens and environment. However, we focus our comments on a few key areas in which we think the rules are lacking, need revisions, and/or need clarification.

The Midwest Environmental Justice Organizations (MEJO) core mission is to identify and address disparate effects of toxins and other pollution on the most vulnerable in our society (pregnant women, children, elderly, already ill), minorities, and low-income people. We work to engage these groups in understanding how pollution affects them, to reduce/avoid their exposure and sources of pollution, and to build their capacities to engage collectively in public and political decision making about these issues.

We hope that the Wisconsin DNR can be a national leader in making environmental justice a priority in its environmental policies. To this end, the department should incorporate environmental justice approaches of federal agencies and mandated by Presidential Executive Order 12898, which states that: “To the greatest degree practicable and permitted by law...each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States...” (Clinton, 1994). Further, given that some contaminated facilities (or portions of facilities) in Wisconsin fall under federal laws, it is very appropriate that Wisconsin DNR also make environmental justice part of its core mission and incorporate environmental justice into all its policies.

The main two areas in which we see gaps or problems throughout the NR 700 rules are: (1) lack of attention to requirements for characterizing, managing, remediating contaminated sites that will help identify and address effects of toxic substances on the most vulnerable people, minorities and low-income people; and (2) vague public notification and engagement requirements that lack authority and do not prioritize communication with the most vulnerable, minorities, and low-income people. To some extent the lack of attention to these issues in the proposed NR 700 changes is likely due to the fact that the external advisory group that helped the DNR develop these changes only included one environmental organization with the majority of the others being industry/legal representatives (and 10 government representatives). (Source: Midwest Environmental Justice Organization)

Response – The Department has worked closely with EPA and local communities on environmental justice issues over the years. For example, the Department was very much involved when in 2005, then Governor Jim Doyle announced his Urban Reinvestment Initiative, which set as a state priority the cleanup of urban neighborhoods in economically and environmentally distressed areas. One of Governor Doyle’s first targeted areas was the 30th Street Industrial Corridor in Milwaukee, where neighborhood unemployment was at 19 percent and at least 15 percent of the housing units were vacant. Approximately 34 percent of the

population in this area were living in poverty, and 97 percent of residents were considered minority.

The DNR, along with the city of Milwaukee and the 30th Street Industrial Corridor Corporation (ICC), applied for and received \$400,000 in EPA Brownfield Assessment Grants. One \$200,000 grant addressed hazardous substance contamination, while the other \$200,000 grant addressed petroleum contamination. Then in 2007, DNR applied for an additional \$400,000 in EPA Brownfield Assessment Grants, with one \$200,000 grant again addressing hazardous substances and the other \$200,000 grant addressing petroleum contamination. The major goal of this effort was to address contamination associated with the long history of industrial use in this area.

Since that time, significant progress has been made at several major contamination sites in this area and work continues to complete the necessary cleanup work and move the properties toward redevelopment. This is just one example of the efforts the Department has made to address environmental justice related issues.

Regarding the comment that the NR 700 external advisory committee only included 1 environmental organization, we would point out that the NR 700 meeting announcements are sent to everyone on both our Technical Focus Group and Brownfields Study Group e-mail distribution lists which include multiple environmental groups. There has been no attempt on our part to limit the participation of any group or individual that was interested in attending the meetings.

Finally, the Department does not agree that the rules should require prioritized communication with certain individuals. It would be extremely difficult to establish definitions for each of the various groups or individuals. Instead, we believe the current provision that requires all interested members of the public to be included is more appropriate and easier to implement.

IV. NR700 – General Requirements

I. Comment – We strongly oppose the change from a 1-in-1,000,000 excess cancer risk to a 1-in-100,000 excess cancer risk. Wisconsin should, in line with other states (e.g. California), require the most protective vapor intrusion health standards possible in order to provide the most protection for vulnerable groups such as children, elderly, pregnant women, and ill.

