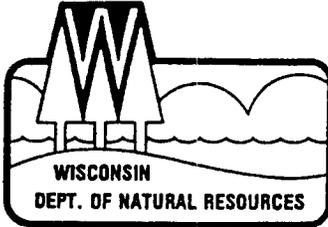


Appendix B
WDNR Chapter 30 Permit



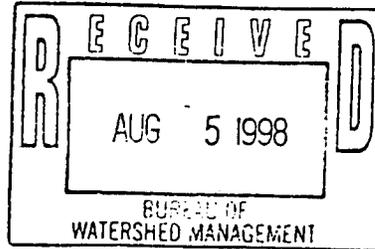
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
William R. Selbig, Regional Director

Northeast Regional Headquarters
Green Bay Work Site
1125 N. Military Ave., P.O. Box 10448
Green Bay, WI 54307-0448
Phone 920-492-5800
Fax 920-448-5129

August 3, 1998

WI Department Of Administration
101 E. Wilson Street
Madison, WI 53707



3-NE-98-0239LF

Dear Sir :

We have reviewed your application for a permit to remove materials from the bed of the Fox River in the Village of Little Chute, Outagamie County. You will be pleased to know your application is approved with a few limitations.

Attached is a copy of your permit which lists the conditions that must be followed. In addition, I have included a copy of our findings of fact and conclusions of law and your rights to appeal our action. A copy of the permit must be kept for reference at the project site. Please read your permit conditions carefully so that you are fully aware of what is expected of you.

Your next step will be to notify me of the date on which you plan to start construction and again after your project is complete.

If you have any questions about your permit, please feel free to call me at 920-448-5166. And remember, your permit is not valid until you notify me of your intention to begin construction.

Good luck on your project!

Sincerely,

Michael Hanaway
Michael Hanaway
Water Management Specialist

Attach.

cc: Dick Koch - NER
Corps of Engineers - Green Bay
Warden - Amie Jarozewski
County Zoning - Outagamie County
Mike Liebman - Foth & Van Dyke, P.O. Box 19012, Green Bay, WI 54307-9012
Janet Smith - U.S. Fish and Wildlife Service, 1015 Challenger Court, Green Bay, WI 54311-8331
Rick Hermes - Village Administrator, Village of Kimberly, 515 W. Kimberly Ave., Kimberly WI 54136
Tom Lebak - Village Administrator, Village of Little Chute, 108 W. Main St., Little Chute, WI 54140
Interlake Papers, Attn: Earl Porter, 433 North Main Street, Kimberly, Wi., 54136-1490
Bill Fitzpatrick - WDNR, GEF- II

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

DREDGING PERMIT
3-NE-98-0239LF

WI Department Of Administration is hereby granted under Section 30.20, Wisconsin Statutes, a permit to remove materials from the bed of the Fox River in the Village of Little Chute, Outagamie County, in government lot 4 Section 21, Township 21 North, Range 18 East, subject to the following conditions:

PERMIT CONDITIONS

1. You must notify Water Management Specialist Michael Hanaway, Green Bay, WI 54301 (phone 920-448-5166) before starting construction and again *not more than* 5 days after the project is complete.
2. You must complete the project as described on or before July 31, 2000. You may not begin or continue construction after this date unless the Department grants a new permit or permit extension in writing.
3. This permit does not authorize any work other than what you specifically describe in your application and plans, and as modified by the conditions of this permit. If you wish to alter the project or permit conditions, you must first obtain written approval of the Department.
4. You are responsible for obtaining any permit or approval that may be required for your project by local zoning ordinances or by the U.S. Army Corps of Engineers before starting your project.
5. You must allow free and unlimited access to your project site at any time to any Department employee who is investigating the project's construction, operation, or maintenance.
6. The Department may modify or revoke this permit if the project is not completed according to the terms of the permit, or if the Department determines the activity is detrimental to the public interest.
7. You must keep a copy of this permit and approved plans at the project site at all times until the project is complete.
8. Your acceptance of this permit and efforts to begin work on this project signify that you have read, understood and agreed to follow all conditions of this permit.
9. Proper erosion control measures shall be in place and maintained during the preparation phase, operation phase, and reclamation phase of the on-shore sediment dewatering, and sediment consolidation and carriage water treatment facility.
10. You must restrict the removal of vegetative cover and exposure of bare ground to the minimum amount necessary for construction. You must protect areas of exposed soil from erosion by seeding and mulching, riprap, sodding, diversion of surface runoff, installation of straw bales or silt screens, construction of settling basins, or similar methods as soon as possible after removal of the original ground cover and before construction is completed.
11. All disturbed nearshore areas shall be seeded and mulched or rip-rapped as appropriate to prevent erosion. This shall be accomplished immediately upon completion of any phase of this project.
12. No portion of the bank or upland which is altered or disturbed and, as a result, unstable may remain unprotected for more than 3 days.

