

**2007 DRAFTING REQUEST**

**Bill**

Received: **10/13/2006**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Miner**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - water quality**

Extra Copies:

Submit via email: **NO**

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**Pre Topic:**

DOA:.....Miner, BB0141 -

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**Topic:**

Increase bonding for nonpoint water pollution programs

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	btradewe 10/13/2006	kfollett 10/13/2006	jfrantze 10/16/2006	_____	sbasford 10/16/2006		S&L
/2	btradewe 01/14/2007	kfollett 01/15/2007	pgreensl 01/15/2007	_____	mbarman 01/16/2007		S&L
/3	btradewe 01/24/2007	kfollett 01/24/2007	nmatzke 01/24/2007	_____	mbarman 01/24/2007		

FE Sent For:

<END>

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FE Sent For:

13/gf  
1/24  
nwn  
1/24  
nwn  
1/24  
<END>

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/1	btradewe 10/13/2006	kfollett 10/13/2006	jfrantze 10/16/2006	<del>1/15</del> P8	sbasford 10/16/2006		
FE Sent For:		12 kif 1/15	1/15 P8	<END>			

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Addl. Drafters:

Subject: Environment - water quality

Extra Copies:

Submit via email: YES

Requester's email:

Carbon copy (CC:) to: Eric.Ebersberger@dnr.state.wi.us

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/1	btradewe 10/13/2006	kfollett 10/13/2006	jfrantze 10/16/2006		sbasford 10/16/2006		

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/?	btradewe	11 kif 10/13		J. Sell 10/14			

FE Sent For:

<END>

## 2007-09 Budget Bill Statutory Language Drafting Request

- Topic: Watershed Management Nonpoint Source Bonding
- Tracking Code: BB0141
- SBO team: Environmental and Commercial Resources
- SBO analyst: Andrew Miner
  - Phone: 266-1103
  - Email: Andrew.Miner@Wisconsin.gov
- Agency acronym: DNR
- Agency number: 370
- Priority (Low, Medium, High): High

PROGRAM: WATER

SUBPROGRAM: WATERSHED MANAGEMENT

DECISION ITEM 5400: NONPOINT SOURCE BONDING

BR	<u>2007-08</u> \$15,500,000	BR	<u>2008-09</u> \$
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The Department requests \$15,500,000 BR for nonpoint source pollution abatement efforts, including the priority watershed, target runoff management, and urban nonpoint and municipal flood control programs.

Priority Watershed and Priority Lake Program Grants

The Department requests \$4 million in general obligation bonding authority for Priority Watershed and Priority Lake Program grants. This would increase the authorization limit in s. 20.866 (2)(te) from \$89,310,400 to \$93,310,400. Although the program is scheduled to be phased out at the conclusion of the 2007-09 biennium, there are 17 projects that remain active from the original 12-year commitment.

The Priority Watershed and Priority Lake Program funds nonpoint source water pollution abatement grants to county land and water conservation departments who, in turn, enter into contractual agreements with landowners to install best management practices (BMPs) on the land. The program is funded primarily through state bond revenue and is administered under Ch. NR 120, Wis. Adm. Code, and section. 281.65 of the Wisconsin Statutes.

Priority watershed and priority lake grants are funded on a calendar year basis. As a result, any new bonding authorization for the program in the 2007-09 biennial budget will provide resources for projects during calendar years 2008 and 2009.

Targeted Runoff Management Grants

The Department requests \$10 million in general obligation bonding authority for Targeted Runoff Management (TRM) Program grants. This would increase the authorization limit in s. 20.866 (2)(tf) from \$4,000,000 to \$14,000,000.

Established in 1997 Wisconsin Act 27, the TRM grant program was intended to replace the Priority Watershed/Lake Program with smaller-scale projects that could be managed more effectively from both fiscal and environmental aspects. The program funds up to 70% of eligible project costs for nonpoint source pollution abatement. DNR provides financial assistance to local units of government who, in turn, work with landowners to implement best management practices for controlling nonpoint pollution.

The program is also a funding mechanism that the Department utilizes for assisting grantees with achieving the water quality goals of Total Maximum Daily Loads (TMDLs) in targeted watersheds. Section 303(d) of the Clean Water Act requires states to develop TMDLs for impaired waterbodies. The goal of a TMDL is to correct water quality impairments and achieve designated uses of waterbodies through attainment of water quality standards. The Department is currently developing a statewide program framework for TMDL implementation.

Demand for TRM grants far exceeds available funding. In the FY 2005-07 biennial budget, the program received a \$2 million increase in general obligation bonding authority. By contrast, the Department received nearly \$12 million in grant requests for the calendar year 2006 and 2007 grant cycles. Assuming that the current level of demand extends into the next biennium, a \$10 million increase in bonding authority would allow the Department to fund approximately 80% of requests for the 2008 and 2009 grant cycles.