We strongly recommend that the cumulative excess cancer risk and hazard indices for exposure to chemical mixtures be at least more protective than for individual contaminants, or 1-in-10,000,000 excess cancer risk, in order to account for uncertainties about effects of individual chemicals in the mix, synergistic effects of mixtures, and to provide a protection factor for extremely potent endocrine disruptors and other highly toxic chemicals that might be in the mixture.

Please explain the rationale for the change to a less protective excess cancer risk level. Also, please clarify the following: Do the excess cancer risk and the hazard index levels described here (as proposed changes) refer to individual compounds (one at a time) or mixtures? Are exposures considered additively or synergistically? Most vapor situations involve more than one chemical

together (often several that are known or possible carcinogens and/or associated with other significant non-carcinogenic health effects, and unknown compounds). Consequently, the language here and throughout the NR 700 rules should clarify these critical specifics. (Source: Midwest Environmental Justice Organization)

Response – The Department does not believe that a 1-in-1,000,000 excess cancer risk level for vapors in indoor air is necessary for several reasons. EPA issued a document titled “Background Indoor Air Concentrations of Volatile Organic Compounds in North American Residences (1990–2005): A Compilation of Statistics for Assessing Vapor Intrusion”¹ in June 2011. The following table compares the range of the 90th percentile concentrations found in background air in homes for 3 common VOCs involved in vapor intrusion, with:

- The current indoor air screening values used by DNR to indicate vapor intrusion may present a health risk, and
- The 1-in-1,000,000 (10^{-6}) and 1-in-10,000,000 (10^{-7}) life-time cancer risk from EPA’s Regional Risk Tables

Compound	Range of 90 th Percentile concentration ($\mu\text{g}/\text{m}^3$)	WI Indoor Air Vapor Action Level* ($\mu\text{g}/\text{m}^3$)	Life-time cancer risk = 10^{-6} , from EPA’s RSL tables ($\mu\text{g}/\text{m}^3$)	Life-time cancer risk = 10^{-7} , from EPA’s RSL tables ($\mu\text{g}/\text{m}^3$)
Benzene	5.2 - 15	3.1 (c)	0.31	0.031
Tetrachloroethylene	<RL - 7	42 (n)	9.4	0.94
Trichloroethylene	<RL – 2.1	2.1 (n)	0.43	0.043

RL = reporting limit

*Based on either a 10^{-5} life-time cancer risk (c) or an HI=1 (n).

From EPA’s Background Indoor Air document:

“Indoor air typically contains chemicals from consumer products, building materials, and outdoor (ambient) air. Any indoor air sample collected for site-specific assessment of subsurface vapor intrusion is likely to detect chemicals from these other sources, and in many cases, the compounds detected in indoor air may be the same as those present in contaminated soil or groundwater that may enter the building through vapor intrusion.”

The range of the 90th percentile concentration was compiled by U.S. EPA from 18 residential indoor air quality studies conducted between 1990 and 2006. The 90th percentile concentration is the concentration due to background substances at 1 in 10 American homes WITHOUT the contribution of vapor intrusion. These are concentrations we can normally expect due to the typical American lifestyle. Wisconsin has chosen to use the lesser of 1-in-100,000 (10^{-5}) life time cancer risk or a hazard index = 1 (for non-carcinogenic properties) as the indoor air screening level for several reasons:

1. These levels are more likely to identify risk due to vapor intrusion rather than background sources in the average home. Even so, some chemicals, such as benzene, can be expected to exceed the 10^{-5} life time cancer risk in the average home with no contribution from vapor intrusion.

