

Contaminated Sediment External Advisory Group (CSEAG) July 9, 2015 Meeting

External Advisory Group Members in Attendance:

Bob Bingen, Tom Chapman (via phone), Karen Dettmer, Frank Dombrowski, Paul Kent, Lynn Morgan, Laurie Parsons, Kari Rabideau, Jim Rose and Mark Thimke

Guests in Attendance:

D.J. Burns (Drake), Kristin Kurzka (Sigma), Bob Pearson (DOT), Shar TeBeest (DOT) and Vanessa (Stafford Rosenbaum)

Department of Natural Resources (DNR) Staff in Attendance:

Margaret Brunette, Jerry Demers (via phone), Kristin DuFresne, Judy Fassbender, Darsi Foss, Steve Galarneau, Jim Killian, Gena Larson, John Morris, Pam Mylotta, Lis Olson, John Robinson and Jim Zellmer

Draft Guidance Document: Sediment Sampling and Analysis for Dredging Permit Application and Approval Guidance

- Presentation by Jim Killian, DNR – Office of the Great Lakes



- Comments provided during the meeting were for discussion purposes only. Meeting attendees were encouraged to provide written comments by July 24, 2015 through the [formal public comment process](#).
- The DNR will review the written comments shortly after the public comment period ends. As appropriate, modifications will be made to the guidance document. The document may/may not go out again for public comment (i.e. dependent on the type of modifications).
- External members asked where guidance documents that go through the formal public comment process can be found after they have been finalized and put into use. Members are having difficulty finding documents.

Updates and Priority Setting

Clarification of roles and responsibilities of the Water, Remediation & Redevelopment and Waste and Materials Management programs

- The DNR is in the process of drafting a document that clarifies which program has lead project management responsibilities and decision-making authority at sediment clean-up sites. The DNR intends to have a draft document available for the next CSEAG meeting.
- External members of the CSEAG expressed an interest in sharing some case studies with DNR CSEAG members. The purpose of the case studies is to highlight those pieces of the existing sediment clean-up process that worked well and those that did not.
 - Galarneau and/or Robinson will respond to the CSEAG to determine if/when the external members should assemble a sub-group and begin

drafting the case studies. If the sub-group is assembled, the case study information will be available for discussion at the next CSEAG meeting.

Clarification of the applicability of the Spill Law and NR 700 to sediment clean-ups

- The DNR's opinion on this topic is subject to review. The issue is making its way through the review process and will be done soon. The decision will be shared with the CSEAG upon receiving DNR administrative approval.

DNR Integrated Sediments Team (IST)

- The DNR is in the process of re-establishing the IST. The team charter and action plan are being prepared. The IST will work in parallel with the CSEAG.

Logistics for next meeting

The next meeting will be held on September 16th in Room SE 314 of the Lee Sherman Dreyfus State Office Building.

The CSEAG will be meeting on the same day as the Contaminated Materials Management External Advisory Group. Note: The CSEAG portion meeting may be held in the morning rather than in the afternoon.

Action Items

- By July 24, 2015, meeting attendees should provide written comments regarding the draft guidance document titled *Sediment Sampling and Analysis for Dredging Permit Application and Approval Guidance* through the formal public comment process.
- The DNR will find out where guidance documents that go through the formal public comment process can be found after they have been finalized and put into use.
- Galarneau and/or Robinson will respond to the CSEAG regarding the need to assemble a case study sub-group.
- The next Brownfields Study Group (BSG) meeting is scheduled for September 26, 2015. The BSG has requested an update regarding the CSEAG. Galarneau and/or Robinson will respond to Thimke with the name of the DNR person who will be providing a CSEAG update to the BSG.

Adjourn

The meeting adjourned at ~3:30 p.m.

**Guidance: *Sediment Sampling
and Analysis for
Dredging Permit Application
and Approval***

July 9, 2015

State of Wisconsin Department of Natural Resources



Guidance for Applying the Sediment Sampling and Analysis Requirements of Chapter NR 347, Wisconsin Administrative Code

