

NR 347.06 **Sampling and analysis.** Upon completion of the initial evaluation, the department shall establish sampling and analysis requirements.

(1) Except as provided in subs. (3)(a) and (6), the applicant shall collect and analyze data on sediments to be dredged in the manner outlined in this section.

(2) Unless otherwise specified, sampling, sample handling and sample analysis to demonstrate compliance with this section shall be in accordance with methods from applicable sources enumerated in ch. NR 149.

(3) Number of samples. (a) Sediment sampling may be waived by the department if it determines from its review of available information under s. NR 347.05(2) that sediment contamination is unlikely.

(b) If available information is either insufficient to determine the possibility for sediment contamination, or shows a possibility for sediment contamination, the department shall require the applicant to collect sufficient samples to describe the chemical, physical and biological properties of the sediment. The exact number and location of sediment samples required and analyses to be conducted shall be specified by the department, in consultation with the applicant, based on the initial evaluation and on other factors including, but not limited to, the potential for possibility of contamination, volume and aerial extent of material to be dredged, depth of cut and proposed method of disposal.

(c) For a project involving the disposal of dredged material at an upland disposal site, the department may require samples to be taken from the proposed disposal site and analyzed for parameters found to be elevated in the dredged material sediment samples. The number and location of disposal site samples required shall be specified by the department based on the size and other characteristics of the site.

(d) For a project to be conducted in the Great Lakes with beach nourishment disposal, at least one sample every 250 linear feet of beach with a minimum of 2 samples shall be taken from the proposed beach nourishment disposal site and analyzed for particle size and color. Core or grab samplers may be used.

(4) Method of taking samples. (a) All samples shall be taken with a core sampler except as provided in sub. (3)(d). The department may approve other sampling methods if it finds them to be appropriate.

(b) All sampling equipment shall be properly cleaned prior to and following each sample collection.

(c) Samples collected for PCB, pesticide and other organic analyses shall be collected and processed using metallic (stainless steel preferred) liners, tubs, spoons and spatulas. Samples collected for other chemical analysis, including heavy metals, shall be collected and processed using non-metallic liners, tubs, spoons and spatulas.

(d) Core samples from the dredging site shall be taken to the proposed dredging depth plus 2 feet.

(e) Core samples shall be visually inspected for the existence of strata formation, and a written description including position, length, odor, texture and color of the strata shall be provided to the department.

(5) Sample handling after collection and prior to analysis. Sample handling and storage prior to analysis shall be in accordance with methods from applicable sources enumerated in ch. NR 149.

(6) Analyses to be performed on sediment samples. Analyses shall be done in accordance with methods from applicable sources enumerated in ch. NR 149.

(a) Samples shall be analyzed from each distinct layer observed in the material to be dredged. If no strata formation exists, core samples shall be divided into 2-foot segments, and each segment shall be analyzed for the required chemicals and characteristics. For cores extending into parent material, analysis of only the top 2-foot segment of parent material is required. The department may approve other subsampling methods if it finds them to be appropriate.

(b) All samples shall be analyzed for those parameters listed in table 1 unless waived by the department as provided in par. (d). Elutriate testing may be required for all chemicals listed in Table 1 unless waived by the department as provided in par. (d).

(c) If previous sampling data or other adequate available information indicates the possibility of contamination by chemicals not listed in table 1, the department may require analysis for those chemicals.

(d) If previous sampling data or other adequate available information demonstrates that the possibility of contamination is negligible, analysis for any chemical may be waived, in writing, by the department.

(e) The department may require additional samples and analyses as specified by law or for other appropriate reasons.

TABLE 1
ANALYSES TO BE PERFORMED ON SEDIMENT SAMPLES

	GREAT LAKES	INLAND WATERS
PCB (Total)	X	X
Total 2,3,7,8 TCDD	X	X
Total 2,3,7,8 TCDF	X	X

	GREAT LAKES	INLAND WATERS
Aldrin	X	X
Dieldrin	X	X
Chlordane	X	X
Endrin	X	X
Heptachlor	X	X
Lindane	X	X
Toxaphene	X	X
DDT	X	X
DDE	X	X
Arsenic	X	X
Barium	X	X
Cadmium	X	X
Chromium	X	
Copper	X	X
Cyanide	X	
Iron	X	
Lead	X	X
Manganese	X	
Mercury	X	X
Nickel	X	X
Selenium	X	X
Zinc	X	X
Oil and Grease	X	X
NO ² , NO ³ , NH ³ -N, TKN	X	X
Total P	X	X
Grain-size	X	X
Percent Solids	X	X
Total Organic Carbon	X	X
Moisture Content	X	X
Settleability	X	X
(if return water)		

History: Cr. Register, February, 1989, No. 398, eff. 3-1-89.

