

**DNR CONSTRUCTION
STORMWATER PERMIT
REQUIREMENTS**

NASECA Workshop



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**EROSION CONTROL
REGULATORY HEIRACHY**

- Federal (EPA) erosion control regulations (Clean Water Act)
- State erosion control and storm water regulations
 - DNR administrative codes:
 - NR 216 – Storm Water Discharge Permits
 - NR 151 – Runoff Management

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**EROSION CONTROL
REGULATORY HEIRACHY**

- Department of Safety and Professional Services (DSPS)
 - SPS 320 & 321: Uniform Dwelling Code
 - SPS 360: Commercial Erosion Control
 - SPS 382: Uniform Plumbing Code
 - SPS 385: Soil and Site Evaluations
- WisDOT
 - Trans 401
- Local (County, Town, City, Village)

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**FEDERAL QUALIFYING STATE
PROGRAM**

{ National Pollution Discharge Elimination System } { Wisconsin Pollution Discharge Elimination System }

NPDES = WPDES

NR 216 is the WPDES stormwater permit code

NR 151 contains performance standards and some are implemented through WPDES stormwater permits

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**WI STATUTORY AUTHORITY
(DNR & DOT)**

- DNR authorized under s. 283.33, Stats., to administer stormwater discharge permit program (NR 216)
- DOT directed and supervised projects are administered under a DOT/DNR cooperative agreement but revised to require DOT to have DNR storm water permit coverage. Statewide construction site and transportation storm sewer system (TS4) permits have been issued to DOT
- **Trans 401:** DOT erosion control and storm water management code equivalent to subch. III of NR 216 and subch. IV of NR 151

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DNR & DSPS AUTHORITY

2013 Wisconsin Act 20 Changes Concerning EC & SWM

- DNR Establishes Uniform EC & SWM Standards for All Construction Sites Disturbing One Acre or More

Exceptions:

- Redevelopment Sites
- TMDLs
- Volume (flood) Control

- DNR Storm Water Permit required for All Construction Sites Disturbing One Acre or More

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DNR & DSPS AUTHORITY
 2013 Wisconsin Act 20 Changes Concerning EC & SWM

- DSPS Establishes EC Standards for Commercial Building Sites Disturbing Less than One Acre
- DSPS Maintains Administration of EC Standards for 1- & 2-family dwellings (Uniform Dwelling Code) Building Sites Disturbing Less than One Acre

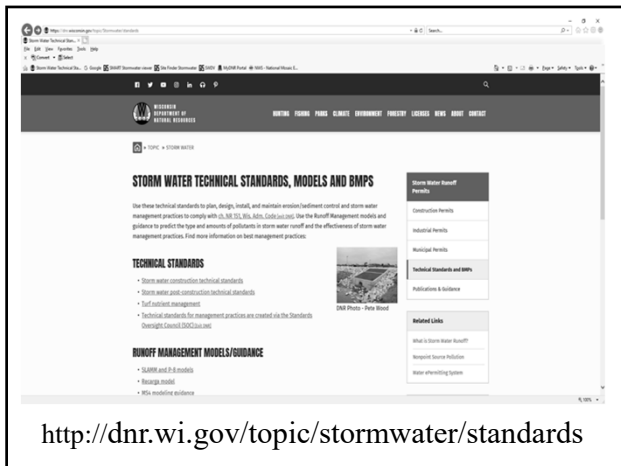
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DSPS STATUTORY AUTHORITY

- 101.653, Stats., gives DSPS authority over 1- and 2-family dwelling construction (SPS 321.125 & 321.126)

In 1992 erosion control measures were added to the Uniform Dwelling Code (UDC)

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DNR CONSTRUCTION PERMIT
Applicability:

- Permit required for one or more acres of land disturbance
- Common Plan of Development
- Sites under one acre can be required to get coverage for a significant discharge of pollution to waters of the state or a violation of a water quality standard



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PERMIT EXEMPTIONS

- **Exemptions listed under NR 216.42 (2) through (11):**
 - Agricultural cropping practices
 - Silvicultural
 - Clearing and grubbing a site is not a silvicultural activity
 - Milling & Crushing without soil exposure



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DNR CONSTRUCTION PERMIT

- **Major Program Requirements**
 - Preparation of an appropriate, site-specific erosion control plan and storm water management plans
 - Submit a completed Notice of Intent (NOI) to the DNR
 - Implement the plans
 - Monitoring and maintenance
 - Notice of Termination (NOT)

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NOI – APPLICATION FOR CONSTRUCTION SITE PERMIT

- Electronic NOI system mandatory since September 2015
- Today's NOI application fees of \$140 - \$350 based on amount of land disturbance
- NR 216 is in the process of being revised and will include new application fees

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NOI – APPLICATION FOR CONSTRUCTION SITE PERMIT

(cont.)

