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nonpoint source water pollution abatement and soil conservation programs

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Nonpoint Source Water Pollution Abatement and Soil Conservation Programs

Prepared by

Rory Tikalsky

Wisconsin Legislative Fiscal Bureau
One East Main, Suite 301
Madison, WI 53703
http://legis.wisconsin.gov/lfb

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Introduction

The Wisconsin Department of Natural Resources (DNR) and the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) work jointly to prevent and control nonpoint source water pollution and soil erosion in the state. The soil and water conservation program in DATCP and the nonpoint source water pollution abatement program in DNR provide for local coverage of the state's soil and water conservation needs, typically at the county level. Further, DNR nonpoint source pollution abatement financial assistance programs tend to focus resources where nonpoint source-related water quality threats are the most severe and where control is most feasible. As shown in Table 1, approximately $115.3 million was available in 2019-20 for nonpoint source-related soil and water conservation grants and payments to landowners and municipalities from state and federal sources. These grants are distributed through DNR and DATCP programs and through direct federal support. Funding sources for nonpoint programs are primarily general purpose revenue (GPR), the nonpoint account of the segregated (SEG) environmental fund, federal (FED) revenues and revenues from the issuance of bonds (BR). It should be noted that in most instances, state grant awards require a recipient match of 30% to 50% of total project cost, although these amounts are not shown in the table.

Table 1: Total Available 2019-20 Direct Funding for Local Soil and Water Conservation

Funding Source	Amount (Millions)
GPR	$3.0
SEG	10.2
BR	11.0
FED	91.1*
Total	$115.3

*Represents funding primarily associated with federal fiscal year 2019.

Nonpoint sources of water pollution are those sources that are diffuse in nature without a single, well-defined point of origin. Nonpoint source water pollution originates primarily from drainage of pollutants into lakes, rivers, wetlands, and groundwater due to snowmelt or storm water, from both agricultural and urban sources. Examples of nonpoint source water pollution include soil erosion due to construction, contaminated storm water drainage from paved urban areas, and fertilizer washed from an agricultural field after a rainstorm before it is absorbed. DNR reports that over one-half of the lakes and streams the state considers as impaired are degraded by varying levels of nonpoint source pollution.

The following paragraphs provide an overview of major state agencies and local government bodies responsible for regulating nonpoint source water pollution in Wisconsin.

For discussion of nonpoint source water pollution abatement grant programs, see Chapter 1. For discussion of state program administration and funding, see Chapter 2. For discussion of regulation of nonpoint source water pollution, including statutory requirements and administrative rules, see Chapter 3.

Natural Resources

Section 281.11 of the statutes directs DNR to serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and

surface, public and private. DNR holds general supervision and control over the waters of the state and is directed to carry out planning, management and regulatory programs. DNR has established water quality standards designed to protect public health and wildlife from significant harm from discharges and runoff that enter the state's waters. To reduce risks from rural and urban runoff, the Department also has established performance standards, which are specifications for structures and other techniques used to limit or prevent nonpoint pollution. Performance standards represent the minimum specifications of a practice necessary to achieve water quality standards. Under these general powers, in addition to the specific statutory program, DNR implements nonpoint source water pollution abatement grant programs and regulates certain animal waste and nonpoint source pollution discharges.

Agriculture, Trade and Consumer Protection

Chapter 92 of the statutes establishes DATCP as the central state agency responsible for implementing statewide land and water conservation policies. DATCP administers programs that assist in the abatement of rural water pollution through the reduction of soil erosion, the management of animal wastes, improvement of agricultural nutrient management, and funding of county and state land and water conservation staff. DATCP efforts are known as the soil and water resource management (SWRM) program, a complement to the DNR nonpoint source program.

Safety and Professional Services

The Department of Safety and Professional Services (DSPS) is required to establish statewide standards for erosion control at construction sites for one- and two-family dwellings and for public buildings and places of employment, provided an activity would disturb less than one acre of land. The Department may issue stop-work orders for noncompliance and may delegate its administrative authority to counties, cities, villages, or towns. Construction site erosion control is discussed in greater detail in Chapter 3.

