WisDOT Transportation Construction General Permit (TCGP) Guidance

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General Information

- Coverage under the Transportation Construction General Permit (TCGP) is required for WisDOT directed and supervised projects with one or more acres of land disturbance. (see page 10 for calculating land disturbing activities).
- To obtain permit coverage, a Notice of Intent (NOI) must be submitted to DNR.
- The NOI should be submitted after submitting request for DNR final concurrence. (Typically, around 90% final design)
- If NOI is approved, a Certificate of Permit Coverage will be included in the DNR final concurrence letter.
- The Certificate of Permit Coverage must be posted within the construction limits. The project information board can be used for this, as long as no other information on the board is covered.
- WisDOT must request an amendment to Permit Coverage from DNR when project changes occur after NOI submittal (substantial schedule change, ECIP approval, ECIP amendments, etc).
- A Notice of Termination (NOT) must be completed by WisDOT and accepted by DNR to end Permit Coverage.

Notice of Intent (NOI) Project Scenarios

The following gives information on different scenarios related to NOI submittal. With any of these options, the WisDOT Project Manager should discuss with regional Storm Water Erosion Control Engineer or Regional Environmental Coordinator prior to submitting a NOI.

Multiple NOI's in single contract

For construction projects with multiple IDs tied together under one contract, you have the option of submitting a NOI for all the IDs at once, each ID separately or a combination of IDs in two or more submittals. You should make this decision based on how each projects schedules and activities are dependent on each other.

Example: A Project will be let with three IDs (each project has 1 acre or more of land disturbing activities):

- 1000-11-71 (Project X)
- 1000-11-72 (Project Y)
- 1000-12-71 (Project Z)

Project X is a reconstruct and it is scheduled to have land disturbing activities occurring from May through August. Project Y is a bridge replacement project within the limits of Project X and is scheduled to be completed from mid-June through August. Project Z is a resurface project adjacent to the limits of Project X and is scheduled to be completed in September through October. In this case you could submit a NOI for Projects X and Y together since they are on similar schedules and the Notice of Termination (NOT) can likely be submitted in September or October once you have 70% permanent vegetation established and temporary erosion control items removed. Project Z could be submitted under a separate NOI since it may have late seeding and you may have to wait until the following year to submit the NOT if the permanent vegetation is not established by the winter. Having the separate NOIs will give you the advantage of not having to monitor all three projects into the following spring if Project Z is not established before winter. If all three projects had similar schedules, it would be simpler to submit all projects under one NOI.

Associated projects NOI determination

Work included under a project letting directed and supervised by the department, should not be segmented to keep the project under an acre of land disturbance to avoid coverage under the TCGP. If a construction project has less than 1 acre of disturbance but is associated with the advancement of an overall project with ≥1 acre of disturbance, the project would still need to be covered under an NOI. If construction projects less than one acre can be independently constructed, and one does not necessitate the other, the projects can be LET together without the need for an NOI if each project is less than an acre. (i.e. three bridge replacement projects grouped together for economy of scale.)

Non-DOT projects

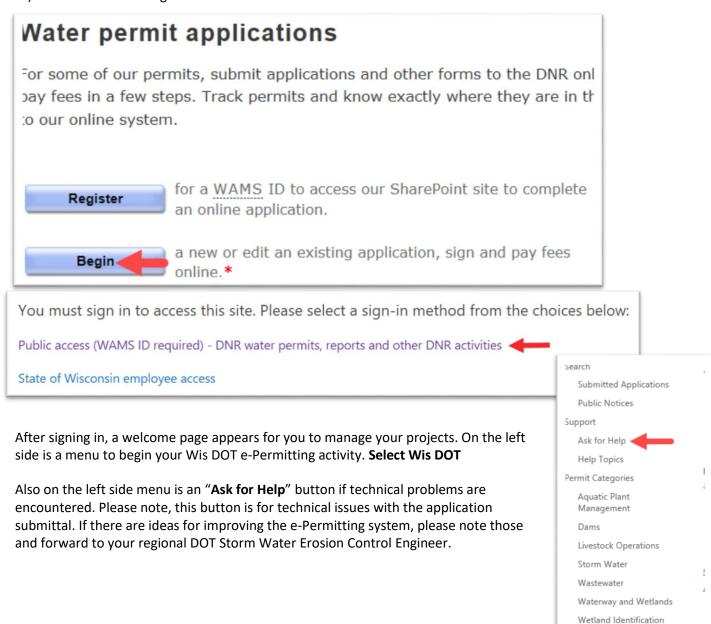
Projects and sites not directed and supervised by the department have their own permitting process. These projects should not be covered under the TCGP.

