PERMIT ISSUANCE

Jim Rose – Senior Conservation Specialist
Waukesha County Land Resources Division

Spring 2014 Storm Water Workshop

- Permit Applications

Waukesha County Dept. of Parks & Land Use – Land Resources Division
515 W. Moreland Blvd., Room AC260
Waukesha, WI 53188-3868

Phone: 262-896-8300 **Fax: 262-896-8298**

Small Site/Utility Installation Storm Water Permit Application Form

(Sites Less than One Acre of Total Land Disturbance, No Storm Water Mgmt. Plan)

Project Name: _____

Project Type (From Fee Schedule): _____

Project Location: _____**1/4, Section**_____ **Township of**_____

The following contacts are required at the time of application: (Note: One person may serve as more than one contact type listed)

- **Applicant**: The person or entity holding fee title to the property or their representative. The applicant shall sign the initial permit application form in accordance with the items 1-5 listed below, after which the applicant may provide written authorization for others to serve as the applicant's representative: **1**) In the case of a corporation, by a principal executive officer of at least the level of vice–president or by the officer's authorized representative having overall responsibility for the operation of the site for which a permit is sought; **2**) In the case of a limited liability company, by a member or manager; **3**) In the case of a partnership, by the general partner; **4**) In the case of a sole proprietorship, by the proprietor, or; **5**) For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.
- **Planner**: The primary contact for the preparation of erosion control plans. All plan review comments will be addressed to this contact.
- **Grader/Landscaper**: The primary contact for implementing and maintaining all erosion control measures during the construction phase and responsible for final site stabilization.

Applicant Contact Information: (required to process application)

Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone #: _____ FAX: _____

E-mail Address: _____

I hereby certify that I meet the definition of "Applicant" as stated above. I understand that I will become the "permit holder" once a permit is issued. I also understand by submitting this application, I am agreeing to the permit conditions stated on pages 3-4 of this application.

Signature of Applicant:_____ Date: _____

I hereby authorize (name)_____ to serve as my representative for purposes of this application.

Project Planner Information: (required to process application)

Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone #: _____ FAX: _____

E-mail Address: _____

Grader/Landscaper Information: (required to process application)

Name: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone #: _____ FAX: _____

E-mail Address: _____

All Small Site/Utility Installation Erosion Control Plans shall contain the following:

1. A narrative describing the proposed land disturbing activity, construction timeline and sequencing, temporary BMPs to be used to minimize off-site impacts during the construction phase, and proposed methods to stabilize the site following construction in accordance with the requirements of the County ordinance.
2. A survey map or scaled site plan drawing of sufficient clarity showing a north arrow, the location of the proposed land disturbance, direction of flow for runoff entering and leaving the disturbed area, upslope drainage area (if known), proposed BMPs, existing and proposed slopes, ground cover, buildings, roads, access drives, property boundaries, drainage ways, water bodies, trees, culverts, utilities and other structures within 50 feet of the proposed land disturbance.
3. For underground utility installations, the plans must delineate where utilities will be installed, show the location of the open cut and the topography in the area, and list the total lineal feet to be installed and the lineal feet to be installed by open cut.
4. Other information determined to be necessary by the Land Resources Division to ensure compliance with the requirements of the County ordinance.

Application Fee: $_____

Additional Fee: $_____

Total Fee: $_____

Receipt #: _____

Received By: _____

Office use only

- ☐ **Double Fee**
- ☐ **Fee Exemption**

Date stamp here

4/15/13

Waukesha County Dept. of Parks & Land Use – Land Resources Division
515 W. Moreland Blvd., Room 260
Waukesha, WI 53188-3868

Phone: 262-896-8300 Fax: 262-896-8298

Storm Water Permit Application Form*

Project Name: _____

Project Type (From Fee Schedule): _____

Project Location: _____1/4, **Section** _____ **Township of** _____

The following contacts are required at the time of application: (Enter on back page)

- **Applicant**: The person or entity holding fee title to the property or their representative, as delegated on page 2 of this form. The applicant shall sign the initial permit application form in accordance with the items 1-5 listed below, after which the applicant may provide written authorization for others to serve as the applicant's representative: **1**) In the case of a corporation, by a principal executive officer of at least the level of vice–president or by the officer's authorized representative having overall responsibility for the operation of the site for which a permit is sought; **2**) In the case of a limited liability company, by a member or manager; **3**) In the case of a partnership, by the general partner; **4**) In the case of a sole proprietorship, by the proprietor, or; **5**) For a unit of government, by a principal executive officer, ranking elected official or other duly authorized representative.