Land and Water Conservation Board

The Wisconsin Land and Water Conservation Board (LWCB) is directed to develop recommendations and to advise DATCP and DNR on matters concerning land and water conservation and nonpoint source water pollution abatement. This advisory role includes the review and recommendation of an annual joint allocation plan for several grant programs administered by DNR and DATCP.

The LWCB also reviews county land and water resource management plans, which are described further below, and DATCP and DNR administrative rules pertaining to the SWRM and nonpoint source pollution abatement programs. In addition, the Board monitors the achievement of statutorily defined soil erosion control goals. Chapter 281 of the statutes also provides LWCB the authority to make recommendations to the Governor and DNR concerning funds budgeted to the nonpoint source pollution abatement program or concerning the efficiency and effectiveness of the program.

The LWCB consists of the following 11 members: (a) the Secretaries of the Departments of Administration (DOA), Natural Resources, and Agriculture, Trade and Consumer Protection, or their designees; (b) three county land conservation committee members, who are designated at a statewide meeting of land conservation committees and appointed for two-year terms; and (c) five members appointed by the Governor, one for a two-year term and four for staggered four-year terms, to include one farmer, one member of an environmental group, one person from a city with a population greater than 50,000 people, and one person from a governmental unit involved in river management.

In addition, advisory members to the Board include representatives from: (a) the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS); (b) the USDA Farm Service Agency (FSA); (c) the College of Agriculture and Life Sciences (CALS) of the University of Wisconsin–Madison; (d) the University of Wisconsin–Madison Division of Extension; and (e) the Wisconsin Land and Water Conservation Association (WI Land+Water). WI Land+Water is a nonprofit organization that represents the state's county land conservation committees and departments. DATCP provides administrative support to the Board, and both DNR and DATCP staff provide technical support to the Board.

County Land Conservation Committees and Departments

County land conservation committees (LCCs) set county policy on land and water conservation issues and directly oversee the activities of county land and water conservation department staff. Each county board is statutorily directed to create an LCC. County LCCs must include: (a) two county board members who are also members of the county committees on agriculture and extension education; and (b) the chairperson of the county FSA committee. In addition to these members, any number of other county board members and up to two persons who are not county board members may be appointed.

County LCCs' powers and duties relating to the implementation of state land and water conservation programs include: (a) distributing federal, state and county funds for cost-share programs; (b) providing equipment, technical assistance and materials to landowners for conservation purposes; (c) developing county ordinances for the regulation of land use and land management practices; and (d) developing standards for management practices and monitoring compliance with those standards. The LCCs are required to prepare land and water resource management (LWRM) plans. In addition, LCCs are required to prepare annually a single state grant request describing staffing and funding needs for all county soil and water conservation and animal waste management programs. These programs include: (a) DATCP's annual county staffing and support grants; (b) the targeted runoff management grant program; and (c) the urban nonpoint source and storm water management grant program. DATCP and DNR then prepare a single allocation plan for all counties, with DATCP and DNR each administering its own respective programs.

The LCCs direct the activities of county land conservation departments (LCDs), which in some instances have merged with other county departments such as planning and zoning. County LCDs or the combined departments implement state and federal land and water conservation programs, as well as other programs such as the DNR wildlife damage abatement program and tree planting programs, with assistance from federal and state staff. Conservationists also assist county zoning administrators on land and water resource issues.

Generally, a county employs a county conservationist, a clerical assistant (part- or full-time), and may also hire one or more technical assistants to the conservationist. As of the 2019 calendar year, which is the most recent year for which counties have reported staffing levels to DATCP, counties reported a total of 369 full-time equivalent (FTE) employees working in Wisconsin as county conservation staff.

