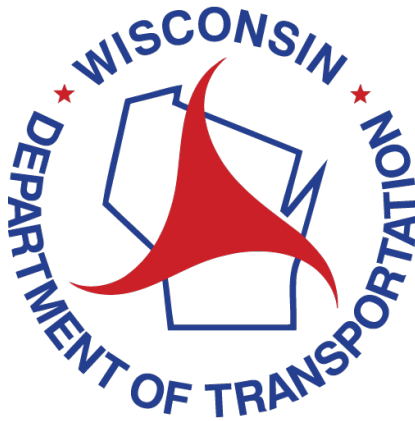


**Stormwater Discharge Permitting for
WisDOT Directed and Supervised Projects**



(Revised 08-04-2026)

Table of Contents

Executive Summary	3
Background Information.....	3
Applicability	3
TCGP Process Overview	3
Land Disturbing Construction Activity	4
Design Considerations	5
Notice of Intent (NOI)	5
TCGP Amendments.....	8
Notice of Termination (NOT)	10
Posting the Certificate of Permit Coverage	11
Reporting Non-Compliance	11
TCGP Coverage Expiration & Renewal.....	13
Special Considerations: Temporary Support Activity (TSA) Sites.....	14
Special Considerations: Winter Shut Down Projects	18
Special Considerations: Substantially Complete Projects	21
Special Considerations: Multiple Project Sites or Multiple Project IDs	21
Special Considerations: Tribal Lands	22
Appendix A: Notice of Intent (NOI) Workflow	26
Appendix B: Notice of Termination (NOT) Workflow	33
Appendix C: Frequently Asked Questions (FAQs)	42

Executive Summary

This guidance has been developed to help guide staff through the stormwater discharge permitting requirements for WisDOT directed and supervised projects, which is required for any project with one acre or more of land disturbing construction activity. This document is primarily focused on interpretation of permit requirements for the Transportation Construction General Permit (TCGP) issued by the DNR, however also includes information on navigating requirements for stormwater discharge permitting when working on tribal lands, which is covered by the Construction General Permit (CGP) issued by the EPA.

Background Information

Discharge of pollutants to waters of the state are regulated by the DNR through the Wisconsin Pollutant Discharge Elimination System (WPDES) permits. The TCGP is a specific WPDES stormwater discharge permit for WisDOT directed and supervised projects that have one acre or more of land disturbing construction activity. Projects with less than one acre of land disturbing construction activity are not required to obtain WPDES permit coverage.

The WPDES program is part of the larger National Pollutant Discharge Elimination System (NPDES) that is under the federal Clean Water Act and administered by EPA. EPA has delegated authority to the Wisconsin DNR to administer stormwater discharge permits via the WPDES program on non-tribal lands. Wisconsin Administrative Code NR 216 provides the framework for the WPDES program.

Applicability

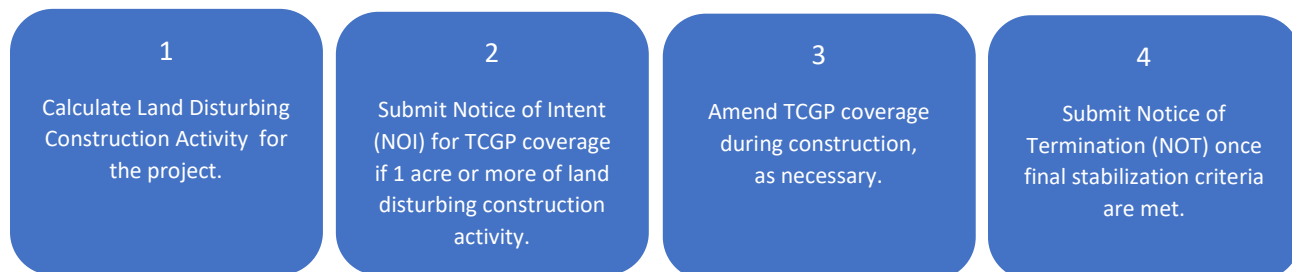
Non-Tribal Lands

Coverage under the Transportation Construction General Permit (TCGP) is required for all WisDOT directed and supervised projects with **one acre or more** of land disturbing construction activity.

Tribal Lands

Areas that fall within tribal boundaries are under EPA jurisdiction and therefore the TCGP does not apply. Coordination with the EPA through a similar permitting process under the NPDES Construction General Permit (CGP) is necessary for these areas. Projects that fall partially within tribal lands may require both a TCGP and NPDES CGP. Guidance specific to tribal lands is in the “Special Considerations: Tribal Lands” section of this document.

TCGP Process Overview



Land Disturbing Construction Activity

TCGP Definition

Land Disturbing Construction Activity is “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, but is not limited to, clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.”

What counts as Land Disturbing Construction Activity?

The following activities should be considered when calculating the land disturbance for a project:

- Any area where subsoils will be exposed or vegetation will be removed or disturbed, including areas within your slope intercepts.
- Underground utility work included in the contract, such as pipe culverts and storm sewer installations.
- Grading associated with beam guard replacement or upgrading of end terminals.
- Staging areas where existing vegetation will be removed or disturbed. (*)
- Land disturbance at temporary support activity (TSA) sites, which do not possess separate DNR storm water permit coverage, are to be added to the project total when WisDOT determines it will be covered under the TCGP permit coverage for the project. TSA sites may be within or outside of the highway right of way. (*)

*Note: These land disturbing construction activities may be unknown during the design of a project, however, will need to be added to the total land disturbance for a project when added during construction through the ECIP process.

What does not count as Land Disturbing Construction Activity?

These items should not be included with the land disturbance:

- Work that is limited to the pavement structure and does not expose the subgrade (milling, grinding, pulverizing, spot repairs, shouldering, paving, etc.).
- Other activities that do not expose the subgrade.

Changes in Land Disturbance during Construction

If the anticipated land disturbance is less than one acre but at any time exceeds one acre of land disturbance during construction, including TSA sites that WisDOT accepts to be covered under the project and associated TCGP coverage, the department shall obtain coverage under the TCGP.

¼-Mile Separation Rule

Where there are multiple construction projects or maintenance activities, and those separate projects or maintenance activities have at least ¼-mile separation between the land disturbing

construction activities, those areas may be treated separately for the purpose of determining TCGP coverage requirements. This does not apply to temporary support activity sites, which still need to be included under the project total disturbance area since it is directly related to the construction project.

Design Considerations

Standardized Special Provision (STSP)

All projects with land disturbing construction activity shall include STSP #107-056 titled “Information to Bidders, WPDES Transportation Construction General Permit (TCGP) for Storm Water Discharges” in the contract. This special provision has two different articles to choose from, depending on whether the project has less than one acre, or one acre and greater of calculated land disturbing construction activity. Use the article that applies to the project and remove the other.

Final Concurrence

When requesting final concurrence for a project, the project team should indicate on the “Request for DNR Final Concurrence Letter” template whether the anticipated amount of land disturbing construction activity is less than one acre, or one acre or more.

The DNR TL will review the design information and determine whether the project design appears to meet the requirements of the TCGP. The DNR TL will include language relative to this determination in the DNR final concurrence letter. This determination is design level only and is conditional on the remainder of the TCGP requirements being met through the contractor’s ECIP during the preconstruction phase. The TCGP Notice of Intent (NOI) cannot be submitted until the ECIP is submitted for the project.

Transportation Construction General Permit (TCGP) & Stormwater Management

Is TCGP Coverage Required?

☐ No – Land disturbance is < 1 acre

☐ Yes – Land disturbance is ≥ 1 acre

PSETrak Documentation

The sign off in PSETrak for “DNR” is used to document that the project has received final concurrence from DNR, and Water Quality Certification (WQC) when applicable. This does not include the coverage under the TCGP, as that will occur post-letting.

Notice of Intent (NOI)

Projects that have land disturbance of one acre or more are required to obtain TCGP coverage. The process for submitting for permit coverage under the TCGP is called the Notice of Intent (NOI). WisDOT may not submit the NOI, and DNR is unable to convey coverage under the TCGP, until all requirements for an erosion control plan, and erosion control implementation plan (when applicable), are completed in accordance with Trans 401.

Submitting the NOI

The NOI is submitted through the DNR’s ePermitting website. See Appendix A “ Notice of Intent (NOI) Workflow” for step-by-step directions through the process.

Draft NOIs

Project teams may prepare a draft of the NOI in DNR's ePermitting system. This may be helpful to prepare and expedite the submittal of the NOI when the WisDOT PM submits the contractor ECIP to the DNR TL during the preconstruction phase of the project. Drafting of the NOI can be useful, but the following limitations should be noted:

- The NOI can only remain in draft status for 150 days. As a draft approaches the 150 day deadline, the preparer of the NOI will receive an email from the DNR ePermitting system to notify them of the deadline. There are options to renew and extend the draft. If the draft is not renewed, the Draft NOI will be deleted and the information will be lost.
- Only the preparer of the NOI can access the draft, unless it is shared with others. The draft NOI can be shared with only one other person. Once the NOI is drafted and saved in the DNR ePermitting system, it will appear on the system dashboard for that user. The dashboard will have a column labeled "Share Application", where the person drafting the NOI can assign the PM or Supervisor for access to the draft NOI.

Step 1: Draft Items

ACTION REQUIRED: Review, edit and/or share draft items for signature. [Instructions for a landowner and authorized representative to share a draft item*](#)

Project Name	Applicant Full Name	Reference Number	Share Application*
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Viewing or Tracking NOIs after Submittal

View or track progress of an NOI on the DNR ePermitting Website at

<https://dnr.wisconsin.gov/permits/water>.

Click on the "Track" box and search for the information by Applicant, Application ID, or Project Name.

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WATER PERMIT APPLICATIONS

For some of our permits, submit applications and other forms to the DNR online. Get a WAMS ID, complete an application, sign and pay fees in a few steps. Track permits and know exactly where they are in the permitting process.

