

CHAPTER 240 , Laws of 1981

AN ACT to create 30.202 of the statutes, relating to the disposal of dredge spoils in and near the Mississippi, St. Croix and Black rivers by the U.S. corps of engineers.

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

SECTION 1. Legislative findings. The legislature finds that the regulation of the disposal of dredge spoils by the U.S. corps of engineers in and near the Mississippi, St. Croix and Black rivers involves the balancing of the public interest in maintaining and improving the navigability of these rivers and the public interest in preserving and protecting fish and wildlife resources, water quality, flood flow capacity, recreational uses and the environment near these rivers. The legislature further finds that the regulation of this activity involves the balancing of the interests of the federal government, this state and other states. The legislature further finds that existing state statutes, rules and ordinances do not provide sufficient latitude to permit a balanced approach to the regulation of the disposal of dredge spoils in and near the Mississippi, St. Croix and Black rivers because of these special circumstances and that a more flexible regulatory mechanism developed by the department of natural resources and the U.S. corps of engineers is needed. Finally, the legislature finds that the great river environmental action teams, GREAT I and GREAT II, have conducted 2 comprehensive Mississippi river channel maintenance plans after extensive research, detailed interdisciplinary evaluations, the consideration of environmental consequences and the participation of this state, the U.S. corps of engineers, the U.S. fish and wildlife service, other federal agencies and other states and that these 2 channel maintenance plans provide an excellent basis for the development of a new regulatory mechanism for the regulation of the disposal of dredge spoils in and near the Mississippi river.

SECTION 2. 30.202 of the statutes is created to read:

30.202 Dredge disposal in and near the Mississippi, St. Croix and Black rivers by the U.S. corps of engineers. (1) **MEMORANDUM OF UNDERSTANDING.** The department may enter into a memorandum of understanding with the U.S. corps of engineers concerning the dredging of the Mississippi, St. Croix and Black rivers and the disposal of these dredge spoils. Any memorandum of understanding shall specify approved sites where dredge spoils may be deposited and shall specify conditions and standards which are required for use of an approved site. A memorandum of understanding may contain recommended or required dredge disposal methods, equipment and policies.

(2) **AUTHORIZATION FOR DREDGING AND DREDGE SPOIL DISPOSAL.** If the department enters into a memorandum of understanding with the U.S. corps of engineers under sub. (1), the U.S. corps of engineers may deposit dredge spoils from dredging the Mississippi, St. Croix and Black rivers at approved sites according to specified conditions and standards including any special conditions and standards established under sub. (4).

(3) **EXEMPTION FROM STATUTES AND RULES.** Dredge spoil disposal activities authorized under sub. (2) are exempt from any prohibition, restriction, requirement, permit, license, approval, authorization, fee, notice, hearing, procedure or penalty specified under ss. 29.29, 30.01 to 30.20, 30.205 to 30.99, 59.971 or 87.30 or ch. 144 or 147 or specified in any rule promulgated, order issued or ordinance adopted under those sections or chapters.

(4) **HAZARDOUS WASTE DREDGE SPOIL DISPOSAL.** In consultation with the U.S. corps of engineers, the department shall establish special conditions and standards for the disposal of dredge spoils which are hazardous waste, as defined under s. 144.61 (5). These special conditions and standards shall be established to ensure that public health and the environment are protected.

SECTION 3. Nonstatutory provisions; initial memorandum of understanding. (1) **APPROVED MISSISSIPPI RIVER SITES; SITES RECOMMENDED IN GREAT I; CONDITIONS AND STANDARDS.** The initial memorandum of understanding authorized under section 30.202 (1) of the statutes, as created by this act, which concerns the dredging of the Mississippi river and the disposal of these dredge spoils and which is entered into after the effective date of this act:

(a) Shall specify as approved sites the recommended channel maintenance plan sites located in this state which are described in the channel maintenance appendixes and shown on the base maps of volume 8 of the great river environmental action team publication published in September of 1980 and referred to as GREAT I.

(b) Shall specify as conditions and standards for the use of sites referred to under paragraph (a) those applicable conditions and standards contained in volume 8 of the great river environmental action team publication published in September of 1980 and those applicable conditions and standards contained on page VII-16 of the great river environmental action team main report and shall specify as required dredge disposal methods, equipment and policies those recommendations concerning dredge disposal methods, equipment and policies contained in this report.

(2) **APPROVED MISSISSIPPI RIVER SITES; PRIMARY SITES DESCRIBED IN GREAT II; CONDITIONS AND STANDARDS.** The initial memorandum of understanding authorized under section 30.202 (1) of the statutes, as created by this act, which concerns the dredging of the Mississippi river and the disposal of these dredge spoils and which is entered into after the effective date of this act:

(a) Shall specify as approved sites the primary disposal sites located in this state which are described in exhibit 2 and shown on the base maps of exhibit 3 of the channel maintenance handbook, a supplement to the great river environmental action team main report published in December of 1980 and referred to as GREAT II.

(b) Shall specify as conditions and standards for the use of sites referred to under paragraph (a) those applicable conditions and standards contained in exhibit 2 of the channel maintenance handbook, a supplement to the great river action team main report published in December of 1980 and shall specify as required dredge disposal methods, equipment and policies those recommendations contained in this report.
