

Chapter 32
Stormwater Management and Erosion Control
(Rep. & recr. #34-05)

32.08 Storm Water Permit Requirements and Procedures (Am. #14-18)

(a) General Permit Requirements. Storm water permits shall be subject to all of the requirements of this section. Violation of any permit requirement shall cause the permit holder and any other responsible party to be subject to enforcement action under section 32.14. Upon issuance of a storm water permit, the permit holder and any other responsible party shall be deemed to have accepted these requirements. General requirements include all of the following:

1. **Other Permits.** Compliance with a storm water permit does not relieve the permit holder or other responsible party of the responsibility to comply with other applicable federal, state, and local laws, rules, deed restrictions and other regulations. The Authority may condition the issuance of a storm water permit on the applicant first obtaining all other required permits.
2. **Approved Plans.** All best management practices shall be installed and maintained in accordance with approved plans and construction schedules. A copy of the approved plans shall be kept at the construction site at all times during normal business hours.
3. **Plan Modifications.** The Authority shall be notified of any significant modifications proposed to be made to the approved plans. The Authority may require proposed changes to be submitted for review prior to incorporation into the approved plans or implementation. Any modifications made during plan implementation without prior approval by the project engineer under sub. (6) below and the Authority are subject to enforcement action.
4. **Notification.** The Authority shall be notified at least 2 working days before any work is commenced in conjunction with approved plans. The Authority shall also be notified of proposed plan modifications under sub. 3 above. Permit holders must notify the Authority within 1 working day of completing construction of a storm water Best Management Practice (BMP). The Authority may require additional notification according to a schedule established by the Authority so that practice installations can be inspected during construction.
5. **Access.** The Authority shall be permitted access to the site for the purpose of inspecting the property for compliance with the approved plans and other permit requirements.
6. **Project Engineer/Landscape Architect.** The permit holder shall provide an engineer licensed in the state of Wisconsin to oversee and verify compliance with approved construction plans, including the erosion control plan, stormwater management plan, the inspection plan, the inspection log requirements under sub. 7 below, implementation of the approved stormwater BMP construction inspection plan under 32.10(e)10. of this code, and verification of construction in accordance with sub. (d) below. The Authority may exempt sites from this requirement in whole or in part if the Authority determines the environmental risk

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are limited, and engineering oversight is not necessary during construction to ensure compliance with this ordinance. If warm season or wetland plantings are involved, the permit holder shall also provide a landscape architect or other applicable native vegetation specialist to oversee and verify the planting process and its successful establishment.

7. **Inspection Log.** The permit holder shall provide a qualified professional to conduct inspections and maintain an inspection log for the site. All BMP(s) shall be inspected within 24 hours after each rain event of 0.5 inch or more that results in runoff, or at least once each week. Where land disturbing activity is one (1) acre or greater, or approved plans involve the installation of a stormwater BMP, the inspection log shall include the name of the inspector, the date and time of inspection, a description of the present phase of construction, the findings of the inspection, including an assessment of the condition of erosion and sediment control measures and the installation of storm water management BMP(s), and any action needed or taken to comply with this ordinance. The inspection log shall also include a record of BMP maintenance and repairs conducted under subs. 8 and 9 below. The inspector shall not be the same person charged with installing the required BMPs. The permit holder shall maintain a copy of the inspection log at the construction site or via the Internet, and shall notify the Authority of the method of availability upon permit issuance. If the inspection log is maintained on site, the Authority may view or obtain a copy at any time during normal business hours until permit termination under sub. (b) of this section. If the inspection log is made available via the Internet, the permit holder shall notify the Authority of the appropriate Internet address and any applicable access codes, and shall maintain the availability of the log until permit termination under sub. (b) of this section.

