

Release Response for WisDOT Projects

WisDOT NWR Guidance Document

WI Statutes Chapter 299 General Environmental Provisions – 299.13(1)(f) “**Release**” means emission to the air, discharge to the waters of the state or disposal on the land.

A **release** is sediment or any other pollutant that moves off the land from a project or disturbed site outside the project onto adjacent land or into Waters of the State. These may include:

- Dirt, soil, gravel, sand, or any other construction material
- Turbid water (fine particles suspended in water)

If sediment or any other pollutant has moved off the project^a and reached waters of the state^b

1. Notifications and Initial Response

- Notify SWECE as soon as possible after a release is discovered. Initial response items should also be addressed immediately:
 - i. Stop any active erosion
 - ii. Issue emergency erosion control order
- Additional Required Notifications:
 - i. Notify WDNR within 24 hours [SWECE, working with Project Team]
 - ii. Notify the US Army Corps of Engineers [SWECE, working with Project Team]
 - iii. Notify other involved parties [contractor, borrow/waste site owner, property owner, etc.]

2. Investigation and Response

- Initial review and assessment [Project Team, SWECE, DNR, USACE, Property Owner]
- SWECE and DNR TL will review the release and provide options to remedy the release
- Project Team, SWECE, and DNR TL will agree on a remedy and whether enforcement action is applicable
- Project Team will work with the contractor to implement the remedy

3. Tracking/Documentation

- Date and time of release
- Rain event details (timing, amount) – all projects should have a rain gauge on-site
- Response details and timeline
- Summary of the release and response for reporting purposes
- Additional documentation needed
 - i. ECIP and amendments
 - ii. Recent erosion control inspection reports and photos; responses to any deficiencies
 - iii. Erosion control orders (if any)

If sediment or any other pollutant has moved off the project^a and onto adjacent land

1. Project Team will notify project SWECE as soon as possible after a release is discovered
2. Notify adjacent property owner(s) as soon as possible [Project Team]
3. WisDOT must develop a course of action for remediation, if needed
 - o Work with property owner, contractor, PM/PL, SWECE to correct the problem

a – The project and disturbed sites that are permitted with the project but are outside the project limits; these may include waste/borrow sites, siting for batch plants, materials stockpiling areas, etc.

b – Waters of the state includes all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface or ground water, natural or artificial, public or private...(Ch. 281.01(18), Wis. Stats.)

Release Examples



Material has entered waters of the state; response outlined above



Turbid water above background level is considered a release to waters of the state; contact SWECE to assist with response



Release to adjacent land; response outlined above