¹ <http://www.epa.gov/oswer/vaporintrusion/documents/oswer-vapor-intrusion-background-Report-062411.pdf>

2. The very low indoor air concentrations represented by 10^{-7} and 10^{-6} risk levels are below the standard laboratory quantitation levels. Laboratory quantitation levels are usually in the 1.5 to 2 $\mu\text{g}/\text{m}^3$ range. The very low risk ranges cannot easily be quantified and are “lost” in the background levels found in the average home.
3. U.S. EPA recommends a risk range between 10^{-6} and 10^{-4} life time cancer risk. Most states are selecting 10^{-5} life time cancer risk as a reasonable compromise that takes into consideration background levels of vapor while also being protective of the vapor intrusion pathway.
4. U.S. EPA requires mitigation of the vapor pathway when indoor air concentrations exceed 10^{-4} life time cancer risk or a HI=3. Wisconsin recommends mitigation when indoor air levels exceed the 10^{-5} life time cancer risk levels or a HI=1. In addition, Wisconsin takes a much more conservative approach and recommends that action be taken when sub-slab vapor concentrations exceed screening levels, even if indoor air levels are below screening levels.

As a final note, most vapor situations are limited to a single compound. If a situation arises where multiple contaminants from a hazardous substance discharge are present, the Department has the authority to require Responsible Parties to assess the additive affects.

VI. NR714 – Public Participation and Notification

1. Comment – We suggest that the DNR incorporate requirements in this chapter in line with Federal Executive Order 12898 on Environmental Justice, which requires that: “Each Federal agency may, whenever practicable and appropriate, translate crucial public documents, notices, and hearings relating to human health or the environment for limited English speaking populations. Each Federal agency shall work to ensure that public documents, notices, and hearings relating to human health or the environment are concise, understandable, and readily accessible to the public.” Adding to this we recommend that outreach and engagement events include people from all racial/ethnic backgrounds near contaminated sites that might be affected by the contamination. (Source: Midwest Environmental Justice Organization)

Response – The existing rules do not prohibit the Department’s ability to address any issues with respect to Environmental Justice, including providing outreach to all racial/ethnic backgrounds that may be affected by contaminated property. Over the years the Department has attempted to be as inclusive as possible and has prepared warning signs and fact sheets in both Hmong and Spanish. Given the flexibility in the existing rules, the Department does not feel that additional rule language is necessary in order to implement these efforts.

2. Comment – In this light, the NR 714 chapter on public participation and notifications should require that Responsible Parties and/or the DNR prioritize communications and engagement with the most vulnerable people as well as minorities and low-income people near contaminated sites. This would, in turn, be facilitated by first identifying who and where these groups are in other chapters in the NR 716 requirements (see next comment). Further, minorities and/or non-English speakers or people from non-American cultural backgrounds who might be affected by

contamination should be identified and appropriate communications developed for them (if identified near site). (Source: Midwest Environmental Justice Organization)

Response – The existing rules provide equal standing for all individuals. The Department does not agree that changing the rules to require prioritized communication with certain individuals is necessary to ensure all interested members of the public are identified. As discussed in the previous response, the Department has utilized various methods for informing non-English speaking individuals of potential issues associated with contaminated property.

3. *Comment* – The NR 714 chapter appears to require no meaningful mechanisms for on-going DNR engagement with the public or requirements that the DNR or Responsible Parties respond to citizens' questions and/or comments related to contaminated sites. The entire NR 714 chapter lacks any authority overall and we suspect it is widely ignored (and we have seen many contaminated site situations in which it is). Communication/notification actions outlined appear to be totally optional and/or voluntary and most are, problematically, based on the Responsible Parties discretion. (Source: Midwest Environmental Justice Organization)

Response – NR 714 provides the Department with significant authority to require or conduct whatever public participation is necessary for the particular site including on-going engagement with interested individuals. This allows the Department to tailor the level of public participation based on the needs of the individuals associated with the site in question. The Department strongly disagrees with the assertions that NR 714 is widely ignored and that communication/notification are totally optional, based on our experience with the thousands of cleanups that have taken place since the rule was originally promulgated in 1994.

