

## Minser, Amy J - DNR

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**From:** Minser, Amy J - DNR  
**Sent:** Thursday, January 7, 2021 3:41 PM  
**To:** Mike Buckless  
**Cc:** Tim Drake; Destiny Kerr; Tekler, Lindsay M - DNR; cathryn.hanson@enbridge.com  
**Subject:** FIN 73858 Enbridge Line 5 Relocation DNR Stormwater information request

Mr. Buckless,

The Department has reviewed in the information submitted with the notice of intent to be covered under the construction site storm water general WPDES permit. We have the following comments:

1. The information provided does not appear to satisfy the site-specific erosion control plan requirements in NR 216.46, Wis. Adm. Code. Specifically, the site maps do not show the location of major structural or non-structural controls identified in the erosion control plans per NR 216.46(5)(e), Wis. Adm. Code. An example of a site specific erosion control plan for a similarly sized project is available at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx#k=lakeshore%20lateral>. Note that the Lakeshore Lateral project was broken into phases for storm water permitting purposes, with a separate NOI for each phase.
2. The Department has the following comments on the Storm Water Management Plan:
  - a. Additional information is needed on the proposed use of contractor yards. Are they located on existing industrial or non-metallic mine sites? Are they currently paved? Will they be temporarily or permanently graveled? Will there be any soil or other bulk storage piles located on them? Will vehicle and equipment washing occur there? Erosion and sediment control must be considered for these areas if warranted by proposed work or activities occurring in the yards.
  - b. The section on access roads indicates that new temporary access roads may be left in place and existing private roads may be upgraded for use by the project. For the purposes of determining applicability of post-construction storm water performance standards, the disposition of new access roads and the extent of upgrades to existing roads need to be clear in the plans.
  - c. In the construction schedule, the right-of-way restoration task does not start until work is complete. NR 151.11 (8) (c) requires that final stabilization activity begins once land disturbance is complete and final grade is reached on any portion of the site. Under NR 151.11 (8)(d), Wis. Adm. Code, temporary stabilization is required when there is a pause on land disturbance in an area that will exceed 14 calendar days. Given the size of this project, these requirements cannot be met unless there is schedule overlap, so that temporary or final stabilization is initiated as the project progresses out of a given area.
  - d. The first paragraph in section 3 states that temporary erosion and sediment control devices will be installed after initial clearing and before soil disturbance. Generally clearing activities cause soil disturbance therefore installation before clearing is needed.
  - e. In addition to addressing the requirements of NR 151.11(6m)(b), please include a section in the narrative discussing how the requirements of NR 151.11(6m)(a) are being met by the proposed erosion and sediment control measures. Both sets of performance standards need to be met, and section (b) is a check that efforts proposed to meet section (a) are sufficient but should not be used to justify meeting any performance criteria in (a).
  - f. It appears that contractor yards and staging areas exceed the size limits in the prescriptive compliance area definition. Any areas that do not fall under prescriptive compliance should be evaluated using the Soil Loss and Sediment Discharge Tool.
  - g. On page 6, the text states "Project-specific permit conditions and/or landowner agreements may supersede the general practices described in the EPP." The department recommends using

‘supplement’ or ‘require modification to’ in lieu of ‘supersede’ since the expectation is that any variation from the erosion control plan will result in more erosion and sediment control rather than less. Any change that reduces the level of erosion and sediment control proposed in the NOI requires an amendment request be sent to the department at least 5 business days prior to implementation.

3. The table in the Storm Water Management Plan references 25 figures or typical details for erosion and sediment control practices, but the Environmental protection plan only contains 20 figures. All details referenced need to be submitted to the Department.
4. The erosion control plan maps do not differentiate between access via existing driveways and construction of new access roads. It would be helpful to have this differentiated and also label on the plans how many acres of new access road, the proposed surface (gravel, compacted soil, pavement), and whether it will be temporary or permanent. For permanent access roads, the location and size of any vegetated swales or filter strips proposed should be noted.
5. On Environmental Protection Plan (EPP) Figures 1-3, perimeter control should be included where work area drains toward a wetland or waterway. Where work occurs within a wetland area, placement of stockpiles on mats or geotextile may be needed to facilitate restoration.
6. EPP Figure 7 should include a minimum length for matt anchors. See Technical Standards 1052 and 1053 at [https://dnr.wisconsin.gov/topic/Stormwater/standards/const\\_standards.html](https://dnr.wisconsin.gov/topic/Stormwater/standards/const_standards.html).
7. On EPP Figures 9 and 11, the sediment control device at the bottom of the hill is unlikely to work at the spacing identified. During berm construction, perimeter control would be needed between the berm and the waterway or wetland.
8. On EPP figures 14-16, why are spoil piles shown outside of the temporary construction right-of-way boundary? The hatching at the bottom of the figure is confusing.
9. On EPP Figure 18, the note says that sediment control ‘may be needed’. Sediment control is needed at the edge of the ROW on the downhill side and should be shown. Stockpiling on matting or geotextile may be needed so that wetland areas can be restored.
10. Due to the extent of the comments above, there may be further comments on any resubmitted materials.

The Department requests written responses to the comments above in addition to submitting any revised drawings or reports in electronic format to this email address or via ftp site.

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NOTE: Due to the COVID-19 pandemic, I am currently working from home until further notice. Therefore, the best way to reach me is via email or my work cell number listed below. I can also set up a Skype call with an option for participants to call in or share screens.

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