Developed by the Contaminated Sediment Standing Team

Publ. WT-778 2003

December 2003

Wisconsin Department of Natural Resources

P.O. Box 7921

Madison, WI 53707

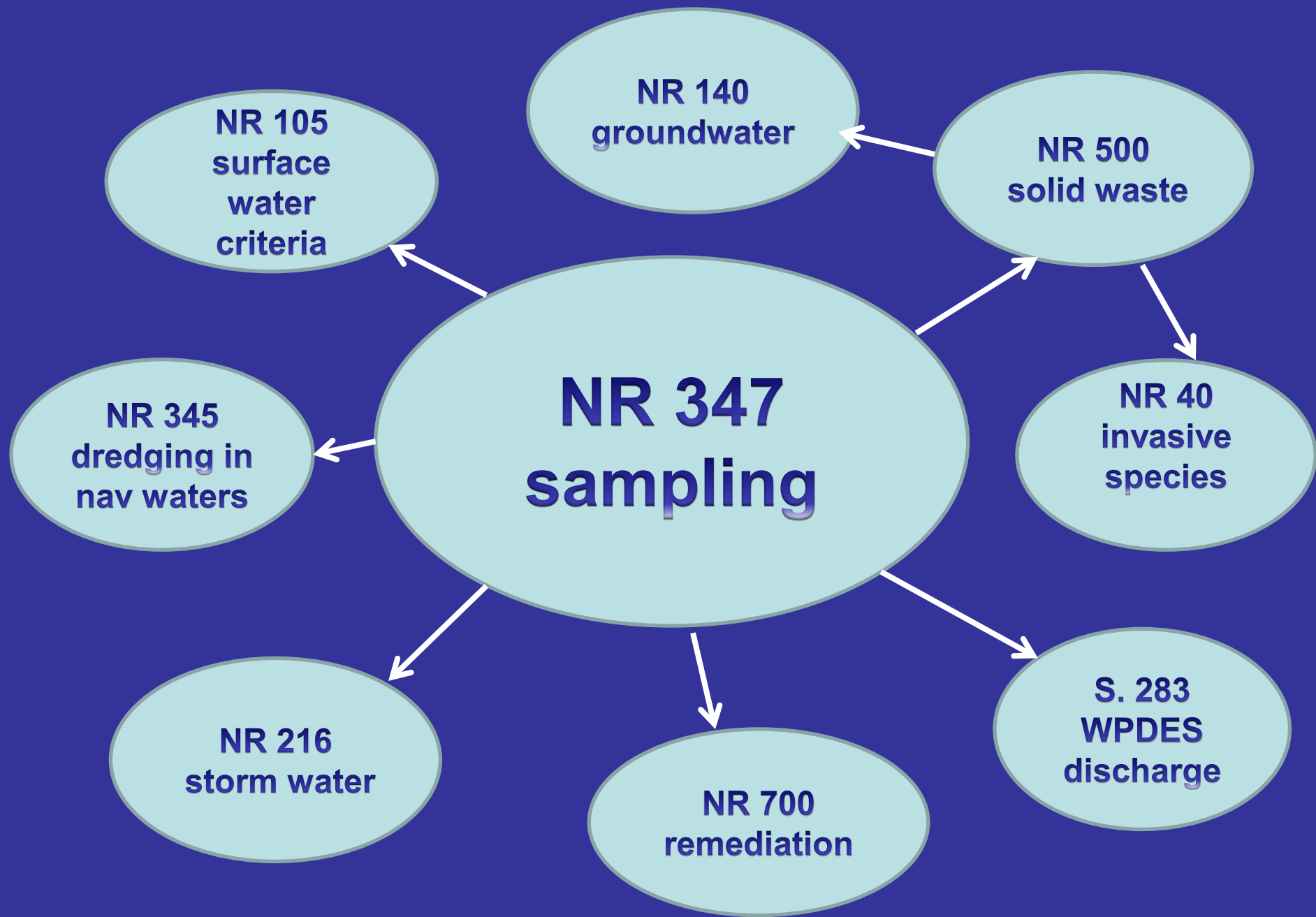
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NR 347

Sediment Sampling and Analysis,
Monitoring Protocol and Disposal Criteria
for Dredging Projects



Reasons for Update

- Statutory Changes
- Programmatic Inconsistencies
- Statewide Changes to WMS Staff and Responsibilities

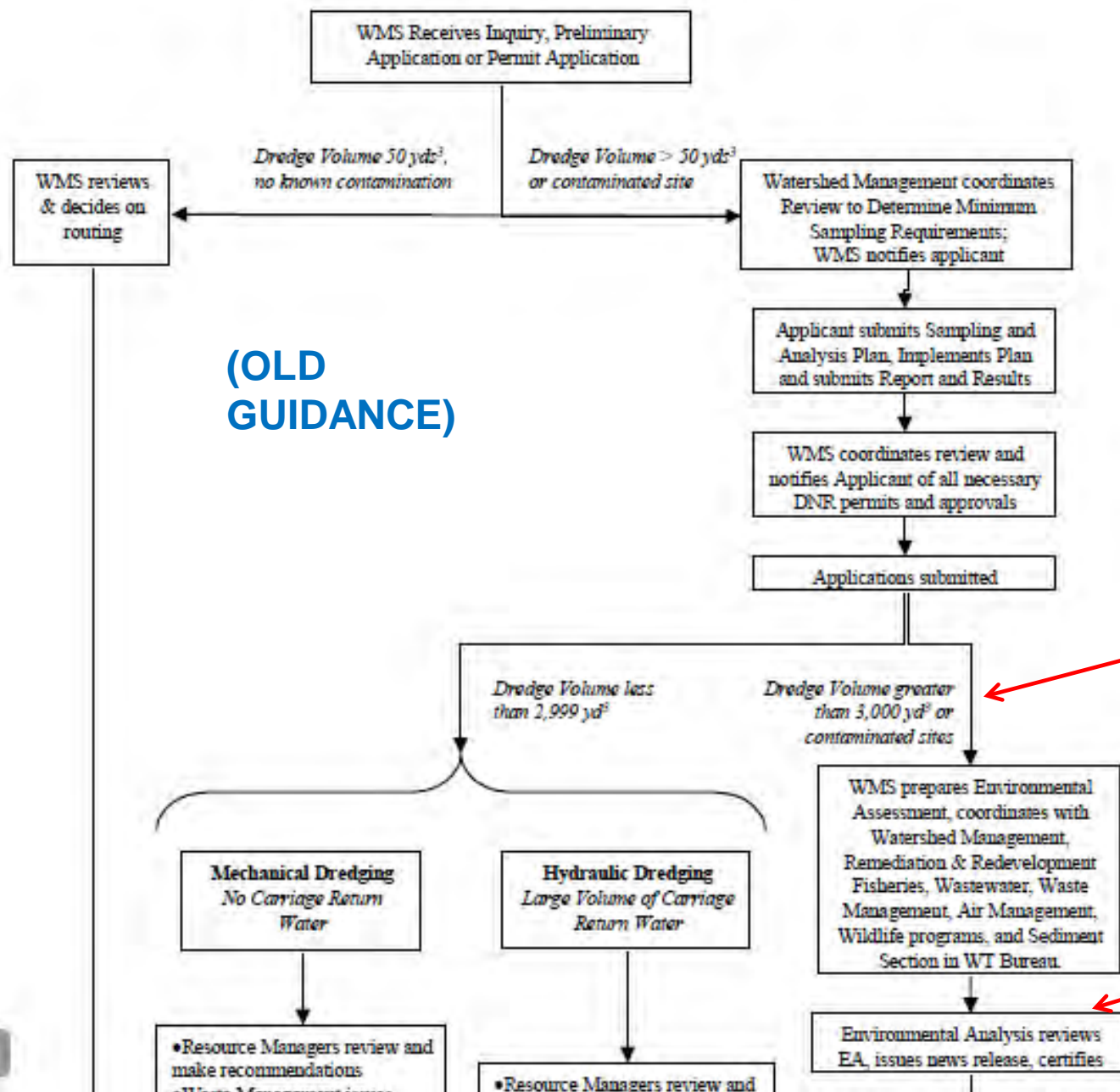
Statutory Changes: Chapter 30

- Presumptive approval for permits
- Can create General Permit without using administrative rule making process
- Allows creation of GP for any activity for which an IP may be issued