REGISTER for a WAMS ID to access our Water ePermitting System to complete an online application.

BEGIN a new or edit an existing application, sign and pay fees online.*

VIEW public notices of the DNR's intention to authorize activity relating to water, including permits issued to the DNR.

TRACK the status of Wisconsin water permits.

LEARN with instructional videos and user guides.

Permits, Licenses and Registrations

Related Links

- Sales Locations
- Resident Licenses
- Non-resident Licenses

NOI Submittal and Conveyance of Coverage Process for Let Construction Projects

Please follow these steps for NOI submittal and conveyance of permit coverage for let construction projects, which is concurrent with the ECIP submittal and approval process for construction projects indicated in Trans 401:

1. Upon receipt of the contractor's ECIP, the WisDOT PM or project team will review the ECIP for completeness. Completeness indicates that all necessary questions on the ECIP have been answered, and all necessary information has been provided by the contractor. It does not indicate that the department has reviewed and resolved all comments. If the ECIP is incomplete, the ECIP should be rejected and sent back to the contractor.

A review for completeness should consider, but not be limited to, the following:

- o All applicable sections of the ECIP have information submitted.
 - o All applicable ECIP forms are included with the submittal.
 - o All necessary attachments are included and properly labeled.
 - o Contractor has completed the "contractor acknowledgement" sections.
2. Within two working days of receipt of a complete ECIP:
 - a. The WisDOT PM or project team will forward the ECIP to the DNR TL, SWECE, and any others that will be reviewing the ECIP.
 - b. Concurrently with the ECIP distribution after a complete ECIP is received, the WisDOT PM will submit the NOI to apply for TCGP coverage.
 3. The DNR TL will have 14 working days to review the initial ECIP submittal and provide comments. The 14 working day review period will begin on the day that the ECIP and NOI is submitted to the DNR TL.
 4. After the 14 working day review period has expired, the department will have two working days to compile all comments and provide those to the contractor. This includes resolving any conflicting comments that were received.
 5. The contractor is expected to update the initial ECIP accordingly and resubmit it in a timely manner. WisDOT PM or project team will forward any revised ECIP to the DNR TL for additional review and comment.
 6. While there is no definitive timeframe for review/comment from DNR on subsequent submittals, the DNR has agreed to make reasonable efforts to return comments as soon as possible to avoid delays to the project construction schedule.
 7. Upon all comments being resolved, WisDOT PM or appropriate delegate will approve the ECIP in accordance with Trans 401 and forward the approved ECIP to DNR TL.
 8. The DNR TL will convey permit coverage for the project upon submittal of the approved ECIP and DNR concurrence that the project meets the requirements for coverage under the TCGP.

TCGP Amendments

After TCGP coverage has been obtained for a project, circumstances may arise that require the project's TCGP coverage be amended.

When is an amendment necessary?

The TCGP requires an amendment for erosion control and stormwater management plans “whenever there is a change in design, construction, operation or maintenance at the construction site, which has the reasonable potential for the discharge of pollutants and which has not otherwise been addressed in the erosion control and stormwater management plans.”

The TCGP language is very broad and as such, can cover a wide array of circumstances. Yet, not every change requires a TCGP amendment. Since every project is different, and similar issues can have drastically different impacts depending on the surrounding environment, the need to amend the TCGP coverage should be a discussion at the project level between the WisDOT PM, SWECE, and DNR TL.

What are some examples of changes requiring amendments?

The following is a list of common changes that may require amendments. This is not an all inclusive list and the need to amend permit coverage should be discussed at the project level as discussed above.

- Addition of temporary support activity (TSA) sites that WisDOT agrees to cover under the TCGP, with concurrence from DNR.
- Changes in access locations for the site.
- Additional land disturbing construction activity within the project limits that was not previously included in the TCGP NOI or amendment for coverage with the project. Examples include but are not limited to adding causeways, changes in bridge demolition specifications, and new/expanded rip rap areas.
- Changes in erosion control best management practices (BMPs) from the original plans that have potential to change the risk of discharge of pollutants from the project site or into waters of the state.
- Changes in BMPs resulting from inspections that determine the existing BMPs are ineffective in preventing or reducing the impacts of pollutants discharging from the project site or into waters of the state.
- Increases in impervious areas that will remain after construction is complete, including both within the project limits or on temporary support activity (TSA) sites.
- Changes in permanent, post-construction stormwater control practices (SCPs) from the original plans.
- Changes in the construction schedule or sequencing that have reasonable potential to impact environmental resources or environmental commitments for the project.

Note: This may include re-engaging DNR in review of environmental resources such as threatened and endangered species.

What are some common examples of changes that do not require an amendment?

The following are examples that generally would not require an amendment to the TCGP coverage:

- Additional erosion control BMPs from what is shown on the plans.
- Minor adjustments to BMP locations based on field conditions that do not result in potential impacts to adjacent environmental resources, such as wetlands or waterways.
- Minor changes in construction schedule that do not impact environmental resources or environmental commitments for the project.

Submitting an amendment for TCGP coverage

Currently, DNR's ePermitting site does not allow for amendments to be submitted via that system. Therefore, the process for amending TCGP coverage will be completed through direct correspondence between the PM, SWECE, and DNR TL as identified below. All communication related to changes in TCGP coverage shall be documented in the project records.

ECIP Related Changes:

Contractor submitted ECIPs and ECIP amendments are reviewed concurrently by WisDOT and DNR. The ECIP review process will be followed, as described in Trans 401 and the CMM. ECIP approval remains with WisDOT, in consultation with the DNR. If an amendment to the TCGP is necessary, the approved ECIP and/or approved ECIP amendments must be sent to DNR TL requesting an amendment to the Certificate of Coverage. Project staff shall email the DNR TL the approved ECIP documents, including the project ID and the Facility Identification Number (FIN) that is shown on the TCGP Certificate of Permit Coverage for the project. DNR TL will provide either acceptance or denial of the request to amend permit coverage via email.

WisDOT Project Team Initiated Changes:

Changes that are initiated by the WisDOT project team, such as design modifications or change orders, will be handled separately from the ECIP process since these are not contractor based. If the project team discovers changes during construction that warrant amendments to permit coverage, the project team will provide a written assessment of the changes to the DNR TL. The DNR TL will review the changes and determine if a TCGP amendment is suitable and provide a response to the WisDOT project team in writing. WisDOT will provide the necessary documents to the DNR TL at least five working days prior to implementing the proposed changes. If a quicker response is necessary, the PM should discuss an alternative timeframe with the DNR TL.

DNR TL Initiated Changes:

Based on plan review or site inspections, the DNR TL may determine that the ECIP, erosion control plans or stormwater management plans are ineffective and do not meet the requirements of the TCGP. The DNR TL will identify which provisions of the plan require modifications and communicate those changes via email to the PM, SWECE, and project staff. Within the timeframe agreed to between the DNR TL and WisDOT PM, WisDOT will implement the necessary changes and submit a written certification to the DNR TL that the requested changes have been implemented. WisDOT project staff will document these changes in the project records. If WisDOT disagrees with the DNR TL assessment or specified changes, the WisDOT PM, SWECE, and project team should further discuss that with the DNR TL and provide recommendations for resolution. If resolution cannot be determined at this level, follow the steps for conflict resolution outlined in the Cooperative Agreement.

Notice of Termination (NOT)

Projects with TCGP coverage are obligated to adhere to all requirements in the TCGP until a project meets the final stabilization criteria and the DNR issues the NOT for the project.

Once a project reaches final stabilization, WisDOT PM or appropriate delegate shall submit the NOT request to the DNR through the DNR's ePermitting system. The NOT request will be reviewed by the DNR TL to determine if the TCGP requirements have been met. The DNR TL will provide a confirmation email when the permit coverage has been terminated. Keep a copy of this email in the project records and forward a copy to the region SWECE.

What is final stabilization?

The TCGP defines final stabilization as "All land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least 70% of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures."

When is the project ready to submit the NOT?

All disturbed areas of a project, including TSA sites covered under the TCGP, need to meet the 70% coverage density for the project to be applicable for permit termination. The NOT cannot be done in segments or partial approvals; however, a TSA site may follow the "Release of Permit Responsibility" conditions (see Special Considerations: Temporary Support Activity (TSA) Sites section). If a project grants partial or final acceptance to the contractor, WisDOT remains liable for the permit conditions until the project is ready for the NOT.

The 70% coverage is intended to be the percentage throughout the entire project, not averaged between different portions of the project. Generally, the goal is to exceed the 70% density threshold whenever possible to provide the best permanent turf and erosive protection possible. Bare and lightly vegetated areas may need additional attention to get to a 70% density threshold and be suitable for permit termination.

Some areas may not be able to achieve 70% density due to rock or sandy soils, or other project specific conditions. In these cases, it may be determined, with approval of the DNR TL, to at least match the surrounding vegetative characteristics adjacent to the site. In these situations, document in the project diary that density is less than 70% however has met the density of the surrounding natural vegetation.

Submitting the NOT

The NOT is submitted through the DNR's ePermitting website. See Appendix B "Notice of Termination (NOT) Workflow" for step-by-step directions through the process.

For TSA sites that meet final stabilization requirements before the main project, use the guidance under "Special Considerations: Temporary Support Activity (TSA) Sites".

Posting the Certificate of Permit Coverage

Once a project is covered under the TCGP, a Certificate of Permit Coverage will be provided by the DNR TL to the WisDOT PM. This certificate must be posted at the project site before starting land disturbing construction activities.

Where can the certificate be posted?

The TCGP requires the certificate to be posted in a conspicuous place on the construction site. The goal is to have the certificate posted where it can be readily available and viewed by the public. The certificate should be protected from weather damage to maintain legibility.

In general, where practical and feasible, the certificate should be posted on the project site within the right of way. This may include the window of the construction field office (if located on site), the project information board, or separately at the entrances to the site. If using the project information board, ensure the certificate does not cover up other information on the board.

