

**SAFETY AND PROFESSIONAL SERVICES**  
**Chapter SPS 305**  
**LICENSES, CERTIFICATIONS AND REGISTRATIONS (PORTIONS APPLICABLE TO EROSION CONTROL)**

<b>Table 305.02 FEES</b>				
License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
<b>Subchapter VI</b>				
Soil Erosion Inspector	Certification	\$15	NA	\$40

<b>Table 305.06 TERMS</b>			
License, Certification or Registration Category	Term	Expiration Date	Continuing Education Cycle
<b>Subchapter VI</b>			
Soil Erosion Inspector	4 years	June 30	NA

**SPS 305.07 Renewal.**

- (1)
- (a) Except under s. [SPS 305.96](#), a notice of renewal shall be mailed by the department to a license, certification or registration holder at least 30 calendar days prior to the expiration of the license, certification or registration.
  - (b) Failure to receive a notice for renewal of a license, certification or registration shall not be considered as an excuse or good cause for failure to renew a license, certification or registration prior to the expiration of the license, certification or registration.

- (2)
- (a) Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification or registration provided an application, a license, certification or registration fee and evidence of all renewal obligations, if any, are submitted to the department prior to the expiration date of the license, certification or registration.
- Note:** *Qualification obligations for renewal are specified under the appropriate license, certification or registration category sections.*

- (b)
  1. A person may apply to renew his or her license, certification or registration in accordance with par. (a) no later than one term after expiration of the license, certification or registration as specified in Table 305.06 in accordance with all of the following conditions:
    - a. An application fee as specified in s. [SPS 305.02](#), Table 30(c) A person who files for renewal more than one term after expiration of his or her license, certification or registration may be reinstated by filing with the department an administrative fee of \$200.00, an application, and the application fee and the license, certification or registration fee specified in s. [SPS 305.02](#), Table 305.02. The department may also require demonstration of competence by various methods including, but not limited to, written or oral examination, documentation of relevant work experience in other jurisdictions, or documentation of education or experience in the field. Any education or examination required by the department may not be more extensive than the requirements in effect at the time of the request for reinstatement. 5.02 shall accompany the renewal application.

## **SPS 305.63 Dwelling inspectors.**

### **(1) GENERAL.**

**(a)** Pursuant to ss. [101.66 \(2\)](#) and [101.96 \(1\)](#), Stats., no person may conduct the inspection of one- and 2-family dwellings for the purpose of administering and enforcing chs. [SPS 320 to 325](#), unless the person holds one or more of the following certifications issued by the department:

**5.** Certified soil erosion inspector.

**(b)** A person who holds a certification as a:

**5.** Certified soil erosion inspector may inspect one- and 2-family dwellings for the purpose of administering and enforcing s. [SPS 321.125](#).

### **(4) APPLICATION FOR CERTIFICATIONS.**

**(e)** *Soil erosion.* A person may apply for certification as a certified soil erosion inspector by submitting all of the following:

**1.** An application, an application fee and the certification fee in accordance with ss. [SPS 305.01](#) and [305.02](#).

**2.** Evidence that the person has completed an approved training course on soil erosion control standards.

**(5) RESPONSIBILITIES.** A person who inspects one- and 2-family dwellings as a certified . . . . or certified soil erosion inspector shall:

**(a)** Maintain a record of the inspections made including the dates and the findings of the inspections.

**(b)** Document any compliance deficiencies in the inspection report, and include the specific code reference or citation relative to the deficiency.

**(c)** Provide a copy of the inspection report to the property owner or his or her agent.

**(d)** Make inspection records available to the department upon request.

### **(7) RENEWAL.**

#### **(a)**

**1.** A person may renew his or her certification as a UDC-construction inspector, UDC-electrical inspector, UDC-HVAC inspector, UDC-plumbing inspector or soil erosion inspector.

