

REGULATORY REQUIREMENTS/INVOLVEMENT FOR SEDIMENT/SURFACE WATERRELATED PROJECTS

(Draft 1/3/18)

Permit or Requirement Name	Description	Regulatory Authority	Program	ARAR/TBC	Trigger	Reference/Contact information
Dredging permit	For projects that involve removal of material from waterways and disturbance of streambanks below the ordinary high water mark	Federal (if required by section 10 of Rivers and Harbors Act or 404 Clean Water Act)	Waterway & Wetland	ARAR (Federal)	Permit application	Waterways and Wetlands (Bureau of Watershed Management) permits, click here
Sampling and analysis requirements for dredging projects	Evaluation of material to be dredged. Protocols and criteria for sediment sampling, disposal and monitoring requirements for dredging projects	s. 30.20 Wis. Stats. Chs. NR 345-347	Waterway & Wetland Water Resources	ARAR	Permit application	U S Army Corps of Engineers click here
	If contaminated, characterization of material	Chs. 289 and 292 Wis. Stats. NR 700-754	Remediation & Redevelopment	ARAR	Pre-Application	Permit application process, click here
	Consensus Based Sediment Quality Guidelines The values presented in the Guidelines (WT-732 2003) are not to be used as clean up goals. The information in this guidance can be used for screening sediment quality data to help estimate the likelihood of toxicity, staff should evaluate available information in order to make case-by-case investigative and management decisions for a site.	CBSQG	Office of Great Lakes Remediation & Redevelopment Program	TBCs	Sediment sampling results received	General information on waterway regulation and where to find information, click here Works in conjunction with Chapter 30.20 permitting. Information here
	Management of dredged material as a solid waste	NR 500-538 NR 718	Waste & Materials Management Remediation & Redevelopment	ARAR	Low Hazardous Waste Exemption	

Wetland disturbance	<p>For projects involving removal or placement of material in wetlands. A pre-application meeting with WDNR is required before applying for an individual permit.</p> <p>If action is taken to address contaminated material NR 500 and NR 700 may apply. Contaminated material management</p>	<p>Federal (section 10/404) State (Ch. 281.36) NR 103 NR 207</p> <p>NR 700</p> <p>NR 500-538</p>	<p>US Army Corps of Engineers Waterway & Wetland</p> <p>Remediation & Redevelopment</p> <p>Waste & Material Management</p>	<p>ARAR</p> <p>ARAR ARAR ARAR</p> <p>ARAR</p>	<p>Permit application</p> <p>NR 724</p> <p>Low Hazardous Waste Exemption</p>	<p>Waterways and Wetlands (Bureau of Watershed Management) information here</p> <p>U S Army Corps of Engineers here</p>
Miscellaneous Structures	<p>For projects placing structures or materials within waterways. Includes placement of habitat structures, sand cover, beach nourishment, sediment engineering controls, etc.</p> <p>Placement of engineering controls to address contaminated sediments</p>	<p>Federal (Section 10/404)</p> <p>State (Chapter 30.12) NR 310?</p> <p>Wis. Stats. 292.12 NR 722-727</p>	<p>US Army Corps of Engineers Waterways & Wetlands Remediation & Redevelopment</p>	<p>ARAR</p> <p>ARAR ARAR</p>		<p>U S Army Corps of Engineers here</p> <p>Waterways and Wetlands (Bureau of Watershed Management)</p>
Floodplain Development and Management	Any construction activities, including temporary water diversion, floodplain modification (filling, reshaping, etc) must comply with floodplain management ordinances. Locally implemented by local zoning authority.	<p>State oversight of NR 116</p> <p>Local floodplain development ordinances NR 333 (Dam design and construction)</p> <p>Local Authorities need to meet state stds. *</p>	Floodplain Management	ARAR	Permit application	

