

COMMISSION FILE NO: 23-156-12 **DATE INTRODUCED:** December 4, 2023

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance and Personnel Committee

RELATING TO: Agreement among the Milwaukee Metropolitan Sewerage District, City of Milwaukee, and Wisconsin Department of Natural Resources for the Dredged Material Management Facility, Project M98001

SUMMARY:

The Commission is requested to authorize the Executive Director to execute an intergovernmental cooperation agreement (ICA) among the Milwaukee Metropolitan Sewerage District (MMSD), the City of Milwaukee (City), and the Wisconsin Department of Natural Resources (WDNR) for the Dredged Material Management Facility (DMMF), Project M98001.

In September 2019, the Commission authorized the Executive Director to execute a Great Lakes Legacy Act project agreement among the United States Environmental Protection Agency (USEPA), WDNR, Milwaukee County, City, and We Energies for the Focused Feasibility Study, Pre-Design Investigation, and Remedial Design of Remaining Impacted Sediments in the Milwaukee Estuary Area of Concern (AOC). That agreement is the basis of the Milwaukee Estuary AOC projects.

In October 2020, the Commission directed the Executive Director to pursue State of Wisconsin legislative changes to clarify MMSD's statutory authority to participate in the financing and construction of the Milwaukee Estuary AOC DMMF. The statute change was approved in January 2022.

MMSD has completed design and is currently publicly bidding construction of the DMMF. In addition, MMSD has designed and is currently constructing the relocation of Combined Sewer Outfall (CSO) 195, under Project I05002. The relocation of CSO 195 is necessary to construct the DMMF.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☒ **S/W/MBE** ☐ **OTHER** ☐

*PFP_Authorization_M98001_ICA_Milwaukee_WDNR
11-13-23*

COMMITTEE ACTION: _____ **DATE:** _____

COMMISSION ACTION: _____ **DATE:** _____

SUMMARY (Cont'd)

Agreement among the Milwaukee Metropolitan Sewerage District, City of Milwaukee, and Wisconsin Department of Natural Resources for the Dredged Material Management Facility, Project M98001

MMSD, the City, and WDNR have developed an ICA that documents the responsibilities regarding cost sharing, funding, design, construction, operation, and maintenance of the DMMF. Following is a summary of key responsibilities.

MMSD will fund, manage, and contract for the design and construction of the DMMF and the relocation of CSO 195. The total value of the MMSD contributions is estimated at \$131,600,000. This amount accounts for WDNR contributions and a Great Lakes Restoration Initiative Grant of \$40,000,000.

The City will contribute licenses, permitting support services, and funding for the design of both the relieving platform and navigational dredging. In addition, the City will be responsible for routine and long-term facility operation and maintenance, including DMMF closure. The City is the owner of the DMMF land (lakebed) and will determine long-term use of the land created by construction of the DMMF. The total value of the City contributions is estimated at \$25,660,000.

WDNR will contribute \$7,000,000 to the District for design, permitting and construction of the DMMF, along with staff time to support this effort.

The ICA also directs the use of the DMMF as storage of contaminated material as follows:

- The DMMF is primarily constructed as storage for material removed from Milwaukee Estuary AOC remediation projects.
- The total anticipated volume of the DMMF is 1,930,000 cubic yards (CY).
- MMSD is entitled to 60% of volume remaining following placement of AOC materials. This volume is expected to range between 258,000 and 318,000 CY. MMSD may dispose acceptable material from watercourse projects, and the City will not charge a disposal fee.
- The City is entitled to 40% of volume remaining following placement of AOC materials. This volume is expected to range between 172,000 and 212,000 CY. The City may dispose of acceptable material from City projects.
- Any excess capacity in the DMMF beyond January 1, 2048, will be allocated evenly between the City and MMSD.

MMSD staff anticipates awarding the construction contract for the DMMF in January 2024, with construction scheduled to take nearly three years after notice to proceed. The CSO 195 relocation contract is currently scheduled to be complete by spring 2024.

RESOLUTION

Agreement among the Milwaukee Metropolitan Sewerage District, City of Milwaukee, and Wisconsin Department of Natural Resources for the Dredged Material Management Facility, Project M98001

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute an intergovernmental cooperation agreement among the Milwaukee Metropolitan Sewerage District, City of Milwaukee, and Wisconsin Department of Natural Resources for the Dredged Material Management Facility, Project M98001.