

**PROPOSED NR 528 -  
MANAGEMENT OF ACCUMULATED SEDIMENT FROM STORM WATER  
MANAGEMENT STRUCTURES**  
January 30, 2009



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**Purpose** – The purpose of the proposed Wisconsin DNR rule is to:

- Regulate accumulated sediment that is removed from a “storm water management structure”
- Protect public health and the environment from contaminants contained in accumulated sediment
- Reduce the need to dispose of accumulated sediment within a landfill

**Applicability** – The proposed rule applies to the following:

- The proposed rule applies to the “sediment manager”. The “sediment manager” is any person with responsibility for management of accumulated sediment that is removed from a “storm water management structure” including any person holding fee title, an easement or other interest in a property, or their agent.
- A “storm water management structure” includes wet and dry detention ponds and infiltration basins.
- The proposed rule does not apply to sediment removed from the following:
  - Catch basin sumps, proprietary devices, oil / water / grit separators, and street sweepers
  - Temporary sediment control practices at a construction site (i.e. sediment basin, etc.)
  - Landscape ponds located on private property with no designed inlet or outlet

**Performance Standards**

- The “sediment manager” is responsible for proper disposal of accumulated sediment. The “sediment manager” may not dispose of accumulated sediment at a site if there is *reasonable probability* that the sediment will impact public health, wetlands, endangered/threatened species, surface water or groundwater.
- The “sediment manager” is responsible for providing erosion control measures for the disposal site.
- The “sediment manager” shall dispose of the accumulated sediment in a licensed landfill if the sediment sample exceeds any of the ceiling levels for arsenic, cadmium, chromium, lead, pH, or conductivity.

**Sediment Evaluation & Certification Requirements**

- Sampling is not required if the accumulated sediment is disposed in a licensed landfill or if the drainage area associated with the “storm water management structure” meets all of the following criteria:
  - Less than 15% commercial, multi-family, institutional, and industrial land uses combined
  - No areas of suspected contamination and no hazardous substance spills
- If sampling is required, the “sediment manager” shall obtain one sample per surface acre. Samples shall be analyzed by a certified laboratory for pathogens, heavy metals, nutrients, solids, pH, and conductivity. Sample results shall be evaluated by a licensed engineer, soil scientist, geologist or hydrologist.
- The “sediment manager” is responsible for completing the certification form supplied by the DNR.

**End Use of Accumulated Sediment**

- The “sediment manager” may choose an end use for the accumulated sediment including a licensed landfill, general fill, confined fill (e.g. street or building subgrade), landspreading, dedicated sediment management site, or other end uses under other regulatory controls (e.g. quarry).

**Record Retention**

- All certification forms, sediment sampling results, site monitoring results, and site monitoring records shall be retained by the “sediment manager” for 20-years.

**Public Comment**

- Public comments may be submitted to Mr. Jack Connelly, Wisconsin DNR, Bureau of Waste & Materials Management, P.O. Box 7921, Madison, WI 53707 until February 20, 2009.