



Highway Maintenance Manual
Chapter 06 Winter Maintenance
Section 20 Snow Removal Materials
Subject 35 Trans 277 Procedures

Bureau of Highway Maintenance
July 2023

1.0 Procedures

The following procedures are followed to implement Trans 277, as identified under HMM 06-20-30 Trans 277 Guidelines within the Wisconsin Department of Transportation (WisDOT).

1. Compiling Site and Sub-Site List

A site and sub-site list must be compiled. Unless completed under a third-party contract with WisDOT (consultant), managed by the Bureau of Highway Maintenance (BHM), the region systems maintenance manager (region chief) or their designee shall complete site visits, as necessary and complete or update form DT1871, as needed. Data from the applicable DT1871 form shall be entered into the Material Storage Site Management (MSSM) system, as necessary, to maintain an accurate list of road chemical storage sites and sub-sites in the region as of July 31st of each year.

2. New Site and Sub-Site Establishment and Inspection

Within ninety (90) days of owner occupancy of a newly established site or sub-site, the region chief, or designee is responsible for 1.) creating a DT1871 record for a new site; 2.) entering the data into MSSM; 3.) assigning a site number and or sub-site identification label; and 4.) conducting an inspection of the site or sub-site.

3. Road Chemical Storage Site Record (DT1871)

Regions may obtain a blank DT1871 from [WisDOT Forms](#) for registering a new site. The region chief or designee may provide these forms to the site compliance contact for completion. DT1871 forms returned to the region chief shall be reviewed for completeness and accuracy by region staff.

The region chief or designee is responsible for having corrections made for any incompleteness or errors on the DT1871. Corrections shall be made within thirty (30) calendar days of receipt of the form by a means of the region chief's choosing. Upon securing a complete, accurate and signed DT1871, the region chief or designee shall have the data entered in the MSSM within thirty (30) calendar days of receipt of an acceptable DT1871.

4. Site Record Recertification (DT1871)

Unless the accuracy of a site record in MSSM is validated by a consultant, the region chief, on or before May 1st, shall mail a copy of the current record (DT1871) for the site compliance contact to use to certify the information on the record remains correct or to provide correct data by return mail to the region chief by July 1st. If the region chief does not receive a compliance contact certification or corrections by July 1st, region staff shall inspect the site and make a personal contact to the compliance contact to obtain either a signed certification or revisions to the current DT1871. The region shall enter all necessary revisions, if any, to a DT1871 into MSSM on or before July 31st or within thirty (30) calendar days of receipt.

5. Facility Termination Inspections (DT1872 Part C)

Within ninety (90) days of notification of termination of road chemical storage at a site or sub-site, the region shall inspect the site or sub-site at the direction of the region chief. If the site or sub-site is terminated, the discontinuance or inactive status shall be entered into MSSM.

6. Annual Sub-Site Routine Inspection (DT1873)

Except when routine inspections are conducted by a consultant, the region chief is responsible for accomplishing an annual routine inspection of each road chemical storage sub-site in the region. The onsite inspection shall collect the data called for on form DT1873 using the ArcGIS Survey123 inspection app (Survey123). Data collected using a DT1873 paper form shall be promptly entered into Survey123 within thirty (30) calendar days of receipt. Annual inspections for the state fiscal year shall be conducted during the months

of December, January, February, March, April, and May. Additional inspection of sites and sub-sites may be conducted as frequently as the region chief finds appropriate.

