

**Comments and DNR Responses
Natural Resources Board Orders WA-17-21(E) and WA-18-21
Disposal of Material Dredged from the Great Lakes**

May 16, 2023

This document presents a summary of public comments received on proposed rules affecting chapters NR 500 and 520 related to disposal of material dredged from the Great Lakes.

OVERVIEW

2021 Wisconsin Act 93 (Act 93), effective July 1, 2022, established requirements and exemptions in s. 289.43 (8) (d), Wis. Stats., relating to materials dredged from Great Lakes and directed the department to promulgate emergency and permanent rules. The emergency rule, Board Order WA-17-21(E), is in effect.

Under s. 289.43 (8) (d), Wis. Stats., dredged material can be disposed of in a solid waste facility that has not obtained an operator's license or approved plan of operation if certain criteria are met. This proposed rule incorporates requirements in s. 289.43 (8) (d), Wis. Stats., provides sediment sampling and analysis requirements, and outlines additional information to guide streamlined applications for dredged material disposal facility proposals.

During development of the emergency rule, a public feedback meeting was held on September 26, 2022. Eight people from outside the department attended and were not required to provide their affiliation. One question was asked about the existing low-hazard waste exemption process. The department clarified that this rule would not replace the existing low-hazard waste exemption process, but rather is another avenue for disposing of dredged material from the Great Lakes. No other comments were provided.

ECONOMIC IMPACT ANALYSIS

A public comment period on the draft economic impact analysis (EIA) occurred from November 28 to December 12, 2022. The department did not receive any comments from individuals or organizations on the EIA during this period. No revisions were made to the EIA.

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

The Legislative Council Rules Clearinghouse submitted comments on statutory authority; conflict with or duplication of existing rules; adequacy of references; and clarity, grammar, punctuation and use of plain language. Changes to the proposed rule were made to address all required recommendations by the Legislative Council Rules Clearinghouse. These revisions are the only differences between the emergency rule and the permanent rule language.

PUBLIC COMMENTS ON DRAFT RULE

A public comment period on the draft rule occurred from January 30, 2023 to March 21, 2023, and a public hearing was held for both the emergency rule and the proposed permanent rule on March 14, 2023. Three people attended for information only. They did not indicate an affiliation with an organization and did not provide any comments. The department did not receive any other comments during the public hearing comment period.