

## **Report From Agency**

### **Department of Administration Report to Legislature**

#### **Ch. Adm 35, Wisconsin Administrative Code Relating to the Environmental Improvement Fund**

##### **Clearinghouse Rule 22-079**

#### **I. Proposed Rule and Summary**

The proposed rule, including analysis and text, are attached.

#### **II. Reference to Applicable Forms**

There are no references to applicable forms.

#### **III. Fiscal Estimate and Economic Impact Statement**

The fiscal estimate and economic impact analysis are attached. The Department estimates that the rule will have no fiscal or economic impact, including no implementation or compliance costs for small businesses.

#### **IV. Detailed Statement Explaining the Basis and Purpose of the Proposed Rule, including How the Proposed Rule Advances Relevant Statutory Goals or Purposes**

The basis and purpose of the proposed rule is to enable the Department to operate the Environmental Improvement Fund (EIF). The Department operates the EIF jointly with the Department of Natural Resources (DNR). The EIF leverages federal grants (\$186 million in state fiscal year 2023) into a perpetual source of infrastructure funding. By enabling the Department to efficiently operate the EIF, the proposed rule advances statutory goals and purposes of funding sewer and drinking water infrastructure as described in ss. 281.58, 59, and 61, Stats.

#### **V. Summary of Public Comments, Appearances at the Public Hearing, and Modifications to the Proposed Rule Resulting from Public Comments**

The Department held a public hearing by public conference call on January 5, 2023. The public could comment at the hearing, by postal mail, or by email to [doaeif@wisconsin.gov](mailto:doaeif@wisconsin.gov). The published deadline for submitting comments was 5:00 pm on January 5, 2023.

No one spoke at the hearing for or against the proposed rule. A representative of Dane County attended but did not speak.

The Village of Bristol commented by email that the EIF should prioritize loan forgiveness to recipients with high water and sewer rates. Adm 35 does not address the prioritization of

loan forgiveness. DNR prioritizes loan forgiveness in annual intended use plans, which DNR posts for public comment.

**VI. Changes to Rule Analysis and Fiscal Estimate**

The Department has not changed the rule analysis, fiscal estimate, or economic impact analysis.

**VII. Response to Legislative Council Rules Clearinghouse Report**

The Department adopted all changes in the Legislative Council Rules Clearinghouse Report, with one exception.

The Department did not adopt Form, Style, and Placement suggestion 2.d, the stylistic suggestion that Sections 25, 26, and 27 could be combined. The Department believes addressing the change in three sections more clearly shows the addition of subunits, compared to addressing the changes in one section. Rejecting this change does not change the text of the proposed rule.

**VIII. Additional Information**

S. 227.19 (3) (e) to (h), Stats, do not require the Department to submit additional information.

- The proposed rule does not impact small businesses
- S. 227.117 (2), Stats, does not require an energy impact report
- S. 227.115, Stats, does not require a housing report
- The Small Business Regulatory Review Board did not prepare a report on this rule proposal under s. 227.14 (2g), Stats.