4. *Comment* – Specifics in various sections are vague and lacking clarity about important requirements and criteria for decision making about when/how/what/with whom to communicate. This is very problematic, as communication and engagement with the public, especially those most vulnerable, is extremely important aspect of protecting public and environmental health. We recommend that this chapter have the same level of specificity as other chapters in the NR 700 rule series. (Source: Midwest Environmental Justice Organization)

Response – NR 714 covers the most basic spill situations to the to the most complex contamination cases. As discussed above, the rule provides the Department with the flexibility to deal with each situation on a case-by-case basis. Additional specificity is not necessary to determine how best to communicate with interested parties.

5. *Comment* – Are any public meetings about contaminated sites required by statute? Shouldn't they be in at least some circumstances? (Source: Midwest Environmental Justice Organization)

Response – No public meetings for cleanup of contaminated properties are currently required. It would be the responsibility of the Legislature to determine if the state statutes should be modified to add this provision.

6. *Comment* – Public notices about remedial actions should also be mailed to people, including all property owners and facilities near the remediation (schools, daycares, churches, retirement homes, etc.), especially in cases in which the remedial action could involve exposure to vulnerable groups to contaminated media from the remediation (e.g. emissions of toxic chemicals in air, piles of contaminated soil). (Source: Midwest Environmental Justice Organization)

Response – The Department provides public notices to interested parties, businesses, commercial properties and others that are near the contaminated property. NR 714.05(5) also specifies that interested parties may request that the Department keep them informed of response actions being taken at the site and maintains a list of persons interested in activities associated with the site.

7. *Comment* – All documents submitted or transmitted to the department should be made available to the public online. (Source: Midwest Environmental Justice Organization)

Response – The Department currently posts certain documents (in particular case closure information) online. While discussions have taken place on including additional documents on our web page, we currently do not have the resources to make all documents for all sites available online.

8. *Comment* – The language in s. NR 714.05(4) should be changed from “may hold a public meeting” to “shall hold a public meeting”. The public is often unaware of serious problems (such as harmful toxin levels that are invisible to them), and therefore not demonstrate “sufficient public interest.” Project managers have entirely too much discretion in implementing the NR 700 series rules. The public interest is not served when the project managers limit the transparency of the process and departmental action. (Source: Midwest Environmental Justice Organization)

Response –The Department’s experience is that requiring a public meeting for every site is not necessary nor a good use of resources. Even the National Contingency Plan, which is the regulations dealing with the Federal Superfund program, does not require a public meeting for every project.

9. *Comment* – We strongly question designating the Responsible Party as being responsible for evaluating the need for public participation and notification activities and for conducting these activities. Clearly, Responsible Parties are not neutral parties and have reasons to be biased towards minimizing risks and/or not sharing important information about the contamination associated with their activities. As private, rather than public entities, Responsible Parties are not accountable to citizens and political processes and representatives (as government agencies are). DNR is relinquishing its duty to serve and protect citizens to “Responsible Parties”, whose only obligations are to its shareholders. (Source: Midwest Environmental Justice Organization)

Response – The Department takes exception with most of this comment. First, Responsible Parties are not solely responsible for evaluating the need for public participation. In fact, the rules specifically allow the Department to implement various types of public participation when

necessary. Second, the Department does not believe we have relinquished our duty, and in fact takes the issues of outreach and public participation very seriously.

10. Comment – Based on extensive published risk perception and citizen engagement research, as well as decades of community experience, we know it is unlikely that the public is going to trust the Responsible Parties information and motives, especially when they are the ones responsible for the contamination. Consequently, the public participation will be very constrained and of limited value in meaningfully communicating risks and engaging people in discussions and decision making about the contaminant issue at hand. (Source: Midwest Environmental Justice Organization)

Response – Based on nearly 20 years of experience with NR 714, the Department strongly disagrees that the public participation element will be constrained and of limited value.