In certain circumstances, posting the certificate on the project site may not be practical for safety reasons. This would include areas along high speed roadways or areas that otherwise pose hazards for the public to properly view the certificate. For these projects, posting at the project field office (window), even if located off site, would be acceptable since it is publicly accessible and directly related to the project.

CERTIFICATE OF PERMIT COVERAGE

UNDER THE
WPDES CONSTRUCTION SITE STORM WATER RUNOFF PERMIT
Permit No. WI-S066796-02

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 erosion 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 Tip Line:

WDNR Site No. (FIN): XXXXX
Site Name: (Project Site Name)
Address/Location: (Project Location Address – Municipal Subdivision)

Additional Information:

Landowner: Wis DOT (Project ID)
Landowner's Contact Person: (WisDOT Contact Name)
Contact Telephone Number: (WisDOT Contact Phone Number)
Permit Start Date: (Date) By: _____

WDNR Publication # WT-813 (10/11)

Reporting Non-Compliance

The TCGP requires WisDOT to report non-compliance upon becoming aware of any permit violation that may **endanger public health or the environment** (TCGP section 5.1.1).

WisDOT and DNR shall jointly work together to resolve non-compliance issues in the shortest practical timeframe. If project staff are uncertain if a situation should be reported, contact the SWECE for clarification. Non-compliance issues will be resolved in accordance with the provisions of the TCGP and DNR-DOT Cooperative Agreement.

Note: Spills regulated under statute 292 and administrative code NR 706 are required to be reported to the DNR immediately. This includes any release or spill of a hazardous substance to the environment. Spill reporting is outlined in the ECIP Initial Submittal Form (DT1073), section 3.4.

Situations that require reporting

WisDOT should report all situations that may be non-compliance to the DNR TL. Determination of whether a situation is non-compliance will be determined in accordance with the DOT/DNR Communication Process, as outlined below.

The following are examples of when to notify the DNR TL:

- Any situation where there is an unauthorized discharge of pollutants to waters of the state.
- Situations where the contractor is out of compliance with the approved ECIP documents and does not comply with corrective action orders.
- Failures of BMPs due to contractor negligence or not complying with corrective action orders.
- Working outside of approved site boundaries.
- Any other situation that the PM and SWECE determine should be elevated for DNR TL involvement.

DOT/DNR Communication Process

TCGP non-compliance issues, reporting, and corrective actions will follow the steps outlined below. The WisDOT Project Leader should document all steps, including all discussions and resolutions, within the project records. For issues requiring clean-up efforts within or immediately adjacent to an environmental resource, WisDOT and DNR will agree on the proposed resolution before commencing work on those activities.

Step 1: WisDOT Project Leader will report the issue to the DNR TL within 24 hours of the occurrence. This can be either verbally or written. WisDOT Project Leader will also notify the PM and SWECE. The DNR TL will determine if the situation is a matter of non-compliance and if further action is necessary. For less complex issues, WisDOT and DNR may agree on a verbal resolution and no further action needed.

Step 2: If the DNR TL determines the situation requires further action (step 1), WisDOT and DNR will jointly investigate the issue and discuss appropriate corrective actions. Project Leader will coordinate this meeting with the PM, SWECE, and DNR TL. This meeting may be in-person, on-site, virtual conference, or other methods agreed upon between both agencies. WisDOT will implement the necessary corrective action as soon as practicable within a timeframe agreed upon with the DNR TL.

Step 3: WisDOT will submit a written report of the issue to the DNR TL. The WisDOT Project Leader will first provide a draft of the written report to the PM and SWECE for review and comment. The final written report should be submitted to the DNR TL within 5 days of the incident, or within an alternative timeframe jointly agreed upon with the DNR TL. The written report may consist of the following information, as applicable:

- Description of the non-compliance and the cause.
- Timeframe of the non-compliance, including exact dates and times.
- Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the non-compliance.

- Timeline for the non-compliance to be corrected and/or the approximate length of time it is expected to continue.

Step 4: The WisDOT Project Leader will send pictures to the DNR TL to document that final corrections have been completed and the non-compliance issue has been resolved.

TCGP Coverage Expiration & Renewal

The TCGP allows coverage of a project for a period of three years from the time coverage is granted. Depending on the project schedule and ability to meet final stabilization requirements for NOT, renewal may be necessary.

How is permit coverage renewed/extended?

At this time, DNR does not have a means through the ePermitting system to do renewals. WisDOT and DNR have agreed to complete renewals through a batch renewal process on a quarterly basis. DNR (through the stormwater permits coordinator) will provide a listing of projects due to expire permit coverage within the upcoming quarter. WisDOT (through the Statewide Erosion & Sediment Control Engineer and with collaboration from the region PDS chiefs) will request for project teams to determine if the project will require a renewal of permit coverage. A list of projects requesting an extension of coverage will be sent to DNR for review and approval. Projects that do not request an extension are expected to complete the NOT before the expiration of coverage.

Will projects be notified of the extension being granted or need a new certificate?

Projects that are granted an extension will be provided notice to the WisDOT Statewide Erosion & Sediment Control Engineer through a letter of extension. If the project requested an extension, project teams should assume continuation of coverage unless otherwise notified.

There will not be a new certificate of coverage issued; therefore, project teams will continue to use the original certificate for posting at the project site.

Special Considerations: Temporary Support Activity (TSA) Sites

Definition of TSA Site

Trans 401 defines a “TSA” and “TSA site” as the following:

(79) “Temporary support activity” or “TSA” means a construction-related activity that specifically supports the project and involves land-disturbing construction activity or pollutant-generating activities of its own.

Note: Examples of a TSA include borrow sites, excavated material disposal sites, equipment staging yards, material storage areas, material recycling areas and concrete or asphalt batch plants.

(80) “Temporary support activity site” or “TSA site” means a site used for a temporary support activity that is outside the horizontal and vertical grading limits of the project site, where the site is used exclusively for projects directed and supervised by the department and is selected and under the direct control of the contractor, maintenance provider, or utility person.

Note: The department considers a site to be used exclusively for department projects even if the contractor sells excavated material from the site directly to consumers as incidental sales.

Coverage of TSA Sites

It is WisDOT’s intent to cover TSA sites under the TCGP whenever possible. As the permit holder of the TCGP, WisDOT will determine if a TSA site may be covered under the TCGP, with approval from DNR. Sites that pose unnecessary risks to the department may be denied coverage under the TCGP. In these cases, the site would need to obtain separate coverage under the applicable WPDES permit. Coverage of TSA sites under the TCGP shall be coordinated with the regional SWECE. WisDOT will review TSA sites, and request to DNR for coverage under the TCGP, through the ECIP process.

Risk factors that should be considered in the review for TCGP coverage include, but not limited to:

- Existing disturbed and unvegetated areas.
- Evidence of borrow or material disposal, either active or inactive.
- Proximity to environmental resources.
- Significant changes in drainage patterns or discharge points.
- Evidence of garbage, material storage, etc. already occurring on the site.
- Sites where material is proposed to be left in place without proper grading or restoration, such as material stockpiles or steep side slopes.
- Evidence of previous fills near wetlands, waterways, or other environmental resources that may not have been permitted.

For TSA sites to be considered for coverage with the project TCGP coverage, all of the following minimum criteria must be met:

1. The site must meet the permit’s applicability criteria.
2. The site must be for the exclusive use of WisDOT projects.
3. Land disturbance first commences after the ECIP approval and the areas are fully restored to meet the permit’s final stabilization criteria upon completion of the work.

Multiple Project Use of TSA Sites

Under certain circumstances, TSA sites with TCGP coverage may be used by multiple WisDOT projects, either as shared use or transferred from one WisDOT project to another WisDOT project. Multiple projects using a TSA site shall conform to the following requirements:

- 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 form, as required in the ECIP and in accordance with CMM section 158.
 - d. Project staff, SWECE, and DNR TL will meet to discuss the transfer and identify any needs related 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.
 - 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. Project staff and SWECE shall evaluate the ECIP documents 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 WPDES 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 WPDES permit coverage 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 use ECIP Form E "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 documents for each project.
 - g. The project team will submit the approved ECIP documents to the DNR TL and request an amendment to the TCGP Certificate of Coverage for the project using the process outlined in the Amendments section of this guidance.
- 2) TSA sites 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 unauthorized discharges (releases) in accordance with the provisions of Trans 401.
 - 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. WisDOT will use ECIP Form D "Site Shared Use Agreement" to maintain a record of the site history and project use during the life of the site. This agreement shall be included with the ECIP amendment for each project.
- 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, project staff shall require the contractor to enact permanent 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, Trans 401 and this guidance document.
- 5) WisDOT will require the contractor of any TSA site, 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 TSA sites 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 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) in accordance with the TCGP Expiration and Renewal section of this guidance document.
 - 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 may 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.

Site conversion from TCGP coverage to separate WPDES Permit Coverage

If a site that was originally covered under the TCGP receives its own WPDES permit coverage from DNR, the project staff should submit the site for a release of permit responsibility. Since initial

submittal and approval for TCGP coverage is handled through the ECIP process, the process for the release of permit responsibility will also be handled through the ECIP process via an ECIP amendment to document the change in that site from TCGP permit coverage to site specific WPDES permit coverage. WisDOT will request the release of permit responsibility for the site in an email and attach the corresponding ECIP information. BOX links to the information in the email are also acceptable. The DNR TL will review and provide email confirmation that the site is released from permit responsibility. The project team should keep a copy of the release of responsibility email with the project records.

Release of Permit Responsibility

If the main project is still in progress but a TSA site has met the final stabilization criteria, or the site has obtained separate WPDES coverage as discussed above, the project team should request the site be released from permit responsibility. This is different from a notice of termination (NOT) since the termination process covers all portions covered under the Certificate of Permit Coverage FIN #.

