

Committee Name:

Senate Committee – Universities, Housing & Government Operations (SC-UHGO)

Appointments

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Committee Hearings

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Record of Committee Proceedings

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Mark Meyer

State Senator • 32nd Senate District

April 11, 2002

TO: Members, Senate Committee on Universities, Housing and Government Operations

FROM: Senator Mark Meyer

RE: CHR 01-139

Please find attached a letter submitted by the Wisconsin Department of Commerce dated April 9th seeking a germane modification to Clearinghouse Rule 01-139.

This request for modifications will now extend the committee's review period to **Wednesday, April 24th**.

Please contact my office at **6-5490** if you have any questions.





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<http://www.wisconsin.gov>

Scott McCallum, Governor
Philip Edw. Albert, Secretary

April 9, 2002

The Honorable Mark Meyer, Chair
Senate Universities, Housing and Government Operations Committee
Room 131 South, State Capitol
Madison, WI 53707-7882

Dear Senator Meyer:

Pursuant to s. 227.19, Stats., the Senate Committee on Universities, Housing, and Government Operations is currently in the process of reviewing Clearinghouse Rule 01-139 relating to a series of amendments in different Commerce codes affecting the construction of public buildings and places of employment. These rules under Clearinghouse Rule 01-139 are being made to complement the new building code that will take effect on July 1, 2002, which was also reviewed by your committee last year (Clearinghouse 00-179), and subsequently adopted by the Department.

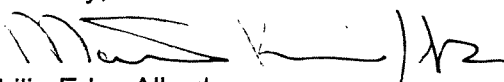
Without adopting the enclosed germane modification relating to construction site soil erosion and storm water management at commercial building sites, we could have a serious gap in the protection of our State's natural resources. Construction site soil erosion and storm water management at commercial building sites is currently governed under section Comm 50.115.

Last fall, this rule was repealed with the adoption of model building code standards, effective July 1, 2002. At that time, it was envisioned that different construction soil erosion standards would be adopted and replace the current rule; however, that goal no longer appears possible at this point in time. The current rule (Comm 50.115) that is in effect is scheduled to expire on July 1, 2002. We have been in discussions with the Department of Natural Resources (DNR). The DNR supports maintaining this important rule, which has been in effect since November 1994, in order that we continue to have in place soil erosion and storm water management standards beyond July 1st.

We realize that the Committee's review time is scheduled to end on April 11th, and we sincerely apologize for submitting this germane modification so late in the process. It is our hope that the committee could favorably accept this proposal as a part of Clearinghouse Rule 01-139. We appreciate your consideration as always.

If you have any questions regarding this matter, please contact Martha Kerner at 266-2125.

Sincerely,


Philip Edw. Albert
SECRETARY

cc. The Honorable Jean L. Hundertmark, Chairperson
Assembly Committee on Labor and Workforce Development

**ORDER OF THE
DEPARTMENT OF COMMERCE**

CREATING RULES

The Wisconsin Department of Commerce proposes an order to repeal Comm 5.61 (1) Note 1, 14.03 (9) (c), 14.03 (10) (d), 14.28 (2) (d), 32.16 (9) and (21), 61.31 (3) (b) (title) and (c) (title), 61.51 (1) Note, 63.0602 (2), 63.0802 (3), 63.0901, 64.0202 (2) (b), 71.21 (7) (b) 3., 71.26 Note, 81.01 (209) Note, 82.31 (16) (d) 2. d. Note, and 82.40 (5) (a) Note;

to renumber Comm 14.03 (9) (d); 14.04; 14.31 (1) to (7); 61.31 (3) (intro.), (a), and (b); 61.51 (2) (e); 62.0100 (1) and (2); 62.0202 (1) (b) and (c) to (k); 62.1609 (intro.) and (1) to (4); 62.3300 (1) and (2); 63.0503 (2) (c) to (e); 63.0602 (3); 63.0802 (4) and (5); 64.0202 (2) (c); 64.0403 (3) to (6); 65.0305 (1) (intro.) and (a) and (b); and A-61.03 (4) (b);

to renumber and amend Comm 61.31 (3) (a) Note (2);

to amend Comm 2.31 (1) (a), (b), (b) Note, (g), (h), and (i); 2.31 (3) and (5); 2.51 (2); 2.52 (3) (title) and (a); 3.03 (5) (f) 2.; 5.34 (1) and (3) (a) (intro.); 5.35 (5) (a) (intro.); 5.50 (2); 5.56 (1); 5.61 (1); 7.41 (4) (d) Note; 9.24 (1); 9.28 (1) (a); 10.26 (2) (intro.); 14.03 (9) (b) Note; 16.04 (2) Note 3; 16.08 (1) Note; 16.17 (1) (b) and (2) (a) Note; 16.25 (1) (c); 16.41; 16.45 (3) Note and (4) (a) 1., 2., and 3. (intro.); 16.48 Note; 16.65 (2) (a) 1. and (4) (a) (intro.); 30.10 (7) Note; 30.145; 32.16 (19); 32.24 (1) (b) Note and (5) (c) 1.; 32.26 (1) Note; 34.23 (2) (a); 34.28; 34.31 (1) (a) Note; 34.36; 34.39; 34.40; 41.49 (5) (b); 45.18 (4) (b) 3. c.; 45.19 (8), (9), and (12) (b) 1. Note; 61.03 (6) (c), (7) (c), and (13) (a) 1. and 6.; Table 61.30-2 (title); 61.50 (1) (b) 1. a. and b.; 62.0904 (2) (b) 8.; 62.2900 (2); 62.2902 (2); 62.3100 (title) and 62.3100; 62.3406; 62.3500; 63.0900 Note; Figure 63.1005 Note; 63.1011 (3); 64.0401 (4) (b) 2.; Table 64.0403 footnote m; 64.0507; 64.1500; 65.0301; 65.0304 (3) (title) and (3); 65.0503 (1) (b); 65.0700; 71.21 (2), (5), and (6) (intro.); 71.24 (1) (d) 1.; 71.26; 71.30 (2); 75.001 (1) (e) Note; 81.01 (209); 82.10 (3); 82.36 (19) Note; 82.40 (5) (b) 5. Note and (c) Note; 84.20 (4) (b) 9. e. Note, and (5) (L) 3. Note and (o) 2. b. and 3.; 84.30 (4) (e) 2. Note; 90.16 (1); 90.17 (2); and 91.12 (1) (b) 3. and (5) Note;