11. Comment – While many people also have a considerable amount of distrust for government agencies, government staff are more likely to be trusted to share accurate information about contamination and related risks than the companies or other private entities responsible for causing and/or managing the contamination. Given this, we recommend that section NR 714.07 be re-written to require that the department (when appropriate in collaboration with other government agencies – e. g. health agencies) be responsible for public participation and notification activities (Responsible Parties can also be included in these activities when appropriate). (Source: Midwest Environmental Justice Organization)

Response – In the vast majority of situations, Responsible Parties have been able to adequately implement the necessary public participation activities. When Department involvement is necessary, the rule allows for this to occur and therefore the Department does not feel that any modifications to NR 714.07 are necessary.

12. Comment – The language in NR 714.07 needs to be clarified. Based on what and whose criteria are the Responsible Parties or others held responsible for public participation/notification expected to evaluate whether public participation and notification are necessary, what level notification/participation should occur, when, and who should be notified/engaged? Which of the following criteria are most important in certain circumstances? Who decides? For example, if there are known threats to public health (recognized by DNR and/or public health agencies), but little or no public concern about these threats because people aren't aware of them, does this mean the Responsible Party can decide that public notification and participation activities are not necessary? We have seen cases in which this is what appears to have happened. We have also seen cases in which there is significant public concern about health threats (e.g. 100s of people at meetings, sending complaints) and yet the Responsible Parties and the agencies downplay the threats and therefore no public notification or participation occurs.

Please clarify the language in section 714.07(1) and provide specific criteria and details about what is required by whom, when, and what/whose guidelines for decisions they will follow. (Source: Midwest Environmental Justice Organization)

Response – The Department believes that the language in NR 714.07(1) is clear and is not in need of revision. As stated previously, the scope of the public participation effort is case specific and tailored to the particular situation. The Department is aware of no situations where there has been significant public concern about health threats but the appropriate state agencies have downplayed the situation and ultimately no public participation occurred.

13. Comment – Again, on what and whose criteria are determinations about “known or potential threats to public health, safety, or welfare or the environment” based? This is a very broad statement – it includes public health environmental health, safety. Are assessments of whether there are known or potential threats to these entities based on the Responsible Parties criteria? DNR criteria? EPA criteria? Public health agency criteria? Health experts? Please clarify.

Such generalizations and lack of specific criteria give project managers wide discretion in areas such as public health where they have no expertise. We recommend that assessments of health threats be based on EPA health criteria and standards (which requires someone to make decisions who is aware of and has expertise on these standards). (Source: Midwest Environmental Justice Organization)

Response- The language in NR 714.07(1)(a) has been in the rule since this chapter was originally promulgated in 1994. In general, it requires the Responsible Party to evaluate, in conjunction with the other criteria in this section, how to best to involve the public. Each decision is evaluated on a case specific basis and the Department always retains the ability to require the Responsible Party to take on additional actions or to implement the necessary public participation.

14. Comment – Again, on what and whose criteria are determinations about “level of public concern about a specific site, facility or discharge” made? Please clarify. Again, complete discretion amounts to the ability to do nothing, to not notify the public, and say that the public interest is being served (which is erroneous). (Source: Midwest Environmental Justice Organization)

Response – The language in NR 714.07(1)(b) has been in the rule since this chapter was originally promulgated in 1994. Many of the sites that require cleanup due to a discharge of a hazardous substance are dealt with quickly in order to ensure the contamination is contained to the greatest degree possible. Staff and managers in the Remediation and Redevelopment Program frequently discuss the level of appropriate public involvement in order to ensure the necessary information is disseminated.

15. Comment – What does the provision in NR 714.07(1)(c) mean? (Source: Midwest Environmental Justice Organization)

Response – Responsible Parties are required to evaluate the need for and the level of public participation and notification. Section NR 714.07(1)(c) states that: “The need to contact the public in order to gather information about the response action, including immediate or interim actions.” This particular provision requires that the Responsible Party consider how the response

action being implemented affects or potentially affects the public and then obtain input and feedback on how they feel the remedy is progressing.