7. Acting On Inspection Results

7.1 Annual Routine Inspections

- A. Upon completion of the annual inspection and data entry by region staff or notice of inspection completion to region from a consultant, determine, within ten (10) working days of data entry or third-party notice, which sub-sites have been given an inspection rating that require a follow-up response (hereafter called FUR).
- B. During the first region staff field monitoring trip to a county in which a FUR sub-site is located, but no more than twenty-one (21) days following identification of a FUR sub-site, a visit to the subject sub-site is made for the purpose of validating the inspection rating (validation visit).
- C. Within five (5) working days from the validation visit, region staff shall contact the compliance contact for the subject sub-site to discuss resolution of the problem found during the inspection and validated by region staff. Resolution shall establish remedial action(s) and establish completion date(s) for the remedial action(s). Remedial action shall be performed in a reasonable time period to prevent contamination of ground water. The timeframe for remedial action for each situation will vary. Should region staff deem the inspection rating to be invalid, the compliance contact shall be notified within five (5) days following the validation visit.
- D. Region staff shall assure that the name of the region staff person contacting the compliance contact; the date contact is made; the name of the person agreeing to the remedial action; and completion date on behalf of the site owner is recorded in the MSSM record for the sub-site along with a description of the remedial action and completion date.
- E. The same data shall be recorded when the inspection rating is deemed invalid by region staff except, in place of the description of remedial action and completion date, the reason or reasons for deeming the inspection rating invalid shall be recorded. Region staff shall provide a notice of all sub-site numbers where an inspection rating is deemed invalid to BHM.
- F. During the first region staff field monitoring trip to a county after the date by which a remedial action is to have been completed or notice of completion is provided, whichever occurs first, the region staff shall validate that the remedial action is or is not satisfactorily completed. Should region staff deem the remedial action to be satisfactorily completed, the compliance contact shall be so notified by region staff within five (5) days following the validation visit.
- G. If the remedial action is not satisfactorily completed, an informal letter signed by the region chief; addressed to the County Highway Commissioner, City Mayor or Manager, Village President, Town Board Chairperson or Chief Executive Officer of any other owning entity as appropriate, shall address the non-completion of the remedial action at the subject sub-site. The purpose of this letter is to initiate further discussion, if needed, and to secure a commitment to the remedial action and a revised completion date.
- H. Region staff shall assure that the names of the addressee and person signing this letter, the date the letter is sent and the reason for the letter is recorded in the MSSM record for the sub-site along with a description of any subsequent remedial action and completion date agreed to as a result of this letter.
- I. Again, during the first region staff field monitoring trip to a county after the date by which a remedial action is to have been completed or notice of completion is provided, whichever occurs first, the region staff shall validate that the remedial action is or is not satisfactorily completed. Should region staff deem the remedial action to be satisfactorily completed, this finding shall be noted in the MSSM record for the sub-site and the compliance contact shall be so notified by region staff within five (5) days following the validation visit.

- J. If the remedial action is not satisfactorily completed by the date established under subsection 7.1 C. above, under the authority of Trans 277.06 (2), the process set forth under subsection 8. G. or H. below shall be implemented.
- K. The informal letter, under subsection 7.1 C above, may be in electronic form. Region staff may, at its option, make validation visits and contacts under a shorter time frame than set forth above. Region staff may also elect to bypass actions under subsection 7.1 B. and/or 7.1 C. above if the circumstance generating the need for follow-up is deemed to warrant taking initial action under subsection 7.1 D. above.

7.2 Annual Routine Spring Inspections

- A. Upon completion of a routine spring inspection and data entry by region staff or notice of inspection completion to region from a consultant, of adequate covering of salt and salt-sand stockpiles determine, within ten (10) working days of data entry or notice, which sub-sites have been given an inspection rating that denotes a FUR.
- B. During the first region staff field monitoring trip to a county in which a FUR stockpile sub-site is located, but no more than twenty-one (21) days following identification of a stockpile FUR, a visit to the subject sub-site is made for the purpose of validating the inspection rating.
- C. Within 5 working days from the validation visit, region staff shall contact the compliance contact of the inspection rating for the subject sub-site and arrange to discuss resolution of the problem found during the inspection and validated by region staff. Resolution shall establish remedial action(s) and establish completion date(s) for the remedial action(s). Should region staff deem the inspection rating to be invalid, the compliance contact may be so notified by region staff.
- D. Region staff shall assure that the name of the region staff person contacting the compliance contact, the date contact is made, the name of the person agreeing to the remedial action and completion date on behalf of the site owner is recorded in the MSSM record for the sub-site along with a description of the remedial action and completion date. The same data shall be recorded when the inspection rating is deemed invalid by region staff except, in place of the description of remedial action and completion date, the reason or reasons for deeming the inspection rating invalid shall be recorded. Region staff shall provide a notice to BHM of all sub-site numbers where an inspection rating is deemed invalid.
- E. Should non-performance of remedial action take place, processes stated under subsections 7.1 B., 7.1 C., and 7.1 D. above are followed.

8. Handling of Complaints of Contamination Resulting from a Road Chemical Storage Site or Sub-site.

- A. Complaints must be in writing and a copy of the complaint provided to the region chief either by the owner or operator or compliance contact of the site or as a result of an inspection of site and sub-sites.
- B. Data pertaining to the complaint shall be entered by the region into the subject site or sub-site record in MSSM within ten (10) working days of receipt of the complaint.
- C. The region chief shall cause an inspection of the subject site or sub-site, using form DT1872 Part B, to be performed within 5 working days of receiving notice of the complaint. The data resulting from the inspection shall be entered into MSSM within ten (10) working days of receipt of the form DT1872 Part B.
- D. A notice from the Wisconsin Department of Natural Resources (DNR) to WisDOT alleging non-compliance with a preventive action limit or enforcement standard shall cause the region chief to have region staff perform an inspection of the subject site or sub-site using form DT1872 Part B. The data from the report from the DNR and the inspection shall be entered into MSSM within ten (10) working days of receipt.
- E. In consultation with the director of BHM, the region chief shall propose appropriate action to resolve the complaint. The region chief shall inform, in writing, the owner and operator of the site of the results of

the inspection and the appropriate action or actions proposed to resolve the complaint. These actions may include but are not limited to the following:

