

Report to
Legislative Council Rules Clearinghouse
NR 162, Wis. Adm. Code
Natural Resources Board Order No. CF-13-13

Wisconsin Statutory Authority

Section 281.58(2), Wis. Stats., authorizes the department to promulgate rules necessary for the execution of its responsibilities under the Clean Water Fund program. This program provides financial assistance to municipalities for water infrastructure projects including wastewater treatment plants, collection systems and stormwater systems.

Federal Authority

All state programs must comply with the federal requirements, as outlined in 33 USC 1251 to 1376 and 33 USC 1381 to 1387.

Comparison of Adjacent States

Each state implements the Clean Water Act consistently with the associated state statutes and federal requirements. Each state loan program has unique features, but all of the programs are designed to meet federal Clean Water Act requirements. Each state has a unique priority scoring system based on state priorities but consistent with federal priorities. The EPA reviews program implementation to ensure consistency with the federal requirements.

Court Decisions Directly Relevant

N/a

Analysis of the Rule - Rule Effect - Reason for the Rule

Revisions to ch. NR 162, Wis. Adm. Code, relating to the Clean Water Fund Program, clarify eligibility criteria, streamline processes, revise the scoring system, and update implementation issues since the rule was last revised. No new significant changes to the program result from the rule revisions. The main topics for revision include:

- Eligible projects/activities - updates language to incorporate current practices
- Dates for ITA/PERF submittals – changed to Oct 31st and allows for on-line submittals
- PERF scoring system – revised system to incorporate permit limits, automate the scoring process, and require on-line, annual submittals
- Interim financing costs - increased from \$7500 to up to \$15,000
- Refinancing - clarifies that a municipality cannot already have “long-term affordable debt” outstanding for its completed or substantially completed project”; any project that has been substantially completed for more than 3 years is not eligible for financing.
- Disadvantaged Business Enterprise – updated requirements to refer to federal requirements
- Median Household Income – clarifies the source of this data as the American Community Survey (as part of the US Census Bureau) and provides options for sanitary districts.

Agency Procedures for Promulgation

Natural Resources Board and Governor’s Office scope approval, Natural Resources Board public hearing authorization, public hearing, Natural Resources Board final adoption, Governor’s Office of Regulatory Compliance final approval, Legislative review.

Description of any Forms (attach copies if available)

No new forms related to these rule revisions.

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