Submitting for Permit Coverage (NOI)

DNR e-Permitting Site

The e-Permitting site is located at the following: https://dnr.wi.gov/permits/water/

To start, navigate to the water permitting page, press the begin button and select Public Access (WAMS ID). Enter WAMS ID to sign-in.



Wis DOT

DNR Permit Processing

Begin DOT Activity

The General Information page identifies the activity and project. Prior to moving on to the permit application, the following steps must be completed.

- 1. Enter a project Title (If multiple projects, enter all separated by comma. Note there is a 60-character limit)
- 2. Enter Wis DOT Design ID

 (If multiple, enter all

 separated by comma)
- 3. **Enter the Construction ID** (*If* multiple, enter all separated by comma)
- After required information is entered, the remaining tabs

Wis DOT Storm Water Permit Application

General Information

Complete all sections, Save your work, Move between tabs, Include your digital signature, Submit the Application to the DNR. Please complete the contents of each tab to submit your Storm Water Notice of Intent (NOI).

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft permit as often as necessary to complete your application. If there are no updates in 00 days, your draft is deleted.

Application Information

Wis DOT Activity: Storm Water Notice of Intent (NOI) - New land disturbing construction activity

Project Title:

Wis DOT Design ID:

Wis DOT Construction ID:

You must enter a project name, Project ID and Construction ID to begin an application.

Enter all items above and Press to Continue

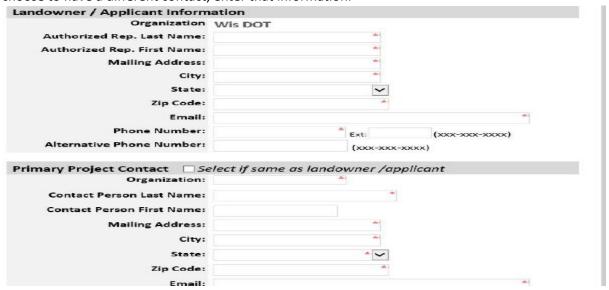
IMPORTANT: This application is for Wisconsin Department of Transportation use only. Applications received through this form from any other applicant will be rejected. If you reached this form in error, please return to the Water Permit Applications site: https://dnr.wi.gov/permits/water/

to complete application should appear. If they do not automatically appear, press continue.

Contacts Tab

Authorized representative – This is always a WisDOT contact, even for local projects. The name and number that is submitted in this section will appear on the Certificate of Permit Coverage that gets posted at the construction site. It is recommended that this contact be the DOT Project Development Construction Project Manager (if known). If Construction PM is unknown, state the DOT Design PM. Project contact changes are to be expected before construction begins for many projects – this is OK. For the phone number, the front desk number for the regional DOT office should be considered, as this will prevent caller "dead-ends".

Contact Person – Typically, select the toggle that says, "select if same as landowner/applicant". If you choose to have a different contact, enter that information.



Site Tab

Site Map

- 1. Whenever possible, use the "Create Map" tool. If project is segmented and doesn't fit into a single polygon, the tool shouldn't be used.
- 2. Start the polygon by clicking "Begin Map"
- 3. Create a polygon around the approximate limits of the project. Double Click to end the polygon.
- 4. Then click the save button
- 5. Close and return brings you back to the "site" tab.



Site Location

Project Highway / Project Limits – List the Highway (or local road) and project limits, separated by a backslash "/". For nonlinear projects such as airports, use the street address.

County and Municipality – List at the approximate center of the project. Only list one county, even if project occurs in multiple.

Latitude and Longitude – If you did not use the mapping tool, fill blank coordinates in manually, in decimal degree format (i.e. 44.474, -89.457). If applying for coverage for several ID's, or your project is segmented, use XY point at the approximate center of the project. Google Maps or Google earth are easy sources.