- **Engineer** (or Planner): The primary contact for the preparation of erosion control and storm water management plans. All plan review comments will be addressed to this contact. For all storm water plans and other engineering, this person must: 1) be a licensed P.E. in Wisconsin; 2) stamp P.E. number and sign all plans submitted as part of permit; and 3) oversee and verify construction of all practices.

Additional contacts are required before a permit will be issued:(See permit check box below)

- Please use the Storm Water Permit Supplemental Information Form to identify these contacts.

Please indicate which one you wish to apply for: (Preliminary Review may be required by code.)

☐ Preliminary Review Letter
Items needed:

1. Signed Permit Application form
2. Application Fee
3. Site Plan Map (Checklist #1)
4. Preliminary Erosion Control Plan (Checklist #2)
5. Preliminary Storm Water Mgt. Plan (Checklist #3)
6. Preliminary Maintenance Agreement

☐ Storm Water Permit
Items needed:

1. Signed Permit Application form and General Requirements Agreement form
2. Application Fee
3. Site Plan Map (Checklist #1)
4. Final Erosion Control Plan (Checklist #2)
5. Final Storm Water Mgt. Plan (including construction inspection plan – Checklist #3)
6. Approved Maintenance Agreement
7. Financial Assurance
8. Completed Supplemental Information form (indicates parties responsible for site grading, erosion control, BMP construction oversight, site restoration, planting verification and construction certification)

*** Note: This county permit application also serves as a Notice of Intent to the Wisconsin Department of Natural Resources under Chapter NR 216 Wisc. Administrative Code, if applicable. If a County Storm Water Permit is issued, it will also confer coverage under WPDES storm water discharge general permit WI-S067831-3.**

Waukesha County Storm Water Management Permit Application (Page 2)

Applicant Contact Information: (required to process application)

Name/Title: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone #: _____ FAX: _____

E-mail Address: _____

I hereby certify that I meet the definition of "Applicant" on page 1 of this form. I understand that:
1) I will become the "permit holder" once a permit is issued;
2) Following permit issuance, I am subject to all of the requirements listed on pages 3-4 of this form; and
3) This permit application also serves as a Notice of Intent to the WI DNR under Chapter NR 216 Wisconsin Administrative Code, if applicable.

Signature of Applicant: _____ Date: _____

I hereby authorize (name) _____ to serve as my representative for purposes of this application.

Engineer Contact Information: (required to process application)

Name/Title: _____ Company: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Daytime Phone #: _____ FAX: _____

E-mail Address: _____

For Office Use Only (below this line)

Application Fee: $ _____

Additional Fee: $ _____

Total Fee: $ _____

Receipt #: _____

Received by: _____

- ❑ **Double Fee**
- ❑ **Fee Exemption**
- ❑ **NR 216 applic.?**
- ❑ **Wetland screening**
- ❑ **WGNHS screening**
- ❑ **ER screening**

Date stamp here

Total estimated disturbed area: _____ acre(s)

Municipality name: _____ Projected start date: _____ End date: _____

- Permit Applications
- **General Permit Requirements Agreement**

PERMIT REQUIREMENTS

Subject to Subchapter VIII, Chapter 14 of the Waukesha County Code of Ordinances ("ordinance"), storm water permits are subject to all of the requirements listed below. The Land Resources Division ("LRD") may include other permit requirements that the LRD determines are necessary to ensure compliance with the ordinance. Violation of any permit requirement shall cause the permit holder and any other responsible party (as defined) to be subject to enforcement action.