Statutory Changes: NR 150

- Sections NR 345.04(2)(e)6, and 345.04(2)(g)2 are repealed in the NR 150 rule package.
3,000 cubic yard requirement (April 1, 2014)
- EA's no longer required for projects covered under GP ("minor actions")
- All Chapter 30 IPs are defined as "equivalent analysis actions." (public involvement and EA decisions relevant to project and WEPA).

Figure 2. Internal Review and Routing for Dredging Projects under NR 347, Adm. Code

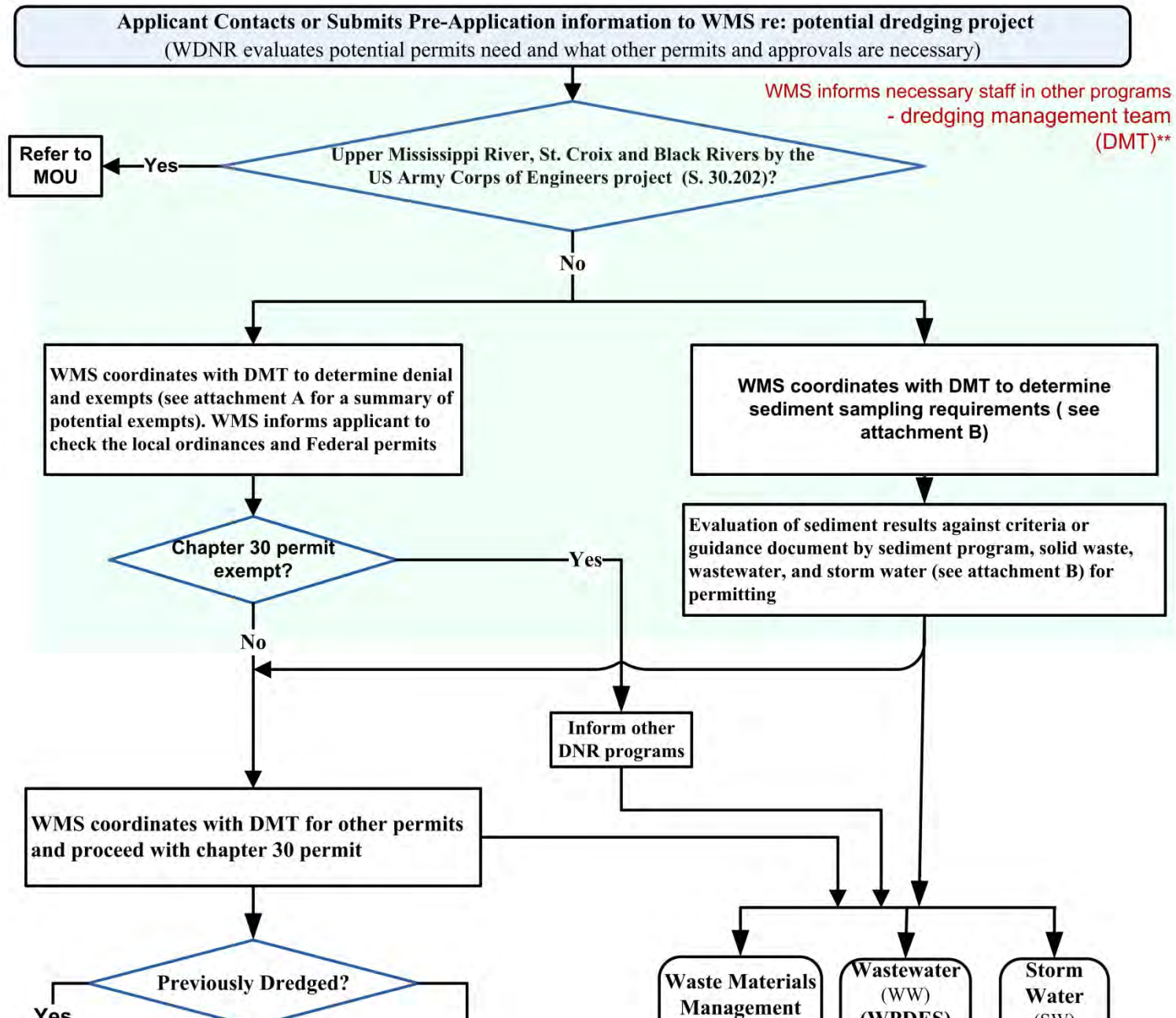


volume
limit

program
coord.

