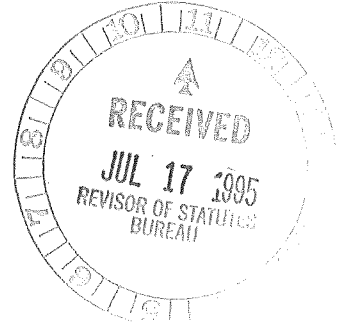


RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
 DEPT. OF INDUSTRY,)
 LABOR & HUMAN RELATIONS)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Notice of Intent Regarding Certain Construction Sites
 (Subject)

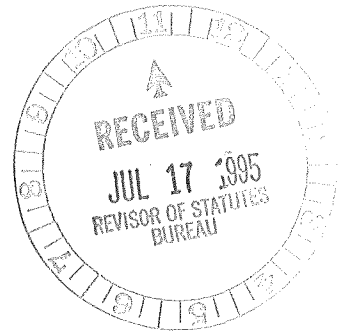
were duly approved and adopted by this department on 7/14/95
 (Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:00 pm
 in the city of Madison, this 14th
 day of July A.D. 19 95
Carol Skornicka
 Secretary

9-1-95

ORDER OF ADOPTION



Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.205

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 50

(Number)

Administration and Enforcement

(Title)

The attached rules shall take effect on The First Day of the Month following Publication

_____ pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin this

date: July 14, 1995

DEPARTMENT OF INDUSTRY, LABOR AND
HUMAN RELATIONS

Carol Egan
Secretary



State of Wisconsin \ Department of Industry, Labor and Human Relations

RULES in FINAL DRAFT FORM

Rule No.:

ILHR 50.115

Relating to:

Notice of Intent Regarding Certain Construction Sites

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to renumber s. ILHR 51.07(76a); to create ss. ILHR 50.115 and 51.01(76a)

X X

Analysis of Proposed Rules

Statutory Authority: s. 101.205 Stats.

Statutes Interpreted: s. 101.1205 Stats.

SECTION 101.1205 Stats. establishes a framework for the administration and enforcement of soil erosion control at construction sites of public buildings and buildings that are places of employment. Under the Law, the Department of Industry, Labor and Human Relations (DILHR) is authorized to establish statewide standards for erosion control for the construction of public buildings and buildings that are places of employment.

Similarly, the law authorizes the Department of Natural Resources (DNR) to establish standards for erosion control for other construction sites other than building sites.

Under Federal law, owners must file a Notice of Intent with the DNR for construction sites disturbing 5 or more acres of lands, including building sites.

The department adopted an emergency rule to ensure that the requirements of the federal law are met until comprehensive construction site soil erosion rules are adopted by the department as required under 1993 Wisconsin Act 16, and a Memorandum of Understanding between the DNR and DILHR.

The department proposes to adopt the emergency rule as a permanent rule to eliminate confusion as to which agency to file information related to construction site erosion control for public buildings and places of employment as the law is implemented; avoid filing duplicate information between the two agencies; and provide for a smooth and orderly transition between the two departments implementing construction site soil erosion standards under the law.

SECTION 1. ILHR 51.07 (76a) is renumbered (76b).

SECTION 2. SUBCHAPTER III ILHR 50.115 is created to read:

ILHR 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 NR 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 specified 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 a 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 provide in Subchapter II of Chapter 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. LHR 50.21. 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 the 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 3. ILHR 51.01 (76) is created to read:

ILHR 51.01 (76a) "LANDOWNER" means any person holding fee title, an easement or other interest in property which allows the person to undertake land disturbing construction activity on the property.

(END)

X X

Pursuant to s. 227(2) (intro), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

X X

Tommy G. Thompson
Governor
Carol Skornicka
Secretary



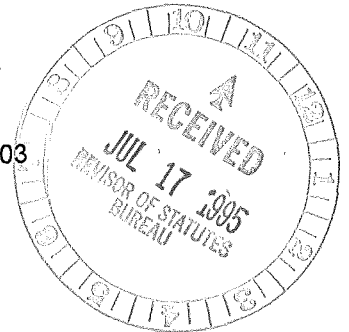
Mailing Address:
201 E. Washington Avenue
Post Office Box 7946
Madison, WI 53707-7946
Telephone (608) 266-7552

State of Wisconsin Department of Industry, Labor and Human Relations

July 14, 1995

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 95-046

RULE NO.: ILHR 50.115

RELATING TO: Notice of Intent Regarding Certain Construction Sites

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Skornicka".

Carol Skornicka
Secretary