**2.** An inspector certification under this section shall be renewed in accordance with s. [SPS 305.07](#).

**ONE AND TWO FAMILY (UDC) ADMINISTRATIVE CODE**  
**Chapter SPS 320**  
**ADMINISTRATION AND ENFORCEMENT (PORTIONS APPLICABLE TO EROSION CONTROL)**

**Definitions**

**(19r)** "Control practice" means a method or device implemented to prevent or reduce erosion or the resulting deposition of soil or sediment.

**(28t)** "Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

**(46m)** "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in storm water runoff and lead to an increase in soil erosion and movement of sediment. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit or trench dewatering, filling and grading activities.

**(65r)** "Stabilized" means the condition where vegetation is established or other practices are in place on exposed **soil** surfaces so as to reduce erosion.

**SPS 320.02 Scope.**

**(1) GENERAL.** The provisions of this code apply to all of the following:

**(a)** All one- and 2-family dwellings built on or after the effective dates under s. [SPS 320.03](#).

*Note: This includes site-built dwellings, manufactured buildings used as dwellings, modular homes and dwellings that may be designated as cabins, seasonal homes, temporary residences, etc., (except for manufactured or HUD homes, which are covered separately under this section).*

**(2) MUNICIPAL ORDINANCES.**

**(a)** A municipality may not adopt an ordinance on any subject falling within the scope of this code including establishing restrictions on the occupancy of dwellings for any reason other than noncompliance with the provisions of this code as set forth in s. [SPS 320.10 \(4\)](#). This code does not apply to occupancy requirements occurring after the first occupancy for residential purposes following the final inspection required under s. [SPS 320.10 \(3\) \(h\)](#).

**(b)** This code shall not be construed to affect local requirements relating to land use, zoning, post-construction storm water management, fire districts, side, front and rear setback requirements, property line requirements or other similar requirements.

**(e)** Nothing in this chapter shall prevent a municipality from any of the following:

1. Implementing erosion and sediment control requirements that are more stringent than the standards of this code when directed by an order of the United States Environmental Protection Agency or by an administrative rule of the department of natural resources under s. [NR 151.004](#).

2. Regulating erosion and sediment control for sites that are not under the scope of this chapter.

**(f)** This code shall not be construed to affect the authority of the Department of Natural Resources to enforce chapters 281 and 283, Stats., and administrative rules promulgated there under.

**SPS 320.09 Procedure for obtaining uniform building permit.**

**(5) REQUIRED PLANS.** The required building plans shall be legible and drawn to scale or dimensioned and shall include all of the following:

**(a) Site plan.** The site plan shall show all of the following:

1. The location of the dwelling and any other buildings, wells, surface waters and dispersal systems on the site with respect to property lines and surface waters adjacent to the site.

2. The areas of land-disturbing construction activity and the location of all erosion and sediment control measures to be employed in order to comply with s. [SPS 321.125](#).
3. The pre-construction ground surface slope and direction of runoff flow within the proposed areas of land disturbance.

**(6) REQUIRED DATA.**

- (a) All plans submitted for approval shall be accompanied by sufficient data, calculations and information to determine if the dwelling will meet the requirements of this code.
- (d) The name of the initial downstream receiving water of the state from the dwelling shall be identified, regarding erosion and sediment control and storm water management.

**SPS 320.10 Inspections.**

**(1) INSPECTOR CERTIFICATION.** All inspections, for the purpose of administering and enforcing this code, shall be performed by an inspector certified in accordance with ch. [SPS 305](#) who holds the respective credential for the inspection performed.