- a. Take no action.
 - b. Conduct further investigation.
 - c. Increase monitoring of the storage site or sub-site in coordination with DNR.
 - d. Revise specific maintenance procedures at the site or sub-site.
 - e. Repair or reconstruct the sub-site to comply with Trans 277.
 - f. Construct a new sub-site.
 - g. Prohibit activities or practices that use or produce the contaminating substance.
 - h. Relocate the sub-site or the road chemical stored at the site.
 - i. Close the site or sub-site.
- F. In the event the site or sub-site is determined to be the source or probable source of contamination, the region chief shall discuss with the owner possible remedial actions.
- G. Should the owner decline to undertake and complete acceptable remedial action, the region chief shall issue a directive specifying remedial action required to be taken by the owner. Prior to issuing a directive, the director of BHM shall approve or obtain approval for the region chief issuing the intended directive. If issued, the region chief shall assure that compliance with the directive is achieved.
- H. In the event the site or sub-site owner fails to comply with the compliance directive within the time specified in the directive, the region chief shall issue a special order of remedial action. The director of BHM shall approve or obtain approval for the region chief issuing the intended directive. If issued, the region chief shall assure that compliance with the special order is achieved.
- I. The region chief, in consultation with the BHM Director, may contact the DNR Director, Bureau of Environmental Analysis and Sustainability, in accordance with the *Memorandum Of Understanding with the DNR for the Regulation of Salt Storage Facilities* (See **Attachment 35.1** found on the next page), to act as a WisDOT agent in the event the site or sub-site is determined to be the source or probable source of contamination, including but not limited to the following events:
- a. A release has occurred to surface waters.
 - b. Expertise is required to determine if ground water contamination has occurred.

Memorandum of Understanding
between
the Department of Natural Resources (DNR) and the Department of Transportation (WisDOT)
for
Regulation of Salt Storage Facilities

WHEREAS, both DNR and WisDOT have regulatory responsibility regarding salt storage facilities; and

WHEREAS, in some cases their respective regulatory responsibilities may overlap with or impact each other's responsibilities; and

WHEREAS, DNR and WisDOT desire to establish a process to cooperatively manage such overlap and impacts to the benefit of the State of Wisconsin and the citizens therein; and

WHEREAS, such process will create efficiencies and enhance timeliness of managing such work.

NOW THEREFORE, DNR and WisDOT enter into this Memorandum of Understanding (MOU) for cooperation regarding regulatory responsibilities as set forth below.

Purpose

The purpose of this MOU is to clarify the cooperative framework and process between the DNR and WisDOT for the coordinated regulation of salt storage facilities throughout the state. The DNR and WisDOT acknowledge the authorities, roles, and responsibilities of both agencies in the regulation of salt storage facilities, and recognize the mutual benefits gained by implementing the cooperative tenets of this MOU, including ensuring compliance with all applicable regulatory requirements to protect waters of the state, and improve governmental efficiency and ensure consistent implementation.

Agency Authority and Regulatory Roles

Under s. 85.17, Wis. Stats., WisDOT is responsible for regulating the construction and maintenance of highway salt storage facilities that store bulk quantities of salt intended for application on both public and private roadways, parking areas, and driveways to prevent contamination of waters of the state. Chapter TRANS 277 Wis. Adm. Code implements these statutory provisions. TRANS 277 establishes the siting criteria, structural and operational measures for salt storage facilities, inspection requirements and outlines response actions and remedial measures that can be taken when notified by the DNR that a facility's operations have led to exceedances of groundwater standards under ch. NR 140, Wis. Adm. Code or adverse impacts to surface waters.

Under ch. 160, Wis. Stats., DNR is responsible for the development of groundwater quality standards to protect public health and welfare and the environment. These groundwater standards are contained within ch. NR 140, Wis. Adm. Code, and are used by all state agencies, including DNR and WisDOT, in their regulatory programs to the extent the regulated activities may have an impact on groundwater and surface waters.

