

Whereas, the United States Environmental Protection Agency has designated the Milwaukee Estuary Area of Concern as a location where considerable quantities of legacy contamination impair water quality, healthy aquatic and fish habitats, fisheries, and safe consumption of fish and wildlife for humans; and

Whereas, the United States Environmental Protection Agency, has designated funds through the Great Lakes Legacy Act for a project to remove contaminants from the Milwaukee estuary to restore water quality and allow the area to be “delisted” as an Area of Concern; and

Whereas, under the Great Lakes Legacy Act there must be a local match of funds or in kind services and the United States Environmental Protection Agency has designated that construction of a Dredged Material Management Facility will meet the requirement for a local match; and

Whereas, the Dredged Material Management Facility will provide a permanent disposal facility for contaminated sediments, and will be located proximate to the Jones Island Water Reclamation Facility owned by the Milwaukee Metropolitan Sewerage District; and

Whereas, the Milwaukee Metropolitan Sewerage District has expertise in the design and construction of underground infrastructure; and

Whereas, the Milwaukee Metropolitan Sewerage District would also utilize a Dredged Material Management Facility for disposal of 300,000 CY of sediment removed from flood management projects performed on the Milwaukee, Menomonee, and Kinnickinnic rivers and their tributaries.

Now, therefore, the following amendment is hereby made to Wisconsin Statute 200.35(14).

From 200.35

(14) ~~SHORE PROTECTION PROJECTS~~ AREA OF CONCERN PROJECT.

(a) In this subsection:

1. “Political subdivision” means a county, city, village or town.
2. “Project” means a ~~shore protection or erosion control project which consists, in whole or in part, of waste rock produced by construction projects undertaken by the commission and which has been requested, by resolution, by a political subdivision with territory in the district's service area.~~ Dredged Material Management Facility located adjacent to Jones Island at the Port of Milwaukee.

(b) The commission may finance and construct a project. This paragraph does not apply to the construction of any project on or after January 1, ~~1992~~ 2032.

(c) Prior to construction of a project under this subsection, the commission ~~and the political subdivision requesting the project~~ shall obtain all necessary permits and approvals from the state and from any governmental unit with jurisdiction of the area where the project is proposed to be located. If the project is proposed to be located on an area of lake bed the title of which has been granted by the state to a political subdivision, the commission may not construct the project unless that political subdivision approves the location of the project.

(d)

1. The commission shall pay ~~for the portion of the cost of a project constructed by the commission under this subsection which equals the difference between the cost of disposing of the waste rock at a disposal site~~

~~which is approved by the department of natural resources and which is outside of the district's service area and the cost of disposing of the waste rock in the project.~~ for all costs of the project through its capital budget and shall finance the project over a period of 30 years.

2. ~~If the cost of a project exceeds the amount paid by the commission under subd. 1., the political subdivision which requests the project shall pay 15 percent of the excess cost or \$300,000, whichever is less, and the commission shall pay the remainder, except as provided under subd. 3.~~

3. The commission may not pay ~~under subd. 2.~~ a total of more than ~~\$2,690,000~~ \$5,000,000 for ~~all the~~ projects constructed under this subsection.

4. ~~A political subdivision which requests a project under this subsection may not charge the commission a fee for disposing of the waste rock in the project.~~ The commission may reserve space in the Dredged Material Management Facility for the disposal of sediment from flood management projects constructed through 2032.

~~(e) If water no more than 300 feet in distance separates a completed project from the shore, the political subdivision which requests the project shall construct facilities to provide pedestrian access between the completed project and the shore.~~

(f) The political subdivision which holds title to the lake bed on which a project is constructed by the commission under this subsection holds title to that project and is responsible for any maintenance required after the project is completed. The commission may not make any claim relating to an ownership interest in that project.

~~(g) Paragraphs (d) to (f) do not apply to any project which includes a solid waste disposal facility which requires an operating license under s. 289.31.~~