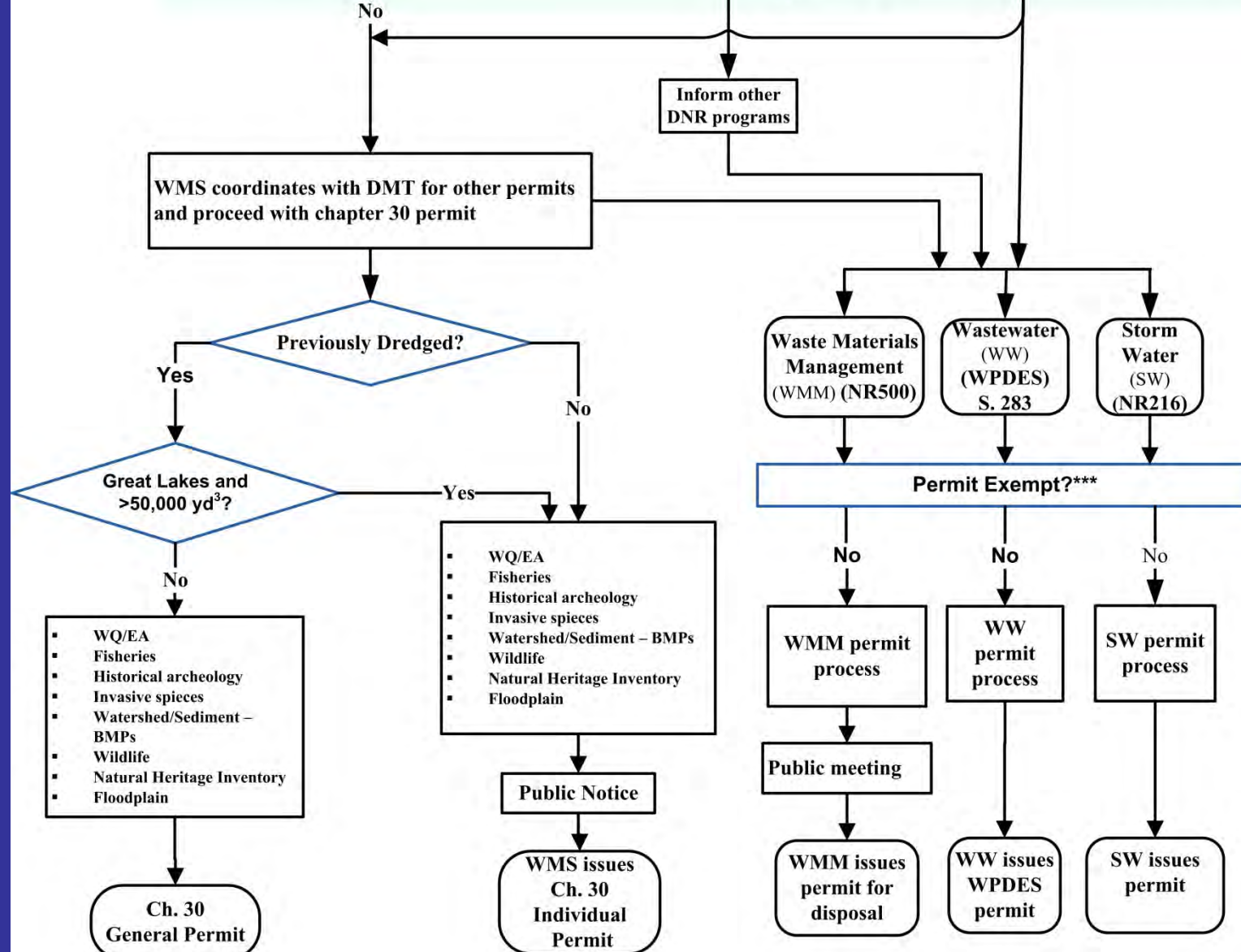
Environ.
Analy.

