

SELECT (BORROW) SITE FREQUENTLY ASKED QUESTIONS

State Statute 85.193

1. What is a select (borrow) site?

A “select (borrow) site” is private property that is used exclusively for borrow or waste from a Wisconsin Department of Transportation (WisDOT) construction project.

2. What is a commercial site?

A “commercial site” is a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products.

3. Does WisDOT know of all the select (borrow) sites that will be used on the I-94 North-South and Wisconsin Valley Development Roads projects?

The project team is currently updating a map of the select (borrow) sites located within the I-94 North-South project (South and Central segments) and working to include what is known about the Wisconsin Valley Development Roads select (borrow) sites.

4. Does WisDOT control haul routes to and from select (borrow) and commercial sites?

WisDOT requires its contractor to submit proposed haul routes

that are not part of the state trunk highway system. WisDOT will subsequently survey the existing condition of each haul route to establish a baseline for assessing damage that the contractor’s hauling operations might cause.

Through on-going coordination with local municipalities, WisDOT will monitor the conditions of each haul route and will make repairs as necessary upon completion of the hauling.

5. How is noise regulated at select (borrow) and commercial sites?

The Department of Safety and Professional Services Administrative Code SPS 308 and local ordinances regulate noise on both select (borrow) and commercial sites. In addition, WisDOT requires that select (borrow) site property owners be responsible for all local noise abatement requirements. WisDOT has no control over noise levels at commercial sites.

6. How is dust controlled at select (borrow) and commercial sites and on haul routes to and from such sites?

The Department of Natural Resources Administrative Code NR 415 and local ordinances regulate dust and air pollutants at both select (borrow) and commercial sites. In addition, WisDOT requires their

contractors to submit a Dust Control Implementation Plan (DCIP) for each anticipated land disturbing and dust generating activity at select (borrow) sites. The plan includes what preventative measures will be employed (watering, sweeping) along with the contractor’s timetable and surveillance measures used to determine when remediation is required.

7. What is done to prevent impacts to private wells near select (borrow) and commercial sites?

The Department of Natural Resources Administrative Code NR 151 for site runoff and NR 812 for well construction apply to commercial sites along with local ordinances.

On select (borrow) sites, WisDOT requires an Erosion Control implementation Plan (ECIP) to prevent sediments and pollutants from reaching waters of the state, including wetlands. In addition, NR 812 for well construction apply for any dewatering activity that may affect ground water levels.

8. How are the hours of operation regulated at select (borrow) and commercial sites?

Local ordinances for hours of operation apply to commercial sites. WisDOT approval is needed for any work at select (borrow) sites between 10 p.m. and 6 a.m.

9. What are the details of the state statute (SS 85.193) that created select (borrow) sites for WisDOT projects?

SS 85.193 allows for the use of a site for borrow or waste (but not to crush, screen, wash, blast, or apply another manufacturing process to mineral aggregate from the borrow site, on or off the borrow site, to produce finished aggregate products) without local zoning approval as long as the property owner consents to the use of his property.

Sites under SS 85.193 must follow DOT requirements for Erosion Control Implementation Plan (ECIP) and site restoration. The ECIP includes appropriate best management practices for each major activity to prevent sediments and pollutants from reaching waters of the state, including wetlands.

WisDOT inspects select (borrow) sites with respect to the requirements of the ECIP and DCIP.

The Landowner is responsible for compliance with local noise abatement ordinances.

The Landowner is responsible for compliance with local set back, landscaping and restoration ordinances.

SS 85.193 does not apply to commercial sites.

SS 85.193 does not apply to any private developers or developments or any other public works project other than WisDOT stipulated sites in the statute.