- Written erosion control and post-construction stormwater management plans **must** be developed before NOI sent to DNR
- EC & SWM plans submitted electronically with NOI
- Permit coverage must be obtained from DNR in addition to any local permit/approval

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DNR CONSTRUCTION SITE REQUIREMENTS

- Sites with < 1 acre of land disturbance
 - No WPDES construction site discharge permit coverage needed
 - An erosion control plan is not required
 - Practices are required to prevent or reduce the following:
 - Tracking of soil onto streets
 - Discharge of sediment into inlets

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DNR CONSTRUCTION SITE REQUIREMENTS

(cont.)

- Sites with < 1 acre of land disturbance (cont.)
 - Practices are required to prevent or reduce the following (cont.):
 - Discharge of sediment into waters of the state
 - Discharge of sediment from drainage ways
 - Discharge of sediment from soil stockpiles existing for more than 7 days
 - Transport by runoff of chemicals into waters of the state

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DNR CONSTRUCTION SITE REQUIREMENTS

- Sites with 1 or more acre of land disturbance

- WPDES construction site discharge permit coverage needed
- An erosion control plan is required



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DNR CONSTRUCTION SITE REQUIREMENTS

- Sites with 1 or more acre of land disturbance (cont.)

- Erosion and sediment control practices same as for <1 acre plus the following:
 - Prevent erosive flows at outlets and downstream channels
 - Prevent discharge of untreated wash water
- Sediment Performance Standard
 - Maximum allowance of 5 tons per acre per year to the MEP (USLE Soil & Sediment Discharge Calculation Tool)

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DNR CONSTRUCTION SITE REQUIREMENTS

• Sites with 1 or more acre of land disturbance (cont.)

- Preventive Measures
 - Maintain existing vegetation
 - Minimize soil compaction and preserve topsoil
 - Minimize disturbance of slopes >20%
 - Develop spill prevention and response procedures

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DNR CONSTRUCTION SITE REQUIREMENTS

• Sites with 1 or more acre of land disturbance (cont.)

- Implementation
 - Install practices before land disturbance in accordance with plan
 - Maintain until final stabilization
 - Stabilize when any area reaches final grade
 - Temporarily stabilize when activities cease and will not begin again for 14 calendar days or more
 - Remove BMPs after they are no longer needed

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DNR CONSTRUCTION SITE REQUIREMENTS

• Post Construction Storm Water Management

- Develop a Storm Water Management Plan compliant with s. NR 216.47, Wis. Adm. Code
- Performance Standards contained in ss. NR 151.121 to NR 151.128
 - Total Suspended Solids
 - Peak Discharge
 - Infiltration

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DNR CONSTRUCTION SITE REQUIREMENTS

• Post Construction Storm Water Management (cont.)

- Performance Standards contained in ss. NR 151.121 to NR 151.128 (cont.)
 - Fueling and Vehicle Maintenance Areas
 - Location
 - Timing

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APPLY TO ALL SITES REGULATED UNDER DNR CONSTRUCTION SITE PERMIT

- Discharges to Outstanding or Exceptional Resource Water (ORW or ERW as listed under NR 102.10 & 102.11)
 - Design to prevent discharge of sediment and other pollutants to any ORW or ERW in excess of background level
 - Post-construction condition should maximize infiltration
 - 75 foot protective area applies

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APPLY TO ALL SITES REGULATED UNDER DNR CONSTRUCTION SITE PERMIT

- Impaired Water Bodies [303(d) of Clean Water Act]
 - Design to prevent discharge of pollutant(s) of concern to an impaired water body unless TMDL established
 - If TMDL established, then EC & SWM plans need to be designed to achieve and maintain compliance with TMDL allocation

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**APPLY TO ALL SITES
REGULATED UNDER DNR
CONSTRUCTION SITE PERMIT**

• **Fish and Aquatic Life Waters** (most waters)

- Design to prevent the significant lowering of water quality of receiving water pursuant to NR 207