16. Comment – Again, as discussed above, criteria for determining whether or not public notification is necessary at a site or facility, as set forth in NR 714.07 (2), needs to be clarified. All information should include appropriate translation for non-English speaking groups near the contaminated site. (Source: Midwest Environmental Justice Organization)

Response – The Department has been translating signs, fact sheets and other related information into the necessary languages for non-English speaking individuals since shortly after these rules were promulgated. In addition, the current rule language provides the Department with the authority to direct Responsible Parties to undertake the work that is necessary for the particular situation.

17. Comment – The provisions in NR 714.07(2)(a) should require that notification include information about potential health risks of contaminants, especially to more vulnerable groups (pregnant women, children, etc.), ways vulnerable people can reduce/avoid exposures, specifics about where the contamination is on the site in relation to at-risk and vulnerable groups. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel that the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information. In situations where exposure to specific contaminants is identified, the Department works with the State Division of Health in order to ensure the people are aware about the potential risks.

18. Comment – The provisions in NR 714.07(2)(b) should be expanded to include how the response actions might affect identified most at risk and vulnerable groups near contamination. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel that the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

19. Comment – Again, based on what and whose criteria are decisions made about if/when public notification is necessary, and which members of the public should be notified? What are the criteria for when the notices should occur? On what and whose criteria are decisions made which members of the public are directly or indirectly affected by the discharge of a hazardous substance and the implementation and operation of any proposal or remedial action? Are any of the notification methods listed in NR 714.07(3)(a) to (j) considered sufficient, or some combination of them, or all of them? Who decides which one(s) is/are most appropriate and when they should happen? Please clarify.

Also, as above, we question and oppose the designation of the Responsible Party as responsible for public notification for the reasons we stated above. We think the department, as a public entity legally and politically accountable to citizens and political representatives, should be

completely responsible for these critical risk communication activities. Also, all the language about notification should be changed from “may” to “shall”.

Further, most importantly, all kinds of notifications should prioritize communications with those most at-risk and vulnerable, including non-English translation when appropriate (as specified below).

The language in NR 714.07(3) should be modified to require that the department undertake any of the activities specified by paragraphs (a) to (j).

Options (a) to (d), (f), (g), (h) and (j) under NR 714.07(3) should be modified to add the phrase “including non-English translation (when non-English speakers have been identified in the vicinity of the contaminated site) or separate language should be added to specify this for these items. (Source: Midwest Environmental Justice Organization)

Response – NR 714.07(3)(a) to (j) identifies a number of options that can be used to provide notification to the public of a hazardous substance discharge as well as the proposed remedial action. The purpose of the rule in general and this section in particular is to provide flexibility so the most appropriate method(s) are utilized. After 18 years of implementing these provisions, our experience is that Responsible Parties tend to do a good job with the public notification and participation process. Ultimately, the staff and managers in the Remediation and Redevelopment Program are responsible for ensuring the necessary public notification and participation are carried out. However, requiring Responsible Parties to utilize every option in every situation and requiring Department approval of the prepared materials in every situation is not a good use of limited resources.

20. Comment – Add paragraph (k) to NR 714.07(3) requiring contacting neighborhood associations and other groups in the community near the contaminated site to let them know about the circumstances and inviting them to participate in meetings and other events related to the contamination. (Source: Midwest Environmental Justice Organization)

Response – The rule language contained in NR 714.07(3) is broad enough to cover neighborhood associations or other community groups near the contaminated site. Specifically, NR 714.07(3)(j) indicates “Using any other appropriate mechanism to contact and inform the public.....” As a result, the Department does not feel that the additional language is necessary.

21. Comment – Add language to NR 714.07(4) specifying that the posting of signs...”include non-English translation (when non-English speakers have been identified in the vicinity of the contaminated site.....” (Source: Midwest Environmental Justice Organization)

Response – The proposed change is not necessary as the Department has utilized non-English translation on signs since the rules became effective in 1994.

