



## Legislation Text

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**File #:** 230854, **Version:** 0

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230854

ORIGINAL

190877, 201150, 220879, 230427

ALD. BORKOWSKI

Resolution authorizing the City of Milwaukee to approve the Milwaukee Estuary Dredged Material Management Facility Agreement with the Wisconsin Department of Natural Resources and the Milwaukee Metropolitan Sewerage District for the Milwaukee Estuary Area of Concern.

This resolution will authorize the City of Milwaukee to enter into an agreement pertaining to the construction, use, and ongoing maintenance of a new dredged material management facility.

Whereas, The Milwaukee Estuary was designated an Area of Concern ("AOC") in 1987 by the International Joint Commission because of historical modifications and pollutant loads that contributed toxic contamination to the AOC and Lake Michigan; and

Whereas, The Milwaukee Estuary AOC includes the nearshore waters of Lake Michigan, portions of the Milwaukee, Menomonee, and Kinnickinnic Rivers, and a segment of Lincoln Creek; and

Whereas, The Department of City Development, Redevelopment Authority of the City of Milwaukee, Port Milwaukee, Department of Public Works, and other City agencies (collectively known as "the City") have been coordinating with the US Environmental Protection Agency ("USEPA"), the Wisconsin Department of Natural Resources ("WDNR"), Milwaukee County, We Energies, and Milwaukee Metropolitan Sewerage District ("MMSD") to develop a Focused Feasibility Study, Pre-Design Investigation, and Remedial Design of Remaining Impacted Sediments in the Milwaukee Estuary AOC; and

Whereas, The original Great Lakes Legacy Act("GLLA") Project Agreement ("PA") was authorized by Common Council File No. 190877, was fully executed on October 25, 2019 and was further supported by Common Council File No. 201150; and

Whereas, GLLA PA Modification No.1 included additional financial commitments and in-kind contributions from other non-federal sponsors (MMSD, We Energies, Milwaukee County, and WDNR) was authorized by Common Council File No. 220879 and fully executed on November 7, 2022; and

Whereas, GLLA PA Modification No.2 included construction of the Dredged Materials Management Facility ("DMMF") by MMSD, remedial action of the Car Ferry Slip by We Energies, remedial action and habitat restoration in the AOC to be performed by USEPA and their contractors, and an update to the Non-Federal Sponsor In-Kind Contributions and the Estimated Total Project Costs detailed in the PA Modification No. 1; and

Whereas, GLLA PA Modification No.2 was authorized by Common Council File No. 230427 and fully executed on August 8, 2023; and

Whereas, The proposed Milwaukee Estuary Dredged Material Management Facility Agreement (the "Agreement") details the obligations of the City, MMSD, and the DNR regarding the construction, use, and ongoing maintenance of the DMMF.

Whereas, pursuant to the Agreement, MMSD is responsible for obtaining all necessary permits for and constructing the DMMF on Port Milwaukee property; and

Whereas, The DMMF when constructed will provide a safe disposal site for dredged material from the AOC, which will be available for EPA, MMSD, and Port Milwaukee use pursuant to GLLA PA Modification No.2 and the Agreement; and

Whereas, Pursuant to the Agreement, the City will be responsible for the ongoing and long-term maintenance of the DMMF; and

Whereas, Construction of the DMMF and execution of the Agreement will constitute a significant step toward delisting the Milwaukee Estuary as an AOC; now, therefore, be it

Resolved, That the Common Council of the City of Milwaukee authorizes the appropriate City representatives to execute the Agreement in substantial conformance with that submitted alongside this file, with the WDNR and MMSD.

Alex Carson  
Assistant City Attorney  
9/19/2023