



## Assembly Committee on Environment

### *CR 23-002 related to disposal of materials dredged from the Great Lakes*

*October 5, 2023*

Good morning, Chair Oldenburg, and members of the Committee. My name is Kate Strom Hiorns, and I am the Recycling and Solid Waste Section Chief for the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on CR 23-002 related to disposal of materials dredged from the Great Lakes.

Dredging projects primarily consist of three steps: 1) remove sediment from a waterbody using either mechanical or hydraulic methods, 2) process the dredged material, including dewatering and transportation from the removal site, and 3) dispose of the dredged material. The quantity and contamination levels of sediment to be removed are assessed to minimize the impact of dredging on the environment.

This proposed rule only affects step 3, disposal of dredged material. 2021 Wisconsin Act 93 (Act 93), effective July 1, 2022, established requirements and exemptions in s. 289.43 (8) (d), Wis. Stats., relating to disposal of materials dredged from Lake Michigan or Lake Superior, and directed the department to promulgate emergency and permanent rules.

The exemption in statutes allows municipalities and counties that conduct dredging projects in the Great Lakes to dispose of that dredged material in an unlicensed solid waste facility for up to 10 years or up to 35,000 cubic yards of material. They must submit an application and the department determines whether all exemption requirements are met, including ensuring the dredged material placement will not injure public or riparian rights, that it is done at least 100 feet from any wetland or critical habitat area and is outside a floodplain. Additionally, sampling of the dredged material is done to test that the material is reasonably clean and will not cause environmental pollution. Examples of this disposal include utilizing dredged material as fill under a building, to create a berm, for beach nourishment, or for landspreading.

This proposed rule incorporates statutory requirements and adds detail to help municipalities and counties easily determine whether the exemption could apply to their project. The exemption in the rule would apply to fairly small dredging projects involving material that has low levels of contamination. It is designed to help communities finalize their dredging projects by having a streamlined application and approval method for disposing of the sediment removed from their harbors. The goal is to have a streamlined and largely self-implementing process.

An emergency rule is already in effect and the department held a public meeting during development of that rule, with no opposition. An economic impact comment period and public hearing were held during development of this permanent rule and no comments were received. So far, no requests for this exemption under Act 93 have been made by Wisconsin municipalities or counties.

On behalf of the Department of Natural Resources, I would like to thank you for your time today. I would be happy to answer any questions you may have.