



Legislation Text

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201150
SUBSTITUTE 1
190877

ALD. BAUMAN AND KOVAC

Substitute resolution authorizing the City of Milwaukee to enter into a Milwaukee Estuary Area of Concern Non-Federal Sponsors Funding Contribution Agreement with the Wisconsin Gas LLC and Wisconsin Electric Power Company (doing business as We Energies), the County of Milwaukee, the Milwaukee Metropolitan Sewerage District, and the State of Wisconsin, Department of Natural Resources.

This substitute resolution will authorize the City of Milwaukee to enter into a funding contribution agreement with multiple non-federal sponsors to remediate legacy contamination in the Milwaukee Estuary Area of Concern.

Whereas, The Department of City Development, Redevelopment Authority of the City of Milwaukee, Port of Milwaukee, 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 ("DNR"), Milwaukee County, We Energies, and Milwaukee Metropolitan Sewerage District ("MMSD") to develop plans to remove the Milwaukee Estuary as an Area of Concern ("AOC"); and

Whereas, The Milwaukee Estuary includes the nearshore waters of Lake Michigan, portions of the Milwaukee, Menomonee, and Kinnickinnic Rivers, and a segment of Lincoln Creek and was designated an 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, In October 2019, the Common Council of the City of Milwaukee ("Common Council") adopted File No. 190877 authorizing the appropriate City representatives to execute a Great Lake Legacy Act ("GLLA") Project Agreement with the USEPA, DNR, Milwaukee County, We Energies, and MMSD; and

Whereas, The purpose of the project agreement was to improve the conditions in the AOC to protect human health and the aquatic environment as well as support the eventual delisting process; and

Whereas, The Parties now wish to enter into a Contribution Agreement for the purpose of defining contributions, roles, and responsibilities for the Non-Federal Sponsor ("NFS") portion of the GLLA Project Agreement for Focused Feasibility Study ("FFS"), Pre-Design Investigation ("PDI"), and Remedial Design ("RD") of Impacted Sediments, the RD of the proposed Milwaukee Estuary Dredge Material Management Facility (MKE-DMMF, "DMMF" for short) and the removal of polychlorinated biphenyl ("PCB") contaminant Source Material in the Milwaukee Estuary AOC; and

Whereas, Under this agreement, the City is providing \$400,000 of the non-federal cost share requirements through in-kind contributions such as-built evaluation, utility locate, Grand Trunk sewer assessment; and

Whereas, Additional In-Kind Contributions include \$626,204 from the DNR, \$6,200,000 from MMSD, and \$1,925,000 from We Energies. The County In-Kind Contributions include providing access to County property including the hotlining of County utilities within the project area; and

Whereas, In 2019, We Energies and the City entered into an agreement where We Energies coordinates the design of the expanded DMMF. In exchange, the City allows We Energies a portion of the City's allocated capacity within the CDF-DMDF for sediments from the Kinnickinnic, Milwaukee or Menomonee Rivers; and

Whereas, In 2019, DNR, We Energies, and the City formed the DMMF Design Technical Work Group ("DTWG"), to work on the pre-design investigation, design, funding, and construction of the DMMF in a collaborative, efficient, and expedient manner to meet the collective goals of the Parties; and

Whereas, In 2019, We Energies completed the design of DMMF which is estimated to be 42-acres in size and have a capacity of 1.9 million cubic yards based on a crest elevation that is 6 feet lower than of crest elevation of the existing CDF-DMDF; and

Whereas, In 2019, DNR performed an *Analysis of Dredged Material Management Alternatives for the Milwaukee Estuary Area of Concern Great Lake Legacy Act Projects* which evaluated three alternatives, including no action, landfill, and the proposed DMMF. The DNR recommends the DMMF because it meets the threshold criteria, is similar to a landfill for most balancing criteria but has significantly lower costs and is more sustainable; and

Whereas, The NFS agree that the proposed DMMF is the most cost-effective path to address the beneficial use impairments associated with contaminated sediment in the MKE AOC; and

Whereas, The Parties agree to continue to collaboratively participate in public outreach regarding the DMMF as necessary and appropriate; and

Whereas, The Parties expect that some of the Parties will enter into a separate MKE-DMMF agreement regarding contributions and a Disposal Use Plan for the DMMF in effort to safely and efficiently store material in support of commercial navigation, harbor maintenance, and environmental remediation projects across the AOC and throughout Milwaukee Harbor to maximize economic and environmental benefit; now, therefore, be it

Resolved, The Common Council of the City of Milwaukee authorizes the appropriate City representatives to execute a funding contribution agreement with the DNR, Milwaukee County, We Energies, and MMSD to facilitate to satisfy the Project's Non-Federal Share.

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12/15/20