Nearest Waterbody - Use WDNR Water Data Viewer to identify water bodies that cross the project from link http://dnr.wi.gov/topic/surfacewater/swdv. List all waterbodies that cross the project, including unnamed tributaries. If no waterbodies cross the project, pick the nearest waterbody the project drains to.

Legal Description

This section will be auto filled if you use the map tool. If you choose not to use the map tool, add section, township and range and quarter of quarter for the approximate center of the project. Township is assumed North, but range direction has to be selected. Can use USGS quadrangle, Plat Books, DOTVIEW PLSS Boundary layer, or other. You do not have to add any text to the "Describe if not wholly contained in the ¼ section" box.

Project Title: Example Project Title Wis DOT Design ID: 1234-12-12 Wis DOT Construction ID: 1235-15-15 Project Highway / Limits: County: Municipality: O City O Township O Villa Latitude: Longitude: Nearest Water body: lote: Latitude and longitude information is automatically updated by

Home

Site Map

Contacts

Project Site Location - Wis DOT Example

CREATE MAP

Site

Legal Description	
Quarter:	Select 🗸
of Quarter:	Select 🗸
Section(00):	*
Township(00):	N.
Range(00):	٨
Range Direction:	Select⁴ ✓
Describe if not wholly contained in the 1/4 section	Contained on quarter-
ote: PLSS information is automatically u	pdated by the site mapping

Project Tab

Development Information

Total Project Site Area – This is an approximation. Most projects can be calculated by multiplying the length of the project by the approximate right of way width. (i.e. 5 miles X 100' wide = 61 acres)

Total Estimated Disturbed - See guidance on page 10 of this document for calculating. If the mapping tool was used, this number will auto-populate. Please overwrite this number with the number you calculated.

Anticipated Project Start Date—List the date when the project will begin construction. If project has the possibility of being advanced, put the earliest start date here.

Projected Project End Date – List the date at which you are most likely to have reach 70% growth of the permanent vegetation and have temporary erosion control items removed. If project has the possibility of being advanced, put the latest scheduled end date here. This date does not have to be exact, there is no expiration to the permit coverage.

Wetlands Screening

Check with your Regional Environmental
Coordinator (REC) to see if a delineation or a
determination was completed. Wetland
water quality standard provisions will have
been coordinated with the WDNR Liaison and you can toggle this to "Yes".

Home Contacts Site Attachments Signature Project Project and Screening Information - Wis DOT Example Project Title **Development Information** ☐ Agricultural Commercial/Industrial Type of Development: Residential ✓ Transportation Utility Total Project Site Area: (acres) **Total Estimated Disturbed:** (acres) Note: Total Estimated Disturbed area is automatically updated by the site mapping tool (if used). Anticipated Project Start Date: Projected Project End Date Wetlands Screening Is a wetland present in the project area? O Yes O No How was the presence or absence of wetlands determined? ☐ Delineation Determination by DNR Liaison Other (describe in comments box) Comments: Has the DNR, following the liaison procedures established pursuant to s. 30.2022 Wis. Stats., determined that the land-disturbing construction activity and associated storm water discharges comply with the wetland water quality standards provisions in ch. NR 103, Wis. Adm. Code? ○ Yes ○ No Comments: **Endangered or Threatened Resources** Has the DNR, following the liaison procedures established pursuant to s. 30.2022 Wis. Stats., determined that the land-disturbing construction activity and associated storm water discharges comply with the endangered and threatened resource protection requirements of s. 29.604, Wis. Stats., and ch. NR 27, Wis. Adm. Code? O Yes O No Comments:

