

ATTACHMENT A2
to the DOT/DNR Cooperative Agreement
Memorandum of Understanding
on Erosion Control and Storm Water Management

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM (WPDES)
AGREEMENT FOR DOT CONSTRUCTION ACTIVITIES

Any Department of Transportation (DOT) operation engaged in construction activities, including clearing, grading, grubbing and excavating activities which will result in the disturbance of land, meeting the applicability criteria of this Agreement, will be in compliance with ch. 147, Wis. Stats., and the provisions of NR 216 and is permitted to discharge storm water directly to waters of the state, including surface waters, groundwater and wetlands:

1. The WPDES Notice Of Intent (NOI) requirements will be met by DOT following the DNR/DOT liaison process and the procedures in Section IIA of the DNR/DOT Cooperative Agreement and in Attachment A1.
2. Authorization to discharge shall extend until land disturbing activities on a site are completed and the site has undergone final stabilization. DOT will send a project Completion Certificate to the DNR district liaison for notification purposes.
3.
 - A. All discharges authorized by this Agreement shall be composed entirely of storm water, or storm water and/or groundwater from DOT transportation development projects.
 - B. The following storm water discharges are prohibited:
 - (1) Discharges associated with industrial activity that would cause an exceedance of standards established for waters of the state, including: groundwater standards under NR 140, Wis. Adm. Code; surface water quality standards under NR 102, 104 and 105, Wis. Adm. Code; and wetland water quality standards under NR 103, Wis. Adm. Code.
 - (2) The discharge of any substance into a well or drill hole.
4. DOT shall develop an erosion control plan for each site covered by this Agreement and shall insure performance of all activities required by the plan. The erosion control plan shall address erosion control and storm water management in accordance with good engineering practices and the design criteria, standards and specifications outlined in the DOT manuals referenced in Attachment A1.
 - A. The erosion control plan shall address (1) pollution caused by soil erosion and sedimentation during construction and through final stabilization of the site, and (2) pollution caused by storm water discharges from the site after construction is

completed, including, but not limited to, rooftops, parking lots, roadways, and the maintenance of grassed areas.

For purposes of this document:

"Pollution" as defined in Chapter 147, Wis. Stats., means human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of water.

"Pollutant" as defined in Chapter 147, Wis. Stats., means any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

- B. The erosion control plan shall include a description of appropriate controls and measures that will be performed at the site to prevent or reduce pollutants caused by storm water discharges from the site from reaching waters of the state. The plan shall clearly describe the appropriate control measures for each major activity identified and the timing during the construction process that the measures will be implemented.
- C. The erosion control plan shall include a description of the management practices that will be installed during the construction process to control peak flow, pollutants and runoff volume that will occur after construction operations have been completed. Storm water management practices shall be in accordance with ch. Trans 401, Wis. Adm. Code. To the extent feasible, the plan shall consider efforts to increase on-site infiltration through conveyance, depression storage and reduction of impervious area, consistent with ch. Trans 401, Wis. Adm. Code.
- D. When permanent infiltration systems, as defined in s. Trans 401.04(14), Wis. Adm. Code, are used, appropriate on-site testing shall be conducted to determine if seasonal high ground water is within 5 feet of the bottom of the proposed practice. If permanent infiltration structures are to be used and there is a municipal well within 400 feet or a non-public well within 100 feet, the groundwater flow must be identified in accordance with the provisions specified in either NR 110 or 214, Wis. Adm. Code.
- E. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

- F. The DNR through the DNR/DOT liaison process may notify the DOT at any time that the erosion control plan does not meet one or more of the minimum requirements of this Agreement for reducing erosion to protect waters of the state. Such notification shall identify those provisions of the Agreement which are not being met by the plan, and identify which provisions of the plan require modifications in order to meet the minimum requirements of this Agreement. Within the time frame agreed to by DNR and DOT, the DOT shall make the required changes to the plan and implement all actions required by such revised plan.
 - G. Upon failure or impairment of best management practices identified in the erosion control plan, the DOT shall, to the extent deemed necessary by the DNR to maintain compliance with this Agreement, modify or curtail operations until the best management practices are restored or an alternative method of erosion and storm water control is provided.
5. A. The DOT shall retain records of all monitoring information, copies of all reports and construction site erosion control plans required by the Cooperative Agreement, and records of all data used to obtain coverage under this Agreement.
- B. Minimum periods of retention are as follows:
- (1) The erosion control plan, erosion control implementation plan (ECIP) and any amendments to the erosion control plan, shall be retained at the site until construction is completed, the site has undergone final stabilization and the coverage under this Agreement is terminated.
 - (2) In addition to the erosion control plan and ECIP, all other reports required by this Agreement or information submitted to obtain coverage under this Agreement, including background information used in plan preparation, shall be kept for a period of at least 3 years from the date of site stabilization at the DOT district headquarters nearest to the project.
6. The DOT shall take all reasonable steps to minimize or prevent any adverse impacts on the waters of the state resulting from non-compliance with this Agreement.
7. The DOT shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed and used by the DOT to achieve compliance with this Agreement and the erosion control plan. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training and adequate laboratory and process controls, including appropriate quality assurance procedures.

8. The DOT and the DNR shall exchange information and cooperate in the planning and carrying out of such activities in order to alleviate, to the extent practical under the circumstances, any potential detrimental encroachment on the waters of the state.
9. Nothing in this Agreement shall be construed as obligating the DOT to the expenditure of funds or for the future payment of money in excess of appropriations authorized by law.



Charles H. Thompson, Secretary
Wisconsin Department of Transportation



George E. Meyer, Secretary
Wisconsin Department of Natural Resources

Date: 10-5-94

Date: 10/14/94