

DATE: November 30, 2007

FILE REF: ASTAC

TO: File

FROM: Jack Connelly and Tom Portle

SUBJECT: Minutes of November 5, 2007 Accumulated Sediment Technical Advisory Committee Meeting

Following is a report on the main points from the Accumulated Sediment Technical Advisory Committee (ASTAC) meeting held on November 5, 2007 at DATCP in Madison, WI.

ASTAC members present: Jim Bachhuber, Earthtech; Jeremy Balousek, Dane County Land Conservation; Lynita Docken, COMM; Greg Fries, City of Madison; Lori Grant, River Alliance of Wisconsin; Paul Kent, Municipal Environmental Group; Thomas Marquardt, Wisconsin Towns Association; and Pat Stevens of the Wisconsin Builders Association

ASTAC members not present: Jim McMillan, DOA

WDNR Staff Present: Jack Connelly, Mary Anne Lowndes and Tom Portle

WDNR Guest Speaker: Mary Ellen Volbrecht (provided the Water Regulations and Zoning perspective and answered questions).

Facilitator: Kathleen Wolski

► After a welcome and housekeeping **Kathleen Wolski** asked that the ASTAC do a general introduction to accommodate members not at previous meeting. Next, she refreshed the group on the ground rules. Following are meeting minutes and notes that appear next to the corresponding flip chart materials as recorded by Kathleen.

Discussion	Flip Chart Material
<p><u>Minutes</u> Tom Portle asked if there were comments on the minutes from the October 5 TAC meeting. Jim Bachhuber asked to clarify whether we planned to move ahead with rules and hold hearings and Tom indicated we were and that there would be accompanying guidance (discussed previously in October 5 meeting minutes). Lynita Docken suggested we make the notes clear that we're addressing only pond sediment at this point and street sweepings and other similar wastes are in the parking lot. She felt we should not address street sweepings (discussed previously in October 5 meeting minutes). It was stated that the DNR needs to clarify what we mean by "stormwater detention basins" (discussed previously in October 5 meeting minutes).</p> <p>Jim B. and Greg Fries believe what gets trapped in smaller devices, the coarse material, has less potential to have high levels of contaminants (don't cling to coarse material as readily as fines) but there's more trash. Also, there is less cation exchange capacity (attenuation capacity). Jim B. indicated that the minutes were OK.</p>	<p><u>Review of Minutes</u></p> <p>Scope of TAC's work is sedimentation ponds</p> <p>Clarify this in the report</p> <p>Definition of eligible sediment structures –clarify</p> <p><u>Define Sediments</u></p>
<p><i>Note: On October 15, 2007 the subgroup that was created at the October 5, 2007 meeting met at the DNR office in Madison. The outcome of that meeting was a flow chart, certification form with worksheets A & B, a proposal on sampling and testing, likely parameters of concern, and a use risk matrix. These materials were sent to the ASTAC prior to the November 5 meeting. Also appeared in the PowerPoint slides that led the November 5 ASTAC discussion.</i></p>	

<p><u>Flow Chart</u> Mary Anne Lowndes discussed the flow chart and mentioned three situations where we would not require sampling. We discussed the < 100 cubic yards that would be exempt from sampling. Greg responded to questions on the 100 cubic yards rationale. About the amount that a small “in-house” municipal project would entail; amount often removed to address a visible “sand delta” at the head end of the pond, somewhat for aesthetic purposes. City of Madison has a DNR approved fill site for this type of thing. Jack Connelly asked if the 100 cubic yards is in fact a reasonable idea? Jeremy Balousek favors allowing this material to be removed without testing, because it provides incentive to remove it regularly. The ASTAC members acknowledged, however, that it would be difficult to define in a rule exactly what material would fall under this category. The TAC members believe if this material is restricted to that which collects at the forebay it would be reasonable to not sample, especially if we could do some sampling on our own to have data to back us up. Greg explained that there is often a sand delta that forms and is removed for aesthetic rather than functional reasons. It often takes 8-10 dump trucks full to remove this material to do this “maintenance dredging.” The City of Madison uses lots of sand, instead of salt, so they often need to remove this material every 4-5 years. Functional removal, on the other hand, would be required every 15-20 years. Lori Grant asked if the department could do random sampling. Mary Anne thought the results would vary widely. Greg thought the cost of doing simple sampling, not requiring a drill rig, would be about \$100. Sampling for an extended list of pollutants would be expensive.</p>	<p><u>Flow Chart</u> Can DNR do random sampling to help define materials? Residential categories -define</p>
<p>Note: Tom introduced the need to track the status of program elements. He referred to PowerPoint slides to focus the discussion. Among these items:</p> <p><u>Conceptual:</u></p> <ul style="list-style-type: none"> - Support the risk based self implementation prog. for mgt. of accumulated. sediment - can be safely managed in reuse options apply with certain restrictions. - Risk management based (self-implementing program) w/ targeted DNR review is feasible - Program can be a hybrid by choosing elements of similar DNR beneficial use programs - Definitions - Certification worksheet with Part A & B - Sampling and testing of constituents/contaminants identified as important. <ul style="list-style-type: none"> pH Conductivity Salt content including chlorides, fluorides, sulfate Solids fraction and organic fraction - <u>Nutrient content</u> <ul style="list-style-type: none"> Kjeldahl nitrogen, ammonia nitrogen, nitrate nitrogen Potassium Phosphorus 	