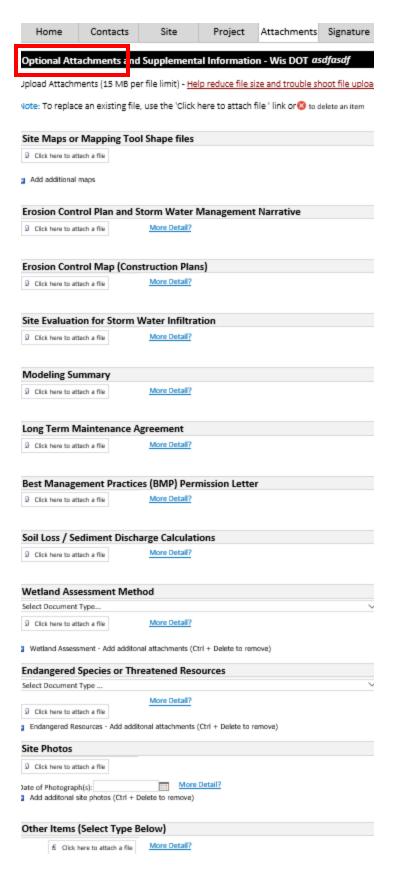
Endangered or Threatened Resources

Endangered and threatened resources will have been reviewed by the WDNR Liaison and you can toggle this form "Yes".

Attachments Tab

The designer should submit the NOI shortly after submitting the final concurrence request.

All items necessary for project review should have been submitted prior to or with the final concurrence request. Therefore, the attachments page has been made optional.



Signature Tab

If all required fields are filled out, a signature page will become available. The signature will be completed using the WAMS ID that initially signed into the e-permitting site. There are three options for signature.

- 1. Landowner using WAMS ID.
 - If DOT employee is submitting, this option should be used for signature.
- 2. <u>Delegation of Signature Authority for Agent Signing on behalf of landowner.</u> (Agent could be municipality, consultant, DOT intern, etc.)
 - If the DOT PM wants the Agent to *complete and submit* application, use this button. This option requires the DOT PM to fill out an additional form (DNR form 3400-220), which the Agent would attach at the bottom of the signature page. Please note, the landowner is always WisDOT (even on local projects) and signs the delegation of signatory authority form.
- 3. Agent seeking to share permit application.

This option is similar to option #2. However, the Agent filling out the application routes the application to the DOT PM for *review*, *signature* and *submittal*. Selecting option 3 will take the Agent to the Welcome dashboard where there are instructions on how to route to "landowner" for signature. The landowner is always WisDOT (even on local projects).



- 1. Read and Accept the Terms and Conditions
- 2. Press the Submit and Send to the DNR button

NOTE: For security purposes all email correspondence will be sent to the address when registering your WAMS ID. This may be a different email than that provided application. For information on your WAMS account click **HERE**.

Terms and Conditions

Owner Certification: I hereby certify that I am the owner or authorized represent the owner of the property which is the subject of this Permit Application. I certify information contained in this form and attachments is true and accurate. I certify project will be in compliance with all permit conditions. I understand that failure comply with any or all of the provisions of the permit may result in permit revoca a fine and/or imprisonment or forfeiture under the provisions of applicable laws. Permission: I hereby give the Department permission to enter and inspect the provisionable times, to evaluate this notice and application, and to determine composite any resulting permit coverage.

Signee (must select current ro Landowner using WAMS II	y	pting terr	ns and conditions)
Delegation of Signature Au the landowner	uthority (Form	3400-220) for agent signing on the
 Agent seeking to share per get WAMS ID and complete si 		with Lan	downer (Landowner must
Delegation of Signature Authority	Click here to at	tach a file	

Calculating Land Disturbance

<u>Land Disturbing Construction Activity</u>: defined as, 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 increased soil erosion and movement of sediment into waters of the state.

Land disturbing construction activity includes any area where subsoils are exposed or areas where vegetation will be removed or disturbed. Typical activities include:

- Pavement replacement that expose subgrade
- Clearing and grubbing
- Demolition
- Excavating
- Pit trench dewatering
- Material filling
- Underground utility work including pipe culverts and storm sewer installations
- Grading
- Assumed areas (estimated based on the scope of the project)
 - Staging area where existing vegetation will be disturbed, if not permitted separately
 - Select Site Borrow or Waste, if not permitted separately

Select Site assumed area example

- Determine volume of borrow or waste (27,000 CY)
- Assume a depth. The assumed depth can vary and is adjusted for site conditions (6 ft. in this example)
- Calculate land disturbance (121,500 SF)

$$(27,000 \ CY \times 27 \frac{CF}{CY} \div 6ft \ deep = 121,500 \ SF)$$

The following do not count as Land Disturbance:

Milled surfaces, gravel surfaces or other treatments that do not expose the subgrade.

