

**REGULATIONS PERTINENT TO
DSPS SOIL EROSION
INSPECTOR EXAM**

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Eric Rortvedt, P.E.
Storm Water Engineer
Wisconsin DNR

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**Department of Safety & Professional Services
UNIFORM DWELLING CODE
SPS 320-325**

Applies to:

- New 1 & 2 family dwellings permitted after December 1, 1992
- Additions permitted after December 1, 1992 to 1 & 2 family dwellings originally permitted after June 1, 1980 (unless exempted by local ordinance, then May 16, 1992)

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**UNIFORM DWELLING CODE
SPS 320-325**

UDC Code does NOT apply to:

- Commercial Projects – which includes 3+ unit dwellings*
- Farm Buildings used exclusively for farm operations*
- Subdivision or Other Land Development not associated with construction of a building*

*These may be subject to other state or local regulations

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“UNIFORM” DWELLING CODE

- Local ordinance can't be more or less restrictive (except under order of EPA or DNR, they can be more restrictive)
- Municipalities may adopt UDC for dwelling built before June 1, 1980

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**REQUIREMENTS FOR
UDC SITES (< 1 acre)**

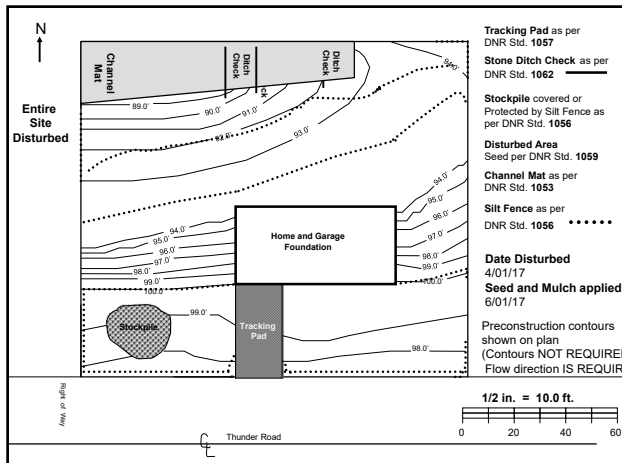
- **Erosion & Sediment Control Plans**
 - Site plan must be submitted with the UDC application that complies with SPS 320.09(4) and (5).

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**REQUIREMENTS FOR
UDC SITES (< 1 acre)**

- **Site Plan Requirements:**
 1. Location of dwelling & any other buildings, wells surface waters and dispersal systems on the site
 2. The areas of land disturbing construction activity and location of all erosion and sediment control measures
 3. Pre-construction ground surface slope and direction of runoff flow within the proposed areas of land disturbance

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REQUIREMENTS FOR UDC SITES (< 1 acre)

- Land disturbing activities may **NOT** begin until sediment control measures are in place in accordance with the approved plan
- Erosion and sediment control practices must be in place and maintained until the disturbed areas are stabilized (70% perennial vegetated cover established)

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REQUIREMENTS FOR UDC SITES (< 1 acre)

- **Mandatory Practices (SPS 321.125(2))** must be used at all sites to reduce or prevent the following:
 - Soil tracking onto streets by vehicles
 - Discharge of soil into on-site storm water inlets
 - Discharge of soil into abutting waters of the state (includes Designated Wetlands) and adjacent properties

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REQUIREMENTS FOR UDC SITES (< 1 acre)

- **Mandatory Practices** must be used at all sites to reduce or prevent the following: (cont)
 - Discharge of soils from drainage ways that drain off site
 - Discharge of sediment from dewatering activities
 - Discharge of sediment from soil stockpiles existing for more than 7 days

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REQUIREMENTS FOR UDC SITES (< 1 acre)

- **Control Standards (SPS 321.125(3))** must be met by erosion and sediment control practices to:
 - No more than 5 tons/ac/yr of soil except 7.5 tons/ac/yr of silt, silty clay loam, and silt loam textured soil may be discharged
 - Reduction of at least 40% of the potential sediment load on an annual basis as compared to no controls