<p>- <u>Heavy metals/ trace elements</u></p> <p>Arsenic Lead Cadmium Nickel Copper Zinc Chromium</p> <p>- Biological populations (Pathogens)</p>	
<p><u>Certification Form</u></p> <p>Tom reviewed the certification form that was sent out before the meeting, indicating that Part A could be filled out by a responsible but non-professional party such as a representative of the homeowner’s association while Part B would have to be signed off by a professional. Jim suggested we consider total area affected in conjunction with the percent connected impervious surface by land use. Fifteen percent of many acres is still a lot of acres. Paul Kent thought Monroe Commons should be considered high density but questioned whether homes in that same neighborhood should have that designation. Jim suggested that if we go down this path that we need more evidence that what we are saying is safer land use really is safer. Need more literature backing us. For example the MPCA characterized stormwater sediment from 12 ponds with specific land uses. Jeremy suggested a study by Bob Pitt. Suggested that we need to get Jim McMillan’s DOA data.</p>	<p><u>Worksheet</u></p> <p>Is there a need to look at total size as well as percentage?</p> <p>Need reference document for technical support</p> <p>Definitions Snow storage areas – most will be from the same watershed</p> <p>DOA – need to get information about their projects, experience and data</p>
<p>Paul suggested making the form more user friendly – many won’t know what Tier 1 and 2 or Brownfields or how to get to BRRTS. Maybe eliminate Brownfields if they’re checking on hazardous waste spills anyway.</p> <p>Pat thought the practical implications were that the form couldn’t be used in urban settings but could be used in rural settings. There was some discussion of arterial roads vs. collectors. Jim suggested changing to lot size not density.</p>	<p>Residential categories -define Define Tier 1 and 2, Brownfields or reference.</p> <p>Part II Certification -Questions - Site history</p>
<p>Tom thought we would not be looking at the form due to lack of personnel but would require that it be kept on file for a given period of time so it could be checked if there was a complaint. Lori wondered if there would be some check on whether the form was being completed accurately or if we’d have random checks of the form.</p> <p>- Paul likes the idea of having the option of sending certification forms to the DNR. This provides a sense of security to do the right thing. It’s good to produce regulatory certainty. If we randomly look at them, it provides some degree of certainty. If it’s self-policing and they’re required to send information to DNR, then they tend to be more careful.</p>	<p>Worksheets not submitted/reviewed -must be retained by responsible party (Repeated)</p> <p>-should there be an option to submit to DNR? (Repeated)</p> <p>Will help RP know it’s correct</p>