Posting Permit Coverage

An example of the certificate of permit coverage is shown below. This Certificate of Permit Coverage must be posted on the project site. The project information board can be used for this, as long as no other information on the board is covered.



CERTIFICATE OF PERMIT COVERAGE

UNDER THE WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT Permit No.

Under s. NR 216.455(2), Wis. Adm. Code, landowners of construction sites with storm water discharges regulated by the Wisconsin Department of Natural Resources (WDNR) Storm Water Permit Program are required to post this certificate in a conspicuous place at the construction site. This certifies that the site has been granted WDNR storm water permit coverage. The landowner must implement and maintain erosi control practices to limit sediment-contaminated runoff to waters of the state in accordance with the permit

EROSION CONTROL COMPLAINTS

should be reported to the WDNR Tip Line at 1-800-TIP-WDNR (1-800-847-9367)

Please provide the following information to the WDNR Site No. (FIN):	e Tip Line:	_
Site Name:		
Address/Location:		
Additional Information: Landowner:		
Landowner's Contact Person:		
Contact Telephone Number:		
Permit Start Date:	Bv:	

Amending Permit Coverage

Changes to project details after the NOI is submitted <u>require</u> an amendment to permit coverage. Examples include:

- Project schedule change (significant delays)
- ECIP approval (updates the Erosion control plan submitted with NOI)
- ECIP amendments

All permit amendments must be sent to appropriate DNR Liaison. This shall be done by emailing the DNR Liaison the updated documents (ECIP, project schedule, etc), along with the project information and the Facility Identification Number (FIN), sometimes also listed as WDNR Site No., that is shown on the Certificate of Permit Coverage. DNR should send an acceptance response via e-mail. If no response is given, include your sent e-mail in your project records.

Transferring Permit Coverage

The transfer of coverage form (TOC) should be used to transfer the responsibility for a project or portions of a project that are covered under the TCGP. This form would apply in the following scenarios:

- If contractor wants to transfer the select site to a different project or contractor.
- If property owner wants to keep the site open for commercial use. Property owner would need to pursue individual coverage from DNR for site. Permit coverage would be transferred from the TCGP to the individual permit.

This form is available online by searching for WDNR form 3500-125 (11/17). Page one of the form is shown below.

State of Wisconsin Department of Natural Resources dnr.wi.gov Transfer of Coverage (TOC) Storm Water Discharge General Permit Form 3500-125 (11/17) Page 1 of 4

Notice: This Transfer of Coverage (TOC) form is authorized by s. NR 203.136(1)(p), Wis. Adm. Code and s. 283.53, Wis. Stats. The landowner, responsible executive or municipal officer, manager, partner, proprietor, or duly authorized representative shall submit this form to the Department of Natural Resources (Department) to certify when the permittee wishes to transfer coverage under any specified WPDES general permit for discharge to a new landowner, responsible executive or municipal officer, manager, partner, or proprietor regulated under the specified WPDES general permit. Submittal of this form constitutes notice that the party identified in Section I of this form is no longer authorized to discharge storm water associated with the specified WPDES general permit, and the party in Section III of this form will take control of the facility or activity and will maintain compliance with the specified WPDES general permit. The WPDES general permit coverage is not transferable to any person except after notice to the Department. Tremination of coverage for the previous party will be effective when confirmed by the Department to the current permittee (transferor) and transfer of coverage for the new party will be effective when confirmed by the Department to the proposed permittee (transferoe).

Please read all instructions on page 3 of this form before completing it. All necessary information must be provided on this form. Failure to complete this form correctly may result in rejection of this form by the Department. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law (ss. 19.31 - 19.39, Wis. Stats.).

Please type or clearly print your answers to all questions.