to repeal and recreate Comm 41.28 (3) Note, Table 61.30-3, 63.0503 (2) (d), 63.0803 (2) (f) 3., 63.1029 (4), 64.0301 (2) (a) and (b), 64.0401 (4) (a) 3., 64.0403 (6), 64.0404 (1), 71.21 (7) (b) 2., and 82 Appendix A-82.40 (5);

and to create Comm 5.34 (3) (a) 4. Note and (5) (a) 4. Note; 14.03 (10) Note (1); 14.04 (1) and (2) (title); 14.08; 14.31 (1); 50.115; 61.20 (1) Notes (2) and (3); 61.30 (2) (c) and Note; 62.0302; 62.0903 (2) Note (2); 62.1609 (2); 62.2701; 62.2901; 62.3100 (2) and Note; 62.3500 Note; 63.0503 (2) (c); and 64.0403 (3), (5), and (7), relating to construction of public buildings and places of employment.

SECTION 1. Chapter Comm 50, section 50.115 is created to read:

CHAPTER Comm 50
CONSTRUCTION SITE SOIL EROSION CONTROL

Comm 50.115 Notice of intent. (1) A notice of intent for coverage under a Wisconsin Pollutant Discharge Elimination System (WPDES) General Permit No. WI-0067831-1 for storm water discharges associated with construction activities as required by 40 CFR part 122 shall be filed by the landowner for the construction project of a public building or a building that is a place of employment disturbing 5 or more acres of land. A construction site soil erosion control plan and storm water management plan shall be prepared in accordance with good engineering practices and the design criteria, standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook published by the department of natural resources (WDNR Pub. WR-222 November 1993 Revision).

Note: Copies of the Wisconsin Construction Best Management Practice Handbook are available through Wisconsin Department of Administration, Document Sales, 202 S. Thornton Ave., Madison, WI 53707.

(a) Prior to filing a notice of intent, a site specific soil erosion control plan and storm water management plan shall be prepared in accordance with ss. NR 216.46 and 216.47, respectively. If the soil erosion control plan or actions required by the plan fail to control the construction site soil erosion, the plan shall be amended or other actions taken to control construction site soil erosion.

(b) The landowner shall implement the soil erosion control plan throughout the construction period. Soil erosion control measures shall be installed and maintained at the construction site until the construction site is stabilized and a notice of termination is filed with the department stating that the site has undergone final site stabilization in accordance with s. NR 216.55.

(c) The landowner shall meet the reporting and monitoring requirements in s. NR 216.48.

(d) The department may inspect and enforce the provisions of this section in the event of violations. Additional information requested by the department to ascertain compliance with this section shall be submitted within the time period specified by the department.

(e) If the department of natural resources determines the construction site to be a significant source of storm water pollution, the department of natural resources may require the site to be covered by an individual WPDES storm water discharge permit.

Note: An industrial construction site covered by this section may also require an Industrial Storm Water Discharge Permit issued by the department of natural resources as provided in subch. II of ch. NR 216.

(2) A notice of intent shall be filed either with the department or with certified municipalities and counties authorized to review plans and perform inspections under s. Comm 61.70. Municipalities and counties shall file a copy of the notice of intent with the department.

The notice of intent shall be filed on form 3400-161 published by the department of natural resources.

Note: Copies of form 3400-161 may be obtained from the department or the department of natural resources.

(3) The notice of intent form shall be completed in accordance with the instructions and filed at least 14 working days prior to commencement of construction.

(4) The department shall provide a summary of the notice of intent information collected to department of natural resources.

(5) A landowner filing a notice of intent under this section shall be exempt from the department of natural resources' \$200 fee associated with filing form 3400-161.

SECTION 2. Notwithstanding the repeal of Chapter Comm 50 in Clearinghouse Rule Number 00-179, s. Comm 50.115 is effective July 1, 2002.

(End)

file reference: Soil erosion b2



Mark Meyer

State Senator • 32nd Senate District

March 12, 2002

TO: Members, Senate Committee on Universities, Housing and Government Operations

FROM: Senator Mark Meyer

RE: Clearinghouse Rules 01-109 & 01-139

The following attached Clearinghouse Rules have been referred to the Senate Committee on Universities, Housing, and Government Operations

Clearinghouse Rule 01-109 relating to accessibility requirements for commercial buildings and structures.

Submitted by the Department of Commerce

Clearinghouse Rule 01-139 relating to construction of public buildings and places of employment.

Submitted by the Department of Commerce.

The committee's review period ends on April 10, 2002. If you are interested in requesting a hearing on either of these rules, please contact my office by **Wednesday, March 27, 2001**.