Release of permit responsibility will be done through email communication with the DNR TL in the following process:

- 1) Project team submits the site for termination by emailing the DNR TL and attaching photos showing the final condition of the site.
- 2) DNR TL will review the information. The TL will either advise for more information or determine that the site meets final stabilization requirements.
- 3) Project team will provide additional details, if necessary.
- 4) DNR TL will provide the project team with email confirmation that the site has been released from permit responsibility.
- 5) Project team includes DNR correspondence for the release of permit responsibility in the project records.

When the final stabilization of the site coincides with or is after the main project meeting final stabilization, the site does not need to request a release from permit responsibility and can instead be terminated with the project through the Notice of Termination (NOT), as detailed elsewhere in this guidance document.

Special Considerations: Winter Shut Down Projects

The TCGP requires the erosion control plan to provide “description of erosion and sediment control practices put in place for the winter to prevent soil from leaving the construction site during periods of winter and spring thaw and rains”. While items can be put into the project plans, most often these items are unpredictable and dependent on the contractor schedule, staging, and weather conditions.

The below guidance provides best practices for projects that have a winter shutdown period, however each project should be tailored to meet the needs of that individual project site. Project Leaders shall work with the regional SWECE and DNR TL to establish specific expectations for the project.

- Beginning in early fall, project teams should begin preparations for winter shut down. The goal is to get as much permanent stabilization completed and vegetation growth as possible before the end of the growing season. The more permanent stabilization there is, the less risk there is. This should be a regular discussion topic at the weekly construction meetings.

- Project team, contractor, SWECE, and DNR TL shall conduct a winter shut down meeting approximately 3 weeks prior to suspending land disturbing construction activities. The following are suggested items that may be part of the discussion:
 - Anticipated progress prior to suspending operations.
 - Areas that will be permanently stabilized versus those that will be temporary.
 - Methods for providing temporary stabilization and removal of existing controls after temporary stabilization that may impede safety or functionality of the BMP, when ordered by the engineer.
 - Inlet protection is typically removed prior to winter to avoid freeze-up conditions that contribute to poor drainage and/or flooding. This should not be done until all upstream disturbed areas are temporarily stabilized. Using Type D inlet protection devices for the winter may be an alternative where work is continuing through the winter and/or there are risks of discharge from the project site over the winter months, provided they are properly maintained.
 - Review areas where redundant erosion control devices will be necessary to properly prevent unauthorized discharges from the project site due to winter thaws and spring snow melt.
 - Slope stabilization near structure abutments and streambanks.
 - Removal of in-water devices or requirements for winter periods. This may include temporary diversion channels, channel markers or temporary buoys, turbidity barriers, and cofferdams.
 - For projects with TSA sites , discuss the anticipated stabilization for the shut down period as well as whether the site will remain active when the project resumes operations.
 - For projects with active dewatering operations, discuss the removal of these devices and clean-up of discharge locations prior to winter shutdown.
 - For projects where the roadway will be open to traffic, ensure the stability and functionality of the erosion control devices will not be hindered by winter maintenance activities such as plowing operations. For example, removal of inlet protection.
 - It is also good practice to discuss other project specific environmental requirements that need to be in place for the following spring, such as swallow netting and turtle exclusion fencing.
- Document temporary erosion control measures implemented for winter shutdown on an exhibit and file in the project's erosion control diary. Ensure areas that are treated with soil stabilizer are documented on this exhibit.
- Per the requirements of the TCGP, WisDOT shall conduct weekly inspections of implemented erosion and sediment controls. During the winter shut down months, these inspections likely will not yield significant changes when temperatures remain below freezing. In these situations, WisDOT may request alternative monitoring frequency for weekly inspections, which will be approved by the DNR TL on a case by case basis. It is recommended that

project teams discuss the weekly inspection requirements with the SWECE and DNR TL during the winter shut down meeting. Document the agreed upon inspection frequency in writing in the project erosion control records. The inspection requirements may be adjusted within the following parameters:

- o Do not discontinue weekly inspections for areas draining to an Outstanding Resource Water (ORW) or Exceptional Resource Water (ERW).
 - o All land disturbing construction activities have ceased on the construction site and all disturbed areas of the site have undergone temporary or permanent stabilization.
 - o Rainfall inspections shall continue as normal for any rain event of 0.5 inches or greater. This does not include frozen precipitation events.
 - o A weekly inspection shall be done anytime there are two consecutive days where the daily temperature rises above 32 degrees Fahrenheit.
 - o The weekly inspection schedule shall resume beginning on March 1st, unless otherwise agreed to with the DNR TL based on actual weather conditions.
 - o Other conditions on the construction site, or concerns identified by the DNR TL, that have high potential to result in a discharge from the site. Situations may include, but not limited to, stockpile locations close to waterways and wetlands, steep slopes near waterways and wetlands, or storm sewer conveyance discharge locations near disturbed areas of the project.
- Per the requirements of the TCGP, erosion control records are to be maintained at the construction site. In some cases, the field trailer will not remain on site during the shutdown period. If the field trailer will not remain on site, inform the SWECE and DNR TL where the project erosion control records will be stored during the winter shutdown period. When project records are being maintained electronically and the DNR TL has access to the electronic records, this requirement is not applicable.
- Review the project ECIP and amendments to ensure all winter shutdown measures are addressed. If not, the contractor should submit an amendment to the ECIP to document the site's erosion control needs during the winter shutdown period. It is recommended that this ECIP amendment is submitted at least 14 days prior to starting stabilization operations for the winter shutdown period.
- Project team should take pictures following winter shut down stabilization and the contractor suspending operations. This will provide baseline information for evaluating discharges from the construction site during the winter shut down period.

Special Considerations: Substantially Complete Projects

When a project attains substantially complete status, as outlined in standard spec 105.11.2.1.3, there are still permit requirements that must be adhered to until the project has achieved final stabilization and the notice of termination is submitted. Use the following practices to ensure compliance with the TCGP:

- Erosion control inspections shall continue to be completed by the project team within 24 hours after a rainfall event of 0.5 inches or greater until the project meets final stabilization criteria and the notice of termination is approved by the DNR.
- Regular weekly inspections, those not due to a rainfall event, may be discontinued once the project attains substantially complete status.
- Project team should take pictures following placement of the permanent erosion control measures and the project being substantially complete. This will provide a baseline for the project site at the time of project completion.
- Per the requirements of the TCGP, erosion control records are to be maintained at the construction site. Once the project meets substantially complete status, the field trailer is usually removed and project staff are no longer on site regularly. When this occurs, inform the SWECE and DNR TL where the project erosion control records will be stored until the project's NOT is approved. When project records are being maintained electronically and the DNR TL has access to the electronic records, this requirement is not applicable.
- For substantially complete projects that have not met final stabilization criteria and have not received the approved notice of termination from DNR, follow the inspection frequency guidance in the "Special Considerations: Winter Shut Down Projects" section. Document the agreed upon inspection frequency in writing in the project erosion control records.

Special Considerations: Multiple Project Sites or Multiple Project IDs

Segmentation

Segmentation occurs when project limits are intentionally changed to keep the project under one acre of disturbance and purposely avoiding the need for TCGP coverage. Projects should not be segmented to avoid the need for TCGP coverage.

¼-Mile Separation Rule

Where there are multiple construction projects or maintenance activities, and those separate projects or maintenance activities have at least ¼-mile separation between the land disturbing construction activities, those areas may be treated separately for the purpose of determining TCGP coverage requirements. This does not apply to temporary support activity sites, which still need to be included under the project total disturbance area since it is directly related to the construction project.

Multiple project sites under one Project ID and one let contract

Under this scenario, multiple distinct and separate project sites are included under a single project I.D. and let as one contract (example: three different bridge sites under one I.D./contract). If each

individual project site can be constructed independently of the others, and none of the individual sites have one acre or more of land disturbance, then TCGP coverage would not be required. If any single site would have one acre or more of land disturbance, all the sites would need to be covered under the TCGP.

Multiple project IDs under one let contract

Under this scenario, there may be multiple project I.D.'s being constructed under one let contract. In these situations, the project team has options for submitting NOIs for TCGP coverage and should evaluate the best option for the project schedule and anticipated completion dates of the project. Options include submitting all ID's under one NOI, submitting each ID individually under separate NOI's, or a combination. The decision should be based on how each projects schedules and activities coincide with each other.

Example:

You have a project that will be let with the following 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 construction 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 the 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 them all under one NOI.

Special Considerations: Tribal Lands

Projects that fall within tribal boundaries require different processes because the DNR does not have authority to issue coverage under the TCGP. In these cases, the Environmental Protection Agency (EPA) is the permitting authority and will issue permits under the NPDES program.

This section is intended to clarify project permitting requirements for stormwater discharges from construction sites under the Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES) for projects with one acre or more of disturbance and that fall within tribal boundaries.

When working on tribal lands, it is important to work closely with the Regional Environmental Coordinator (REC) and Regional Tribal Liaison to ensure proper coordination with tribal governments.

Working with tribal governments can be complicated, as each tribe has different delegated authorities, programs, permitting requirements, tribal laws, and personnel structures.

What is the difference between the TCGP issued by the DNR and the NPDES Construction General Permit (CGP) issued by EPA?

Discharge of pollutants to waters of the state are regulated by the DNR through the WPDES program. The TCGP is a specific permit under the WPDES program specifically for WisDOT directed and supervised projects. The DNR is delegated authority by the EPA to administer the program requirements of the CWA via the WPDES program, and TCGP, in Wisconsin except on tribal lands. Therefore, projects that fall within tribal boundaries are permitted through the EPA under the NPDES program. The CGP is a specific permit under the NPDES program.

Under both types of programs, it is important to determine if the general permit applies to the project. If projects do not meet the eligibility criteria, an individual permit will be necessary. Individual permits can take a long time to acquire, so it is important to communicate with agencies early in the design process to determine project specific requirements. These agencies include but not limited to the EPA, tribal governments, and US Army Corps of Engineers (wetland disturbances).

I have a project that is entirely located on tribal lands. Which permit do I need?