**(3) INSPECTION TYPES.**

- (a) *General.* The inspections described in pars. (b) to (i) shall be performed to determine if the work complies with this code.
- (b) *Erosion control inspection.* Erosion control inspections shall be performed concurrently with all other required construction inspections. Additional inspections for erosion control may be performed by the delegated authority.
- (c) *Foundation excavation inspection.*
- (d) *Foundation reinforcement inspection.*
- (e) *Foundation inspection.*
- (f) *Rough inspection.*
  1. A rough inspection shall be performed for each inspection category listed under subd. 1. a. to e. 4. A separate fee may be charged for each individual inspection.
- (g) *Insulation inspection.*
- (h) *Final inspection.*

**(4) NOTICE OF COMPLIANCE OR NONCOMPLIANCE.**

- (a) *General.*
  1. Notice of compliance or noncompliance with this code shall be written on the building permit or another readily visible means and posted at the job site. Alternatively, the notice may be delivered electronically if mutually agreed upon by the applicant and inspector.
  2. Upon finding of noncompliance, the municipality or authorized UDC inspection agency enforcing this code shall also notify the applicant of record and the owner, in writing, of the violations to be corrected. Alternatively, the notification may be delivered electronically if mutually agreed upon by the applicant and inspector.
  3. Except as specified under par. (b), the municipality or authorized UDC inspection agency shall order all cited violations corrected within 30 days after written notification, unless an extension of time is granted under s. [SPS 320.21](#).
- (b) *Erosion and sediment control requirements.*
  1. The time period allowed for compliance with the erosion and sediment control provisions under s. [SPS 321.125](#) shall be determined based on the severity of the noncompliance in relation to soil loss or potential damage to the waters of the state.

2. Pursuant to s. [101.653 \(7\) \(b\)](#), Stats., the department, a municipality or the designated UDC inspection agency may issue a special order directing an immediate cessation of construction work on other aspects of the dwelling until compliance with the erosion and sediment control provisions under s. [SPS 321.125](#) is attained. Construction work may resume once the erosion and sediment control compliance corrections are completed.

**Note:** Section [101.653 \(7\) \(b\)](#) reads: “The department or a city, village, town or county may issue a special order directing the immediate cessation of work on a one- or 2-family dwelling until the necessary plan approval is obtained or until the site complies with the rules promulgated under sub. (2).”

**(6) RECORD KEEPING.**

**(a) Municipal enforcement.** Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following:

1. A record shall be made of each visit to a site, each inspection type performed and the pass or fail results of each inspection.
2. Approved plans shall be retained for 4 years after completion of the dwelling.
3. Applications forms, correction orders, correspondence and inspection records shall be maintained for 7 years after completion of the dwelling.

**SPS 320.21 Appeals of orders, determinations, and for extension of time.**

**(1) APPEALS OF ORDERS AND DETERMINATIONS BY A MUNICIPALITY EXERCISING JURISDICTION.**

Appeals of order or determination of a municipality exercising jurisdiction under this code, including denials of application for permits, shall be made in accordance with the procedure set out in ch. [68](#), Stats., prior to making an appeal to the department, except as follows:

**(4) APPEALS OF SOIL EROSION CONTROL ORDERS BY A MUNICIPALITY FOR CESSATION OF WORK.**

**(a)** Appeals of orders for cessation of work issued under s. [SPS 320.10 \(4\)](#) may be made to the authority issuing the cessation of work order. The authority shall make a determination on such appeal within 3 business days. Determination of appeals by a municipality may be conducted in consultation with the department.

**(b)** Appeals of a final determination by a municipality on cessation of work orders may be made to the department. The department shall issue a final determination on the appeal within 3 business days after receipt of such appeal.

**(c)** If the issuing authority determines the site to be compliant with s. [SPS 321.125](#), orders shall be rescinded and work may commence.

**ONE AND TWO FAMILY (UDC) ADMINISTRATIVE CODE**  
**Chapter SPS 321**  
**CONSTRUCTION STANDARDS (PORTIONS APPLICABLE TO EROSION CONTROL)**

**SPS 321.125 Erosion control and sediment control.**

**(1) GENERAL.**

**(a)** Where land disturbing construction activity is to occur, erosion and sediment control practices shall be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment to all of the following:

1. The waters of the state.
2. Adjacent properties.

**(b)** Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed in accordance with the approved plan.

**(c)** Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of at least 70%.

**(d)** Erosion and sediment control practices shall either be approved by the Department or listed by the Department of Natural Resources in accordance with the process under s. [NR 151.32 \(2\)](#).