8. **BMP Maintenance.** The permit holder shall maintain and repair all BMP(s) within 24 hours of inspection, or upon notification by the Authority, unless the Authority approves a different time line. All BMP maintenance shall be in accordance with approved plans and applicable technical standards until the site is stabilized and a permit termination letter is issued under sub. (b) of this section. The permit holder, upon approval by the Authority, shall remove all temporary erosion control practices such as silt fence. The permit holder, in accordance with approved plans and applicable technical standards, shall maintain permanent storm water management practices until maintenance responsibility is transferred to another party or unit of government pursuant to the recorded maintenance agreement.

9. **Other Repairs.** The permit holder shall be responsible for any damage to adjoining properties, municipal facilities or drainage ways caused by erosion, siltation, runoff, or equipment tracking. The Authority may order immediate repairs or clean-up within road right-of-ways or other public lands if the Authority determines that such damage is caused by activities regulated by a permit under

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this ordinance. With the approval of the landowner, the Authority may also order repairs or cleanup on other affected property.

10. Emergency Work. The permit holder authorizes the Authority, in accordance with the enforcement procedures under section 32.14, to perform emergency work or operations necessary to bring erosion control or storm water management practices into conformance with the approved plans and consents to charging such costs against the financial assurance pursuant to sub. (c) of this section or to a special assessment or charge against the property as authorized under subch. VII of ch. 66, Wisconsin Statutes

11. Permit Display. The permit holder shall display the storm water permit in a manner that can be seen from the nearest public road and shall protect it from damage from weather and construction activities until permit termination under sub. (b) of this section.

12. Other Requirements. The Authority may impose other permit requirements that the Authority determines are necessary to ensure compliance with this ordinance, and may require a preconstruction or plan implementation meeting prior to issuance of a Stormwater Permit.

(b) Storm Water Permit Issuance, Duration, Amendments, Transfer and Termination.

1. Permit issuance. The Authority shall issue a permit to the applicant after verifying that all applicable conditions of this ordinance as well as conditions set forth in permits administered by other state and local government agencies which pertain to the construction site have been met. The Authority may delay issuance of a storm water permit if the Authority determines that the proposed construction timelines and BMP(s) will not comply with the erosion control plan requirements under section 32.09 or the purposes of the ordinance under section 32.03, including proposed late season new road construction with grass swales. Where needed to ensure timely compliance with construction site stabilization requirements, the Authority may issue multiple or phased Stormwater Permits, such as one for land disturbing activities in accordance with an approved Erosion Control Plan under this ordinance, followed by one for land development activities, in accordance with an approved Stormwater Management Plan under this ordinance.

2. Permit duration. The Authority shall establish an expiration date for all storm water permits based on the construction schedules in the approved erosion control and storm water management plans. The applicant shall notify the Authority of any changes to the proposed schedule prior to permit issuance.

3. Permit amendments. The Authority may amend any terms of a storm water permit if the Authority determines it is necessary to ensure compliance with this ordinance. The permit holder may request an amendment extending the permit

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expiration date by filing a completed form provided by the Authority at least 2 weeks prior to the expiration of the permit. The Authority may impose an appropriate fee for processing this request. The Authority may require additional erosion control or storm water management measures as a condition of granting a permit amendment.

4. Permit transfer.

A. Voluntary. The Authority may transfer a storm water permit issued under this ordinance to a new applicant upon a written request from the applicant and payment of the corresponding fee. The permit transfer shall not take effect until the Authority verifies in writing that the new applicant has satisfied all conditions of this ordinance, including an updated list of responsible parties and the submittal of a new financial assurance under sub. (c) of this section.

B. Involuntary. Upon the death or dissolution of a permit holder, foreclosure or other involuntary transfer of ownership of property subject to a permit, the storm water permit and all associated rights and obligations shall automatically transfer to the new landowner. The Authority may retain and utilize the financial assurances of the former owner for the purposes set forth in sub. (c) below, and may require additional financial assurances from the new owner.

5. Permit termination. The Authority shall issue a permit termination letter to the permit holder upon releasing the financial assurance under sub. (c) of this section, which shall serve as documentation that all conditions of this ordinance have been satisfied and the permit has been terminated. A copy of this letter shall also be sent to the WDNR and shall serve as the “Notice of Termination” under s.s. NR 216.55 Wis. Admin. Code.