Projects that fall entirely within tribal boundaries, and have one acre or more of disturbance, require CGP coverage through EPA. Other requirements may also be enacted by individual tribes through tribal law.

I have a project that is on both tribal and non-tribal lands. Which permit do I need?

Projects that fall both on and off tribal lands may require both the TCGP coverage through the DNR and CGP coverage through EPA. Projects that are entirely within tribal boundaries would only need the CGP coverage by EPA and projects that are entirely outside of tribal boundaries would only need the TCGP coverage by the DNR. These permits are required for any project with one acre or more of land disturbing construction activities.

If my project has one acre or more of land disturbance but the portion in the tribal boundary is less than one acre of land disturbance, do I still need EPA-CGP coverage?

These types of instances require special coordination. Projects with these situations should consult with their EPA representative to determine the project specific requirements. The current contact for EPA Region 5 is John Nguyen (nguyen@epa.gov, 312-886-6072).

If my project has one acre or more of land disturbance, but the portion outside of the tribal boundary is less than one acre of land disturbance, do I still need DNR-TCGP coverage?

At no time should there be a project that is one acre or more of total land disturbance and doesn't have either the DNR-TCGP or the EPA-CGP permit issued. These types of projects will require specific coordination with the REC and DNR TL to determine the need for TCGP coverage.

If I receive coverage under the EPA-CGP, is a separate water quality certification from EPA required?

When a project is covered under the EPA's CGP, the water quality certification is included with the coverage. The EPA may, however, need to grant separate water quality certifications for other permits, such as the 404 permit. A water quality certification under one permit does not necessarily guarantee water quality certification for another permit.

If I receive coverage under the EPA-CGP, is consultation with tribes still necessary?

Yes. The EPA-CGP is necessary to meet the requirements of the CWA and NPDES, however this does not replace other requirements that may be enacted by individual tribes through tribal law. Close coordination with the REC, Regional Tribal Liaison, and tribal personnel is necessary to ensure all environmental clearances are obtained for the project.

I have received water quality certification from the tribe. Do I still need EPA-CGP coverage?

Yes, you still need to apply for coverage under the EPA-CGP permit if the total area of land disturbing construction activity is one acre or more. The EPA grants authority to some tribes to administer some water quality programs, however this is separate from the NPDES requirements. There are no tribes in Wisconsin that have EPA granted authority to provide NPDES permit coverage – this can only be done by the EPA through their CGP.

Tribes that have water quality program authority are listed on the EPA's website at:

<https://www.epa.gov/tribal/tribes-approved-treatment-state-tas>

How do I know where the exact tribal boundaries are?

The only definite form of identifying tribal boundaries is through direct communication with the tribes, in conjunction with the Regional Tribal Liaison. Below is a website that may be used as a screening tool to identify approximate tribal boundaries. These sites may not always be current. Additionally, be aware that tribal boundaries can also change over time, especially with properties that may go into or out of tribal trust.

<https://tigerweb.geo.census.gov/tigerweb/>

Are there any tribal lands that the EPA-CGP does not apply to?

The 2022 EPA-CGP is available for use on all federally recognized tribal lands in Wisconsin, as long as the project meets the eligibility criteria for the permit. Prior to the 2022 EPA-CGP, all projects that fell within the boundaries of the Sokaogon Chippewa Community (Mole Lake) required an individual permit; however, this is no longer the case.

Some tribes have special requirements within the EPA-CGP that need to be adhered to. These can be found in Section 9 of the EPA-CGP. As stated above, however, projects need to ensure they meet the eligibility criteria for the EPA-CGP, otherwise an individual permit from EPA will be required.

How do I apply for coverage under the EPA-CGP?

The process and information needed to apply for EPA-CGP coverage is very similar to TCGP coverage through the DNR, although some of the requirements may be different. The EPA uses their NPDES eReporting Tool (NeT) for all processes related to applying for and terminating the NPDES-CGP.

The EPA's NPDES eReporting Tool (NeT) can be accessed at the below link:

<https://npdes-ereporting.epa.gov/net-cgp/action/login>

EPA has a User Guide that will answer most questions related to the electronic process:

[EPA's CGP NeT User Guide](#)

The EPA permitting site and additional guidance can be found at:

<https://www.epa.gov/npdes/stormwater-discharges-construction-activities>

How long do I need to plan for EPA processing the NPDES CGP coverage?

Coverage begins 14 calendar days after EPA confirms that it has received a completed Notice of Intent (NOI) unless the EPA notifies you that your authorization is delayed or denied. It is important to review the requirements of the EPA-CGP with the REC to ensure the project meets the eligibility criteria. Projects that do not meet eligibility under the CGP will be required to apply for an individual permit, which can take more than 6 months to acquire.

What other permitting and tribal coordination is required?

This section is intended to specifically address questions related to DNR-TCGP and EPA-CGP processes. There may be other permits and tribal coordination necessary, such as wetland permitting and permits that are more specific to the individual tribes. Please coordinate with the REC and Regional Tribal Liaison for determining the project specific needs for these items.

How does the contractor know that the project includes NPDES-CGP Coverage?

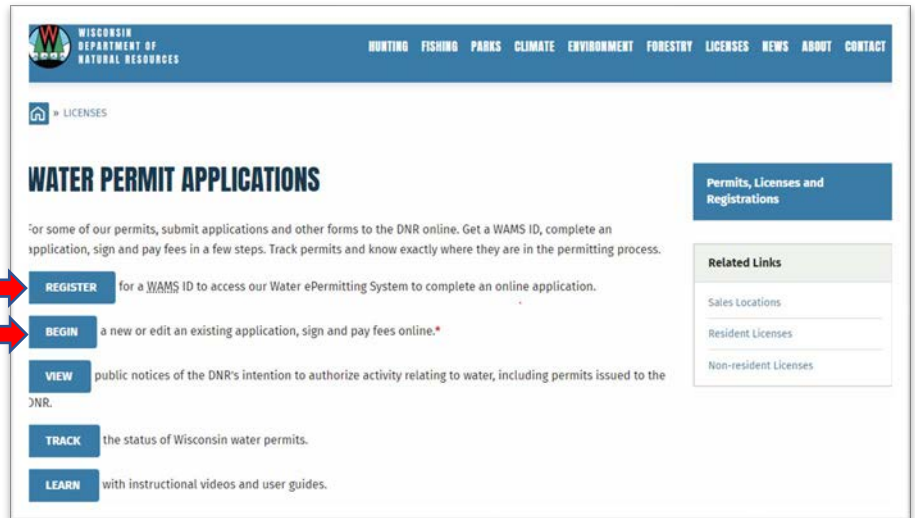
WisDOT applies for NPDES-CGP coverage and is responsible for administering the permit conditions. The contractor should be notified that the project has NPDES-CGP permit coverage by including STSP #107-057 "Information to Bidders, NPDES Construction General Permit for Storm Water Discharge Permit within Tribal Lands" into the contract special provisions. Note that there are conditions in the NPDES-CGP that differ from the TCGP and standard WisDOT practices, so project staff and contractors will need to understand those provisions to ensure compliance with the permit conditions.

Appendix A: Notice of Intent (NOI) Workflow

Step 1: Go to DNR ePermitting Website at <https://dnr.wisconsin.gov/permits/water>.

Step 2: Register for MyWisconsin ID
(non-state employees only)

- Non-state employees need a MyWisconsin ID to enter the DNR ePermitting system. If you already have an ID, skip to Step 3.



Step 3: Click on “Begin”. This will prompt you to login to your account.

- Non-state employees will use their MyWisconsin ID.
 - State employees will use their DOT email and password.
- NOTE: Do not login using the LAN username (dotXXX) as DNR’s ePermitting system does not communicate properly with that login credential, even though it will allow access to the system.

Step 4: Once you log in, your Dashboard will appear. If you save an NOI in progress, you will return to this page and click on the appropriate document under the “Draft Items”. Do not restart a new NOI for the same project.

New NOI: On the left part of the screen will be a list of permit categories. Click on “WisDOT” at the bottom of the list.

Note: Do not use the other permit options (such as “Stormwater”) – these are not for TCGP coverage.

The screenshot shows the ePermitting dashboard. On the left is a sidebar with a search bar and a list of permit categories. The 'Draft Items' section is highlighted in the sidebar, and a red box with the number '4' and a blue arrow points to it. The main content area displays a welcome message, instructions, and a table of draft items.

Search

- Submitted Items
- Public Notices

Support

- Ask for Help
- Help Topics
- WAMS Account

Permit Categories

- Aquatic Plant Management
- Dams
- Livestock Operations
- Storm Water
- Wastewater
- Waterway and Wetlands
- Wetland Identification
- Wis DOT**

Welcome to the Wisconsin DNR Water Permits Site!

- **Select** a category from the left side menu.
- **Save** draft items for editing.
- **Important:** Items not submitted within 120 days will be deleted.
- **Receive** acknowledgement of receipt when successfully submitted to the DNR.
- **Track** the status by selecting Submitted Items from the left side menu.

Large format documents: If you plan to submit an application in hard copy with documents that are larger than 11x17, please also submit a copy c

My Applications and Reports

Step 1: Draft Items

ACTION REQUIRED: Review, edit and/or share draft items for signature. [Instructions for a landowner and authorized representative to share a draft item*](#)

Project Name	Applicant Full Name	Reference Number
WIS 99, Point A to Point B	Manager Project	TR0143-WIS-99-Point-A-to-Point-B
WIS 99, Point A to Point B	Manager Project	TR1411-WIS-99-Point-A-to-Point-B

Step 5: Click on “Transportation Construction General Permit Application”. This will initiate the NOI process.

Step 6 (Home Tab):

- Enter the Project Title – Use the highway name and project limits
- Enter the WisDOT Design ID
- Enter the WisDOT Construction ID

Step 7 (Contacts Tab):

Landowner/Applicant Information

- This is always a WisDOT contact, even for local projects. The name and phone number that is listed here will appear on the Certificate of Permit Coverage that gets posted at the construction site.
- It is recommended that this is the Construction Project Manager, if known, otherwise the Design Project Manager.
- The phone number is recommended to be the regional office front desk number to avoid “dead ends” for any inquiries.

