



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0140/1
ZDW:ahe

2021 SENATE BILL 93

February 11, 2021 - Introduced by Senators JACQUE and FELZKOWSKI, cosponsored by Representatives SORTWELL, CALLAHAN, MOSES, TITTL, TUSLER and WICHGERS. Referred to Committee on Labor and Regulatory Reform.

1 **AN ACT** *to renumber and amend* 289.01 (33); and *to create* 30.20 (2m), 289.01
2 (31g) and 289.01 (33) (e) of the statutes; **relating to:** sediment removed from
3 Lake Michigan or Lake Superior.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Natural Resources to issue individual permits for the removal of certain sediment from the bed of Lake Michigan or Lake Superior.

Current law generally prohibits a person from removing material from the bed of a navigable body of water unless DNR has issued an individual permit or a general permit authorizing the removal. The bill requires DNR to issue an individual permit to an applicant for the removal of sediment deposited on the bed of Lake Michigan or Lake Superior by currents, storms, or other natural activity if the sediment has a level of contamination at or below the level of contamination present at the area where the sediment will be deposited.

The bill also provides that the removed sediment is not solid waste. Under current law, DNR administers rules relating to the management and disposal of solid waste, which includes garbage, sludge from treatment plants and pollution control facilities, and other discarded or salvageable materials. "Solid waste" does not include material in domestic sewage, irrigation return flows, or permitted industrial

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discharges; slag generated by iron or steel production; certain radioactive or nuclear materials; or certain products processed at pyrolysis or gasification facilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 30.20 (2m) of the statutes is created to read:

2 **30.20 (2m)** INDIVIDUAL PERMITS; REMOVAL OF SEDIMENT FROM LAKE MICHIGAN OR
3 LAKE SUPERIOR. The department shall issue an individual permit to an applicant
4 proposing to remove sediment, as defined in s. 289.01 (31g), deposited on the bed of
5 Lake Michigan or Lake Superior by currents, storms, or other natural activity if a
6 sediment sample analysis indicates that the sediment has a level of contamination
7 at or below the level of contamination present at the area where the sediment is
8 proposed to deposited.

9 **SECTION 2.** 289.01 (31g) of the statutes is created to read:

10 **289.01 (31g)** "Sediment" means a soil material that has settled on the bottom
11 of a water body.

12 **SECTION 3.** 289.01 (33) of the statutes is renumbered 289.01 (33) (intro.) and
13 amended to read:

14 **289.01 (33)** (intro.) "Solid waste" means any garbage, refuse, sludge from a
15 waste treatment plant, water supply treatment plant, or air pollution control facility,
16 and other discarded or salvageable materials, including solid, liquid, semisolid, or
17 contained gaseous materials resulting from industrial, commercial, mining, and
18 agricultural operations, and from community activities. "Solid waste" does not
19 include solids any of the following:

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1 (a) Solids or dissolved material in domestic sewage, or solid or dissolved
2 materials in irrigation return flows or industrial discharges which are point sources
3 subject to permits under ch. 283, ~~slag.~~

4 (b) Slag generated by the production or processing of iron or steel and that is
5 managed as an item of value in a controlled manner and is not discarded, ~~source.~~

6 (c) Source material, as defined in s. 254.31 (10), special nuclear material, as
7 defined in s. 254.31 (11), or by-product material, as defined in s. 254.31 (1). ~~“Solid~~
8 ~~waste” does not include post-use~~

9 (d) Post-use plastics or nonrecycled feedstock that are processed at a pyrolysis
10 or gasification facility; that are held at a pyrolysis or gasification facility, prior to
11 processing at the facility where they are being held, to ensure that production is not
12 interrupted; or that are held off site before delivery to a pyrolysis or gasification
13 facility with the intent that they will be processed at a pyrolysis or gasification
14 facility.

15 **SECTION 4.** 289.01 (33) (e) of the statutes is created to read:

16 289.01 **(33)** (e) Sediment deposited on the bed of Lake Michigan or Lake
17 Superior by currents, storms, or other natural activity that is removed and for which
18 a sediment sample analysis indicates a level of contamination at or below the level
19 of contamination at the proposed deposit area.

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(END)