

Chapter SWCD 10

AGRICULTURAL NONPOINT SOURCE WATER
POLLUTION GRANTS

(Section 92.21, Wis. Stats.)

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SWCD 10.01 Purpose. The purpose of this chapter is to provide for the proper administration of state grants of funds to farmers to share in the cost of installing practices to abate water pollution from agricultural nonpoint sources, as provided by section 92.21, Wis. Stats.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.02 Definitions. As used in this chapter:

(1) "Agricultural" means the activity defined in section 102.04 (3), Wis. Stats., as "farming" and "operation of farm premises".

(2) "Areawide waste treatment management plan" means a water pollution abatement plan developed and promulgated pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500).

(3) "Board of soil and water conservation districts ("BSWCD" or "board")" means the agency of state government having statewide responsibilities to assist, guide, and coordinate the programs of the SWCDs; pursuant to sections 15.01 (5) (a), 15.911, 15.915, 92.04 and related sections, Wis. Stats.

(4) "Enduring project" means one or more works or devices (management practices) for the control or abatement of nonpoint source water pollution, expected to continue as useful and effective for that purpose for at least 5 years after the year of completion.

(5) "Farmer" means any person engaged in farming as defined in section 102.04 (3), Wis. Stats.

(6) "Management practices" means physical measures employed to manipulate land surfaces or control surface runoff water; or methods of using fertilizer, pesticides and other chemical substances; or techniques for controlling livestock and their wastes; for the purpose of reducing and controlling the discharge of pollutant substances from nonpoint sources into surface or ground waters, and which are identified and designated for this purpose in an approved areawide waste treatment management plan (section 147.25, Wis. Stats.).

(7) "Nonoperating expense" means a project cost other than those recurring production costs associated with operation of farm premises.

(8) "Nonpoint source (NPS)" means a class of actual or potential water polluting substances which emanate from various and diffuse locations on land surfaces, and are most amendable to control by management of the sources rather than by the collection and treatment of runoff water or wastewater discharges carrying the dissolved or suspended substances; and may also mean a condition of water pollution resulting from the presence of such polluting substances.

(9) "Soil and water conservation district ("SWCD" or "district")" means a special purpose unit of state government, created and operating pursuant to sections 92.05, 92.06, 92.07, 92.08 and other provisions of chapter 92, Wis. Stats.

(10) "Technical assistance" means advice, knowledge, specialized techniques or expertise provided to districts, cooperating land users and/or units of government by staff personnel of cooperating governmental agencies or by district staff personnel.

(11) "Water pollution" means the presence in water of dissolved or suspended substances, of such character and in such forms, amounts, or concentrations that the water is rendered injurious to human life, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(12) "Water pollution abatement plan" means a document containing a brief description of a nonpoint source water pollution problem, including an assessment of related and possibly aggravating conditions within the contributing hydrologic unit; providing necessary and appropriate drawings, maps, pictures, and descriptions of soils, waters, and other relevant natural and cultural features; identifying management practices which are to be undertaken in order to abate such pollution, including drawings, design standards and specifications or appropriate references to published technical standards, as may be necessary and appropriate; and a time schedule for accomplishing the plan objectives.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.03 Role of soil and water conservation districts. (1) Districts shall serve as the local agents of the board, to assist in publicizing and administering this state grant program at the county level, and in so doing shall:

(a) Provide administrative and clerical capability, in a clearly identified district office, to receive and process grant applications and maintain records, reports, and correspondence as needed for proper administration of this program.

(b) Receive grant applications from farmers, on forms provided by the board.

(c) Perform a two-step grant application approval function:

1. Preliminary approval based on criteria and considerations set forth in these rules, plus information provided by the grant applicant and other pertinent data; and

2. Final approval for project installation based on the above plus individual project plans, specifications, and cost estimates provided by the planning process.

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(d) Provide technical assistance for developing water pollution abatement plans, in cooperation with farmer applicants.

(e) Coordinate the state grant program with local and federal cost-sharing programs which may be available in the district.

(f) Provide to the board such reports on the use of state grant funds as the board may require for effective allocation and proper accounting of these funds.

(g) Certify to the board, as the legal basis for disbursing grant funds to an eligible applicant, that each approved and completed project, as installed or constructed, meets or exceeds the minimum requirements and specifications of the project plan.

(h) Include, in their annual work plan development process, consideration of NPS water pollution problems which may result from or be exacerbated by farming activities, and which may qualify for abatement measures eligible for state cost-sharing.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.04 Criteria for fund allocations and project approvals.

(1) Grant funds shall be allocated by the board and SWDCs on the basis of the following considerations:

(a) The location, type and severity of water pollution problems emanating from agricultural nonpoint sources, as identified in areawide waste treatment management plans approved under section 147.25, Wis. Stats.