Additionally, demand for TRM grants is expected to increase in the future, particularly for the implementation of TMDLs and state agricultural performance standards and manure management prohibitions (ch. NR 151, Wis. Adm. Code). For example, the U.S. Environmental Protection Agency (USEPA) has tied program initiatives and federal funding to the completion of 30 TMDLs per year. As an increasing number of TMDLs are developed, more TMDL implementation work will be identified. Therefore, this request would utilize the additional funds to focus more resources towards impaired waters where a TMDL has been developed.

Failure to provide continued funding for the program could substantially reduce or eliminate state participation in nonpoint source pollution abatement and make it more likely that impaired waterbodies will continue to fall below targeted water quality standards. Moreover, failure to address impaired waters could result in federal funding cuts since eligible state bond revenue expenditures in the TRM Grant Program are used to generate the required 40% match for the federal Section 319 Clean Water Act grant.

#### Urban Nonpoint/Storm Water Management and Municipal Floodplain/Riparian Restoration Grants

The Department requests \$1.5 million in general obligation bonding authority for the Urban Nonpoint Source/Storm Water Management Program and the Municipal Floodplain and Riparian Restoration Program grants. This would increase the authorization limit in s. 20.866 (2)(th) from \$23,900,000 to \$25,400,000. Both programs were created in 1999 Wis. Act 99 to address degraded stream water quality, flooding, and loss of riparian habitat in urban areas. The programs' primary objectives are to reduce the economic and social impact on municipalities of meeting storm water management requirements and to help reduce flooding and to improve water quality and habitat.

The Urban Nonpoint Source/Storm Water Management program provides funds for municipalities to construct best management practices to improve storm water discharge quality. Although storm water quality management is voluntary for small communities (population < 10,000), by the end of 2006 the Department estimates that approximately 250 municipalities will be covered under permits (Ch. NR 216, Wis. Admin. Code). The permits require municipal storm water planning and implementation of best management practices as needed to meet the urban storm water performance standards under Ch.

NR 151, Wis. Admin. Code. This permitting process will lead to a tremendous increase in the installation of management practices and the related demand for state support.

Storm water runoff from urbanized areas has substantially increased flooding and degraded stream water quality and riparian habitat. These environmental problems have long been recognized at both the federal and state levels. At the federal level, the National Pollutant Discharge Elimination System (NPDES) Permit Program, authorized by the Clean Water Act, requires permits for the discharge of storm water from construction sites and municipal separate storm sewer systems. Many of the urban water resources receiving storm water runoff are on the state's impaired waters list, which was first prepared by the Department in 1998 in accordance with section 303(d) of the Clean Water Act. At the state level, the Department administered voluntary storm water runoff management planning and implementation under the Priority Watershed Program from the mid 1980s through the mid 1990s. In the mid-1990s, the state promulgated storm water regulations under ch. NR 216, Wis. Admin. Code, as required by federal law. At about this time, the Legislature shifted financial resources for urban storm water management out of the Priority Watershed Program appropriation and into the new appropriation for the Urban Nonpoint Source/Stormwater Management Program. In the late 1990s, the Legislature directed the Department to develop performance standards for urban runoff. In October 2002, the Department promulgated Ch. NR 151, Wis. Admin. Code, which included performance standards for urban storm water runoff, including standards for construction site erosion, post-construction storm water runoff, and runoff from developed urban areas. Regulations under chs. NR 216 and NR 151, and the Urban Nonpoint Source/Storm Water Management Program are closely integrated.

The Municipal Flood Control/Riparian Restoration program provides state funds to municipalities to match federal funding for removing structures located in flood hazard areas. It also provides support for restoring degraded stream riparian areas.

Historically, demand for each grant program has far outstripped available funding. At the beginning of the 2005-07 biennium, a total of \$4,168,700 was available for new grants—consisting of \$1.5 million in new funding, plus \$2,668,700 in funds from previous projects that had come in under budget or that had been cancelled. Given the magnitude of need, and considering the workload annual applications represent to project sponsors, the Department chose to offer one round of grants (CY 2006) for both programs. Had there been sufficient funds available, the Department would have reserved some of the appropriation to make grants in CY 2007. However, demand for the grants was so strong that the Department elected to commit all of the appropriation in the first calendar year of the biennium.

Because funding appropriated through the 2005-07 biennial budget has already been awarded for CY 2006 grants, and the Department will not be making grants for CY 2007, the Department is expecting that there will be significant demand for grants in CY 2008 and CY 2009.



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0528/1  
RCT: *kyf*

DOA:.....Miner, BB0141 - Increase bonding for nonpoint water pollution programs

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

*In 10/13*

*Do Not Gen*

AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**WATER QUALITY**

Under current law, DNR, in conjunction with local governmental units, administers a program to provide financial assistance for measures to reduce water pollution from nonpoint (diffuse) sources. This bill increases the general obligation bonding authority for nonpoint source financial assistance by \$14,000,000.

Under current law, DNR also administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$1,500,000.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.866 (2) (te) of the statutes is amended to read:

20.866 (2) (te) *Natural resources; nonpoint source grants.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide funds for nonpoint source water pollution abatement projects under s. 281.65 and to provide the grant under 2003 Wisconsin Act 33, section 9138 (3f). The state may contract public debt in an amount not to exceed ~~\$89,310,400~~ \$93,310,400 for this purpose.