13. Prior to any rain event, or if the site is to remain unoccupied for longer than 24 hours, appropriate temporary measures such as straw beds and silt fences must be put in place.
14. Final site stabilization requires re-establishment of vegetation with non-aggressive, native species and should not contain invasive species such as Reed Canary Grass (*Phalaris arundinacea*). Upon completion of the project, all nearshore areas must be restored to natural conditions using native grasses, forbes, shrubs, and trees.
15. All dredge spoils shall be disposed of within a licensed landfill. No dredging may begin until the facility is prepared to accept the spoils.
16. Dredging may only occur after the turbidity barrier has been constructed. Installation of the turbidity barrier must be according to the plans submitted. The turbidity barrier must be inspected daily to insure that it is functioning according to submitted plans and that sediment migration outside the dredge area is being prevented.
17. To monitor sediment resuspension, turbidity monitors must be installed and operational at least seven days before dredging begins.
18. This permit has been issued with the understanding that any construction equipment used is the right size to do the job, and can be brought to and removed from the project's site without unreasonable harm to vegetative cover or fish or wildlife habitat, and will not cause undue disturbance or deposition of silt in adjoining waterways.
19. The hydraulic cutterhead dredge must be operated by first starting the dredge pump with the cutterhead above the sediment. Only after the flow of water has been established by the dredge pump will the cutterhead be lowered into the sediments. To stop dredging, the cutterhead must be raised above the sediment allowing the dredge pump to pump only clear water until the entire dredge line is cleared before the pump is shut down.
20. You must not deposit or store any of the removed materials (hydraulically dredged sediments or other large debris) in any wetland or upon any part of the bed of the waterway below the ordinary high-water mark. All removed materials must be placed out of the floodway of any stream.
21. The turbidity barrier may only be removed after the suspended solids concentrations within the enclosed dredging area are equal to or less than background levels in the Fox River.
22. A map showing measurements of completed work shall be prepared and submitted within 30 days of project completion.
23. The turbidity barrier, dredging pipe, and any other permanent or temporary structures located in the water must be marked with standard US Coast Guard regulated warning devices indicating the location of the structures to boaters.
24. You must obtain and comply with any WPDES permits and solid waste permits required for the project. The Department reserves full control during the term of this contract to direct the manner in which the materials may be removed.
25. The permittee shall respond to any spills of hazardous substances or any dredge materials transport or pumping failures to the Department's project coordinator. In the event of any such spill or transport failure, you must follow all of the requirements of Chapter NR 706 of the Wisconsin Administrative Code.

FINDINGS OF FACT (Facts which were considered in making this decision.)

1. Wisconsin Department Of Administration has filed an application for a permit to remove materials from the bed of the Fox River in the Village of Little Chute, Outagamie County, in government lot 4, Section 21, Township 21 North, Range 18 East.
2. The project will consist of the hydraulic dredging of 12,000 cubic yards of PCB contaminated sediment from the Fox River and the construction of a HDPE membrane turbidity barrier to contain the sediment. An on-shore sediment dewatering and sediment consolidation and carriage water treatment facility will also be constructed.
3. The Department has completed an investigation of the project site and has evaluated the project as described in the application and plans.
4. The proposed project will not materially obstruct navigation and will not be detrimental to other public interests if constructed in accordance with this permit.
5. The proposed project, if constructed in accordance with this permit, will not adversely affect water quality, will not increase water pollution in surface waters and will not cause environmental pollution as defined in Section 144.01(3), Wisconsin Statutes.
6. The project has been reviewed for compliance with Chapter NR 103, Wisconsin Administrative Code. The project does not impact wetlands.
7. The Department has determined that granting or denying this permit does not constitute a major state action significantly affecting the quality of the human environment.
8. The Department of Natural Resources and the applicant have completed all procedural requirements and the project as permitted will comply with all applicable requirements of Sections 1.11, 30.20 Wisconsin Statutes and Chapters NR 102, 103, 115, 116, 117, 150, 299, and 347 of the Wisconsin Administrative Code.
9. The Department has considered the environmental analysis and comments received on it.
10. Consistent with social, economic, and other essential considerations, the Department has done all that it can to avoid or minimize environmental harm.

CONCLUSIONS OF LAW (These are the legal reasons why the Department can make these decisions)

1. The Department has authority under the above indicated Statutes and Administrative Codes. to issue a permit for the construction and maintenance of this project.
2. The proposed project conforms with the standards of Chapters NR 103, 115, 116, 117, 150, 299, and 347 Wisconsin Administrative Code.

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin Statutes and Wisconsin Administrative Rules establish time periods within which requests to review Department decisions must be filed.

To request a contested case hearing pursuant to Section 227.42, Wisconsin Statutes, you have 30 days after the decision is mailed or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources: This notice is provided pursuant to Section 227.48(2), Wisconsin Statutes.

Dated at Green Bay, Wisconsin on August 3, 1998

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By Michael Hanaway
Michael Hanaway
Water Management Specialist