



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBa0740/1  
ZDW:skw

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 99**

September 21, 2021 - Offered by Representative SORTWELL.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 1, line 3: delete the material beginning with “Lakes” and ending with  
3 “exemptions” on line 4 and substitute “Lakes, extending the time limit for emergency  
4 rule procedures, and providing an exemption from emergency rule procedures”.

5 **2.** Page 2, line 1: before that line insert:

6 “**SECTION 1m.** 289.43 (8) (title) of the statutes is amended to read:

7 289.43 (8) (title) EXEMPTION FROM REGULATION; LOW-HAZARD WASTE AND MATERIAL  
8 DREDGED FROM GREAT LAKES.”.

9 **3.** Page 2, line 2: delete the material beginning with that line and ending with  
10 page 3, line 2, and substitute:

11 “289.43 (8) (d) 1. The department may not regulate under s. 289.30 or 289.31  
12 any facility for the disposal of material dredged by a municipality or county or a

1 contractor for a municipality or county from Lake Michigan, Lake Superior, or bays  
2 or harbors adjacent to Lake Michigan or Lake Superior, if all of the following apply:

3 a. The department determines that the dredging and disposal will have a  
4 demonstrable economic public benefit, as defined under s. 281.36 (1) (am).

5 b. The department determines that the cumulative adverse environmental  
6 impact of the dredging and disposal is insignificant and will not injure public rights  
7 or interests, cause environmental pollution, as defined in s. 299.01 (4), or result in  
8 material injury to the rights of any riparian owner.

9 c. The department determines that the facility is in compliance with  
10 performance standards established by the department by rule.

11 d. The facility accepts dredged material for not more than 10 years or in an  
12 amount not to exceed 35,000 cubic yards, whichever occurs first, unless there is a  
13 material adverse change in the contamination of the dredged material that would be  
14 disposed of at the facility or if there is a material change in the intended use of the  
15 dredged material.

16 e. The disposal facility is located at least 100 feet from any wetland or critical  
17 habitat area and is outside a floodplain. This subd. 1. e. does not apply if the project  
18 is for beach nourishment above the ordinary high water mark on a public beach that  
19 has already been noticeably disturbed by human activities such as the construction  
20 of a parking lot, public swimming area, or other improvement and that has no unique  
21 ecological value.

22 f. The disposal facility is located at least 100 feet from any water supply well.

23 g. The facility confines the disposal area to as limited a geographic area as is  
24 practicable.

1 h. The department determines that the application and proposed facility are  
2 in compliance with any other conditions established by the department by rule.

3 i. At least 60 days prior to beginning disposal under this paragraph, the  
4 municipality or county or the contractor for the municipality or county submits to the  
5 department the address or location of the disposal site, the name of the person or  
6 entity accepting the dredged material, a map or aerial image showing the disposal  
7 location, the coordinates for the center of the disposal location, the dates when  
8 dredged material is to be received at the disposal location, the approximate volume  
9 of material to be disposed, the intended uses of the dredged material, and the  
10 available laboratory analytical data for samples collected from the dredged material  
11 to determine environmental impact.

12 j. The department determines that a received application is complete and does  
13 not provide a written objection to the application within 30 days of receipt by the  
14 department. An application may not be reviewed until the department has  
15 determined the application is complete. One application may authorize disposal of  
16 dredged material from one dredging location at multiple disposal sites.”.

17 **4.** Page 3, line 4: after “if” insert “the amount of dredged material deposited  
18 at the facility exceeds 35,000 cubic yards,”.

19 **5.** Page 3, line 6: substitute “facility,” for “facility”.

20 **6.** Page 4, line 4: delete the material beginning with that line and ending with  
21 page 5, line 17.

22 **7.** Page 5, line 18: before that line insert:

23 **“SECTION 7m. Nonstatutory provisions.**