[Definition: "Responsible party" means any person or entity holding fee title to the property or acting as the owners representative, including any person, firm, corporation or other entity performing services, contracted, subcontracted or obligated by other agreement to design, implement, inspect, verify or maintain the BMPs and other approved elements of erosion control and storm water plans and permits under this ordinance.]

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 and regulations. The LRD may require the applicant to obtain other permits or plan approvals prior to issuing a storm water permit.

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 LRD shall be notified of any significant modifications proposed to be made to the approved plans. The LRD 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 LRD are subject to enforcement action.

4. **Notification**. The LRD shall be notified at least 2 working days before commencing any work in conjunction with approved plans. The LRD shall also be notified of proposed plan modifications under sub. 3 above, if any drain tiles are encountered during construction, and within 1 working day of completing construction of a storm water BMP. The LRD may require additional notification according to a schedule established by the LRD so that practice installations can be inspected during construction.

5. **LRD Access**. The LRD or its designee 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 be responsible for achieving compliance with approved construction plans, including the implementation of the approved inspection plan and verification of construction in accordance with the county ordinance. If warm season or wetland plantings (as defined) are involved, the permit holder shall also provide a landscape architect or other qualified professional to oversee and verify the planting process and its successful establishment.
   [Definition: "Warm season and wetland plantings" means seed or plant stock that is native to a prairie or wetland setting. These types of plantings usually take a couple of years to get established and require diligent removal of invasive species during this time. Upon maturity, warm season plants generally have a deep root system, which enhances infiltration.]

General Requirements Agreement

- Violation of any permit requirement shall cause the permit holder and any other responsible party (as defined) to be subject to enforcement action.
- Definition: “Responsible party” means any person or entity holding fee title to the property or acting as the owners representative, including any person, firm, corporation or other entity performing services, contracted, subcontracted or obligated by other agreement to design, implement, inspect, verify or maintain the BMPs and other approved elements of erosion control and storm water plans and permits under this ordinance.

7. **Inspection Log**. The permit holder shall provide a qualified professional to conduct inspections and maintain an inspection log for the site. All best management practices 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. 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 BMPs, 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 permit holder shall maintain a copy of the inspection log at the construction site or via the Internet, and shall notify the LRD of the method of availability upon permit issuance. If the inspection log is maintained on site, the LRD may view or obtain a copy at any time during normal business hours until permit termination. If the inspection log is made available via the Internet, the permit holder shall notify the LRD of the appropriate Internet address and any applicable access codes, and shall maintain the availability of the log until permit termination.

8. **BMP Maintenance**. The permit holder shall maintain and repair all best management practices within 24 hours of inspection, or upon notification by the LRD, unless the LRD approves a longer period due to weather conditions. 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 by the LRD. The permit holder, upon approval by the LRD, 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 LRD may order immediate repairs or clean-up within road right-of-ways or other public lands if the LRD determines that such damage is caused by activities regulated by a permit under this ordinance. With the approval of the landowner, the LRD may also order repairs or clean-up on other affected property.

10. **Emergency Work**. The permit holder authorizes the LRD, in accordance with the enforcement procedures under sec. 14-345 of the ordinance, to perform any 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 retained 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 by the LRD.

General Requirements Agreement

- Obtain all other permits
- Follow approved plans
- Notify LRD prior to plan modifications
- Provide an engineer to be responsible for implementation of inspection plan and verification of construction
- Provide a qualified professional to verify the infiltration planting process

General Requirements Agreement

- Provide a qualified professional to conduct erosion control inspections and maintain an inspection log.
- Repair all BMPs within 24 hours of inspection.

- Permit Applications
- General Permit Requirements Agreement
- **Financial Assurance**

Financial Assurance

Purpose:

Ensure compliance with the approved erosion control & storm water management plans and any other storm water permit requirements

Incentive to “follow through”

How much are we talking about?

Large Sites

- Cash:
  - $10k for each storm water facility
  - $30k maximum
- LOC:
  - $20k for each storm water facility
  - $60k maximum

How much are we talking about?