**Note:** Listed practices can be found through the Division of Industry Services website at <http://dsps.wi.gov/programs/industry-services> or by contacting the Division at telephone (608) 266-3151 or (877) 617-1565 or 411 (Telecommunications Relay).

**(2) MANDATED PRACTICES.** Specific practices at each site where land disturbing construction activity is to occur shall be utilized to prevent or reduce all of the following:

- (a)** The deposition of soil from being tracked onto streets by vehicles.
- (b)** The discharge of sediment from disturbed areas into on-site storm water inlets.
- (c)** The discharge of sediment from disturbed areas into abutting waters of the state.
- (d)** The discharge of sediment from drainage ways that flow off the site.
- (e)** The discharge of sediment by dewatering activities.
- (f)** The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

**(3) CONTROL STANDARDS.** Including the practices under sub. [\(2\)](#), additional erosion and sediment control practices shall be employed, as necessary, to accomplish one of the following:

- (a)** A potential annual cumulative soil loss rate of not more than one of the following:
  1. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.
  2. Seven and a half tons per acre per [year] where silt, silty clay loam or silt loam textures are exposed.

**Note:** A missing word is shown in brackets.

**(b)** A reduction of at least 40% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.

**Note:** See appendix for further explanatory material regarding compliance solutions for 80 and 40% reductions.

**(4) SOIL LOSS ANALYSIS.** Potential soil loss shall be determined using an engineer analytical modeling acceptable to the department.

**Note:** The Revised Universal Soil Loss Equation II is an example of an acceptable model to determine soil loss.

## (5) MONITORING.

(a) The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:

1. At least weekly.
2. Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous 24 hour period.
3. At all intervals cited on the erosion and sediment control plan.

(b) The owner or owner's agent shall maintain a monitoring record when the land disturbing construction activity involves one or more acres.

(c) The monitoring record shall contain at least the following information:

1. The condition of the erosion and sediment control practices at the intervals specified under par. (a).
2. A description of the maintenance conducted to repair or replace erosion and sediment control practices.

## (6) MAINTENANCE.

(a)

1. Except as provided in subd. 3., off-site sediment deposition resulting from the failure of an erosion or sediment control practice shall be cleaned up by the end of the next day.

**Note:** Contact the Department of Natural Resources before attempting to clean up any sediment deposited or discharged into the waters of the state.

2. Except as provided in subd. 3., off-site soil deposition, resulting from construction activity, that creates a nuisance shall be cleaned up by the end of the work day.

3. A municipality may enact more stringent requirements regarding cleanup of soil or sediment deposition onto public ways.

(b)

1. Except as required in subd. 2., the owner or owner's agent shall complete repair or replacement of erosion and sediment control practices as necessary within 48 hours of an interval specified under sub. (5).

2. When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.

**Note:** See Appendix for further explanatory material.

**History:** Cr. [Register, September, 1992, No. 441](#), eff. 12-1-92; am. (1) (b), [Register, November, 1995, No. 479](#), eff. 12-1-95; am. (1) (a), renum. (1) (b) to (e) to be (1) (c) to (f) and am. (c), cr. (1) (b), [Register, February, 1997, No. 494](#), eff. 3-1-97; [CR 02-077](#): cr. (4) [Register May 2003 No. 569](#), eff. 8-1-03; [CR 05-113](#): r. and recr. [Register December 2006 No. 612](#), eff. 4-1-07.

### **SPS 321.126 Storm water management.**

Storm water management practices shall be employed in accordance with s. [NR 151.12](#) and maintained when the land disturbing construction activity involves one or more acres.

## Chapter SPS 360

### EROSION CONTROL, SEDIMENT CONTROL AND STORM WATER MANAGEMENT

#### Subchapter I — Introduction

SPS 360.01	Purpose.
SPS 360.02	Scope.
SPS 360.03	Owners responsibility.
SPS 360.04	Definitions.