Section I: Existing WPDES Permittee Responsible for										
WPDES Permittee (first and last name and org., co. or entity) Auth		Authorized Representative (first and last name and title)								
Mailing Address		City						State	ZIP Code	
•										
Email Address		Pho	ne Numbe	r (area	code)	Alternative Phone Number			
				•		•				
Section II: Existing Project or Facility Site Information	on									
Project or Facility Site Name		WP	DES Perm	it#			Facility Identification (FID or FIN)			
Location Address/Description	City	State			State	ZIP Code		County		
·	1						1		•	
GPS Location: Latitude Longitude	Townsh	ip d	Range		Secti	on	Quarter		Quarter-Quarter	
(decimal degrees)		hip Range OE Section					duiter duite			
Section III: Proposed WPDES Permittee Responsible	e for Pol	utar	t Dischar	_		ree)				
WPDES Permittee (first and last name and org., co. or en			horized Re				nd last n	ame ar	nd title)	
•										
Mailing Address		City				State		ZIP Code		
Email Address		Phone Number (area code)				Alternative Phone Number				
Marine Francisco		none Hamber (area code)				The state of the s				
Project or Facility Site Name (if different from existing)										
riojest or racinty one maine (if different from existing)										
Description of the Market Control of the Control of										
Description of any sufficient facility changes:										

Notice of Termination (NOT) Guidance

The NOT should be submitted to DNR within 45 days after a construction site has undergone final stabilization and temporary erosion and sediment control BMPs have been removed.

Final stabilization occurs when all land disturbing construction activities at the construction site have been completed, and a uniform perennial (long lasting) vegetative cover has been established with a density of at least 70%.

Areas that will have agricultural cropping or pasturing are not required to meet the final stabilization requirement. If site areas do not meet final stabilization criteria because they have returned to cropping and pasturing, this should be stated in the "Facility/Site" tab in the Notice of Termination.

When DNR determines whether Termination is appropriate, DNR will follow up with an email. The email will be sent to the email address given in the permittee information as well as the WAMS ID of the person signing the eNOT.

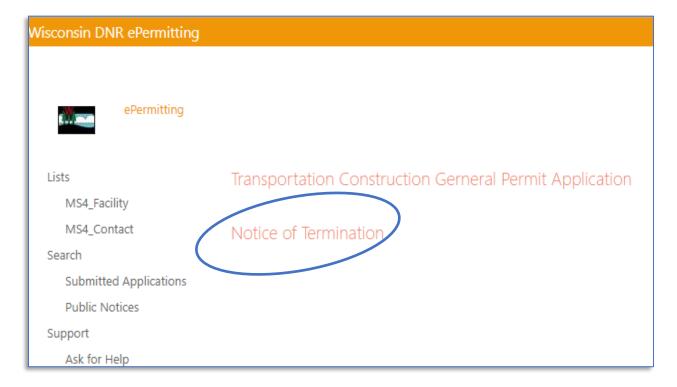
Notice of Termination (NOT) Submittal Instructions

For detailed instructions, follow link to DNR training webinar (titled eNOT submittal training).

https://dnr.wi.gov/topic/Stormwater/construction/practices.html

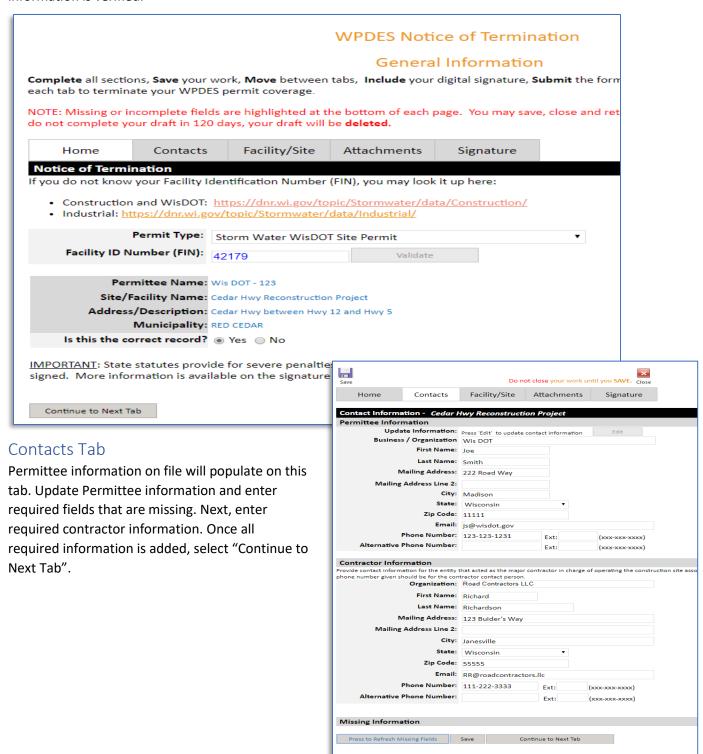
Otherwise for brief guidance, follow the steps below. If additional guidance is required, contact your regional Storm Water Erosion Control Engineer.