(c) Financial Assurance.

1. Purpose. The Authority may require the applicant to submit a financial assurance to ensure compliance with the approved erosion control and storm water management plans and other storm water permit requirements.

2. Type and Authority. The Authority shall determine the acceptable type and form of financial assurance, which may include cash, a bond, an escrow account or irrevocable letter of credit. The Authority shall, upon written notice to the permit holder, be authorized to use the funds to complete activities required in the approved plans or this ordinance if the permit holder or other responsible party defaults or does not properly implement the requirements.

3. Amount. The amount of the financial assurance shall be determined by the Authority and shall not exceed the estimated cost of completing the approved erosion control and storm water management plans.

4. Exemption. Publicly funded land disturbing or land development activities shall be exempt from providing a financial assurance.

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5. Security. The Authority shall provide the permit holder or other responsible party a written statement outlining the purpose of the financial assurance, the applicable amount and type received and all of the conditions for release.
6. Conditions for Release. The Authority shall release the financial assurance, and issue a termination letter in accordance with sub. (b)(5) of this section, only after determining full compliance with the permit and this ordinance, including the following:
 - A. Accepting an “as-built” survey certified pursuant to sub. (d)(1) of this section,
 - B. Accepting verification of construction and plantings (if applicable) pursuant to sub. (d)(2) of this section;
 - C. Completing a satisfactory final inspection pursuant to sub. (e) of this section;
 - D. Receiving a copy of the recorded maintenance agreement and any applicable addenda pursuant to section 32.12.
7. Partial Releases. The permit holder may apply for and receive a partial release of the financial assurance requirements of this subsection if the various construction components and requirements are completed to the satisfaction of the Authority.
8. Amounts Withheld. The Authority shall retain sufficient funds from the financial assurance amount to recompense the City for: any costs incurred by the Authority to complete installation or maintenance of BMP(s); through enforcement action prior to the transfer of maintenance responsibilities through an approved maintenance agreement; or for other unpaid fees or costs incurred by the Authority associated with the enforcement of this ordinance.
9. Other Financial Assurances. The financial assurance provisions of this section shall be in addition to any other financial assurance requirements of the City for other site improvements.

(d) Construction and Planting Verification.

1. As-built Survey. To ensure compliance with this ordinance and to serve as a basis for the engineering verification under sub. 2 of this subsection, an as-built survey shall be completed in accordance with Authority standards and certified as accurate by a registered land surveyor or an engineer licensed in the State of Wisconsin. As-built plans shall be submitted to the Authority for all storm water management BMP(s), bridges and culverts pursuant to section 32.10(d)(6)(D), and other permanent BMP(s) or practice components as deemed necessary by the

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Authority to ensure its long-term maintenance. The Authority may require a digital submittal of the as-built survey, in accordance with Authority standards.

2. **Verification.** A professional engineer licensed in the State of Wisconsin shall verify, in accordance with Authority standards, that the engineer has successfully completed all site inspections outlined in the approved plans and that the construction of all storm water management BMP(s), as determined by the Authority, comply with the approved plans and applicable technical standards or otherwise satisfy all the requirements of this ordinance. If warm season or wetland plantings are involved, a landscape architect or other native plant specialist shall verify the planting process and its successful establishment, in accordance with Authority standards.

3. **Design Summaries.** Any changes noted in the as-built survey or final design data compared to the design summaries approved with the final storm water management plans shall be documented and resubmitted to the Authority as part of the verification under sub. 2 of this subsection.

(e) Final Inspection. After completion of construction, the Authority shall conduct a final inspection of all permitted sites to determine compliance with the approved plans and other applicable ordinance requirements, including ensuring the site is stabilized. If, upon inspection, the Authority determines that any of the applicable requirements have not been met, the Authority shall notify the permit holder of the changes necessary to meet the requirements and the time frame in which the requirements must be met. At the request of the permit holder, the Authority shall provide a notification of noncompliance or a report of final inspection in written or electronic form.