

## ANNEX 6

### IDENTIFICATION AND DISPOSAL OF POLLUTED DREDGED SPOIL

1. *Definitions.* As used in this Annex:

- (a) "Dredged spoil" means the solid materials removed from the bottom of water bodies generally for the purpose of improving waterways for navigation; these materials may include mud, silt, clay, sand, rock and other solid materials that have been deposited from municipal and industrial discharges and from natural sources;
- (b) "Confined area" means an area developed for the deposit of dredge spoil that precludes the return of the dredge spoil to open portions of the waterway; the area may be located in the waterway or on other upland sites and may consist of dikes, levees, bulkheads, cells or any other type structure that will retain the material;
- (c) "Open water" means any part of the boundary waters of the Great Lakes System other than a confined area;
- (d) "Polluted dredged spoil" means dredged spoil containing harmful quantities of oil, hazardous polluting substances or other deleterious substances as designated by the responsible regulatory agencies.

2. *Review.* Pursuant to arrangements to be made by the International Joint Commission in consultation with the Parties, a working group shall be established to undertake a review of existing dredging practices, programs, laws and regulations with the objective of developing compatible criteria for the characterization of polluted dredged spoil and recommendations for compatible programs governing the disposal of polluted dredged spoil in open water. This review shall be completed within two years from the date of entry into force of the Agreement. The working group shall conduct its study and formulate its recommendations on the basis of the following principles:

- (a) Dredging activities should be conducted in a manner that will minimize harmful environmental effects;
- (b) All reasonable and practicable measures shall be taken to ensure that dredging activities do not cause a degradation of water quality and bottom sediments;
- (c) As soon as practicable, the disposal of polluted dredged spoil in open water should be carried out in a manner consistent with the achievement of the water quality objectives, and should be phased out.

3. *Consultations.* Upon completion of the review provided for in paragraph 2 above, the Parties shall consult pursuant to Article IX of the Agreement to consider and act upon the recommendations of the working group.

4. *Interim Actions.* Pending the development of compatible criteria and programs:

- (a) Dredged spoil found by the appropriate regulatory agencies to be polluted shall be disposed of in confined areas when they are available;