



Memorandum

Wisconsin Department of Transportation
Division of Transportation System Development
Bureau of Technical Services
4822 Madison Yards Way
Madison, Wisconsin 53705

Date: April 15, 2025

Subject: Guidance – TCGP Transfer of Coverage for Temporary Support Activity Sites

The Environmental Services Section (ESS) has worked with DNR to develop guidance to allow the transfer of permit coverage for temporary support activity sites covered under the Transportation Construction General Permit (TCGP). This relates specifically to projects that are directed and supervised by WisDOT.

This memo serves as notice to department staff, consultant staff, and contractors on the expectations and framework for the transfer of these sites. Information contained herein will also be incorporated into the department's TCGP guidance in the near future.

TCGP Guidance and documents can be found on the WisDOT Erosion Control Webpage:

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/erosion-ctrl-drainage.aspx>

1. WisDOT will document all site transfers from one TCGP covered project to another TCGP covered project using the below general guidelines:
 - a. The project with current responsibility for the site (current project) shall submit an ECIP amendment to document the change in the current project ECIP relative to the requested transfer. The ECIP shall clearly depict the site conditions at the time of transfer and denote any site restoration or temporary stabilization needs that will be in place at the time the site is transferred. It is recommended that photos are included in the ECIP amendment to show the state of the site at time of transfer.
 - b. The project accepting responsibility for the site (subsequent project) shall submit an ECIP or ECIP amendment to document the condition of the site at the time of transfer and all new details relevant to that project. The ECIP or ECIP amendment will require all information relative to a new site, as well as how the site will maintain existing controls, and temporary stabilization practices where applicable, until the site resumes activity.
 - c. If the subsequent project expands the footprint of disturbance, the areas of expansion shall be clearly identified in the ECIP amendment for the site. The site will need to be reviewed by DNR for impacts to the environmental resources, including but not limited to wetlands, threatened and endangered species, and floodplains. The site will also need to resubmit for concurrence related to archeological and historical effects through the DT1919, as required in the ECIP.
 - d. WisDOT project staff, WisDOT Stormwater and Erosion Control Engineer (SWECE), and DNR Transportation Liaison (TL) will meet to discuss the transfer and identify any needs relative to the transfer of the site. These may include, but are not limited to:
 - i. Identifying any current deficiencies requiring correction, maintenance, or new installations. All deficiencies must be completed before the transfer can occur.
 - ii. Temporary stabilization measures if there will be inactive periods between the current and subsequent projects.



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- iii. Current non-compliance issues, including but not limited to: improper or non-implemented best management practices (BMPs) in accordance with the approved ECIP documents for the current site; wetland violations; or evidence of unauthorized discharges (releases) that have not been cleaned up. All non-compliance issues must be corrected before the transfer can occur.
 - e. WisDOT project staff and SWECE shall evaluate the ECIP amendments for these projects to determine if the site continues to meet the permit requirements and if WisDOT will continue to cover the site under the TCGP. If WisDOT determines the site will not continue coverage under the TCGP, project staff shall provide written notice to the contractor that the transfer is denied. The contractor shall either submit for coverage under a separate stormwater discharge permit or discontinue use of the site and prepare it for final stabilization.
 - i. The current project activities, as approved under previous ECIP or ECIP amendments and approved for coverage under the project TCGP, may continue until completed.
 - ii. If the contractor has not obtained separate stormwater discharge permits when the work under (i) above is completed and the site becomes inactive, the contractor shall enact final stabilization measures as approved in the ECIP and in accordance with the provision of the TCGP.
 - f. WisDOT will develop a "Site Transfer Agreement" to maintain a record of the site history and project/contractor responsibility during the life of the site. This agreement shall be included with the ECIP amendment for each project.
 - i. Note: Once this agreement form is developed, it will be posted and available for use on the WisDOT Erosion Control webpage. In the interim, the ECIP should include a written agreement between the different projects and contractors, signed by each prime contractor, to document the responsibility change at the site.
 - g. The project team will submit the approved ECIP documents and Site Transfer Agreement to the DNR TL to request an amendment to the TCGP Certificate of Coverage for the project using the process outlined in the WisDOT TCGP Guidance.
2. A temporary support activity site may be used by multiple WisDOT projects and/or WisDOT contractors based on the below criteria:
- a. Approved by WisDOT through the ECIP process, in consultation with the DNR TL.
 - b. Contractor with current site responsibility agrees to the use of the site and agrees to be responsible for the activities of all contractors using the site. Only one project and contractor will be responsible for the site at a time. The contractor with current site responsibility will be responsible for adhering to the provisions of Trans 401, ECIP, ECIP amendments, and the provisions of the TCGP and will be liable for prohibited discharges in accordance with the provisions of Trans 401.12.
 - c. An ECIP shall be submitted and approved for each project using the site. Each project ECIP will need to be coordinated to show how the site activities of that project will correlate to the other activities of the site, including the overall "final picture" of the site and how the project operations change the restoration plans for the site.
 - d. The ECIP and/or ECIP amendments for all projects using the site shall clearly identify the project and contractor that has the current site responsibility.



