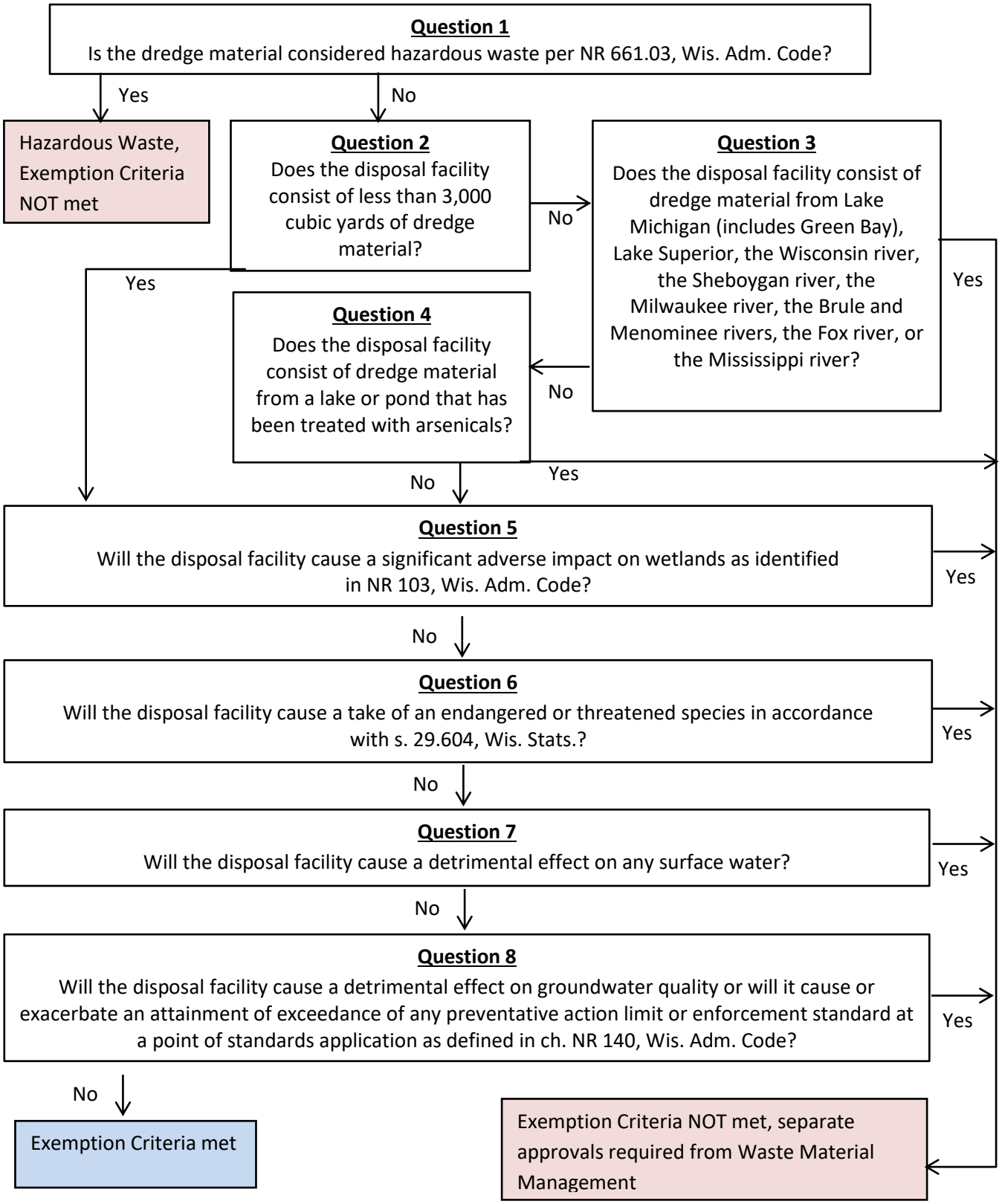
Self-Certification Exemption Criteria Flow Chart
for Dredge Material Disposal Facility
Waste and Materials Management Program
(*Revised 8-30-2018*)



Dredge Material Disposal in accordance with s. NR 500.08(3), Wis. Adm. Code

Dredge material is considered solid waste in Wisconsin, thus proper disposal is an important part of a successful dredging project. Dredging permits are issued by the DNR Waterways Program. As explained below, facilities for the disposal of certain dredge material are exempt from licensing and plan review requirements by the WDNR's Waste and Materials Management Program.

S. NR 500.08(3), Wis. Adm. Code, lists several types of facilities for disposal of dredge material which are exempted by rule. For those facilities that qualify for this exemption, any Department requirements for disposal would be exercised through the dredging permit. To document that your proposed disposal facility meets the exemption criteria, a certification statement is included below that you can provide as part of your dredging application to the Waterways Program. If your proposed facility does not meet the criteria, disposal options are included in "Exemption Criteria Not Met", below.