Figure 2. Internal Review and Routing for Dredging Projects*



**Dredge
Management
Team**

**No EA
requirement
NR 150**

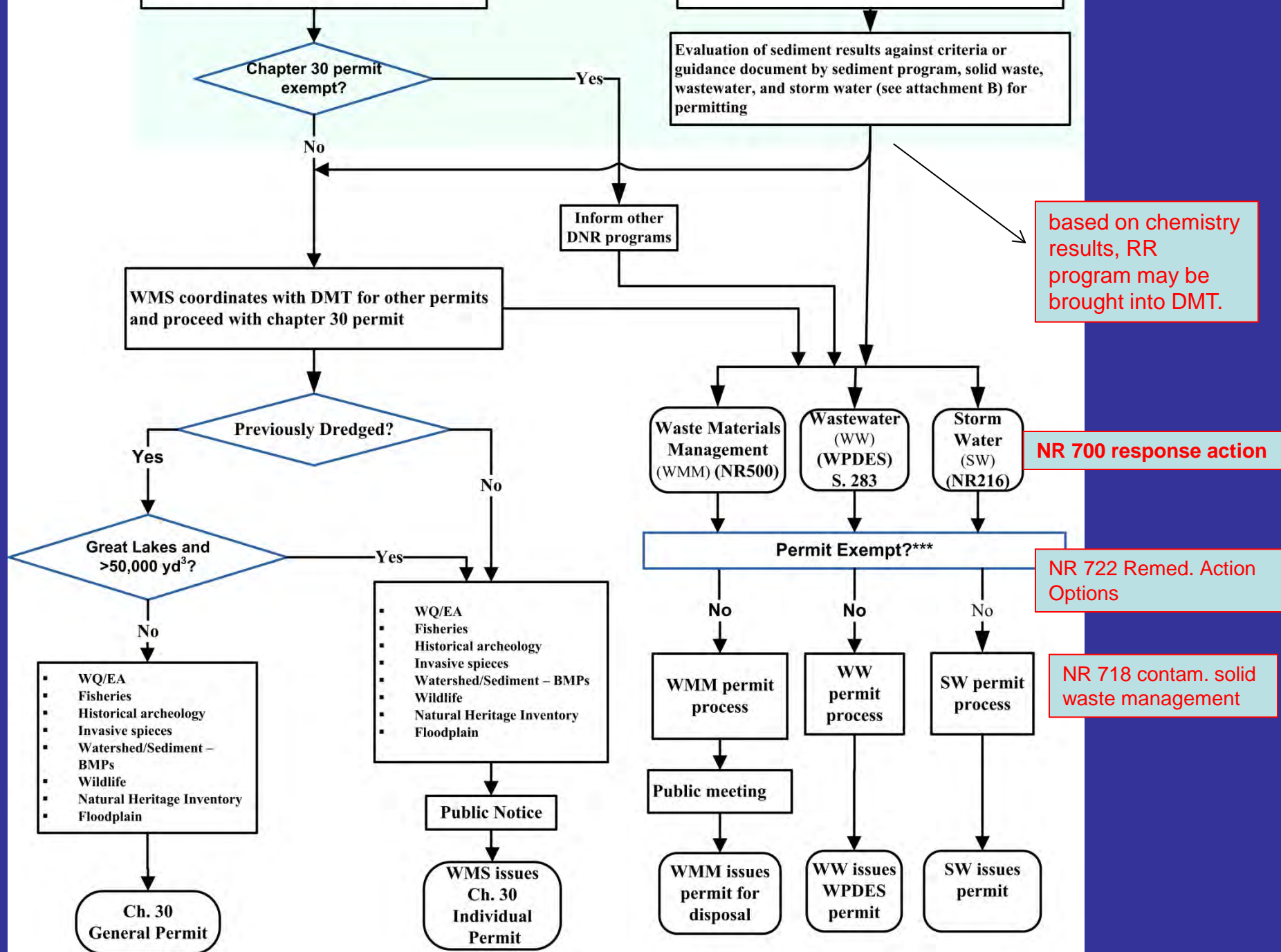


Ch. 30 permitting independent of other programs

Notes: * This flowchart is developed assuming EA is no longer needed under revised NR150 rule. WMS: Water resources management specialist (WMS)

** Coordination between programs are initiated during pre-application phase. A regional dredging management team (DMT) will coordinate the evaluation. The regional DMT primarily includes Waterways, Sediment Management, Waste Materials Management, and Fisheries. Other programs include but are not limited to Water Quality, Wastewater, Storm Water, Dam Safety, Remediation and Redevelopment, Invasive species, Archeology; Flood Plain, and Natural Heritage Inventory

*** If the response to the question is yes, each program will follow the appropriate process to exempt the permit requirement.



based on chemistry results, RR program may be brought into DMT.

NR 700 response action

NR 722 Remed. Action Options

NR 718 contam. solid waste management

Notes: * This flowchart is developed assuming EA is no longer needed under revised NR150 rule. WMS: Water resources management specialist (WMS)

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Justification for Waiver of Sampling or Sample Parameters

The Department may waive sediment sampling if it determines from the review of previous sampling data or other available information under NR 347.05(2), Adm. Code, that sediment contamination is unlikely. (NR 347.06 (3)(a), Adm. Code)

If previous sampling data or other adequate information demonstrates that the possibility of contamination is negligible, analysis for any chemical may be waived in writing by the department. (NR 347.06 (6)(d), Adm. Code)



Qualifying and Documenting Waivers

ITEMS	RESPONSE				
In assessing potential contaminants in sediment and the possible need for and specifics in a sediment sampling plan (sampling locations, parameters, collection method) have the following been taken into consideration:	Yes	No	NA	<u>Unk</u>	Comments
<p>The current and past land uses on the surrounding watershed.</p> <p>Please include a description of current and historic land use practices in the area (residential, agricultural, industrial etc.), and if possible estimated percentages of each land use.</p>					
<p>Have surface waters historically been treated with copper and arsenic-containing herbicides or herbicides that may have contained dioxins as an unwanted manufacturing byproduct?</p>					
<p>The results of sediment sampling previously conducted in the location to be dredged and nearby locations (if available). Are the data included?</p>					
<p>Records of past spills and discharges (point and nonpoint) from various sources, and nearby areas known to be contaminated, consider checking the R&R programs BRRTS database.</p>					
<p>Is the location of the dredging project within the boundaries of, or in the vicinity of, any Superfund, Resource Conservation and Recovery Act (RCRA), or Remedial and</p>					