22. Comment – Add paragraph (e) to NR 714.07(4) that specifies: “Non-English translation should be provided in situations where non-English speaking people live, work, or play in the vicinity of the contaminated site. (Source: Midwest Environmental Justice Organization)

Response – The proposed addition to the rule is not necessary as the Department has utilized non-English translation of numerous documents since the rules became effective in 1994.

VII. NR 716 – Site Investigations

1. *Comment* – If the purpose of this chapter is to characterize a site in order to (in part) understand what human, biological, and environmental receptors are at risk, and therefore what actions are necessary to prevent and/or mitigate risks in order to comply with applicable environmental laws, it should require the identification of the numbers, characteristics, and locations of the people who are most vulnerable or at risk (children, elderly, ill, minorities, poor). This information, in turn, would assist Responsible Parties, the department, and others in notifying, communicating, and engaging with the most vulnerable people in following NR 714 requirements. (Source: Midwest Environmental Justice Organization)

Response – The purpose of NR 716 is to ensure that site investigations provide the information necessary to define the nature, degree and extent of contamination, define the source or sources of contamination, determine whether any interim actions, remedial actions, or both are necessary and allow an interim or remedial action option to be selected that complies with environmental laws. The assessment of environmental risks are addressed when determining soil cleanup standards and as part of the remedy selection process. The Department feels that all potential receptors need to be identified rather than focusing on certain groups of individuals.

2. *Comment* - Add the following paragraph to NR 714.07: “Locations near within 0.5 mile of site where vulnerable people (pregnant women, children, elderly, ill), minorities and low-income live; locations of buildings where more vulnerable people, minorities, low-income people live, go to school, work, and/or play near site (schools, daycares, community centers, retirement homes, etc.); approximately how many people in these groups are in these locations. (Source: Midwest Environmental Justice Organization)

Response - The Department does not feel that the rule should be revised to give priority to specific groups. In addition, defining who would be considered a vulnerable individual would be difficult and potentially open to criticism. Instead, the focus should be on providing all interested parties with the necessary information.

3. *Comment* – Expand the language in NR 716.07(7) to include “vulnerable people (pregnant women, children, elderly, ill), minorities and low-income”. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

4. *Comment* – Add the following provision following paragraph (10) in NR 716.07: “Potential impacts of interim and/or remedial actions on vulnerable people, minorities, low-income people near site. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

5. *Comment* – Section NR 716.09(2) should require a description of how locations, numbers, and characteristics of most vulnerable groups will be identified, as well as the potential pathways of exposures to these groups to contaminants at the site (based on information above). (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

6. *Comment* – Add paragraph (e) to NR 716.11(3) requiring that enough information be provided to identify most at-risk and vulnerable groups to contaminants released from the site. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

7. *Comment* – Expand the provisions in NR 716.11(5)(b) to include the most at-risk and vulnerable people, minorities, low-income people near the site. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

8. *Comment* – We strongly agree with the additions to NR 716.11 related to vapor intrusion. Would suggest adding, as above, prioritizing sub-slab and indoor vapor monitoring in buildings where the most vulnerable people, minorities, and low-income people live, work, and play. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

9. *Comment* – The methods of investigation section in NR 716.15(2)(e) should include description of methods for identifying where vulnerable people, minorities, and low-income people are living, working, playing, and/or going to school and how they might be exposed to contamination from site. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.

10. Comment – NR 716.15(3) regarding results should be expanded to include a map of locations where vulnerable people, minorities, and low-income people are living, working, playing, and/or going to school and may be (or have been) affected by currently or past contamination, releases, accidents, etc. (Source: Midwest Environmental Justice Organization)

Response – The Department does not feel the rule should be revised to give priority to specific groups. Instead, the focus should be on providing all interested parties with the necessary information.