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REQUIREMENTS FOR UDC SITES (< 1 acre)

Monitoring: SPS 321.125(5)

- The Owner or Owner's agent must monitor all erosion and sediment control practices at least **weekly** and within **24 hours** after **rainfall events** totaling **0.5 inches or more** over a **24 hour period**

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REQUIREMENTS FOR UDC SITES (< 1 acre)

Maintenance: SPS 321.125(6)

- Off-site sediment deposition – End of **NEXT DAY**
- Off-site soil deposition that creates a nuisance - End of **WORK DAY**
- Immediate threat of sediment entering public sewers or waters of the state - **IMMEDIATELY**

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REQUIREMENTS FOR UDC SITES (< 1 acre)

Maintenance (cont.)

- Municipalities may enact more stringent requirements regarding cleanup of soil or sediment deposition onto public streets/ROWs
- Repair or replacement of failed practices required within 48 Hours of discovery **UNLESS** failure results in immediate threat of sediment entering public sewers or waters of the state, then procedures shall be implemented immediately to repair or replace the practices

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REQUIREMENTS FOR UDC SITES (< 1 acre)
SPS 320.10 (3)

Inspections

- Erosion Control Inspections shall be performed by the enforcing agency concurrently with all other required construction inspections*. Additional inspections may be performed.

*excavation, foundation (may be 2x), rough, insulation, final

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UDC ENFORCEMENT

• **UDC**

- **By municipality or the registered UDC inspection agency**
- **County Erosion Control Program if in cooperation with the municipality by joint agreement**
- **Soil Erosion Inspector credential or UDC Construction Inspector credential required to perform erosion control inspections on any UDC building site**

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UDC VIOLATIONS/NOTICE OF NONCOMPLIANCE
SPS 320.10 (4)

• **Violation Correction Times**

- Shall be determined based on the severity of noncompliance in relation to soil loss or potential damage to the waters of the state
- **Stop Work Order** - May order an immediate cessation of construction work on other facets of the dwelling until compliance with erosion and sediment control provisions is attained

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UDC VIOLATIONS/NOTICE OF NONCOMPLIANCE
SPS 320.22 (1)-(3)

• **Citations**

- **Municipal** - By Local Ordinance
 - May be issued upon notice of non compliance if allowed for in locally adopted UDC ordinance
- **State** - ss. 101.66 and 101.77, Stats.
 - **Up to \$500 / violation** (each day that the violation continues after notice, each violation shall constitute a separate offense)

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REQUIREMENTS FOR UDC SITES (< 1 acre)

Notice of Noncompliance

SPS 320.10 (4)

- Upon finding of noncompliance, the enforcing agent shall notify the applicant of record and the owner, in writing, of the violations to be corrected
- Appeals of municipal orders and decisions are to be directed to DSPS (SPS 320.21)

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REQUIREMENTS FOR UDC SITES (< 1 acre)

Record Keeping

SPS 320.10 (6)(a)

- Record each inspection including date and results/findings
- Approved plans shall be kept for 4 yrs.
- Application forms, correction orders, correspondence and inspection records shall be maintained for 7 yrs. after dwelling completion

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REQUIREMENTS FOR UDC SITES OF ONE OR MORE ACRES OF DISTURBANCE

- An electronic Notice of Intent (NOI) must be sent to DNR to obtain permit coverage
- DNR has Erosion Control & Storm Water Management requirements that apply.

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Department of Safety & Professional Services

Commercial Building Code

SPS 360

- Applies to Public Buildings and Places of Employment where less than one acre of land disturbance occur
- DNR regulates sites with one or more acres of land disturbance

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Department of Safety & Professional Services

Commercial Building Code

SPS 360

Commercial Building erosion & sediment control plan, monitoring and maintenance requirements are essentially the same as UDC

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Department of Safety & Professional Services

Commercial Building Code

SPS 360

- Inspections by Certified Soil Erosion Inspector or Commercial Building inspector
- Violations & Penalties
 - Notification of Noncompliance
 - Stop Work Orders
 - Penalties of up to \$100 per day of violation

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