Small Sites

- Sites that have no planned storm water management facility or the facility is not regulated by the LRD, depending on the scope of the project

$1,000 - $5000 cash (Double with LOC)

Exemptions?

- Publicly funded land disturbing or land development activities
- Local or State Government

How can I get the money back?

Partial Release

- Completing various portions of the project or meeting certain requirements listed in the FA Agreement receipt

Full Release

- Record Maintenance Agreement
- As-built survey
- Engineering verification
- Design summaries
- Pass final inspection

Daniel P. Vrakas
County Executive

Dale R. Shaver
Director

Waukesha County

DEPARTMENT OF PARKS AND LAND USE

Date: ____

To: ____

Subject: **Financial Assurance** in the Amount of $___
Check # _____ Received by (staff initials): ___

Project Name: ____
Location: Section ___, Town of ___ LRD File # ____

This memo shall serve as a receipt for the above noted Financial Assurance and as an agreement of the purpose and conditions for release by the Waukesha County Land Resources Division (herein referred to as the "LRD").

Authority.
The authority of the LRD to collect and hold this Financial Guarantee is stated in Section 14-335(c) of the Waukesha County Code of Ordinances – under Chapter 14, Article VIII: Storm Water Management and Erosion Control (herein referred to as the "Ordinance").

Purpose.
The purpose of this Financial Assurance is to ensure compliance with the Ordinance and the terms and conditions of a Storm Water Permit issued for the above noted project.

Conditions For Release.
The LRD shall release the financial assurance, and issue a permit termination letter only after determining full compliance with the permit and the ordinance, including *accepting* all of the following:

1. Maintenance Agreement. A copy of a recorded maintenance agreement, stamped by the Waukesha County Register of Deeds, must be provided for all storm water management practices associated with this project. The agreement shall show that it has been recorded for all applicable properties.

2. As-built Survey. To ensure compliance with this ordinance and to serve as a basis for the engineering verification under sub. 3 below, an as-built survey shall be completed in accordance with LRD 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 LRD for all storm water management BMPs, bridges and culverts pursuant to sec. 14-335(d).1. of the ordinance, and other permanent best management practices or practice components as deemed necessary by the

LRD to ensure its long-term maintenance. The LRD may require a digital submittal of the as-built survey, in accordance with LRD standards. As-built data shall be recorded as an addendum to the maintenance agreement under sub. 1 above.

3. Verification. A professional engineer licensed in the State of Wisconsin shall verify, in accordance with LRD standards, that the engineer has successfully completed all site inspections outlined in the approved plans and that the construction of all storm water management BMPs, as determined by the LRD, comply with the approved plans and applicable technical standards or otherwise satisfy all the requirements of this ordinance. The verification letter shall be recorded as an addendum to the maintenance agreement under sub. 1 above. If warm season or wetland plantings are involved, a landscape architect or other qualified professional shall verify the planting process and its successful establishment, in accordance with LRD standards. (No addendum is required for the planting verification.)

4. 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 LRD as part of the verification under sub. 3 above. Final design summaries shall be recorded as an addendum to the maintenance agreement under sub. 1 above.

5. Final Inspection. After completion of construction, the LRD 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 LRD determines that any of the applicable requirements have not been met, the LRD shall notify the permit holder what changes would be necessary to meet the requirements. At the request of the permit holder, the LRD shall provide a notification of noncompliance or a report of final inspection in written or electronic form.

Other Conditions.

1. Partial Releases. The permit holder may apply for a partial release of the financial assurance based on the completion or partial completion of various construction components or satisfaction of individual requirements noted above.

2. Amounts Withheld. The LRD shall withhold from the financial assurance amount released to the permit holder any costs incurred by the LRD to complete installation or maintenance of best management practices through enforcement action or prior to the transfer of maintenance responsibilities through an approved maintenance agreement, or other unpaid fees or costs incurred by the LRD associated with the enforcement of this ordinance.

3. Other Financial Assurances. The financial assurance provisions of this ordinance shall be in addition to any other financial assurance requirements of the local community for other site improvements. Any arrangements made to share financial assurances with the local community shall be made at the discretion of the LRD and shall be at least as restrictive the requirements in this ordinance.