To determine whether your facility meets the exemption criteria, answer the series of questions below which are also depicted in the subsequent flow chart. Most questions have clarifying information following the flow chart.

Question 1 - Hazardous Waste

Dredge material is considered hazardous waste if it meets criterion in s. NR 661.03, Wis. Adm. Code. Rarely has dredge material been found that was considered hazardous waste. However, dredge material from a site that has had a spill or a release from certain activities could be considered hazardous. A facility for disposal of dredge material that is hazardous waste is not eligible for exemption under s. NR 500.08(3), Wis. Adm. Code. The dredge material must be disposed of in accordance with hazardous waste requirements. If you have dredge material that is hazardous waste, or do not know, please contact the Hazardous Waste Program.

Question 3 – Exempt Water Bodies

The water bodies listed in Question 3 are considered the most likely to contain contaminated sediment. Accumulative disposal of dredged material, at a facility located on single property, of less than 3,000 cubic yards from these waters is exempt if all other exemption criteria are met. A facility where the accumulative disposal of 3,000 cubic yards or more from those waters is not exempt. A facility for disposal of any amount of sediment from waters not listed in Question 3 is exempt if all other exemption criteria are met.

Question 4 – Arsenic

Facilities for the disposal of dredge material from Lakes and ponds that have been treated with arsenicals are not eligible for exemption under s. NR 500.08(3), Wis. Adm. Code. Arsenic compounds were used in lakes and ponds as herbicide from approximately 1950 to 1970. If you are proposing to dredge material from a lake or pond that has not been recently dredged you should consider the possibility of encountering arsenic contaminated sediment.

Question 5 - Significant adverse impact on wetlands

If you're not sure if your proposed facility may cause an impact a wetland area, please see our on-line resources - http://dnr.wi.gov/topic/wetlands/locating.html. If there is a wetland on or near the proposed facility, a 100 feet separation between the facility and a wetland area is considered a good rule of thumb. Conditions such as a steep slope between the facility and the wetland area could require a greater separation to prevent impacts.

Question 6 - Take of an endangered or threatened species

If you're not sure if your proposed facility may cause an impact of an endangered or threatened species, please use the National Heritage Inventory (NHI) screening tool to determine if the facility would have the potential to impact endangered resources. The NHI Public portal is an online tool that provides users with an instant response and documented preliminary assessment regarding whether or not a full Endangered Resources Review is necessary to ensure compliance with Wisconsin's Endangered Species Law.

Question 7 - Detrimental effect on any surface water

If you're not sure if your proposed facility will cause an impact to a surface water body, please use this online mapping tool to record any surface water near the facility. 300 feet between the facility and a surface water body is considered a good rule of thumb. However, conditions such as a steep slope between the facility and the water body could require a greater separation to prevent impacts.

Question 8 - Detrimental effect on groundwater quality

The effect that a facility for disposal of dredge material may have on groundwater quality will depend on several factors, including any contaminants and their concentrations found in the dredged material, the leaching potential of the dredged material, the underlying soil type at the disposal location, the depth to groundwater and the way the material is disposed (e.g. covered with clean soil, pavement or clay).

NOTE – If you had samples of the dredge material analyzed before (or after) dredging, and before disposal, those results can be used to estimate the amount of any contamination that might dewater or be leached from the dredge material after disposal.

To help evaluate if any contaminants in the dredge material would have the potential to impact groundwater the department provides a calculator. On the web page click on the "Soil RCLs" tab, then click on "RCL spreadsheet for use with macro-enabled Excel program" under item 2. The calculator opens as an Excel Spreadsheet. Please make sure the spreadsheet is expanded to full screen and you see the tabs along the bottom, then click the "GW RCLS" tab. Enter the results of the testing under "INPUT NUMERIC SOIL (column K) for each parameter you have test results for. If the calculator indicates potential for groundwater contamination, further evaluation of the proposed site and/or the dredge material will be necessary.

Exemption Criteria Not Met

If your proposed facility does not meet the exemption criteria, a few disposal options exist. Most landfill facilities (see Landfill Lists) will accept dredge material. Another option could be disposal in accordance with a low-hazard waste grant of exemption (LHWGE) issued by the Waste and Materials Management Program. The DNR charges a fee of $550 to review low-hazard waste grant of exemption requests. Also, the DNR is required to hold a public meeting prior to issuing an approval to dispose of dredged material.

Exemption Criteria Met

Your facility for dredge material disposal qualifies for an exemption under s. NR 500.08(3), Wis. Adm. Code. Please sign the statement below and include it with a dredging permit application to the Waterways Program.

I, _____ certify that I have read the questions regarding dredge material disposal, answered them appropriately, and my project is considered exempt.

_____ _____

(signature) *(date)*