Primary Project Contact

- Typically, select the box that says “Select if same as landowner/applicant”. If you would like a different contact listed, enter that information here.

Step 8 (Site Tab):

Site Map –

- There are three options listed for the site map. Most often, the “Create Map” will be used. This can only be used if the entire location can be drawn with a single polygon. If not, one of the other options should be used.

Site Location –

- Project Highway/Limits – Use the highway name and limits from the plan title sheet. For airport projects, use the airport name and work description from the plan title sheet.
- County/Municipality – List the county and municipality. If the project spans multiple counties or municipalities, list the one near the center of the project. Only list one of each.
- Latitude/Longitude – If the “Create Map” tool was used above, this will automatically populate. If not, then fill in the blanks manually, in decimal degree format (ex. 44.474, -89.457). Use the X,Y point near the center of the project. Sites such as Google Maps or Google Earth are easy to use sources to obtain this information.
- Nearest Waterbody – Use the WDNR Surface Water Data Viewer to identify water bodies that cross the project. If no waterbodies cross the project, pick the nearest downstream waterbody the project drains to.

DNR Surface Water Data Viewer:

<https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>

Legal Description

- If the “Create Map” tool was used above, this information will automatically populate. If not, then fill in the blanks manually. Use information for near the center of the project. Resources such as USGS quadrangle maps, plat books, DOTView PLSS boundary layer can be used to obtain this information. There is no requirement to add text in the box for “Describe if not wholly contained in the ¼ section”.

Home Contacts **Site** Project Attachments Signature

Project Site Location - Wis DOT WIS 99, Point A to Point B

Site Map - NONE

Choose the best map option for your project. The mapped location of your project is required as part of the project.

CREATE MAP [More Detail?](#)

UPLOAD SHAPEFILES [More Detail?](#)

UPLOAD OTHER MAP [More Detail?](#)

Site Location

Project Title: WIS 99, Point A to Point B

Wis DOT Design ID: 1111-22-XX

Wis DOT Construction ID: 1111-22-XX

Project Highway / Limits:

County:

Municipality: ☐ City ☐ Township ☐ Village

of

Latitude:

Longitude:

Nearest Water body:

Note: Latitude and longitude information is automatically updated by the site mapping tool (if used)

Legal Description

Quarter:

of Quarter:

Section(00):

Township(00):

Range(00):

Range Direction:

Describe if not wholly contained in the 1/4 section:

Note: PLSS information is automatically updated by the site mapping tool (if used)

Step 9 (Project Tab)

Development Information:

- Type of Development – “Transportation” should be the default setting.
- Total Project Site Area – This is an approximate area of the project site. Most projects can be calculated by multiplying the length of the project by the approximate right of way width (ex: 5 miles x 100’ wide = 61 acres).
- Total Estimated Disturbed – See guidance under the “Land Disturbing Construction Activity” section of this document for calculating this area. If the “Create Map” option was used earlier, the calculation from that polygon will automatically populate in this box – this should be replaced with the calculated area.
- Anticipated Project Start Date – List the date when the project will begin construction.
- Projected Project End Date – List the date that the project is anticipated to meet final stabilization criteria and the project can be submitted for NOT. If project has possibility of being advanced, enter the latest scheduled end date.

Home Contacts Site **Project** Attachments Signature

Project and Screening Information - Wis DOT WIS 99, Point A to Point B

Development Information

Type of Development: ☐ Agricultural
☐ Commercial/Industrial
☐ 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? ☒ Yes ☐ No
How was the presence or absence of wetlands determined?

☒ Delineation
☐ Determination by DNR Liaison
☐ Other (describe in comments box)

Comments:

Wetland Screening:

- Check with the Regional Environmental Coordinator (REC) to verify which option was used for the project.

Step 10 (Attachments Tab)

The Project Manager or appropriate delegate should submit the NOI concurrently with sending the ECIP to the DNR TL. All items necessary for project review, except the ECIP, should be submitted prior to or with the final concurrence request; therefore, the attachments page is optional.

HomeContactsSiteProject**Attachments**Signature

Optional Attachments and Supplemental Information - Wis DOT WIS 99, Point A to Point B
Upload Attachments (15 MB per file limit) - [Help reduce file size and trouble shoot file uploads](#)
Note: To replace an existing file, use the 'Click here to attach file' link or  to delete an item

Erosion Control Plan and Storm Water Management Narrative
 [Click here to attach a file](#) [More Detail?](#)

Erosion Control Map (Construction Plans)
 [Click here to attach a file](#) [More Detail?](#)

Site Evaluation for Storm Water Infiltration
 [Click here to attach a file](#) [More Detail?](#)

Modeling Summary
 [Click here to attach a file](#) [More Detail?](#)

Long Term Maintenance Agreement
 [Click here to attach a file](#) [More Detail?](#)

Best Management Practices (BMP) Permission Letter
 [Click here to attach a file](#) [More Detail?](#)

Soil Loss / Sediment Discharge Calculations
 [Click here to attach a file](#) [More Detail?](#)

Wetland Assessment Method
Select Document Type...
 [Click here to attach a file](#) [More Detail?](#)
☒ Wetland Assessment - Add additional attachments (Ctrl + Delete to remove)

Endangered Species or Threatened Resources
Select Document Type ...
 [Click here to attach a file](#) [More Detail?](#)
☒ Endangered Resources - Add additional attachments (Ctrl + Delete to remove)

Site Photos
 [Click here to attach a file](#)
Date of Photograph(s): [More Detail?](#)
☒ Add additional site photos (Ctrl + Delete to remove)

Other Items (Select Type Below)
 [Click here to attach a file](#) [More Detail?](#)
Select Type.....
 [Click here to attach a file](#) [More Detail?](#)
Select Type.....
☒ Add additional attachments (Ctrl + Delete to remove)

Step 11 (Signature Tab)

Once all required fields are filled out, the signature page will become available. The signature process will be completed using the user ID that initially signed into the e-Permitting site.

There are three options for signature of the NOI:

1. Landowner (WisDOT) using the ePermitting sign-in ID: If the DOT Project Manager (PM), or higher signatory level, is submitting the NOI, this option should be used for signature.
2. Delegation of Signature Authority (Form 3500-220) for agent signing on the behalf of the landowner (WisDOT): This option should not be used for WisDOT directed and supervised projects.
3. Agent seeking to share permit application with Landowner (WisDOT): This option is similar to option 2, except the Agent filling out the NOI routes the application to the DOT PM for review, signature, and submittal. Selecting this option will take the Agent to the “Welcome Dashboard” screen where there are instructions on how to route to the landowner for signature. The landowner is always WisDOT (even on local projects).

Click on the appropriate option and fill in the remaining information.

Click on “Initiate Signature Process” after all required information has been provided.

****IMPORTANT****: After the signature process is initiated, you will be sent an email to validate the signature. The NOI process is not complete until that validation step is completed.

The screenshot shows the 'Signature' tab selected in the top navigation bar. The main content area is titled 'Sign and Submit Your Application' and 'Steps to Complete the signature process'. It lists two steps: '1. Read and Accept the Terms and Conditions' and '2. Press the Submit and Send to the DNR button'. A note states that all email correspondence will be sent to the address used when registering the WAMS ID. Below this is the 'Terms and Conditions' section, followed by an 'Owner Certification' statement. The 'Signee' section requires selecting a role: 'Landowner (Wis DOT) using the ePermitting sign-in ID' (selected), 'Delegation of Signature Authority (Form 3500-220) for agent signing on the behalf of the Landowner (Wis DOT)', or 'Agent seeking to share permit application with Landowner (Wis DOT)'. There are input fields for 'Name' and 'Title'. An 'Authorized Signature' section includes a checkbox for 'I accept the above terms and conditions.' and an 'Initiate Signature Process' button. A footer note states that an email will be sent after the final authorized signature.

Home Contacts Site Project Attachment **Signature**

Sign and Submit Your Application

Steps to Complete the signature process

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 you used when registering your WAMS ID. This may be a different email than that provided in the application. For information on your WAMS account click [HERE](#).

Terms and Conditions

Owner Certification: I hereby certify that I am the owner or authorized representative of the owner of the property which is the subject of this Permit Application. I certify that the information contained in this form and attachments is true and accurate. I certify that the project will be in compliance with all permit conditions. I understand that failure to comply with any or all of the provisions of the permit may result in permit revocation and 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 property at reasonable times, to evaluate this notice and application, and to determine compliance with any resulting permit coverage.

Signee (must select current role prior to accepting terms and conditions)

- ☒ Landowner (Wis DOT) using the ePermitting sign-in ID
- ☐ Delegation of Signature Authority (Form 3500-220) for agent signing on the behalf of the Landowner (Wis DOT)
- ☐ Agent seeking to share permit application with Landowner (Wis DOT)

Name:

Title:

Authorized Signature.

☐ I accept the above terms and conditions.

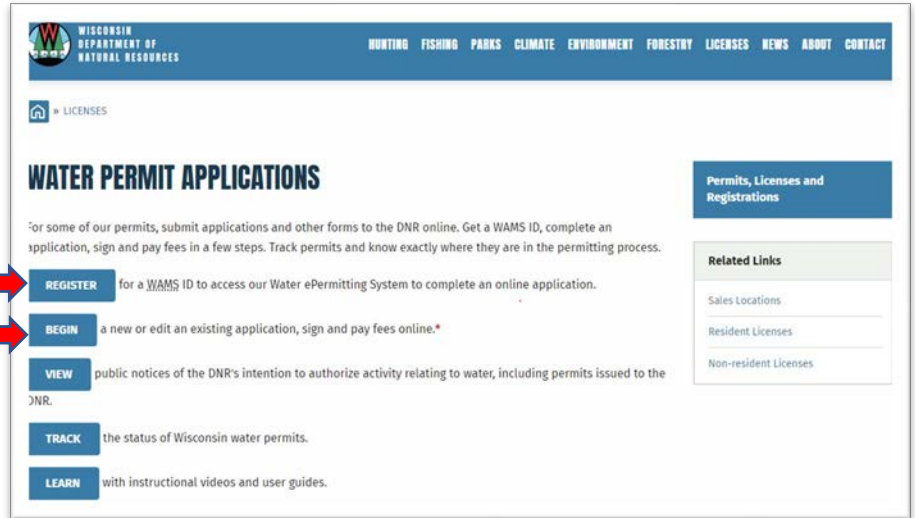
After providing the final authorized signature, the system will send an email to the authorized party and any agents. This email will include a copy to the final read only version of this application.