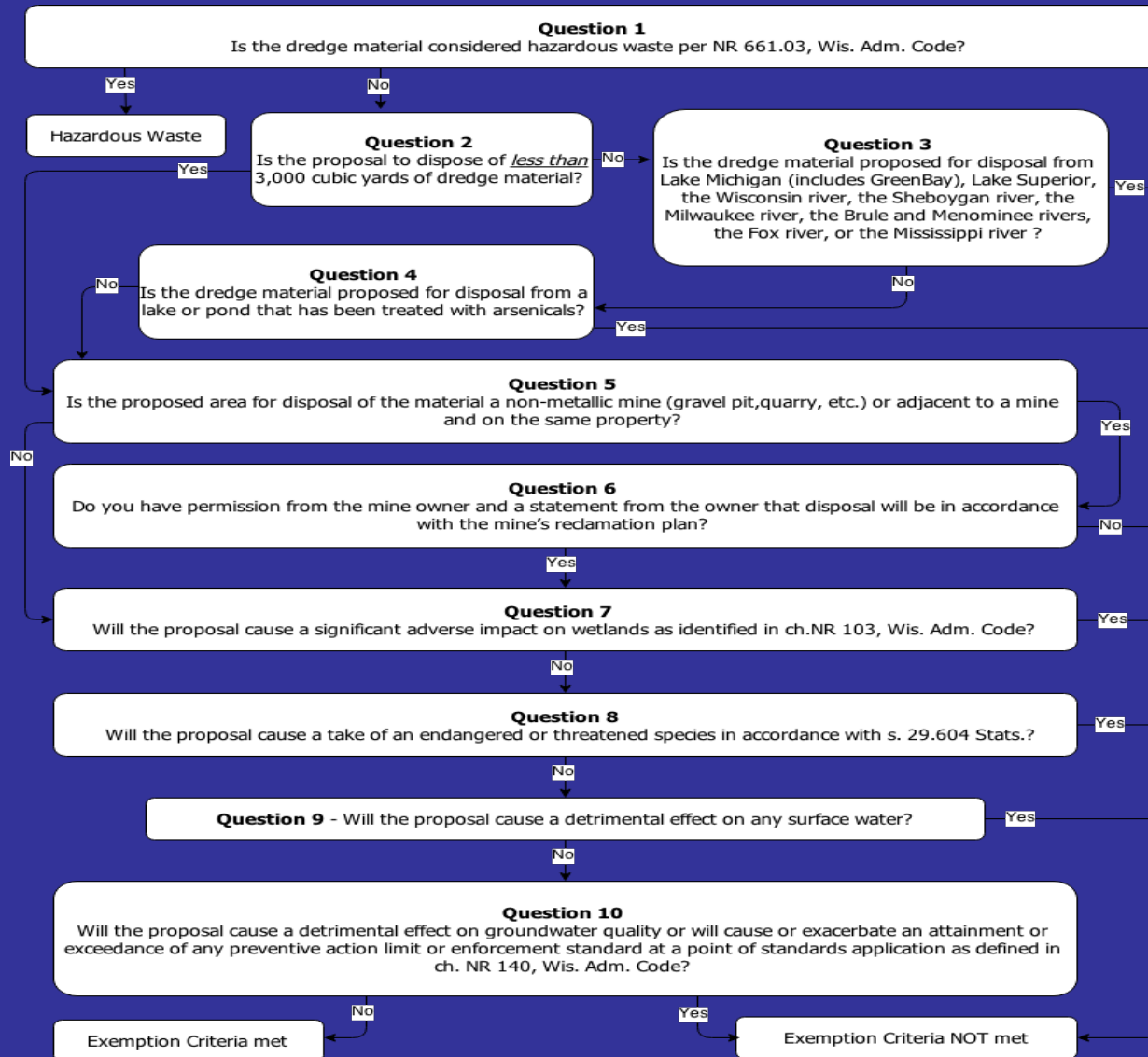
Solid Waste Evaluation for Disposal

NR 500.08(3) contains an exemption for facilities for disposal of most dredge material.

If the exemption criteria are not met options for disposal include:

- Landfill
- Confined Disposal Facility (CDF) – Sturgeon Bay Utilities, Bay Port CDF (Green Bay), Kewaunee CDF, Manitowoc CDF, Milwaukee CDF, Sturgeon Bay Utilities.
- Low-hazard waste grant of exemption (LHWGE) issued by the Waste and Materials Management Program.

NR 500.08(3) Exemption



MENKAUNEE HARBOR IMPROVEMENTS PROJECT
CITY OF MARINETTE, WISCONSIN

FUNDING PROVIDED BY: ENVIRONMENTAL PROTECTION AGENCY (EPA)
IN THE AMOUNT OF \$5,550,758.

ENGINEER: AYRES ASSOCIATES
EAU CLAIRE, WISCONSIN

CONTRACTOR: SEVENSON ENVIRONMENTAL SERVICES, INC.



09/04/2014

Clean vs Contaminated Sediment

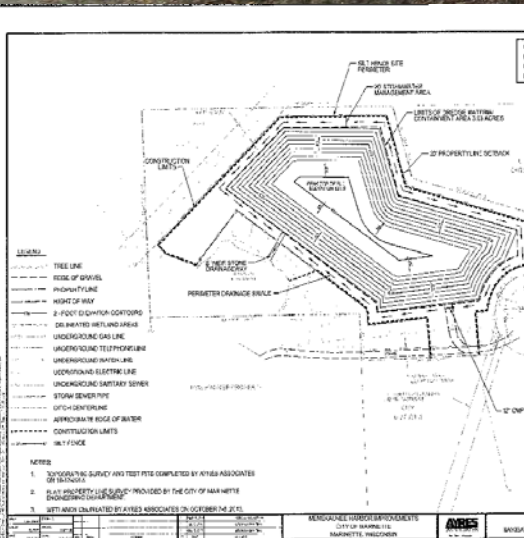
- Cost savings to beneficial reuse
- Landfill 27,129 CY
- Lot 24 31,892 CY
- Habitat Restoration 7,742 CY
- Sampling required!



Total Dredged 66,763 CY

Beneficial Use Lot 24

- City-owned – 3 acre parcel
- Low Hazard Waste Exemption 6 ppm or less Arsenic
- Woodchips
- Clean dredge material 31,892 CY
- Deed restriction



