



Jeremy Balousek, P.E., Division Manager  
Joe Parisi, Dane County Executive

Land Conservation • Office of Lakes & Watersheds • Parks • Water Resource Engineering

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**DATE:** May 19, 2021  
**FROM:** Jeremy Balousek, WRE Division Manager  
**SUBJECT:** **FINANCIAL SECURITY INSTRUMENT REQUIRED BY COUNTY**

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Per §14.49(2)(i) Dane County Code of Ordinances a permit applicant must provide evidence of financial responsibility as part of an erosion control or stormwater management permit application. **The Water Resource Engineering Division (WRE) will require a Financial Security Instrument for projects in which the estimated cost to successfully construct and implement all elements of an approved erosion control and/or stormwater management plan exceeds \$5,000.** Public agencies and electric or gas service providers are not required to provide a Financial Security Instrument.

Acceptable forms of a Financial Security Instrument include an irrevocable letter of credit, performance bond, certified check and cashier's check. The value of this instrument must be no less than 110% of the estimated materials and construction cost for all erosion control and stormwater management practices— including necessary excavation and grading, conveyances, structures and site restoration. The Financial Security Instrument must be submitted prior to the issuance of a permit and remain in effect until released by WRE staff. A request to reduce the value of the Financial Security Instrument for substantial items completed may be submitted, by providing as-built certification for stormwater management practices and a revised cost estimate. These requests will be reviewed on a case-by-case basis. A minimum of \$5,000 will be held to ensure successful project completion.

In the event that work is not completed in a timely manner sufficiently consistent with the approved plan, WRE staff shall draw on the necessary funds to complete the required work. Within ten days of project completion a Professional Engineer, licensed in Wisconsin, must submit as-built certification for all stormwater management practices. Upon approval of the as-built certification and a final compliant site inspection by WRE staff, the Financial Security Instrument will be released. If the funds have been deposited by the county, a check will be issued and mailed to the guarantor within fourteen days of final approval. A letter of credit or performance bond will be returned to the issuing financial institution or bonding company with formal correspondence releasing all interest held by the county.

Should you have any questions regarding this requirement, please contact the Water Resource Engineering Division at [wrediv@countyofdane.com](mailto:wrediv@countyofdane.com) or by phone at (608) 224-3730.