Appendix B: Notice of Termination (NOT) Workflow

Step 1: Go to DNR ePermitting Website at <https://dnr.wisconsin.gov/permits/water>.

Step 2: Register for MyWisconsin ID
(non-state employees only)

Non-state employees need a MyWisconsin ID to enter the DNR ePermitting system. If you already have an ID, skip to Step 3.



Step 3: Click on “Begin”. This will prompt you to login to your account.

- Non-state employees will use their MyWisconsin ID.
- State employees will use their DOT email and password.

NOTE: Do not login using the LAN username (dotXXX) as DNR’s ePermitting system does not communicate properly with that login credential, even though it will allow access to the system.

Step 4: Once you log in, your Dashboard will appear. If you save a NOT in progress, you will return to this page and click on the appropriate document under the “Draft Items”. Do not restart a new NOT for the same project.

New NOT: On the left part of the screen will be a list of permit categories. Click on “WisDOT” at the bottom of the list.

Note: Do not use the other permit options (such as “Stormwater”) – these are not for TCGP coverage.

ePermitting

Search

- Submitted Items
- Public Notices

Support

- Ask for Help
- Help Topics
- WAMS Account

Permit Categories

- Aquatic Plant Management
- Dams
- Livestock Operations
- Storm Water
- Wastewater
- Waterway and Wetlands
- Wetland Identification
- Wis DOT**

Welcome to the Wisconsin DNR Water Permits Site!

- **Select** a category from the left side menu.
- **Save** draft items for editing.
- **Important:** Items not submitted within 120 days will be deleted.
- **Receive** acknowledgement of receipt when successfully submitted to the DNR.
- **Track** the status by selecting Submitted Items from the left side menu.

Large format documents: If you plan to submit an application in hard copy with documents that are larger than 11x17, please also submit a copy c

My Applications and Reports

Step 1: Draft Items

ACTION REQUIRED: Review, edit and/or share draft items for signature. [Instructions for a landowner and authorized representative to share a draft item*](#)

Project Name	Applicant Full Name	Reference Number
WIS 99, Point A to Point B	Manager Project	TR0143-WIS-99-Point-A-to-Point-B
WIS 99, Point A to Point B	Manager Project	TR1411-WIS-99-Point-A-to-Point-B

Step 5: Click on “Notice of Termination”.

ePermitting

Search

Submitted Items

Public Notices

Transportation Construction General Permit Application

5 → Notice of Termination

Step 6:

- Permit Type: Select the “Stormwater WisDOT Site Permit” option.
- Enter the Facility ID Number (FIN) for the site. This will be on the Certificate of Coverage. The FIN can also be found using the “Construction and WisDOT” lookup link included on this page.

WPDES Notice of Termination

General Information

Complete all sections, **Save** your work, **Move** between tabs, **Include** your digital signature, **Submit** the form to the DNR. Please complete the contents of each tab to terminate your WPDES permit coverage.

NOTE: Missing or incomplete fields are highlighted at the bottom of each page. You may save, close and return to your draft as often as necessary. If you do not complete your draft in 120 days, your draft will be **deleted**.

Notice of Termination

You must select a permit type, enter your FIN, and validate to begin the process.

If you do not know your Facility Identification Number (FIN), you may look it up here:

- Construction and WisDOT: <https://dnr.wi.gov/topic/Stormwater/data/Construction/>
- Industrial: <https://dnr.wi.gov/topic/Stormwater/data/Industrial/>

Permit Type:

Facility ID Number (FIN):

IMPORTANT: State statutes provide for severe penalties for submitting false information on this form. State regulations specify by whom this form must be signed. More information is available on the signature page.

[Continue to Next Tab](#)

Step 7 (Home Tab):

- Once the FIN is entered, the “Validate” Box will be active. Click on “Validate”.
- The project information will populate on the screen.
- The question “Is this the correct record” will also populate. If this is correct, click the “Yes” Box. If this is not the correct project information, click “No” to allow the system to re-enter the FIN.
- Once the information is correct, the different tabs will appear on the top and you will be on the “Home” Tab.
- Click on the “Continue to Next Tab” box at the bottom of the screen.

Home Contacts Facility/Site Attachments Signature

Notice of Termination

If you do not know your Facility Identification Number (FIN), you may look it up here:

- Construction and WisDOT: <https://dnr.wi.gov/topic/Stormwater/data/Construction/>
- Industrial: <https://dnr.wi.gov/topic/Stormwater/data/Industrial/>

Permit Type: Storm Water WisDOT Site Permit

Facility ID Number (FIN): 90816 Validate

Permittee Name: Wis DOT - 1111-22-XX

Site/Facility Name: WIS 99, Point A to Point B

Address/Description: WIS 99 / Point A to Point B

Municipality: GIBRALTAR

Is this the correct record? ☒ Yes ☐ No

IMPORTANT: State statutes provide for severe penalties for submitting false information on this form. information is available on the signature page.

Continue to Next Tab

Step 8 (Contacts):

Permittee Information

- This section will auto-populate from the NOI information. If this has changed or is incorrect, click on the edit button at the top of this section and enter in the new information. If correct, no action required.
- NOTE: The person listed in this section, along with the person entering the information (if different), will be the individuals that are emailed the termination confirmation email once the NOT request is validated by the DNR TL.

Contractor Information

- Enter in the information for the prime contractor. Use the main point of contact for the contractor, such as a superintendent or project manager.

Click on "Save".

Click on "Continue to Next Tab".

Home	Contacts	Facility/Site	Attachments	Signature
------	----------	---------------	-------------	-----------

Contact Information - WIS 99, Point A to Point B

Permittee Information

Update Information: Press 'Edit' to update contact information

Business / Organization: Wis DOT

First Name: Manager

Last Name: Project

Mailing Address: Regiona

Mailing Address Line 2:

City: Regional City

State: Wisconsin

Zip Code: 55555

Email: project.manager@dot.wi.gov

Phone Number: 111-222-3333 Ext: (xxx-xxx-xxxx)

Alternative Phone Number: 222-333-4444 Ext: (xxx-xxx-xxxx)

Contractor Information

Provide contact information for the entity that acted as the major contractor in charge of operating the construct

Organization:

First Name:

Last Name:

Mailing Address:

Mailing Address Line 2:

City:

State:

Zip Code:

Email:

Phone Number: Ext: (xxx-xxx-xxxx)

Alternative Phone Number: Ext: (xxx-xxx-xxxx)

Missing Information

Last Name is a required field , Organization or Name is a required field , First Name is a required field , Address is

Step 9 (Facility/Site Tab):

Facility/Site Information

- This section will auto-populate.

Reason for Termination Request

- Select the appropriate box.

Construction Complete – Project has met all the requirements for final stabilization. Check the box and go to Step 9A.

Permit not Required – Use this if a permit was applied for but was later determined to be unnecessary.

Describe Reason for Termination Request – this is only required if one of the other two checkboxes are not applicable. An example of this is if a project applied for permit coverage and then the project was cancelled and not constructed. Describe the reason in the box.

Click “Save”.

Click “Continue to Next Tab”.

Home	Contacts	Facility/Site	Attachments	Signature
Facility / Site Information - WIS 99, Point A to Point B				
Site/Facility Name: WIS 99, Point A to Point B				
Location: WIS 99 / Point A to Point B				
Municipality: GIBRALTAR				
County: Door				
Facility ID: 90816				
Section: 28				
Township: 31				
Range: 27				
Range Direction: E				
Reason for Termination Request				
Select Reason for Termination Request: ☐ Construction Complete				
☐ Permit Not Required				
Describe Reason for Termination Request:				
Missing Information				
Please select a termination reason,				
Press to Refresh Missing Fields Save Continue to Next Tab				

Step 9A (Facility/Site Tab):

Once the “Construction Complete” box is checked, additional information will populate on the screen.

Answer the question for “Does this site meet termination criteria”:

- Yes – This would be checked if all land disturbances meet the final stabilization criteria.
- No – Use this if some areas of land disturbances were allowed to remain without meeting final stabilization criteria. An example of this would be if DNR TL agrees to allow less than 70% vegetation based on surrounding vegetation assessment or a TSA site that will be actively used for agricultural cropping or tillage. Enter supporting information in the “If no, explain:” box.

Click “Save”.

Click “Continue to Next Tab”

Reason for Termination Request

Select Reason for Termination Request: ☒ Construction Complete
☐ Permit Not Required

Describe Reason for Termination Request:

Construction Complete

Termination Criteria

- *Final stabilization means that all land-disturbing construction activities at the construction site have been completed, and that a uniform perennial vegetative cover has been established with a density of at least 70% of the cover for the unpaved areas, and for areas not covered by permanent structures or equivalent permanent stabilization measures.*
- *Disturbed soils have undergone final stabilization, temporary erosion and sediment controls have been removed, and all storm water discharges associated with construction activity have been eliminated.*

Does this site meet termination criteria? ☒ Yes ☐ No

If no, explain:

Other Requirements

- Attach site photographs (in Attachments tab). Current photos may eliminate the need for a site inspection and may facilitate a more timely acknowledgement by the Department.
- Attach explanation or additional documentation if necessary (in Attachments tab).