Stormwater Erosion Control Standards	Construction projects where one acre or more of land will be disturbed must comply with the Erosion Control Plan requirements outlined in s. NR 216.46, including the development and implementation of a site-specific erosion control plan that meets the performance standards in s. NR 151.11, the required information in s. NR 216.46(4), the site map requirements in s. NR 216.46(5), the best management practices in s. NR 216.46(6), the material discharge requirements in s. NR 216.46(7), the velocity control requirements in s. NR 216.46(8) and the inspection requirements in s. NR 216.46(8). The plan must also meet the specific requirements for storm water management plans in s. NR 216.47, including best management practices under s. NR 216.47(6).	s. 283.33 Wis. Stats. NR 151 and 216 Local jurisdictions may also require stormwater permits	Stormwater	ARAR	Discharge of stormwater under an activity regulated under s. 283.33 Wis. Stats.	https://docs.legis.wisconsin.gov/document/statutes/283.33 Stormwater Program (Bureau of Watershed Management) Learn about permits needed or for application information: stormwater permitting http://dnr.wi.gov/topic/stormwater/standards/index.html .
Sediment Sampling and Analysis, Monitoring Protocol and Disposal Criteria for Dredging Projects	protect the public rights and interest in the waters of the state by specifying definitions, sediment sampling and analysis requirements, disposal criteria and monitoring requirements for dredging projects regulated under one or more of the following statutes: s. 30.20, Stats., which requires a contract or permit for the removal of material from the beds of waterways; s. 281.41, Stats., which establishes a wastewater treatment facility plan approval program; ch. 289, Stats., which establishes the solid waste management program; ch. 291, Stats., which establishes the hazardous waste program; and ch. 283, Stats., which establishes the Wisconsin pollutant discharge elimination system (WPDES) program	s. 30.20 Wis. Stats. a. 281.41 Wis. Stats. Chapter NR 347	Water Resources WMM	ARAR	Permit application	

Carriage and/or Interstitial Return Water from Dredging Operations or investigation or remedial activities	Wastewater from investigation or remedial activities generated that is discharged it to surface water or groundwater is subject to the requirements of the DNR Industrial Wastewater Program. Identify the point of discharge and the contaminants present, and request effluent discharge limits. These requirements would apply to a discharge to any existing wastewater or sanitary system at the site.	State Section 283. In most cases handled as a general permit NR 200 Series	Wastewater	ARAR	WPDES Permit application discharge of wastewater	Wastewater Program (Water Quality Bureau). Permit fact sheet can be found here
Surface Water Quality Criteria and Secondary Values for Toxic Substances	Establishes water quality criteria and secondary values for toxic substances to protect public health and welfare. Includes bioaccumulation factors	Chapter NR 105 40 CFR Part 132	Wastewater	ARAR	Dredging Ch 30 Permit or Discharge Permit (WPDES)	EPA Water Quality Standards Handbook (Second Edition)
Water Quality Standards for Surface Waters	Protect the public's interest in water resources including public health and welfare, propagation of fish and other aquatic life The department shall promulgate rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Water quality standards shall consist of the designated uses of the waters or portions thereof and the water quality criteria for those waters based upon the designated use. Water quality standards shall protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water systems, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural,	s. 281.15 Wis. Stats. s. 281.18 Wis. Stats Ch. 292 WI Stats. NR 102-10 NR 102.04(d) NR 105 NR 207	Water Quality Wastewater OGW	ARAR	Environmental Monitoring data	

	commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest. 281.18 (1) unauthorized concentrations of substances are not permitted that alone or in combination with other materials present are “toxic” to fish or other aquatic life that surface waters shall meet the fish and acute criteria					
Permit or Requirement Name	Description	Regulatory Authority	Program	ARAR/TBC	Triggers	Reference/Contact information
Resource Review for Permitting	Fish managers review projects that may have effect on fisheries resources and ensure resources are protected i.e. bathometry, change in habitat or impacts to fish Resource review takes place as part of the permit application/review process	NR 1.01 WAC Chapter 30	Fisheries Management	ARAR	Permit application	
	Dredge windows for fish protection (spawning) Part of the individual permit review process	Chapter 30 wetland s. 281.36 Wis. Stats.	Waterway & Wetland Watershed Management	ARAR	Permit application	
Low Hazard Waste Exemption – 289.43(8) NR 500.08(3) dredge material exemption	review and approval for dredge material transportation and disposal of Solid Waste	State Ch NR 500-538	WMM - Solid Waste	ARAR	Permit approval application	
Hazardous Waste	Applicable when dredge material can be classified as hazardous waste	State Ch NR 600-679	WMM – Haz Waste	ARAR	Permit application	

