

Construction-Site Erosion Control & Stormwater Management

What is an NOI?

Is an NOI needed for my building construction site?

How do I submit an NOI?



Since March 1, 2003, federal law has required that landowners of construction sites with one acre or more of land disturbance obtain construction site storm water permit coverage to address erosion control and storm water management.

The Notice of Intent (NOI) is the document that must be filed to assure that construction site stormwater permit coverage is obtained.

The Wisconsin Department of Commerce (Commerce) has authority and the responsibility for construction site erosion control for building sites for public buildings and places of employment and one- and two-family dwellings. The Department of Natural Resources (DNR) has authority over other construction sites. It is possible that a construction site may need to submit an NOI to DNR for the initial grading and filling and then to Commerce for the soil disturbance related to the building phase of the project.

All commercial building construction sites disturbing 1 acre or more need an NOI submitted to Commerce.

The NOI form is available at:

<http://www.commerce.state.wi.us/SB/SB-DivForms.html#commercial>

Who must submit the NOI and what work is associated with the NOI?

The landowner must submit the NOI to Commerce at least 14 days before the start of land disturbance. It is the responsibility of the landowner to develop a site-specific erosion control plan for the building site. The landowner may contract with someone else to develop and implement the erosion control plan. For commercial building sites and places of employment, the erosion control plan must comply with the performance standards listed in s. NR 151.11, Wis. Adm. Code. NR 216.47 is referenced by the Commercial Building Code in s. 61.115. This reference ties the post construction stormwater management plan to the NOI.

What is required for one- and two-family dwelling sites?

If a one- or two-family dwelling construction site disturbs less than one acre, the specific erosion control requirements in the Uniform Dwelling Code, Comm Chapters 20 and 21 must be met.

For one- or two-family dwelling sites where one acre or more is disturbed, in addition to the requirements in the Uniform Dwelling Code, DNR requires the submittal of the NOI to their department. In the future, when the UDC code is revised to meet or exceed the standards in NR 151, the submittal will be to Commerce.

What is contained in an erosion control and stormwater management plan?

The erosion control plan details what practices will be used on the site (sediment ponds, tracking pads, silt fences, temporary seeding, mulching, etc.) The stormwater management plan includes practices such as wet detention basins, infiltration devices and areas, grass swales, vegetative buffers and manufactured devices. Because every site is unique, erosion control and stormwater management plans must be customized for the site. The erosion control and stormwater management plans must be designed to meet the construction and post construction standards found in NR 151, Wis. Adm.Code (See <http://dnr.wi.gov/org/water/wm/nps/admrules.htm>). There is a list of erosion control and stormwater management technical standards at:

<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>.

The plans are not required to be submitted to Commerce, however the plans must be available on-site for review during an inspection. If the plan includes plumbing solutions, the plumbing plan submittal requirements are located in s. Comm 82.20.

Are there any other forms that must be submitted to Commerce?

Yes. For commercial building sites, the Notice of Termination form must be submitted to Commerce. The landowner must terminate permit coverage when:

- *The project is completed and the disturbed area is stabilized from erosion (generally, when 70% of the density of vegetation is established on areas other than pavement, roofs, etc.).
- * The property has been sold to another landowner.

The Notice of Termination form is available at:

<http://www.commerce.state.wi.us/SB/SB-DivForms.html#commercial>.

Who may I contact for more information?

Erosion Control Section Chief: Brian Ferris 608-785-9335
Stormwater Management Section Chief: Brad Johnson 920-492-5605
Program Manager: Lynita Docken 608-785-9349

Why are these requirements necessary?

Runoff from rainstorms and snowmelt picks up pollutants like sediment, oil and grease, nitrogen and phosphorus, and other chemicals and carries them into storm sewers or directly into waterbodies. Preventing contamination of stormwater is critically important or polluted runoff will be discharged - untreated- into the waterbodies we use for swimming, fishing and drinking. Most storm sewer systems do not provide significant treatment of the stormwater discharges they receive.

Sediment can cloud water and make it difficult or impossible for aquatic plants to receive the sunlight they need to grow. Excess sediment also smothers aquatic habitat, clogs fish gills, and impedes navigation in our waterways, which can lead to expensive dredging.

Every Wisconsin citizen is responsible to help keep the environment available for life. DNR has determined these measures are necessary to sustain development and protect Wisconsin's ecosystems.