09/04/2014

Disposal Options Cost Savings

Landfill \$123.40/CY

Lot 24 \$ 34.62/CY



10/30/2014

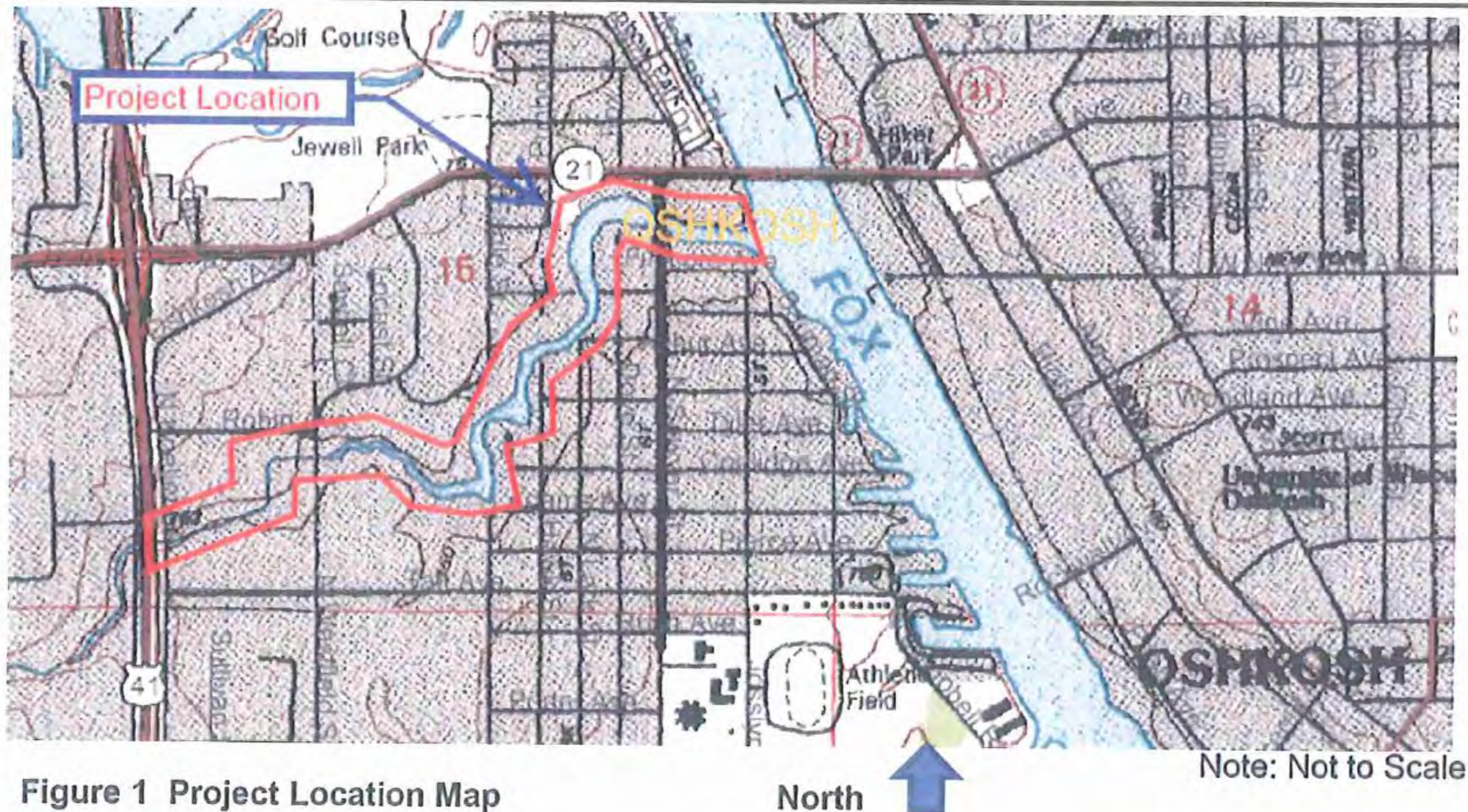
Additional Beneficial Use 7,742 CY Habitat Restoration



10/09/2014

Sawyer Creek – Oshkosh

- Channel improvement reduce flooding 30,000 CY
- NR 347 Sampling 2011
- Ch.30, WW, SW & SWM Approvals & begin dredging 2012