**History:** 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300.

**SECTION 2.** 20.866 (2) (tf) of the statutes is amended to read:

20.866 (2) (tf) *Natural resources; nonpoint source.* From the capital improvement fund, a sum sufficient for the department of natural resources to fund nonpoint source water pollution abatement projects under s. 281.65 (4c). The state may contract public debt in an amount not to exceed ~~\$4,000,000~~ \$14,000,000 for this purpose.

**History:** 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300.

**SECTION 3.** 20.866 (2) (th) of the statutes is amended to read:

20.866 (2) (th) *Natural resources; urban nonpoint source cost-sharing.* From the capital improvement fund, a sum sufficient for the department of natural resources to provide cost-sharing grants for urban nonpoint source water pollution abatement and storm water management projects under s. 281.66 and to provide municipal flood control and riparian restoration cost-sharing grants under s. 281.665. The state may contract public debt in an amount not to exceed \$23,900,000

\$25,400,000 for this purpose. Of this amount, \$500,000 is allocated in fiscal biennium 2001-03 for dam rehabilitation grants under s. 31.387.

**History:** 1971 c. 42; 1971 c. 100 s. 23; 1971 c. 125, 211, 215, 236, 307, 330, 336; 1973 c. 90 ss. 148 to 149m, 555m (2); 1973 c. 333; 1975 c. 26, 39, 40, 41, 200, 224, 422; 1977 c. 4, 6; 1977 c. 29 ss. 385 to 387, 1650m (4), 1656 (43); 1977 c. 418; 1979 c. 4; 1979 c. 34 ss. 675a to 677v, 2102 (6) (a), (39) (a), (52) (a); 1979 c. 107, 221; 1981 c. 1 ss. 17, 18, 47; 1981 c. 20, 108, 317, 336; 1983 a. 27; 1983 a. 36 s. 96 (4); 1983 a. 97, 192, 195, 212; 1983 a. 410 s. 2202 (2); 1985 a. 6; 1985 a. 8 ss. 4, 12; 1985 a. 29 ss. 589m to 598, 3202 (23) (c), (26) (a), (53) (a); 1985 a. 77, 120, 332; 1987 a. 27, 295, 298, 399, 403, 409; 1989 a. 31, 46, 107, 122, 219, 336, 359, 366; 1991 a. 39, 51, 269, 309, 324; 1993 a. 2, 16, 98, 115, 213, 343, 377, 413, 437, 453, 485; 1995 a. 27 ss. 1159 to 1168s, 9126 (19), 9145 (1); 1995 a. 40, 57, 60, 113; 1995 a. 216, s. 30m and 9127; 1995 a. 227, 246, 372, 388, 416, 452; 1997 a. 27, 35, 61, 164, 237, 252; 1999 a. 4, 9, 146; 1999 a. 150 s. 672; 1999 a. 184; 2001 a. 12, 16, 103, 109; 2003 a. 33, 64, 91, 129; 2005 a. 1, 22, 25, 102, 300.

(END)

**Tradewell, Becky**

---

**From:** Miner, Andrew - DOA  
**Sent:** Thursday, January 11, 2007 12:23 PM  
**To:** Tradewell, Becky  
**Subject:** nonpoint bonding changes

Hi Becky,

Please make the following changes to the drafts for nonpoint pollution bonding.  
Draft 528 (DNR): Priority watershed: increase should be \$5 million instead of \$4 million. Targeted Runoff Management: Increase should be \$7 million instead of \$10 million. Urban nonpoint: increase should be \$6 million instead of \$1.5 million.

  
Thanks - Andrew

01/11/2007



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0528/2  
RCT:kjf: [signature]

IN 1/14

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FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

Don't Gen

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\* Under current law, DNR also administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$1,500,000. ~~16,000,000~~

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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2 SECTION 1. 20.866 (2) (te) of the statutes is amended to read:



**Tradewell, Becky**

---

**From:** Miner, Andrew - DOA  
**Sent:** Wednesday, January 24, 2007 2:39 PM  
**To:** Tradewell, Becky  
**Subject:** RE: The redraft you were looking for

Becky,

The redraft increases the bonding for TRM grants under 281.65(4c) by \$13 million, from \$4 million to \$17 million. The approved increase was \$7 million, so shouldn't the draft read \$11 million? The others--\$5 million for priority watershed and \$6 million for urban—are fine. Thanks,

Andrew

---

**From:** Tradewell, Becky [<mailto:Becky.Tradewell@legis.wisconsin.gov>]  
**Sent:** Wednesday, January 24, 2007 2:27 PM  
**To:** Miner, Andrew - DOA  
**Subject:** The redraft you were looking for

Andrew,

I'm glad you asked, that redraft was completed on the 16th. Here is another copy.

<< File: 07-0528/2 >>



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRB-0528/3 3

RCT:kjf:ds  
TMM

in 1/24

DOA:.....Miner, BB0141 - Increase bonding for nonpoint water pollution programs

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2007 - 2008 LEGISLATURE

LRB-0528/3

RCT:kjf:nwn

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