(b) The probability of achieving a significant amount of application of management practices, in areas of known or suspected adverse water quality due to agricultural NPS pollutants.

Note: In the absence of approved areawide waste treatment management plans, the board will make full allocations in consultation with the department of natural resources, designated areawide waste treatment management planning agencies, and other advisory agencies identified in section 15.915 (1), Wis. Stats. The board will convene a meeting of these agency advisors on the earliest practicable date following adoption of these rules, for purposes of developing program details and funding priorities, by a process of assessing the location and nature of agricultural NPS water pollution problems from a statewide perspective, identifying the most severe problem areas and problem categories, specifying the management practices eligible for grant assistance, and establishing funding priorities.

(2) Districts will approve grant applications on the basis of the following criteria:

(a) Consistency with an applicable areawide waste treatment management plan approved under section 147.25, Wis. Stats., if available.

(b) The severity of known or suspected water pollution associated with the farming operations of the applicant.

(c) The probability that a proposed project will significantly reduce water pollution.

(d) The relative amount of public benefit which may result from a project proposed for funding assistance.

(e) The amount of grant funds available as allocated by the board.

Note: In the absence of an approved areawide waste treatment management plan, districts shall develop local grant approval procedures reflecting the above criteria, using information developed through the water quality management planning process, and in consultation with

locally assigned personnel of cooperating state and federal agencies and designated water quality management planning agencies.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.05 Eligibility of applicant and project. (1) The applicant must be a farmer.

(2) The project must be of an enduring nature, and must be intended primarily to provide public benefits through improved water quality, rather than private benefits such as enhanced farm productivity or convenience.

Under these conditions, the financial need requirement for the applicant to receive public cost-sharing assistance to the limits specified under section SWCD 10.06 (2), is satisfied.

(3) The project must be designed to abate a high priority agricultural NPS pollution problem, as identified in areawide waste treatment management plans or by other specified means (section SWCD 10.04).

(4) The project must employ management practices which have been selected and specified in the areawide waste treatment management plan as effective for abating the water pollution problem at hand; or, lacking such a plan, management practices which are known to be effective and customarily used by the district for this purpose.

(5) Grant recipients must agree to maintain a pollutant control practice, cost-shared under this chapter, in effective condition during the normal life expectancy of the practice as specified by the board or for five years after installation, whichever is greater.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.06 General fund administration. (1) Federal conservation cost-sharing funds shall be fully utilized where available and applicable before state grant funds are applied to a particular project.

(2) The amount of a state grant under this chapter shall not exceed 50% of the costs of an approved project, and shall not exceed the amount of \$10,000 to an individual farmer applicant.

(3) Cost sharing funds appropriated by local units of government may be added to these state grant funds at local discretion.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWCD 10.07 Application procedure. (1) Farmers may apply for state grants as provided under this chapter at their local SWCD office.

(2) Information to be included in the application shall include, but not be limited to:

(a) The name and address of the applicant.

(b) The location of the proposed project, identified with respect to a legal land survey description plus name of nearby public road, or other pertinent descriptors.

(c) a brief statement of the nature of the NPS pollutant problem to be corrected.

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(d) a statement of the applicant's desire to receive assistance from the district; willingness to cooperate with the district in planning and installation; and promise to maintain the water pollution abatement practices included in the project.

(e) The applicant's certification as to eligibility as a farmer.

(f) Whether a state grant application has been filed under this chapter in any other district.

(g) Expected dates of project start and completion.

(3) Based on the information provided as set forth above, the district may reject the application or give preliminary approval, pending the development of more detailed information through the individual project planning process.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.

SWDC 10.08 Timing and deadlines. (1) As soon as practicable, following the program development meeting described in section SWCD 10.04 (1), the board will inform all districts of the detailed provisions under which this state grant program will begin to operate.

(2) Upon receiving this information, districts may publicize the program as appropriate, and accept grant applications as provided by these rules and within the fund allocations set by the board, pursuant to section SWCD 10.04 (1).

(3) By August 1, 1978, all districts shall submit a report on the utilization of this state grant program through June 30, 1978, providing information to be specified by the board.

(4) On or before October 1, 1978, the board will assess the progress of the state grant program, based on district status reports and the counsel of the department of natural resources and other advisory agencies, and will inform all districts regarding the reallocation and use of any remaining state grant funds during the remainder of the fiscal biennium (ending June 30, 1979).

(5) Projects approved for cost-sharing under this chapter should be promptly reviewed and certified by the district upon completion, to expedite payments to applicants.

(6) The actions described in subsections (3), and (4) above (this section), shall also be accomplished with respect to comparable dates in any subsequent state fiscal biennium during which this cost-sharing grant program may be funded and operating.

History: Emerg. eff. 4-4-78; Cr. Register, May, 1978, No. 269, eff. 6-1-78.