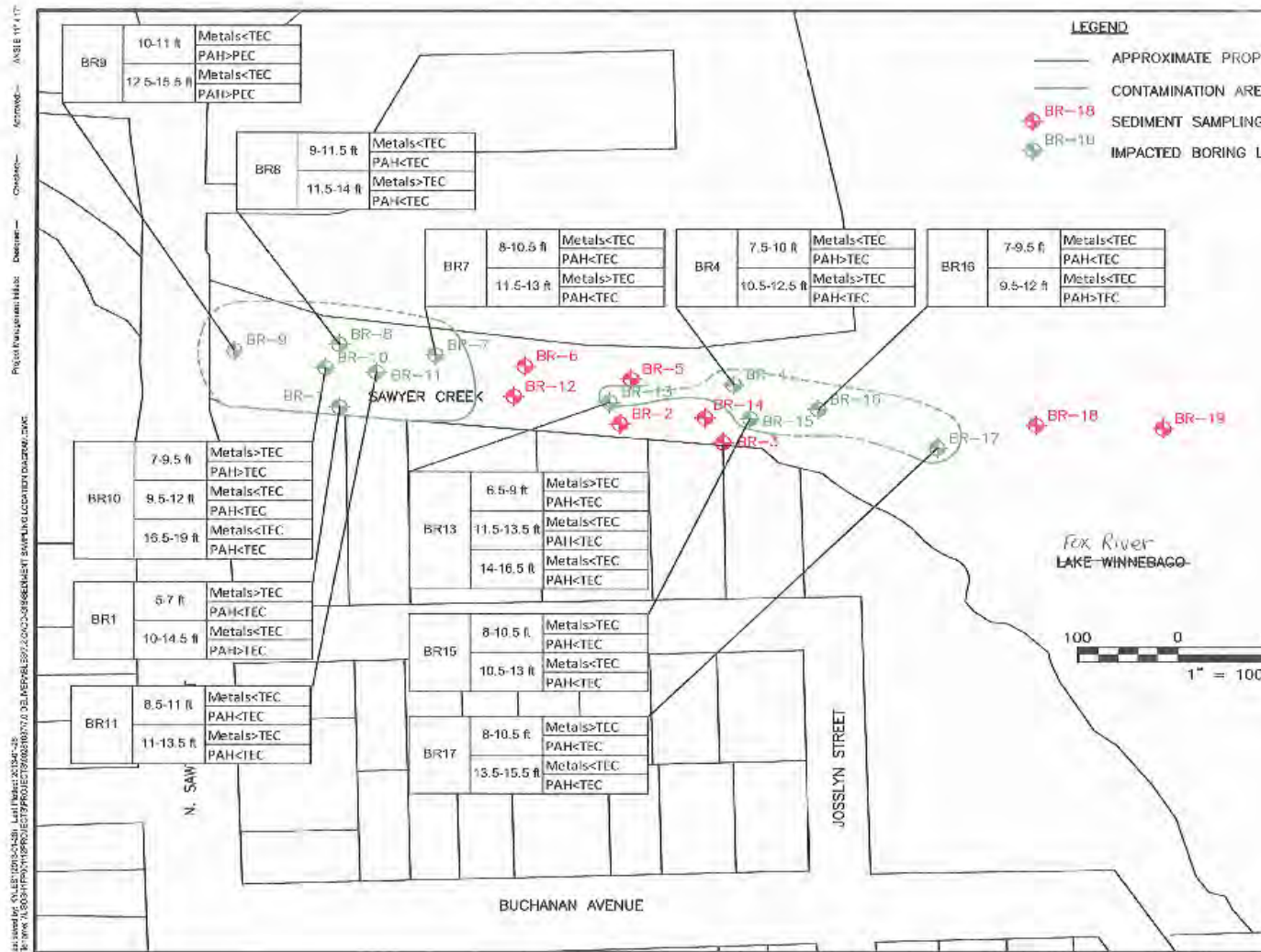


undetected contaminants surfaced near end of project Fall 2012.
Now what? 11,000 CY left to dredge!



1. Cease Dredging
2. Convene Dredge Mgmt Team & City
3. Sample Sediment define D&E

4. Determine permit changes
5. Begin Dredging Spring 2013
6. Confirmation Sampling



Inconsistencies in Interpretation of WPDES Permit Requirements

- Suspended Solids as a Regulated Pollutant (Independent of Contaminants)
- Incidental vs. Purposeful Discharge of Water
- Applicability of Best Management Practices (BMPs)

Ch. 283.01, Wis. State Statutes

(5) “Discharge of pollutant” or “discharge of pollutants” means any addition of any pollutant to the waters of this state from any point source.

(12) “Point source” means either of the following:

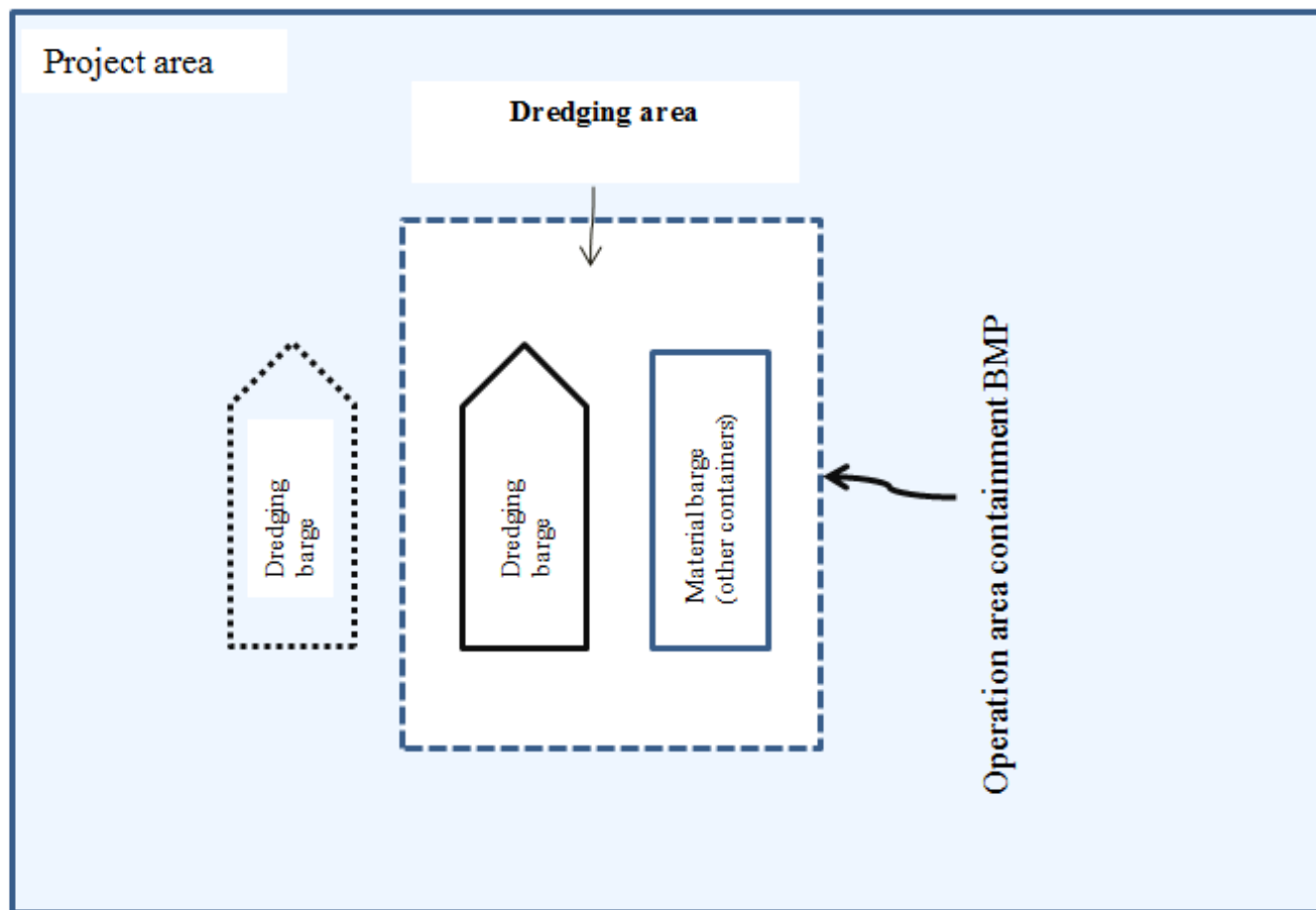
(a) A discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants may be discharged either into the waters of the state or into a publicly owned treatment works except for a conveyance that conveys only storm water.

13) “Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.



AUG 20 2008

Solution: Modifications to WPDES Appendix B







09/26/2012









08/06/2013



12/12/2012



01.25.2013