#### Subchapter II — Administration and Enforcement

SPS 360.10	Governmental oversight.
SPS 360.11	Certified municipalities.

SPS 360.13	Plans; erosion and sediment control.
SPS 360.14	Inspections.
SPS 360.15	Violations and penalties.

#### Subchapter III — Erosion and Sediment Control

SPS 360.20	Erosion and sediment control.
SPS 360.21	Monitoring.
SPS 360.22	Maintenance.

**Note:** Chapter Comm 60 was renumbered chapter SPS 360 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

#### Subchapter I — Introduction

**SPS 360.01 Purpose.** The purpose of this chapter is to establish uniform standards and criteria for the design, installation and maintenance of erosion and sediment control practices at building construction sites under the authority of Ch. 101, Stats., so as to protect the waters of the state.

**Note:** Other agencies may have regulations that may affect the site design and construction activities for a building. The regulations may necessitate additional administrative procedures or inspections for compliance with such regulations.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07; CR 16–052; am. Register July 2017 No. 739, eff. 8–1–17.

**SPS 360.02 Scope.** This chapter applies to erosion control permits required at all sites where land disturbing construction activities of less than one acre occur during the construction of buildings and structures serving as public buildings and places of employment.

**Note:** Authority over erosion and sediment control at construction sites having a land-disturbance area of one acre or more, including all authority for all the requirements in this section, was transferred to the Department of Natural Resources (DNR) under 2013 Wisconsin Act 20, sections 1712 and 2088. Consequently, the Department of Safety and Professional Services no longer administers the requirements in this section. Information regarding the DNR permit requirements and standards may be available at: <http://dnr.wi.gov/topic/stormwater/construction>.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07; CR 16–052; am. Register July 2017 No. 739, eff. 8–1–17.

**SPS 360.03 Owners responsibility.** The owner or owner's agent is responsible for complying with this chapter.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07.

**SPS 360.04 Definitions.** In this chapter:

(1) "Control practice" means a method or device implemented to prevent or reduce erosion or the resulting deposition of soil or sediment.

(2) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in storm water runoff and lead to an increase in soil erosion and movement of sediment. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(3) "Municipality" means any city, village, town or county in this state.

(4) "Owner" means any person or legal entity holding fee title, an easement or other interest in property that allows the person to undertake land disturbing construction activity.

(5) "Stabilized" means the condition where vegetation is established or other practices are in place on exposed soil surfaces so as to reduce erosion.

(7) "Waters of the state" has the meaning given in s. 283.01 (20), Stats.

**Note:** Under s. 283.01 (20), Stats., "waters of the state" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07; CR 16–052; r. (6) Register July 2017 No. 739, eff. 8–1–17.

#### Subchapter II — Administration and Enforcement

**SPS 360.10 Governmental oversight. (1) MUNICIPAL ORDINANCES.** Pursuant to s. 101.1206 (5m), Stats., a municipality may continue to administer and enforce a local ordinance related to erosion and sediment control at building sites where land disturbing construction activities are to occur if the ordinance meets all of the following conditions:

(a) The ordinance standards are more stringent than the standards of this chapter.

(b) The ordinance was in effect on January 1, 1994.

(2) MUNICIPAL AUTHORITY. Nothing in this chapter shall prevent a municipality from any of the following:

(a) Instituting administrative erosion and sediment control requirements such as plan review, permitting or inspecting and the associated fees to cover the costs of those requirements.

(b) Implementing erosion and sediment control requirements that are more stringent than the standards of this chapter when directed by an order of the United States environmental protection agency or by an administrative rule of the department of natural resources under s. NR 151.004.

(c) Regulating erosion and sediment control for sites that are not under the scope of this code.