NR 347.07 Review procedures and review criteria. (1) When sediment sampling and analyses have been completed, the applicant shall submit a copy of the testing report to the department. This report shall include raw data for all analyses, a map of the project area showing the specific locations of sediment sampling sites and the name and address of the laboratory which performed the tests. All testing and quality control procedures shall be described and analytical methods, detection limits and quantification limits shall be identified.

(2) The department shall review the information submitted under sub. (1) within 30 business days after receipt and determine the applicable statutory and administrative rule provisions and any additional information required from the applicant under this section.

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(3) Based on the submitted testing report the department may after consultation with the applicant require additional sediment sampling and analyses when there is evidence of contamination.

(4) For projects in the Great Lakes involving beach nourishment disposal, grain-size analysis results of the proposed dredged material and the beach shall be compared by the department.

(a) The department may allow beach nourishment disposal if:

1. The average percentage of silt plus clay (material passing a #200 sieve or less than .074 mm dia.) in the dredged material does not exceed the average percentage of silt plus clay in the existing beach by more than 15% and the color of the dredged material does not differ significantly from the color of the beach material.

Note: For example, if the silt plus clay content of the existing beach is 10%, suitable dredged material must have a silt plus clay content of less than 25%.

2. The criteria of any general permit regulating wastewater discharges under the Wisconsin pollutant discharge elimination system is not exceeded.

(5) For all projects where upland disposal is required or planned, the results of sediment sampling and analysis shall be compared by the department to the solid waste disposal standards and criteria specified in chs. NR 500 to 522.

Note: NR 522 on disposal of dredged materials is being promulgated by the department.

(6) If the bulk sediment analysis criteria in sub. (4) is exceeded, the applicant shall have the option of demonstrating to the department through use of bioassay, or other methods approved by the department, that the dredging and sediment disposal operations will have minimum effects on the environment.

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NR 347.08 Monitoring, reporting and enforcement. (1) **SURVEILLANCE.**

(a) The permittee shall contact the department 5 business days prior to the commencement of dredging to provide an opportunity for the department to review all required environmental safeguards to ensure they are in place and operable.

(b) The department may inspect the dredging project at any time during operation to determine whether requirements of permits and approvals are being met or to conduct effluent sampling.

(2) **MONITORING.** (a) For those projects authorized in part by a WPDES permit, monitoring, analyses and reporting shall be performed as specified in the WPDES permit.

(b) For all other projects, monitoring, analyses and reporting shall be performed as specified in ss. NR 347.06(2) and 347.07(1).

(c) Project characteristics to be monitored may include, but are not limited to, carriage water return flow, total suspended solids, dissolved oxygen concentrations, effluent and receiving water temperatures, receiving stream flow rates, effluent ammonia-nitrogen concentrations, and pH.

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(3) **SUSPENSION OF WORK.** If the department determines that project performance is not in compliance with permit or contract conditions, the permittee shall suspend work upon written notification from the department. This shall be a condition of any permit or contract issued by the department. The permittee shall be accorded an opportunity for hearing in accordance with s. 227.51(3), Stats. The issuance of a suspension order under this subsection shall not limit other enforcement actions or penalties. The department and permittee shall analyze operational deficiencies and the department shall prescribe changes necessary to bring project operation into conformance with permit or contract conditions.

(4) **PENALTIES.** (a) Each violation of the conditions of a permit or contract issued under s. 30.20, Stats., or this chapter, may result in a forfeiture of not less than \$100 nor more than \$10,000 for the first offense and shall forfeit not less than \$500 nor more than \$10,000 upon conviction of the same offense a second or subsequent time. The permit or contract may be rescinded and appropriate restoration orders may be issued as authorized by ss. 23.79, 30.03, 30.12, 30.15, 30.20, 30.292, 30.294 and 30.298, Stats.

(b) The enforcement provisions of s. 147.21, Stats., shall apply to any violations of WPDES permits associated with dredging projects.

(c) The enforcement provisions of ss. 144.47 and 144.99, Stats., and ch. NR 522 shall apply to violations of solid waste management approvals for this chapter.

Note: NR 522 on disposal of dredged materials is being promulgated by the department.

(d) The enforcement provisions of ss. 144.73 and 144.74, Stats., shall apply to violations of any hazardous waste approvals for disposal activities associated with dredging projects authorized by this chapter.

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