

Roles and Steps in the Erosion and Sediment Control Regulatory Process

Commerce Responsibilities and Code Aspects	Agent Municipalities and Contracted Agents (Inspectors)	Owner Including Their Agent(s) – Designer and Contractor	Ideas/Additions
Uniform (Comm 60 and Comm 21) rule development, education , auditing, enforcement, NOI publication, coordinating with DNR and EPA	Site inspection, enforcement, fee collection for local permit, education , record keeping, permit reviews		<p>COMMERCE</p> <ul style="list-style-type: none"> • Public education component – UW Extension – general awareness that this is important • More training for inspectors on erosion control (currently, not considered part of their job) • A course in site development/erosion control for builders • Provide training (online) and exams for staff/inspectors • Require continuing education • Annual educational meeting with agents • Agency to provide educational materials to promote consistency • DNR has educators – basin educators – through UW-Extension • Accumulate useful data <p>AGENTS</p> <ul style="list-style-type: none"> • “Enforcement” education process • Constituent education similar to “recycling” program • Pre-construction meeting with a “picture” book of “uniform” rules • Record keeping: Accountability or reporting aspect • Outcome measurement – is it working?

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Commerce has a code that states the Disturbance Permit (DP) requirements, agent responsibilities and process (require the DP to be kept on site)	Provide qualified staff	Develop a compliant ESC plan and submit to local agent	<ul style="list-style-type: none"> • Does not want to see shift from Commerce to municipality in cost/education
		Pay review fee for DP and NOI	
The code defines high risk sites	Apply for agent status (app or RFP)	Develop a compliant PCSWM plan	<ul style="list-style-type: none"> • Put more emphasis on high risk sites – more inspections for high risk sites • Dane County: Not a requirement, but at the discretion of the local inspector
		Provide notification for inspections at code-required intervals	
		Keep ESC and PCSWM plan onsite during construction (including modifications)	<ul style="list-style-type: none"> • Define “onsite” more clearly
Recognize and publicize agents	Serve as a source of information to owners	Provide a code compliant design to contractors	

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Monitor and audit projects	Review ESC to uniform requirements and local PCSWM requirements (and PCSWM plans in the future?)		<ul style="list-style-type: none"> • PCSWM – minimum requirements; currently local ordinances • Submit PCSWM plan • Minimal checklist (DNR) to show that the PCSWM is compliant • “Downstream” relationship • Contract renewed after 2 years; include the stormwater management (in rule analysis)
	Check designer-assigned level of risk on a proposed site		
Provide interpretations and provide conflict resolution services	Check DNR wetland and endangered resource website (future)		
Assign time period of disturbance fee adjustment	Check historical sites (maybe?)		<ul style="list-style-type: none"> • State policy if permit expires (look at various models – this should be administered at the local level) • Look at what DNR is doing with NOIs
	Hold pre-construction meeting for high risk sites		
	Collect fees for DP (with local input) (include NOI fee)		<ul style="list-style-type: none"> • More organization for DP fee collection • Agent can collect the fee and pass it on; another step • Customer service: Think about the owner

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	Issue DP		<ul style="list-style-type: none"> • Not just the money; passing along the information (the NOI) • What triggers the start time? What is the 7 days? • Dane County takes the responsibility for submitting other paperwork • Grace period on time (maybe 7 turns into 10 days?) • 7 days for environmentalist to react – not on web site now • Requirement is there be a public review process for permit – comments • Or a permit number similar to sanitary permit number
	Renew/extend/ Expire/terminate permits		
The NOI acceptability requirements and MEP baseline (expiration of NOI, fee. area expansion, renewal/extension are included in the code.)	Forward information and fees for NOI to Commerce		<ul style="list-style-type: none"> • Natural cause compliance issue • MEPs been post-construction • Better definition for MEP • DNR and Commerce work closely together on MEP process
Receive NOIs from agent municipalities and agent contractors		Verify work doesn't begin for 7 days after online submission to Commerce	<ul style="list-style-type: none"> • 7 days is flexible • Enforcing the permit that is issued; don't have a valid NOI • When do you issue a permit?

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Maintain the NOI database online for public notice	Forward NOT date to Commerce		<ul style="list-style-type: none"> • DNR moves the NOI to another area after the 5 to 7 days • Can include an email notification to the owner and owner agent
Notify owner, agent municipalities, agent contractor of GP coverage by the DNR			
Meet and work with DNR and EPA on NOI process			
The code includes standards and inspection process and range of responses (groundwater and surface water issues)	Inspect based on risk: High= more inspections Low = less inspections	Implement plan	<ul style="list-style-type: none"> • Range of response — in Comm 82.
Audit agent municipalities and agent contractors	Inspect at time of practice installation (written permission to continue work?or issue stop order at discretion of inspector)	Modify plan as necessary and document revisions.	<ul style="list-style-type: none"> • Stop work order if any grievance • Has to call at a specific phase; can't move forward until inspector reviews • Inspection according to approved plan • Note: conditions of approval of DP could include conditions of inspection
Respond to complaints	Inspect at intervals based on risk of site 7 inspections for high risk sites, less for other sites (some high risk sites require written permission to continue work)	Notify and work with local agent and approved plan when necessary.	

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Accept unique MEP requests from municipalities and agents	Inspect at time of stabilization for NOT filing	Maintain practices as necessary.	<ul style="list-style-type: none"> • Requirement to remove the practices (semi-permanent)? UDC requires to remove within 30 days • When file NOT should already be removed
	Verify monitoring and maintenance logs are current	Respond to failures and storm events.	
	Keep records on inspections (including photos)	Monitoring log -- inspections Keep records and photos of practices and events	
	Consult with contractors and owners onsite	Stabilize site	
	Authority to enforce? Local ordinances or Commerce authority?	Install PCSWM practices and work with interior contractors and plumbing contractors (if separate entity)	<ul style="list-style-type: none"> • Municipalities can get authority from Commerce • Municipalities can adopt own code • Local government can adopt state code by reference (an option) • Law does require in state sewage code

Suggested inspection frequency

1. Start of construction
2. Installation of sediment and erosion measures (can't call until 7 days have elapsed)
3. Completion of site clearing
4. Completion of rough grading
5. Completion of final grading
6. Close of the construction season
7. Completion of final landscaping

Discussion points:

- Include the pre-construction site visit of high risk site as part of the suggested inspection frequency.
- Keep the number of inspections to the bare minimum– time is an issue
- Set a minimum time for the building to resume if the inspector cannot get to the site.
- Dane County's goal is to inspect every 30 days; problem taking phone calls; with larger sites out there more often