- Permit Applications
- General Permit Requirements Agreement
- Financial Assurance
- **Record BMP Maintenance Agreements**

Maintenance Agreements Exhibits

A – Legal Description

B – BMP Locations

C – Maintenance Plan

Storm Water Management Practice Maintenance Agreement

[Owners Name], as "Owner" of the property described below, in accordance with Chapter 14 Waukesha County Code of Ordinances, agrees to install and maintain storm water management practice(s) on the subject property in accordance with approved plans and Storm Water Permit conditions. The owner further agrees to the terms stated in this document to ensure that the storm water management practice(s) continues serving the intended functions in perpetuity. This Agreement includes the following exhibits:

Exhibit A: Legal Description of the real estate for which this Agreement applies ("Property").
Exhibit B: Location Map(s) – shows an accurate location of each storm water management practice affected by this Agreement.
Exhibit C: Maintenance Plan – prescribes those activities that must be carried out to maintain compliance with this Agreement.

Name and Return Address

Land Resources Division
515 W. Moreland Blvd., Rm AC 260
Waukesha, WI 53188

Through this Agreement, the Owner hereby subjects the Property to the following covenants, conditions and restrictions:

1. The Owner shall be responsible for the routine and extraordinary maintenance and repair of the storm water management practice(s) and drainage easements identified in Exhibit B in accordance with the maintenance plan contained in Exhibit C.
2. Upon written notification by Town of _____ or their designee, the Owner(s) shall, at their own cost and within a reasonable time period determined by the Town of _____, have an inspection of the storm water management practice conducted by a qualified professional, file a report with the Town of _____ and complete any maintenance or repair work recommended in the report. The Owner(s) shall be liable for the failure to undertake any maintenance or repairs.
3. In addition, and independent of the requirements under paragraph 2 above, the Town of _____, or its designee, is authorized to access the property as necessary to conduct inspections of the storm water management practices or drainage easements to ascertain compliance with the intent of this Agreement and the activities prescribed in Exhibit C. The Town of _____ may require work to be done which differs from the report described in paragraph 2 above, if the Town of _____ reasonably concludes that such work is necessary and consistent with the intent of this agreement. Upon notification by the Town of _____ of required maintenance or repairs, the Owner(s) shall complete the specified maintenance or repairs within a reasonable time frame determined by the Town of _____.
4. If the Owner(s) do not complete an inspection under 2. above or required maintenance or repairs under 3. above within the specified time period, the Town of _____ is authorized, but not required, to perform the specified inspections, maintenance or repairs. In the case of an emergency situation, as determined by the Town of _____, no notice shall be required prior to the Town of _____ performing emergency maintenance or repairs. The Town of _____ may levy the costs and expenses of such inspections, maintenance or repair related actions as a special charge against the Property and collected as such in accordance with the procedures under s. 66.0627 Wis. Stats. or subch. VII of ch. 66 Wis. Stats.
5. This Agreement shall run with the Property and be binding upon all heirs, successors and assigns. After the Owner records the addendum noted above, the Town of _____ shall have the sole authority to modify this agreement upon a 30-day notice to the current Owner(s).

Dated this ___ day of _____, 20__.

Owner:

_____
(Owners Signature)

_____
(Owners Typed Name)

Acknowledgements

State of Wisconsin:
County of Waukesha

Personally came before me this ___ day of _____, 20__, the above named ___[Owners name]_____ to me known to be the person who executed the foregoing instrument and acknowledged the same.

_____.
[Name]
Notary Public, Waukesha County, WI
My commission expires:_____.

This document was drafted by:

[Name and address of drafter]

For Certification Stamp

BMP Maintenance Agreement Recording

- Get LRD approval of M.A. documents
  - LRD stamps & signs agreement
- Record the maintenance agreement at ROD
- Provide a copy of recorded documents or ROD file number to the LRD
- LRD verifies recorded documents & links to on-line database

Questions?