



2021 ASSEMBLY BILL 243

April 2, 2021 - Introduced by Representatives KITCHENS, THIESFELDT, KRUG, ARMSTRONG, CABRAL-GUEVARA, DUCHOW, EDMING, JAMES, KNODL, KURTZ, LOUDENBECK, MOSES, MURSAU, OLDENBURG, PETRYK, ROZAR, SNYDER, SWEARINGEN, TRANEL, WITTKE and ZIMMERMAN, cosponsored by Senators COWLES, MARKLEIN, FELZKOWSKI, BALLWEG and FEYEN. Referred to Committee on State Affairs.

1 **AN ACT** *to create* 281.73 of the statutes; **relating to:** allocation of federal
2 American Rescue Plan Act of 2021 funds for certain environmental purposes
3 and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the governor to allocate funds accepted under the federal American Rescue Plan Act of 2021 (ARPA) for certain environmental purposes.

Lead service line replacement

Under current law, the Department of Administration and the Department of Natural Resources administer the Safe Drinking Water Loan Program (SDWLP), which provides low-interest loans and grants in the form of principal forgiveness to municipalities for drinking water infrastructure projects to help them comply with federal drinking water standards. DNR establishes a funding list for SDWLP projects, and DOA allocates funding for those projects. The current program does not provide financial assistance to private users of public water systems.

The bill requires the governor to allocate \$40,000,000 of the ARPA funds received by the state to provide, under SDWLP, principal forgiveness to municipalities to 1) cover up to 50 percent of the costs of lead service line replacement on private property or 2) provide grants to private users of public water systems to cover up to 50 percent of the costs of lead service line replacement on private property.

Urban nonpoint source program

Under current law, DNR administers a program to provide financial assistance for projects that manage urban storm water and runoff. The bill requires the

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governor to allocate \$12,000,000 of the ARPA funds received by the state to this program.

Rural nonpoint source program

Under current law, DNR administers a program to provide financial assistance for projects that control pollution that comes from diffuse sources, rather than from a single concentrated discharge of pollution, in areas that qualify as high priority due to water quality problems. The bill requires the governor to allocate \$6,500,000 of the ARPA funds received by the state to this program.

Well compensation grant program

Under the well compensation grant program under current law, certain individual owners or renters of certain contaminated private wells may apply for a grant from DNR to cover a portion of the costs to treat the water, reconstruct the well, construct a new well, connect to a public water supply, or fill and seal the well. The bill requires the governor to allocate \$2,000,000 of the ARPA funds received by the state to this program.

Grants for well testing and public education

The bill requires DNR to create and administer a program to provide grants to counties to either 1) test and map privately owned wells to assess groundwater quality and to determine the extent and type of any contamination and study and map geologic characteristics and well construction practices in the county to determine any correlation between water quality, geology, and well construction; or 2) if a county has completed this type of study, to notify the public of the results of the study and to notify private well owners whose wells may be contaminated based on the results of the completed study. Under the bill, DNR may not provide more than \$10,000 to any single county for testing and study under the first type of grant, or more than \$2,500 per county for notifications under the second type of grant. Counties may apply for a grant individually or as a group. The bill requires a county that receives a grant under this program to provide an equal amount of matching funds. The county must also share the results of its testing with the Center for Watershed Science and Education, but may not include any personally identifiable information with the submitted results.

The bill requires the governor to allocate \$500,000 of the ARPA funds received by the state for these purposes.

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:

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1 **281.73 County grants for well testing and public education.** (1) The
2 department shall administer a program to provide grants to counties for either of the
3 following purposes:

4 (a) To conduct countywide testing and mapping of privately owned wells to
5 assess groundwater quality and to determine the extent and type of any
6 contamination and to study and map geologic characteristics and well construction
7 practices in the county, including depth to bedrock and well age, to determine any
8 correlation between water quality, geology, and well construction.

9 (b) For counties that have completed the type of study described under par. (a),
10 to notify the public of the results of the completed study and to notify private well
11 owners whose wells may be contaminated based on the results of the completed
12 study.

13 (2) A county may receive a grant under either sub. (1) (a) or (b), but not both.

14 (3) More than one county may apply for a joint grant under this subsection if
15 the counties are applying for the same grant category.

16 (4) The department may not provide more than \$10,000 per county under sub.
17 (1) (a) or more than \$2,500 per county under sub. (1) (b).

18 (5) As a condition of receiving a grant under this section, a county shall do all
19 of the following:

20 (a) Provide matching funds equal to the amount of the proposed grant.

21 (b) Submit the results of its testing to the University of Wisconsin-Stevens
22 Point Center for Watershed Science and Education. Information submitted under
23 this subsection may not include any personally identifiable information.

24 (6) In making grants under this section, the department shall seek to make a
25 grant to every county that applies.

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1 (7) The department may promulgate rules necessary to implement this section
2 but may not impose substantive requirements on applicants other than those
3 provided in this section.

4 **SECTION 9101. Nonstatutory provisions; Administration.**

5 (1) PRIVATE LEAD SERVICE LINE REPLACEMENT. Of the moneys the governor accepts
6 from the federal government under s. 16.54 pursuant to section 602 of the federal
7 Social Security Act as amended by the federal American Rescue Plan Act of 2021, P.L.
8 117-2, the governor shall allocate \$40,000,000 to provide, under s. 281.61, principal
9 forgiveness to municipalities to cover up to 50 percent of the costs of lead service line
10 replacement on private property or principal forgiveness to municipalities to provide
11 grants to private users of public water systems to cover up to 50 percent of the costs
12 of lead service line replacement on private property.

13 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

14 (1) URBAN NONPOINT SOURCE WATER POLLUTION ABATEMENT AND STORM WATER
15 MANAGEMENT PROGRAM. Of the moneys the governor accepts from the federal
16 government under s. 16.54 pursuant to section 602 of the federal Social Security Act
17 as amended by the federal American Rescue Plan Act of 2021, P.L. 117-2, the
18 governor shall allocate \$12,000,000 for the urban nonpoint source water pollution
19 abatement and storm water management program under s. 281.66.

20 (2) NONPOINT SOURCE WATER POLLUTION ABATEMENT PROJECTS. Of the moneys the
21 governor accepts from the federal government under s. 16.54 pursuant to section 602
22 of the federal Social Security Act as amended by the federal American Rescue Plan
23 Act of 2021, P.L. 117-2, the governor shall allocate \$6,500,000 for nonpoint source
24 water pollution abatement projects under s. 281.65 (4c) and (4e).