Under ch. 283, Wis. Stats., and chs. NR 216 and 151, Wis. Adm. Code, DNR is responsible for regulating storm water discharges associated with construction sites, industrial facilities, and municipalities

(permitted municipal separate storm sewer systems or MS4s) to waters of the state. Salt storage facilities regulated by the WisDOT under TRANS 277, may also be regulated as industrial storm water discharges. For salt storage facilities owned or operated by permitted municipal separate storm sewer systems, municipalities develop a storm water pollution prevention plan (SWPPP) for the salt storage facilities and integrate the plans into the municipality's storm water management plan.

DNR also has authority to require investigation and environmental remediation per the Wisconsin Spill Law (ch. 292, Wis Stats.) when there is a discharge of a hazardous substance to the environment.

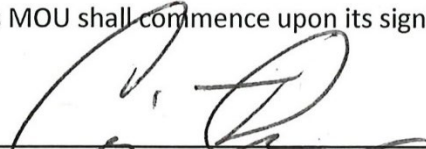
Framework for Collaboration and Cooperation

DNR and WisDOT agree to the following:

- **Trans 277:** WisDOT is the lead agency for requiring the structural design, construction, and maintenance of highway salt storage facilities, conducting compliance inspections and follow-up actions, as necessary, to ensure compliance with standards under TRANS 277. See WisDOT Highway Maintenance Manual (HMM) 06-20-35 for specific actions under TRANS 277.
- **DNR Technical Assistance:** WisDOT may request technical assistance from DNR for any issue or subject relating to this MOU. See HMM 6-20-35 for details regarding coordination.
- **NR 216:** When a salt storage facility is subject to storm water regulation under NR 216, DNR will work cooperatively with WisDOT to ensure parallel provisions of TRANS 277 are satisfied and not in conflict with any design or operation plans. See HMM 6-20-35 for details regarding WisDOT coordination with DNR.
- **Investigation and Remediation of Contamination:** DNR will be the lead agency for requiring environmental clean-up or restoration due to chloride contamination from salt storage facilities under ch. 292, Wis. Stats., and corresponding regulations.
- **Information Sharing:** Both agencies will maintain open lines of communication on regulatory matters associated with salt storage facilities. DNR and WisDOT will each identify a point of contact for the agencies to communicate and share information on regulatory matters concerning this MOU, including:
 - o DNR will report to WisDOT when it has information to believe a salt storage facility is not in compliance with the requirements of TRANS 277.
 - o DNR will notify WisDOT when an application for permit coverage or notice of modification of a SWPPP has been received for a salt storage facility.
 - o WisDOT will report to DNR when it has information to believe noncompliance with the requirements of TRANS 277 has the reasonable potential to cause contamination of surface water or groundwater.


- o Consistent with TRANS 277.05, WisDOT will forward to DNR any reports received by WisDOT concerning a salt storage facility as a potential source of contamination of surface water or groundwater.
- **Enforcement:** Both agencies will utilize their respective enforcement authority, as necessary, to ensure compliance with regulatory requirements and to protect surface and groundwater. When enforcement action (i.e., notice of noncompliance or violation, issuance of a directive, order, or citation, etc.) is taken against a salt storage facility, the agency taking enforcement action will notify the other agency of the action.
 - o Section 85.17, Wis. Stats., grants WisDOT authorization to enforce violations of law contained within s. 85.17, Wis. Stats., and rules promulgated under the authority of s. 85.17, Wis. Stats., including TRANS 277, through the use of special orders directing and requiring compliance with applicable requirements, issuance of civil forfeitures, and injunctive relief.
 - o Sections 283.89 and 283.91, Wis. Stats., grant DNR authorization to enforce violations of law contained within ch. 283, Wis. Stats., and rules promulgated under the authority of ch. 283, including chs. NR 216 and NR 151, Wis. Adm. Code through issuance of civil forfeitures, criminal action, and injunctive relief.
- **Annual Meeting:** Representatives from DNR and WisDOT will meet annually, following the winter season, to review the agencies' cooperative efforts under the MOU with a focus on maintaining and improving communication and coordination and ensuring compliance with regulatory requirements.
- **Interagency Liaison Procedures:** The cooperative framework of this MOU is separate and distinct from the Interagency Liaison Procedures contained in the Cooperative Agreement between DNR and WisDOT. However, when opinions or interpretations differ, the WisDOT/DNR interagency liaison process will be utilized.
- **Amendments:** Any revisions to this MOU shall be made in writing and signed by both parties.

This MOU shall commence upon its signing by both parties and continue until revoked by either Party.



Secretary Craig Thompson
Wisconsin Department of Transportation

3/22/23
Date



Secretary Adam N. Payne
Wisconsin Department of Natural Resources

3/14/23
Date