Sign into the WisDOT portion of the e-Permitting site as shown on Page 4 and select Notice of Termination.



Home Tab

Select "Storm Water WisDOT site permit" from dropdown, enter Facility ID number (FIN) and press the validate button. If FIN is unknown, lookup in the DNR database titled "Construction and WisDOT". The project record will populate after information is validated. Press "Continue to Next Tab" after information is verified.

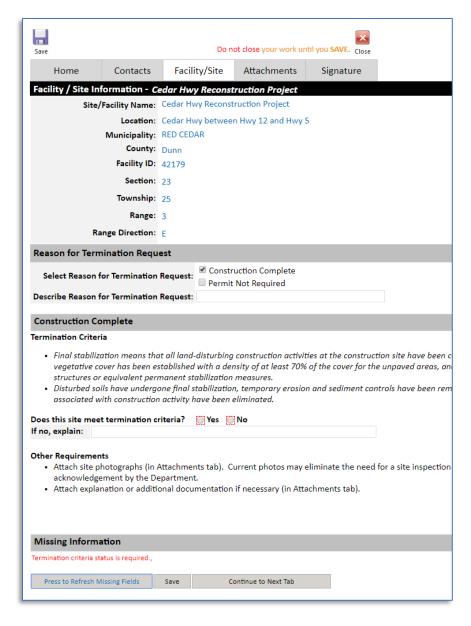


Facility/Site Tab

Site information will be populated and cannot be edited.

Under "Reason for Termination Request" section, most requests will be "Construction Complete". "Permit Not Required" would be selected if the project was canceled before land disturbing activity started.

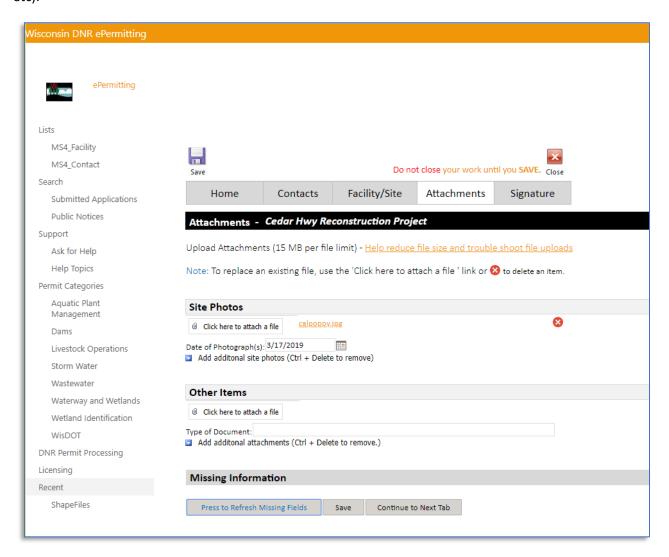
Under the "Construction Complete" section, select "Yes" if project meets Termination Criteria. If Termination Criteria is not met, select "No" and provide explanation. An example of this would be a select site returning to agricultural crops or pasture, which are not subject to the final stabilization requirement. In the attachments tab, include an explanation identifying which areas do not meet final stabilization and why; also include photos of these areas.



Attachments Tab

Photos are required for termination submittal. Additional attachments may be required based on the answers under "Facility/Site" tab.

Attach site photos and date photos were taken. The photos should be named or have a caption inserted to identify the photo location. To aid in acceptance of the NOT, include enough photos to represent project and additional areas of interest to the Liaison (past issues, environmentally sensitive locations, etc).



Signature Tab

When all required information is completed, signature instructions will become available on the "Signature" tab. Refer to the signature instructions on page 9 to complete the NOT.

When DNR has determined whether to accept the Termination, they will send an email. The email will be sent to the email address given in the "permittee information" tab, as well as the WAMS ID of the person signing the eNOT.