Missing Information

[Press to Refresh Missing Fields](#) [Save](#) [Continue to Next Tab](#)

Step 10 (Attachments Tab)

Long Term Maintenance Agreement

- This is a required attachment. Attach any maintenance agreements in this section.
- If the project does not have a maintenance agreement, attach a page that indicates that long term maintenance agreements do not apply to this project.

Site Photos

- This is required. Attach photos of the project site. Photos should be representative of the entire site and include enough photos to show the different stages of construction have all met final stabilization requirements.
- Projects with TSA sites covered under the TCGP for the project should also include photos of each of those sites.
- Enter the date for the photographs.

Other Items:

- Use this to add in any other documentation that may be necessary to support the NOT request.

Supporting Documentation:

- If “Permit not Required” was selected on the Facility/Site Tab, this screen will also require supporting documentation and rationale as to why permit coverage is not required.

Click “Save”.

Click “Continue to Next Tab”.

The screenshot shows a web application interface with a navigation bar at the top containing tabs: Home, Contacts, Facility/Site, Attachments (highlighted with a red box), and Signature. Below the navigation bar is the 'Attachments' section, which includes a header 'Attachments' and a sub-header 'Long Term Maintenance Agreement'. Under this sub-header, there is a button 'Click here to attach a file' and a link 'More Detail?'. Below this is a section for 'Site Photos' with a button 'Click here to attach a file' and a link 'More Detail?'. Below this is a section for 'Other Items' with a button 'Click here to attach a file' and a link 'More Detail?'. At the bottom, there is a 'Missing Information' section with a red error message: 'You must add a long term maintenance agreement. You must add site photos'. Below the error message are three buttons: 'Press to Refresh Missing Fields', 'Save', and 'Continue to Next Tab'.

Step 11 (Signature Tab):

Once all required fields are filled out, the signature page will become available. The signature process will be completed using the user ID that initially signed into the e-Permitting site.

There are three options for signature of the NOI:

1. Authorized Representative using the ePermitting sign-in ID: If the DOT Project Manager (PM), or higher signatory level, is submitting the NOI, this option should be used for signature.
2. Delegation of Signature Authority (Form 3500-220) for agent signing on the behalf of the authorized representative: This option should not be used for WisDOT directed and supervised projects.
3. Agent seeking to share permit application with an authorized representative: This option is similar to option 2, except the Agent filling out the NOI routes the application to the DOT PM for review, signature, and submittal. Selecting this option will take the Agent to the "Welcome Dashboard" screen where there are instructions on how to route to the landowner for signature. The landowner is always WisDOT (even on local projects).

Click on the appropriate option and fill in the remaining information.

Click on "Initiate Signature Process" after all required information has been provided.

****IMPORTANT**:** After the signature process is initiated, you will be sent an email to validate the signature. The NOT process is not complete until that validation step is completed.

The screenshot shows the 'Signature' tab selected in the top navigation bar. Below the navigation bar, a black banner reads 'Sign and Submit Your Termination Request - WIS 99, Point A to ...'. Underneath, a section titled 'Steps to Complete the signature process' lists four steps: 1. Read the Certification statement, 2. Select appropriate signature role, 3. Follow instruction for selected role, and 4. Press the Initiate Signature Process button to start the signature process. A 'NOTE' follows, stating that all email correspondence will be sent to the address used when registering the WAMS ID. The 'Certification' section contains a paragraph where the user certifies that the information submitted is true and accurate, and that they are authorized to sign. Below this, there are three radio button options for the signature role: 'Authorized Representative using the ePermitting sign-in ID' (selected), 'Delegation of Signature Authority (Form 3400-220) for agent signing on the behalf of the authorized representative', and 'Agent seeking to share permit application with an authorized representative'. At the bottom, there is a section for 'Authorized Signature' with a 'Required' label, containing fields for 'Name:' and 'Title:'. Below these fields is a checkbox for 'I accept the above certification' and a button labeled 'Initiate Signature Process'.

Appendix C: Frequently Asked Questions (FAQs)

This section is to provide answers to frequently asked questions regarding the TCGP that are not covered elsewhere in this guidance document.

What about projects that are less than one acre of land disturbance?

Coverage under the TCGP is not required. WisDOT is responsible to either keep the land disturbance to less than one acre, or when determined that land disturbance will be one acre or more, submit a NOI for TCGP coverage. All projects, whether less than one acre or one acre or more in size, are still required to meet the construction site erosion control requirements in Trans 401.

When does WisDOT need to apply for an individual permit, rather than the TCGP?

If a project would not meet the applicability criteria listed in the general permit (TCGP) then an individual permit would be required. An individual permit has never been used for WisDOT projects and it is not anticipated an individual permit would ever be necessary if the DNR/DOT Cooperative Agreement Process is followed.

Who signs the NOI and NOT?

The signatory should be an employee of WisDOT with a classification of Project Manager or higher. This is not to be delegated to a lower classification or personnel outside of WisDOT, even if acting in an equivalent role under contract with WisDOT. Since the project's responsible charge is the WisDOT Project Manager, it is recommended that the permit documents are signed by that individual.

How does the contractor know that the project includes TCGP Coverage?

WisDOT applies for TCGP coverage and is responsible for administering the permit conditions. The contractor is notified of responsibilities and process related to TCGP permit coverage by including STSP #107-056 "Information to Bidders, WPDES Transportation Construction General Permit (TCGP) for Storm Water Discharges" into the contract special provisions.

The contractor does not need to submit for separate WPDES permit coverage unless using TSA sites that WisDOT determines will not be covered under the project TCGP permit coverage or DNR determines is ineligible for coverage under the TCGP permit.

Does the Cooperative Agreement still apply with TCGP projects?

Yes, the Cooperative Agreement remains intact for all WisDOT directed and supervised projects, including those covered under the TCGP.

How do the requirements of Trans 401 change with the TCGP?

The requirements of Trans 401 remain intact regardless of whether or not the project is covered under the TCGP. The TCGP permit, however, typically uses references to codes under the purview of the DNR such as NR 151 and NR 216. Trans 401 is intended to be functionally equivalent with the respective NR administrative codes, however these may not align at certain times depending on when the codes are updated. When there is a discrepancy between Trans 401 and the TCGP permit, the TCGP permit conditions will take precedence in accordance with the DNR/DOT Cooperative Agreement.

How will disagreements or conflicts between the agencies be handled?

This process is no different for non-TCGP projects or TCGP covered projects. The conflict resolution process to resolve conflicts between WisDOT and DNR is covered in the Cooperative Agreement, Part Four. Each agency should strive to resolve conflict at the lowest possible level before elevating the conflict.

Does the enforcement process change?

This process is no different for non-TCGP projects or TCGP covered projects. The enforcement process outlined in Trans 401 and the DNR-DOT Cooperative Agreement will be followed when necessary. Liability for unauthorized discharges will be determined in accordance with Trans 401. WisDOT will also use contract administration and contract enforcement mechanisms to achieve compliance. WisDOT will proactively address and remediate unauthorized discharges or other environmental degradation to the extent practical.

Will ECIPs continue to be submitted?

Yes, there is no change to the ECIP submittal requirements listed in Trans 401. If WisDOT or DNR determine that an amendment to the TCGP coverage is necessary, the ECIP process will be used to document the changes. See additional information under the Amendment section of this guidance document.

Will staged ECIPs continue to be allowed?

Staged ECIPs are used to provide information on activities or distinct portions of site that will be scheduled and occurring ahead of other sections of the project. Examples may include, but not limited to, situations where a bridge may be constructed in advance of other land disturbing construction activities on the project or where there are multiple years of construction and it is not practical to include all construction years in the ECIP submittal.

Staged ECIPs for projects may continue to be used on a project by project basis and with concurrence by the DNR TL. Project coverage under the TCGP is limited to those land disturbing construction activities that have been approved through the ECIP process and/or amended in accordance with the Amendments section of this guidance. Beginning land disturbing construction activities for portions not approved in an ECIP or amendment is a violation of the TCGP permit coverage. Therefore, where staged ECIPs are used, it is important that the project team understands what areas are approved for land disturbance and when additional ECIP information is necessary to comply with the permit requirements.

Does WisDOT use the DNR Technical Standards?

Technical standards are guidance from DNR and WisDOT chooses to use these standards on a case by case basis. There is no requirement that WisDOT use DNR technical standards, however we do need to ensure that WisDOT processes meet the intent of the permit conditions. In most cases, WisDOT specifications are aligned with the technical standards but more specific to the work that WisDOT encounters on our projects. WisDOT will continue to use existing specifications, details, and processes to meet the permit conditions and, where appropriate, include references to DNR technical standards. WisDOT and DNR will continue to work together to ensure the contract provisions meet “equivalent methodology” to the technical standards.

How do WisDOT projects meet the soil loss requirements in the TCGP?

At this time, WisDOT has not developed a process for meeting the soil loss sediment performance standard of 5 tons/acre/year (NR 151.23, TCGP section 3.1.3.6.1). DNR is currently working on a new technical standard for soil loss that will address linear construction projects. WisDOT and DNR will be collaborating on that effort. Once the new technical standard is complete, WisDOT will develop and implement guidance.

Until these processes are complete, designers should continue to use best management practices for the construction site through the erosion control matrices in FDM Chapter 10 and the applicable requirements of Trans 401. Construction should follow the BMPs in the plans; modify the BMPs as necessary for the site, staging, and contractor means and methods; and complete grading and restoration activities in the shortest practicable timeframe.

Will farm fields used for TSA sites need to meet the final stabilization requirements?

The contractor will need to coordinate this with the needs of the landowner. The landowner can decide if they want to return the farm field to conditions suitable for cultivation, or to have the field revegetated to meet the final stabilization requirements. Regardless, the site cannot be terminated for permit coverage until either the field is being actively used for agricultural purposes or the site meets final stabilization requirements. When submitting the ECIP for the site, the contractor should designate how the final site restoration will occur.