

Contaminated Sediments External Advisory Group (CSEAG) March 30, 2016 Meeting Minutes

External Participants:

Ted Audia, Brynn Bemis, Karen Dettmer, Frank Dombrowski, Kristin Kurzka, Paul Mathewson, Laurie Parsons, Jim Rose, Jeanne Tarvin, Chris TeBeest, Shar TeBeest, Mark Thimke, Ray Tierney, Chris Valcheff, Brad Vanderkin, and Ryan Wozniak

Department of Natural Resources (DNR) Participants:

Jerry DeMers, Kristin DuFresne, Judy Fassbender, Darsi Foss, Steve Galarneau, Gena Larson, John Morris, Pam Mylotta, Lis Olson, John Robinson, and Jim Zellmer

Process for deriving surface water quality criteria

Presentation by Sarah Yang, DNR – Toxicologist, regarding Wisconsin’s surface water quality criteria.



The DNR posed the following questions to the meeting participants:

- What evaluation criteria, processes, and/or resources should the DNR use to develop additional guidance for establishing sediment quality guidelines?
- What type of evaluation approach would the externals like to see with respect to sediment quality guidelines?

The externals provided the following comments:

- The TMDL back calculation approach for calculating sediment standards was rejected by EPA in the past.
- Additional resources to be considered include:
 - MacDonald et. al.
 - Washington State sediment management standards
 - Ontario sediment quality guidelines
 - EPA toxicology database
- Would like an approach that:
 - contains default (i.e. off ramp) sediment numbers.
 - retains the ability to pursue site-specific sediment numbers.
 - allows for performance based criteria.
 - has milestones/check-ins for acceptance of results.
 - looks at the designated water use.
 - establishes a “safe in water” number rather than a “clean-up goal”.
 - establishes baseline criteria for risk assessments.

The DNR, with input from the externals, should determine the 4 – 5 components that are of the most importance. Those components will be the building blocks that are used to develop a model/process for future guidance.

The DNR will send an email out to the group seeking a list of people who are interested in working on this task.

Act 204 (formerly known as SB 545/AB 701)

A new version of Wis. Stat. § 292 is available

(<http://docs.legis.wisconsin.gov/statutes/statutes/292.pdf>). The new version incorporates the changes associated with Act 204.

Be aware that there is an error in the new version of the statute. Sites on or proposed for the National Priorities List (NPL) are not eligible for the Voluntary Party Liability Exemption/Certificate of Completion.

The DNR is:

- in the process of developing a list of implementation action items.
- checking to see if NR 500 can be used to meet the financial assurance/performance bonding requirements.
- seeking a new insurer as the existing company will no longer be issuing policies after September 2016.

Classification of sediment and soil

Presentation by Kristin DuFresne, DNR – Hydrogeologist, regarding the classification of sediment and soil.



The externals provided the following comments:

- Add the Wisconsin Constitution for provision on public trust.
- Many projects also require U.S. Army Corps of Engineer permits.
- We seem to be fixed on clean-up. It is difficult to remove all contamination. Consider ways to improve the environment vs. removing every spec of contamination.
- If the contaminated sediment is deep (pre-deposited) is it still considered sediment/soil?
- By statute, an ordinary high water mark determination (OHWM) in the database is the line of sediment/soil separation unless differing evidence is brought to the DNR and a new OHWM determination is made.
- Externals would like to provide input regarding how to prioritize OHWM determinations.
- Sediment Management – dewatered sediment is handled similar to soil. Sediment can be managed under ch. NR 718 if part of a response action, disposed in an approved landfill, exempt under s. NR 500.08(3), or

granted a low-hazard waste exemption under s. 289.43 stats (with or without s. NR 500.08(5)). Ch. NR 538 is for select industrial wastes and is not applicable for sediment.

Dredge management guidance

The DNR continues to move forward on a two track path. The web-based system for the navigation/recreational dredging component is moving forward and a companion guidance document is being created. A revised version of the document will be shared with the Contaminated Sediments External Advisory Group at an upcoming meeting - likely in June.

Next meeting date

To be determined.

Action items

The DNR will send an email out to the group seeking a list of people who are interested in developing guidance criteria related to sediment quality guidelines. A meeting invitation will be sent to both the Contaminated Materials Management and Contaminated Sediments external advisory groups when a meeting date has been selected.