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3. Once the current project has completed use of the site, and the site has not been requested to be transferred to a subsequent project, WisDOT project staff shall require the contractor to enact final erosion control and restoration measures in preparation for final stabilization and TCGP coverage termination in accordance with the TCGP requirements for the current project.
 - a. Sites shall not be allowed to remain open in speculation of future use. If the site is no longer active and needed for the current project, and no transfer has been requested at that time, the contractor shall enact final stabilization measures as approved in the ECIP and in accordance with the provision of the TCGP.
 - b. Sites shall not be allowed to remain open in speculation of obtaining separate permit coverage, unless otherwise jointly agreed upon between WisDOT and DNR. If the contractor does not provide evidence of coverage under a separate permit when the site becomes inactive and no longer needed for the current project, the contractor shall enact final stabilization measures as approved in the ECIP and in accordance with the provision of the TCGP.
4. If the current project has completed use of the site and the site is requested to transfer to a subsequent project, but the subsequent project does not require immediate use of the site, the site shall be stabilized using temporary stabilization measures until the site resumes activity under the subsequent project.
 - a. The current project contractor shall complete all temporary stabilization measures before the site is transferred.
 - b. Once transferred, the subsequent project contractor will be required to maintain all existing perimeter sediment controls and all temporary stabilization measures until the site resumes activity.
 - c. Erosion control inspections for the site shall continue in accordance with the requirements of the TCGP and the WisDOT TCGP Guidance.
5. WisDOT will require the contractor of any temporary support activity, whether current or subsequent, to provide schedule, site staging, and restoration details for the site with the ECIP documentation. WisDOT shall encourage the staging and restoration of sites in a sequential order to minimize the disturbance of the site at any one time to the immediate project needs.
 - a. Existing vegetation and temporary stabilization measures shall remain in place as long as possible, to the extent practical for the need of the site.
 - b. Project staff shall direct the contractor to enact temporary stabilization measures any time a site, or portion of a site, remains inactive for a period of 14 calendar days or more.
6. All temporary support activities covered under a TCGP will follow the below requirements:
 - a. The ECIP details will include a site restoration plan. Site restoration shall meet the TCGP requirements for final stabilization.
 - b. Land disturbing construction activities on the site cannot commence prior to the site having an approved ECIP.
 - c. TCGP permit coverage for the project, whether current or subsequent, shall not be expired and the project(s) shall renew coverage, as necessary and required under the TCGP provisions, throughout the life of the site. WisDOT is responsible for renewal of coverage for the project(s) through the established procedures between WisDOT and DNR.



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- d. The site must be for the exclusive use of WisDOT projects. If at any point the site mixes activities from or for non-WisDOT related activities, WisDOT and/or DNR may discontinue site coverage under the TCGP and require the contractor to suspend all operations until other appropriate permit coverage is obtained for the site.
- e. The site will be allowed to recycle materials from the associated WisDOT projects, as approved through the ECIP process for each individual project using the site for such operations. The recycling of these materials may include crushing and processing operations on the site as long as the contractor has obtained all appropriate permits to allow for the operation on the site. The recycling of materials will be allowed only if the recycled material will be reused on those associated WisDOT projects.

If you have any questions related to this guidance, please contact:
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