



LAND & WATER CONSERVATION DIVISION

333 E. WASHINGTON ST., SUITE 3200, PO Box 2003
WEST BEND WI, 53095-2003
PHONE: (262)335-4800; FAX: (262)335-4171
WWW.CO.WASHINGTON.WI.US/LCD

EROSION CONTROL AND STORMWATER MANAGEMENT

GENERAL PERMIT INFORMATION

I. **Applicability:**

An ECSM permit is required if any of the following applies:

A. **Land Disturbance** (Erosion Control Permit Only)

1. Disturbs **4,000 square feet** or more of total land surface area;
2. Involves **400 cu. yd.** of excavation, filling or any combination thereof;
3. Disturbs **100 lineal feet** of road ditch, grass waterway or other drainage flows;
4. Other land disturbing activities, having a high risk of polluting water.

B. **Land Development** (Erosion Control and Stormwater Management Permit)

1. Is a subdivision plat that meets the subdivision definition criteria under §236.02(12), Wis. Stats;
2. Involves the construction of any new public or private roads (serving 2 or more houses);
3. Ultimately results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development;
4. Ultimately results in one acre or more in total land disturbing construction activity; or
5. Other land development activities, having a high risk of polluting water.

II. **Exemptions:**

The following activities/projects are exempt from permit requirements:

1. Agricultural activities directly relating to crop production.
2. All Department of Transportation (DOT), or other state agency projects
3. One and two family residential buildings, except as noted in B-3 above.
4. Nonmetallic mining activities that are covered under a nonmetallic mining reclamation permit under NR 135 Wis. Adm. Code.
5. Placement of underground pipe or other utility that is plowed or bored into the ground outside areas of channelized runoff.
6. Activities disturbing <1 acre within shoreland/wetland/floodplain districts. (These activities must meet erosion control requirements of Chapter 23 of the County Code.)

⇒ **Contact the Land & Water Conservation Division for a more comprehensive list of permit applicability.**

III. **Technical Waiver.**

A site or a portion of a site may be waived from meeting certain technical requirements of this section if the Administering Authority determines that one or more of the following applies:

1. Off-Site BMP(s). The requirement has been satisfied through the use of off-site BMP(s). Off-site BMP(s) could be installed beyond the boundaries of the property covered by the application as part of a regional stormwater management plan or through other legal arrangements. However, to be eligible for this waiver, the off-site BMP(s) must treat runoff from the site covered by the application; or

2. No Off-Site Impacts. The site will have no appreciable off-site impacts or is internally drained and will not discharge runoff from the site after development occurs; or

3. Site Conditions. It is impracticable to meet the requirement due to site conditions such as: slopes; soils; proximity to existing or proposed structures or desirable trees; limited site dimensions; existing or proposed land uses on site or on surrounding sites; the potential for groundwater contamination; potential subsurface flow paths to existing or proposed buildings, structures, or public infrastructure; public health or safety problems; or other factors beyond the control of the applicant. No site shall be entitled to a waiver under this paragraph due solely to the size of the proposed land disturbing construction activity in relation to the parcel size; or

4. Compliance would be in direct conflict with other regulations or related objectives of this chapter which would take precedent.

IV. Permit Application Requirements:

To obtain a permit, the applicant must submit the following

- 1) A completed application form (provided by the County);
- 2) A permit fee (see Fee Schedule);
- 3) An erosion control and/or stormwater management plan (see below)
- 4) Financial guarantee (form, amount and when required are determined by reviewer after application is received)

⇒ **Important Note:** A permit may be temporarily withheld or revoked until the following construction season if the County determines that necessary site stabilization measures may be unachievable due to late-season construction.

Plan Requirements:

The contents of erosion control and stormwater management plans depend on the size and complexity of the site:

- For erosion control plans on **sites one (1) acre or less**, a short checklist of plan requirements is contained on the application form.
- Stormwater management and erosion control plans for larger sites must contain items listed on a separate, published *Plan Checklist*. This form is available from the Washington County Land & Water Conservation Division.

V. Preliminary Review:

For larger or more complex sites such as subdivision plats, we strongly encourage the applicant to submit preliminary erosion control and stormwater management plans and request a **Preliminary Review Letter** prior to asking for action on a preliminary plat or other approvals. Obtaining conceptual/general review comments on these plans will help facilitate other plan review and approval processes. It also allows the applicant to proceed through those processes without committing the resources needed to complete final engineering designs and construction plans or line up contractors, which are all needed to obtain a permit.

VI. Variance or Appeal:

An appeal of a decision by Land & Water Conservation staff must be made in writing and submitted to the Board of Adjustment within 20 days of the date of decision. (Staff will assist you.)

VII. Turnaround/Review Time:

Permit review staff will approve or deny applications as set forth below:

- Within 10 working days of submittal (or revised submittal) for sites 1 acre or less and only involving erosion control; and
- Within 20 working days of submittal (or revised submittal) for sites greater than 1 acre.

Other permits from local, state or federal agencies may also be required.

VIII. Permit Release:

The following items will be required before the County will certify full compliance with your permit and authorize release the financial guarantee:

1. Complete stabilization of the site with growing vegetation and other measures as needed.
2. Submittal of Construction Certification by a professional engineer, stating that all stormwater management facilities and other best management practices comply with the approved plans;
3. Submittal of as-builts for all permanent stormwater and other best management practices;
4. Submittal of a copy of the recorded maintenance agreement. (For projects involving stormwater management only. Sample agreements are available from the County)

IX. Who To Contact: (As of 01/01/05)

- A. To obtain permits for projects located in unincorporated areas of the following townships, contact Scott, Paul or Stephanie at the **Land & Water Conservation Division** at **(262) 335-4800**.

Barton Erin Farmington	Germantown (Town) Hartford Polk	Trenton
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- B. In all other unincorporated and incorporated areas of the county, contact the respective Building Inspector or Zoning Administrator for permit requirements.