<p><u>Sampling and Testing</u> Tom reviewed the sampling requirements. This would be in guidance, not the rule. Paul asked if data shows evidence of pathogens and Tom indicated it does – Roger Bannerman’s work shows this. Discussed cost of sampling. Greg indicated he samples for NR 347 by driving a Shelby tube and collecting a sample every 2 feet. This can be done by hand. If you have to mobilize the rig and go out on the ice it costs \$1,000-2,000. The rest of the list costs \$200. The State Lab of Hygiene could provide us with a ballpark figure. Jim B. said the cost would be \$500 per tube. Greg thought \$300 per list. Jeremy questioned why sample for nutrients. Paul pointed out that mercury testing can be very expensive. Tom thought we may not need to sample this – it was from sludge and bio solids. Paul reminded us that the level of detection and level of quantitation change the price significantly. Pat thought we should not make it cost too much to clean the ponds so they would choose not to. TAC likes the idea of not sampling low risk situation.</p> <p>Pat Stevens questioned how they would know when to sample for organics. Tom indicated it depends on the vehicle traffic, pesticides used and the history. In Part B we ask what likely chemicals are used.</p>	<p><u>Sampling and Testing</u> Type of testing required – use Existing guidance</p> <p><u>Sampling and Testing</u> Cost of sampling Cost of testing Need to explore State Lab of Hygiene Links to approved private labs</p> <p>Results of test.....</p>
<p>Tom shifted back to the PowerPoint slides to focus the discussion on landspreading considerations. These include:</p> <p><u>Material Quality & Risk Implications</u> -evaluation of the presence & concentrations of levels of constituents in the accumulated sediment and</p> <p><u>Possible Landspreading – Option “B” Requirements</u></p> <ul style="list-style-type: none"> • Standard Requirements - Locational criteria – Setbacks • Site selection elements to consider soil attenuation capacity - site-specific factors such as separation distance to receptors such as groundwater, surface water, areas with higher population density • Maximum application rate at any one time/year • Maximum application for life of site • Other site management issues and any factors relevant to the minimization of risk to the public and the environment • Recordkeeping <p>Lynita expressed concern with injecting the material below the A soil horizon for fear of losing whatever treatment/attenuation that layer could provide. She’d rather have it spread on the surface with a shallow slope and allow it to move down through the A horizon. This should be less risky than injecting it.</p>	<p><u>Land Spreading</u> - use of model for other disposal options</p> <p>General requirement – exempts – NR 500 -PALs → most will not qualify for landspreading permit - Take most conservative approach 3rd Column Slope Criteria Soil Depth</p>
<p><u>Locational Criteria</u></p> <p>Tom presented a chart with the locational criteria used in many different codes and pointed out how similar they are. Greg pointed out the well head protection or source water protection setback of 1,200 feet.</p>	<p>DNR - Draft code to include: Locational criteria Where you can’t put it Setbacks Sampling lists - Need to be consistent with Ch. 30 – distance, slope to avoid Ch. 30</p>

<p><u>Mary Ellen Volbrecht Chapter 30 Presentation</u> Mary Ellen was asked to address questions the TAC members had at our October 5 TAC meeting. She drew a sketch showing many different locations a stormwater pond might be built in the vicinity of a navigable body of water and described whether or not the chapter 30 permit would apply at the different locations.</p> <p>Mary Ellen will send us a copy of what she drew and a table explaining each situation. <u>It seemed clear that there will be relatively few stormwater ponds that would be subject to NR 347.</u></p> <p>In most cases, if the pond is greater than 500 feet from the navigable body of water, then ch 30 and NR 347 would not apply.</p> <p>Mary Ellen indicated the list of parameters that their program requires under NR 347 was established in 1989 so they are very interested in any list we might come up with. Mary Ellen informed the group that NR 347 provides an extensive but not mandatory parameter list to choose from. Her staff has discretion to choose and would welcome having the option to use our list, when appropriate.</p>	<p><u>Chapter 30</u></p> <p>If Ch. 30 dredging permit needed: Include maintenance plan -500 feet (within) -connected to public water</p> <p>NR 347 – contaminated sediments</p> <p>Mel – Table – construction & dredging permits</p> <p>Landspreading 300 feet & slope considerations</p> <p>Water Management staff -work group input</p>
<p>OUTCOMES:</p>	
<p>Tom asked the members if they were okay with the locational criteria and they said yes, as long as they can review it again. They also indicated they were okay with the concept of the certification form. The ASTAC agreed to review proposed rule language on sampling, landspreading, recordkeeping and to discuss at the next meeting.</p>	
<p>What’s Next?</p> <p>Possible Landspreading – Option “B” requirements:</p> <p><u>Process Possible Landspreading – Option “B” criteria/requirements:</u></p> <ul style="list-style-type: none"> • Standard Requirements - Locational criteria – Setbacks • Site selection elements to consider • Maximum application rate at any one time/year • Maximum application for life of site • Other site management issues • Recordkeeping 	
<p>► Feedback and Schedule Next Meeting</p> <p>Lynita advised us to write DRAFT on the documents to make it clear they are not final.</p> <p>The next meeting was scheduled for Jan. 8 but subsequently rescheduled for January 15, 2008 from 9:00 a.m. to 1:00 p.m.</p>	<p>DNR - Draft code to include: Locational criteria Where you can’t put it Setbacks Sampling lists</p>

▶ **Between Meetings**

DNR will collect and assemble additional data, information, document proposed language discussed on 11/5/07 and draft proposed rule language for comment by ASTAC. DNR will try to get the products (proposed language etc.) out for ASTAC review by **December 15**.

▶ **Adjourned** at 12:45.

▶ **“Parking Lot” Items** - As we indicated during the “ground rules” portion of the meeting items that needed to be addressed further would be tracked. For the November 5, 2007 meeting these were: Catch basins, street sweepings, drainage ditches, swales, underground storage.