

Subgroup #3 Ordinary High Water Mark (OHWM)/Transition Zone Issues

Contaminated Sediments External Advisory Group

August 23, 2016

Sideboards

- CSEAG charter is to develop recommendations, not rules
- Act 21
- Legally defensible recommendations

Topics of Discussion

- Applicable Act 204 Definitions
- OHWM
 - When is a determination needed?
 - When is it necessary to update an OHWM determination?
 - Process for obtaining a determination
 - Status of internal DNR discussions
- Transition Zone
 - Sediment below the OHWM – formerly treated as soil
 - Material under water during part of the year
- NR 716.07(8)
- Next Steps

Applicable Act 204 Definitions

- **Contaminated Sediment:**

Sediment that contains a hazardous substance

- **Sediment:**

Particles in the bed of a navigable water up to the ordinary high water mark that are derived from the erosion of rock, minerals, soil, and biological materials and from chemical precipitation from the water column and that are transported or deposited by water

Sediment vs. Soil w/ Respect to the OHWM

WATER's EDGE

(Annual/Seasonal High)

Use CBSQG

or

Pursue site-specific number(s)

TRANSITION AREA

(Between Water's Edge and OHWM)

Use the more protective of CBSQG or NR720

or

Pursue site-specific number(s)

Ordinary High Water Mark

UPLAND - SOIL

(Above OHWM)

Use NR 720 unless NR 716.07(8)(a), (b) and/or (c) apply

Site-specific number(s) may be necessary for sites that meet NR 716.07(8) criteria.



OHWWM

- When is an OHWM determination needed?
- When is it necessary to update an OHWM determination?
- Process for obtaining an OHWM determination
 - Status of internal DNR discussions

Transition Zone

- Risk Evaluation
 - Ecological
 - Human Health
 - Environment
 - All of the above
- Sediment below the OHWM – formerly treated as soil
- Material under water part of the year

NR 716.07(8)

- (a) Species, habitat or ecosystem sensitive to the contamination
- (b) Wetlands, especially those in areas of special natural resource interest as designated in s. NR 103.04
- (c) Outstanding resource waters and exceptional resource waters as defined in ss. NR 102.10 and 102.11

Next Steps

- End Product(s)/Deliverables
- Volunteer Assignments
- Next meeting for Subgroup #3
 - Date: September 19, 2016
 - Time: 12:00 – 1:15
 - Location: DNR Office, GEF 2, Room 513
101 South Webster, Madison, WI

Electronic meeting invitation to be sent in the near future.