Management of PCBs, PCB containing material and Hazardous Wastes	Hazardous Waste Management, Identification, Listing are covered under NR 660-670 handling, storage, transportation, processing, and disposal of PCBs and other hazardous wastes	40 CFR 261 s. 299.45 Wis. Stats. NR 157 NR 660 -NR 671	Toxic Substance Control Act (TSCA)	ARAR	Dredging of material	
Control of air particulate emissions	Any dust or emissions from treatment systems must meet the ambient air standards for particulates in ch. NR 404, Wis. Adm. Code, fugitive dust standards in ch. NR 415, Wis. Adm. Code, control of organic compound emissions in ch. NR 419, control of hazardous pollutant emissions in ch. NR 445, and visible emissions standards in ch. NR 431, Wis. Adm. Code. Clean Air Act National Primary and Secondary Air Quality Standards	40 CFR Part 50 NR 415 NR 400-499	Air Management	ARAR		
Natural Heritage Inventory and endangered species act compliance	Any activity the department conducts, funds or approves requires the consideration of the impacts of those activities on threatened and endangered species	s. 29.604 Wis. Stats.	Natural Heritage Conservation	ARAR	Any activity the department conducts, funds or approves	http://intranet.dnr.state.wi.us/int/mb/codes/MC1753-1.pdf http://intranet.dnr.state.wi.us/int/land/er/nhi_portal/pdf/ERReviewGuide_DNR.pdf
Archaeological/historic/cultural resources	Required for any land disturbing activities which DNR reviews, approves or permits	s. 44.30 Wis. Stats.	Env. Analysis	ARAR	Any Activity	http://docs.legis.wisconsin.gov/document/statutes/subch.%20II%20of%20ch.%2044

Environmental Analysis	NR 150 outlines the definitions, procedures and criteria to be used by the department in the implementation of s. 1.11, Stats. The purpose of this chapter is to assure that the department decisionmakers, other decisionmakers, and the interested public have information to be able to fully consider the short- and long-term effects of department policies, plans, programs, and actions on the quality of the human environment.	S 1.11 Wis. Stats. NR 150 WAC	Environmental Analysis	ARAR	Any activity the department conducts, funds or approves	http://docs.legis.wisconsin.gov/code/admin_code/nr/100/150/20
Aquatic Invasive Species (AIS)	Transport of invasives controls act of dredging as well as sediment disposal concerns – prohibited species and restricted species transport prohibited Beneficial reuse of dredged material aquatic plants management Aquatic Invasive Species Decontamination Manual Code 9183.1	s. 23.22 Wis. Stats. Ch. NR 40	Water Quality	ARAR & TBC	Movement of material or equipment	TBC: Boat, Gear and Equipment Decontamination and Disinfection Manual Code.
Investigation and Remediation of Environmental Contamination	Outlines to process for notification of hazardous substance discharge and environmental pollution, conducting site investigations, immediate and interim measures, setting standards for selecting remedial actions, requirements for design, implementation, operation, maintenance and monitoring of remedial actions, imposition of continuing obligations and process to achieve closure.	Chs. 289 and 292 Wis. Stats. NR 700 - 754	Remediation & Redevelopment	ARAR	Release of a hazardous substance to the environment	
Sites with residual contamination	Imposition of continuing obligations to address residual contamination at sites during remedial action plan approval, interim actions or closure	s. 292.12 Wis. Stats NR 725-727	Remediation & Redevelopment	ARAR		

Wisconsin Environmental Policy Act	<p>All agencies of the state shall include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the human environment, a detailed statement, by the responsible official on:</p> <ol style="list-style-type: none"> 1. The environmental impact of the proposed action; 2. Any adverse environmental effects which cannot be avoided should the proposal be implemented; 3. Alternatives to the proposed action; 4. The relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; 5. Any irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented; and 6. Such statement shall also contain details of the beneficial aspects of the proposed project, both short term and long term, and the economic advantages and disadvantages of the proposal. 	s. 1.11 Wis. Stats NR 150	Environmental Assessment/ Responsible Agency	ARAR		
Dam	Requirements relating to dams on water courses.	Fed S 404 Clean Water Act s. 31 Wis. Stats NR 333 (Dam design and construction)	Dam	ARAR	Permit application or Plan approval	

303 (d) Impaired Waters – Trigger for sediment bonding – Clean water act – Federal Requirement – part of water quality standards
Single point of contact for region