

(4) Regardless of their priority value determined under this chapter, projects which are ranked 1 through 86 inclusive on the project priority list of December 18, 1973 shall be given the same priority ranking under this chapter provided that project sponsors have proceeded expeditiously to meet federal requirements for a construction grant. If the department determines as of the effective date of these rules, that a sponsor has not proceeded expeditiously to meet federal requirements for a construction grant, it shall so notify the sponsor. If he so desires, the sponsor may within 30 days inform the department in writing of the reasons why he has not so acted and may submit an anticipated schedule of progress. If such a schedule cannot be mutually agreed to by the sponsor and the department, or the agreed upon schedule has not been adhered to, the project shall then be ranked based on its priority value determined under this chapter.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75.

NR 160.07 Cluster projects. (1) Where several projects are proposed to be associated with a common project and are not separable in their analysis, design, construction and management, the department may consider them as a cluster project. In making its determination, the department will consider technological and economic feasibility, as well as environmental and institutional considerations. Sanitary sewer collection systems will not be considered as part of a cluster project.

(1m) Sanitary sewer collection systems eligible under the Federal Water Pollution Control Act, with final construction plans approved by the state prior to October 18, 1972, in a metropolitan sewerage district existing prior to January 1, 1975, to serve an unsewered developed municipality, as defined in section 144.01 (12), Wis. Stats., existing as of October 18, 1972, whose initial dry weather sanitary sewage flow is at least equal to the total proposed initial dry weather sanitary sewage flow from a previously sewerred municipality to the new treatment plant proposed to be constructed by the metropolitan sewerage district can be funded as part of a cluster project. For sewer projects funded under this section, the sewer system cost in the unsewered municipality to provide one-half of the total initial dry weather flow to the new treatment plant may be funded at the same time as the plant is funded, while the other portion of the sewer system cost may be funded out of the next year's federal allocation. However, no more than one-half of the sanitary sewer system shall be funded the first year.

(2) Cluster projects will be assigned the priority value of the highest individual project, adjusted to include the sum of population equivalents which contribute to the common project.

(3) For determination of (step 1) facilities planning priorities, a formal resolution of intent to discharge to a single regional waste treatment plant by the governing bodies of the participating municipalities will be required prior to consideration of such a project. For consideration of (step 2) plans and specifications grants and (step 3) construction grants, a contract committing the participating municipalities to cooperative wastewater treatment will be required. When a statement of intent or a contract to effect regional treatment

is submitted for each municipality together with a single priority evaluation review form, a cluster priority will be considered.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75, cr. (1m), Register, April, 1976, No. 244, eff. 5-1-76.

NR 160.08 Severability. Should any section, paragraph, phrase, sentence, clause or word of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75.