**Note:** This code does not apply to buildings that are not public buildings, places of employment or buildings and projects exempted under s. 101.05, Stats. For example: farm buildings, buildings on Indian reservations or buildings owned by the federal government are not buildings under the scope of this chapter. Erosion control and storm water management standards enacted by municipalities, the Department of Natural Resources or the U.S. Environmental Protection Agency may apply in these cases.

(3) DNR AUTHORITY. This code shall not be construed to affect the authority of the department of natural resources to enforce chapters 281 and 283, Stats., and administrative rules promulgated there under.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07; correction in (1) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 360.11 Certified municipalities.** Certified municipalities in conformance with s. SPS 361.60 may serve as the department's agent for all inspections referenced under ss. SPS 360.14 and 360.15.

**History:** CR 05–113; cr. Register December 2006 No. 612, eff. 4–1–07; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16–052; am. Register July 2017 No. 739, eff. 8–1–17.

**SPS 360.13 Plans; erosion and sediment control.**

(1) (a) An erosion and sediment control plan shall be prepared

that delineates the practices to be employed for the site where land disturbing construction activity is to occur.

(b) An erosion and sediment control plan shall be of sufficient detail so as to document compliance with s. SPS 360.20.

(c) An erosion and sediment control plan shall show the areas of land disturbance and location of all control practices to be employed to comply with this chapter.

(d) An erosion and sediment control plan shall show the pre-construction ground surface contour lines at intervals appropriate for conditions present within the proposed disturbed areas.

(e) An erosion and sediment control plan shall identify the initial downstream receiving water of the state from the building site.

(2) (a) An erosion and sediment control plan and any revisions to the plan shall be maintained at the construction site for the duration of the land disturbing construction activities.

(b) An erosion and sediment control plan and any revisions shall be made available to the department, municipality or delegated inspection agency providing the required inspections.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; correction in (1) (a) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 16-052: r. (2) Register July 2017 No. 739, eff. 8-1-17; (1) **renum. to 360.13 and am. (title) under s. 13.92 (4) (b) 1. and 2., Stats., Register July 2017 No. 739.**

**SPS 360.14 Inspections.** (1) A person certified in accordance with ch. SPS 305 as a soil erosion inspector or commercial building inspector shall conduct all inspections performed for the purpose of administering and enforcing the erosion and sediment control provisions under this chapter.

(2) The inspections of the erosion and sediment control practices under this chapter shall be conducted as required under s. SPS 361.41.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 360.15 Violations and penalties.** (1) NOTICE OF NONCOMPLIANCE. (a) *Notification.* Upon finding of noncompliance, the inspector administering and enforcing the erosion and sediment control provisions under this chapter shall notify the owner or owner's agent in writing of the violations to be corrected and the time period allowed for compliance.

(b) *Timing of orders.* Except as provided in par. (c), the time period allowed for compliance shall be determined based on the severity of the noncompliance in relation to the potential soil loss or damage to the waters of the state.

(c) *Stop work order.* 1. Pursuant to s. 101.1206, Stats., the department or a certified municipality may issue a special order directing an immediate cessation of construction work on other facets of the building until compliance with the erosion and sediment control provisions under this chapter is attained.

2. Construction work may resume once the erosion and sediment control compliance corrections have been completed.

(2) PENALTIES. Penalties for violations of this chapter shall be assessed in accordance with s. 101.02 (13), Stats.

**Note:** Section 101.02 (13), Stats., provides for fines of up to \$100 for each violation of rules promulgated under this section. Each day of continued violation may constitute a separate offense.

**Note:** For a site where one or more acres of land disturbing construction activity occurs, the Department of Natural Resources has the ability to inspect and pursue enforcement action under the issuance of the Wisconsin Pollutant Discharge Elimination System, WPDES, General Permit pursuant to chapter NR 216.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; correction in (1) (c) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

### Subchapter III — Erosion and Sediment Control

**SPS 360.20 Erosion and sediment control.** (1) GENERAL. (a) Where land disturbing construction activity is to occur erosion and sediment control practices shall be employed, as necessary, and maintained to prevent or reduce the potential deposition of soil or sediment to all of the following:

1. The waters of the state.
2. Adjacent properties.

(b) Land disturbing construction activities, except those activities necessary to implement erosion or sediment control practices, may not begin until the sediment control practices are in place for each area to be disturbed in accordance with the erosion and sediment control plan.