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DNR Dewatering Permits

- DNR Stormwater Construction Site General Permit (GP) authorizes dewatering discharges
 - Dewatering Technical Standard 1061
- Dewatering Operations GP (WI-0049344-5)
 - DNR may require the Dewatering Operations GP, Contaminated Groundwater GP or other Individual Discharge Permit as appropriate
 - Sites < 1 acre of land disturbance
- DNR High Capacity Dewatering Well Approval needed for groundwater withdrawal of 70 gpm or greater from a property

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DNR TECHNICAL STANDARDS

- Developed under the Standards Oversight Council (SOC) process
- Standards developed with input from various agency experts and private sector experts
- Uniform standards as recognized/utilized by agencies statewide including DSPS, DATCP, NRCS, WI Land+Water and UW Extension
- DNR custodian for its EC & SWM technical standards

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DNR TECHNICAL STANDARDS

- **Both erosion/sediment control and post-construction stormwater technical standards have been developed**
- **Technical standards call for use of DOT approved materials on Product Acceptability List (PAL)**

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STRUCTURE OF TECHNICAL STANDARDS

- **Definition & Purpose**
- **Where Standard Applies**
- **Design Criteria**
- **Considerations**
- **Operation & Maintenance**

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EROSION/SEDIMENT TECHNICAL STANDARDS (Examples)

- Channel & Non-Channel Erosion Mats
- Dewatering
- Land Application of Anionic Polymer
- Silt Curtain
- Stone Tracking Pad and Tire Washing
- Storm Drain Inlet Protection
- Turbidity Barriers
- Track Out Control Practices
- Sediment Trap & Sediment Basin

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POST-CONSTRUCTION TECHNICAL STANDARDS

(Examples)

- Bioretention for Infiltration
- Infiltration Basin
- Infiltration Trench
- Permeable Pavement
- Proprietary Storm Water Filtration Devices
- Proprietary Storm Water Sedimentation Devices
- Rain Garden
- Site Evaluation for Stormwater Infiltration
- Vegetated Swale
- Wet Detention Pond
- 'Dry Pond' is currently under development

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INSPECTION & MAINTENANCE

- Weekly inspections of erosion and sediment control measures and within 24 hours after a 0.5" or greater rainfall in any 24 hour period
- Repair or replace control measures within 24 hours of an inspection or notification indicating that repair or replacement is needed

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INSPECTION REPORTS INCLUDE

- Date, time and location of inspection
- Name of person that did inspection
- Assessment of conditions of controls
- Description of corrective actions taken
- Description of present phase of construction

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DNR SITES RECORD KEEPING

- Retain records of all inspections, plans, and information used to obtain permit coverage for 3 years beyond Notice of Termination (NOT)
- Reports should be kept on-site in secure location and submitted to DNR upon request

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DNR NOI REVIEW



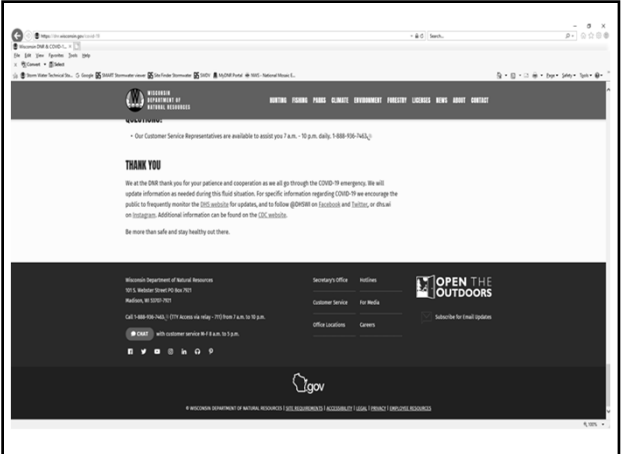
- DNR has 14 working days to review NOI
- DNR may withhold coverage beyond 14 working days to ensure project complies with applicable state requirements. If no DNR response, then permit coverage automatically granted
- DNR review includes screening for:
 - Historical and archaeological resources
 - Endangered & threatened resources
 - Wetland determination / delineation required if wetland indicators present

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DNR ENFORCEMENT TOOLS

- **NON or NOV**
- **DNR Citations**
 - Generally \$868 to \$1,452 per violation
 - Each day is considered a new violation
 - Noncompliance may result in multiple citations
- **DNR Referrals to Dept. of Justice**

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