



Sediment Update

*Long Awaited, Nearly Here –
New Approaches to Sediment Remediation in Wisconsin*

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Brownfields Study Group Meeting – February 11, 2016

Legislation – SB 545/AB 701

▶ Status

- ▶ Passed Senate
- ▶ Passed Assembly Committee
- ▶ Up for Assembly vote on February 11, 2016
- ▶ Governor's signature

▶ Three aspects to note

- ▶ New definitions
- ▶ Clarified/new continuing obligations
- ▶ VPLE extension to sediment

New Definitions

- ▶ Definition of “soil” and “sediment” – ordinary high water mark
- ▶ “Sediment cover”
- ▶ “Engineering control”

Clarified / New Continuing Obligations

▶ Engineering control

- ▶ Must obtain access from property owner to conduct long-term care
- ▶ Financial responsibility for engineering controls
- ▶ Agreement with property owner for long-term care (made public through GIS registry)

VPLE Extension to Sediment

- ▶ Not available for engineering control sediment remedy
- ▶ Insurance
- ▶ Full site investigation (upland and sediment)
- ▶ Partial VPLE for soil available but full site investigation required
- ▶ Natural resource damages – “half a loaf” protection

No Transition Period

- ▶ When effective, it is law
- ▶ Trumps any prior understandings with WDNR or guidance documents

Implementation

- ▶ **Contaminated Sediment Advisory Committee to consider**
 - ▶ Ordinary high water mark
 - ▶ Financial assurance
 - ▶ Delineating the site
 - ▶ Off-site determination
 - ▶ Ecological risk
 - ▶ GIS/database coordination

Related Sediment Considerations

- ▶ Sediment cleanup standards
- ▶ WDNR alignment