(c) Erosion and sediment control practices shall be maintained until the disturbed areas are stabilized. A disturbed area shall be considered stabilized when a perennial cover has been established with a density of at least 70%.

(d) Erosion and sediment control practices shall either be approved by the department or listed by the department of natural resources in accordance with the process under s. NR 151.32 (2).

**Note:** Listed practices can be found through the Department's Division of Industry Services website at <http://dsps.wi.gov/programs/industry-services> or by contacting the Division at telephone (608) 266-3151 or 877/617-1565 or 411 (Telecommunications Relay).

(2) MANDATED PRACTICES. Specific practices at each site where land disturbing construction activity is to occur shall be utilized to prevent or reduce all of the following:

(a) The deposition of soil from being tracked onto streets by vehicles.

(b) The discharge of sediment from disturbed areas into on-site storm water inlets.

(c) The discharge of sediment from disturbed areas into abutting waters of the state.

(d) The discharge of sediment from drainage ways that flow off the site.

(e) The discharge of sediment by dewatering activities.

(f) The discharge of sediment eroding from soil stockpiles existing for more than 7 days.

(3) CONTROL STANDARDS. Including the practices under sub. (2), additional erosion and sediment control practices shall be employed, as necessary, to accomplish one of the following:

(a) A potential annual cumulative soil loss rate of not more than one of the following:

1. Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.

2. Seven and a half tons per acre per [year] where silt, silty clay loam or silt loam textures are exposed.

**Note:** A missing word is shown in brackets.

(b) A reduction of at least 80% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves one or more acres.

(c) A reduction of at least 40% of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site where less than one acre of land disturbing construction activity is to occur.

**Note:** See appendix for further explanatory material regarding compliance solutions for 80 and 40% reductions.

(4) SOILLOSS ANALYSIS. Potential soil loss shall be determined using an engineer analytical modeling acceptable to the department.

**Note:** The Revised Universal Soil Loss Equation II is an example of an acceptable method to determine soil loss.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07.

**SPS 360.21 Monitoring.** The owner or owner's agent shall check the erosion and sediment control practices for maintenance needs at all the following intervals until the site is stabilized:

(1) At least weekly.

(2) Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be considered to be the total amount of rainfall recorded in any continuous 24 hour period.

(3) At all intervals that are cited on the erosion and sediment control plan.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; CR 16-052: r. (2) Register July 2017 No. 739, eff. 8-1-17; (1) renum. to 360.21 under s. 13.92 (4) (b) 1., Stats., Register July 2017 No. 739.

**SPS 360.22 Maintenance.** (1) (a) Except as provided in par. (c), off-site sediment deposition resulting from the failure of an erosion or sediment control practice shall be cleaned up by the end of the next day.

**Note:** Contact the Department of Natural Resources before attempting to clean up any sediment deposited or discharged into the waters of the state.

(b) Except as provided in par. (c), off-site soil deposition, resulting from construction activity, that creates a nuisance shall be cleaned up by the end of the work day.

(c) A municipality may enact more stringent requirements regarding cleanup of soil or sediment deposition onto public ways.

(2) (a) Except as required in par. (b), the owner or owner's agent shall complete repair or replacement of erosion and sediment control practices or devices as necessary within 48 hours of an interval specified under s. SPS 360.21.

(b) When the failure of erosion or sediment control practices results in an immediate threat of sediment entering public sewers or the waters of the state, procedures shall be implemented immediately to repair or replace the practices.

**History:** CR 05-113: cr. Register December 2006 No. 612, eff. 4-1-07; correction in (2) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.