Land and Water Resource Management Plans. In order to receive grant funding from DATCP, each LCC is required to have a LWRM plan reviewed by the LWCB and approved by DATCP. By statute and administrative code Chapter ATCP 50, plans must include: (a) a county-wide assessment of soil erosion conditions and water quality, including identification of causes of impairments and pollutant sources; (b) water quality objectives identified for each watershed, including pollutant load reduction targets; (c) key problem areas for

soil erosion and water quality, including priority farms and sites that contribute or may contribute to water quality impairment; (d) identification of the best management practices (BMPs) to achieve the water quality objectives and to reach current state soil erosion control goals; (e) strategies for achieving voluntary compliance with farm conservation practices, or for carrying out notice and enforcement actions against persons not complying with applicable standards; (f) a multi-year strategy for implementing LWRM plan-related activities and priorities, including those priorities identified in the plan and those activities necessary for compliance with applicable federal and state laws, and including an estimate of cost-sharing, educational, and other assistance needed for the implementation; (g) a system to track progress of activities identified in the plan; (h) a system for monitoring conservation compliance with persons claiming farmland preservation tax credits, which are described later; (i) an information and education strategy; and (j) local and state regulations to be used to implement the plan, as well as methods for coordinating implementation activities with local, state or federal agencies and organizations.

County LCCs develop the plans with the assistance of DATCP. DNR also assists by providing available water quality data and information, training and support for water resource assessments and appraisals and other related program information. The LWCB reviews plans and recommends DATCP approval or disapproval. LWRM plans must be approved by the DATCP Secretary and last for a period of 10 years. Counties must report progress after five years.

CHAPTER 1

NONPOINT SOURCE POLLUTION ABATEMENT GRANT PROGRAMS

This chapter describes the grant programs that support the state's nonpoint source water pollution abatement program, including their purpose, eligibility requirements, and recent awards. A majority of awarded funds are provided under a joint allocation plan between DATCP and DNR. The chapter briefly discusses the joint allocation plan and associated grants, then provides a summary of grants offered by DATCP, DNR, and under federal programs.

Several of the grant programs described throughout this chapter are intended to address the requirement under s. 281.16(3) of the statutes that cost-sharing assistance must be available to require agricultural operations existing prior to 1997 to comply with the performance standards enacted by DATCP and DNR to address nonpoint source water pollution. Therefore, the extent to which nonpoint source water pollution abatement programs are implemented in Wisconsin is significantly influenced by the grant funding that is available to Wisconsin landowners. This differs from abatement of point sources of pollution, for which the responsible party generally must pay for all necessary structures and practices.

Certain sites must comply with performance standards regardless of cost-sharing availability, including: (a) livestock facilities permitted as point sources of pollution under DNR's animal waste regulatory program (Chapter NR 243 of the administrative code); (b) unpermitted small and medium livestock facilities that have a point source discharge to waters of the state; (c) persons obligated to meet standards as a condition of receiving farmland preservation tax credits; (d) expanded or modified sites that are granted a local livestock siting or manure storage permit; and (e) new agricultural operations.

Joint Allocation Plan Funding To Local Governments

LCCs are required to prepare a single annual grant request. This grant request describes staffing needs and proposed county activities for: (a) soil and water conservation and animal waste management under Chapter 92 of the statutes; and (b) financial assistance under s. 281.65 and 281.66 of the statutes for nonpoint source water pollution abatement. Annually, in response to this request, DATCP and DNR award state funds to local units of government and other project cooperators for land and water conservation activities across the state, in what is known as the joint allocation plan. Under the plan, the agencies jointly review county applications and determine if projects should be provided funding through DATCP or DNR competitive funding. The plan is submitted to the LWCB for its review and recommendation to the agencies.

Only counties that have an approved LWRM plan are eligible for funding, which must be spent consistent with that plan. LCCs are authorized to use grants for several purposes: (a) staff activities related to nonpoint source water pollution abatement, animal waste management, or other conservation activities; (b) activities that promote compliance with soil and water conservation requirements under the farmland preservation program;

and (c) best management practices related to animal waste management, nonpoint source pollution abatement, and other conservation practices determined by the county to be necessary for conservation and resource management.

DATCP has established a number of priorities for allocation of funds under the joint allocation plan. These include: (a) continuation of county staff and projects; (b) funding projects that address statewide priorities identified by DATCP and DNR; (c) the county's demonstrated commitment to implementation of its approved LWRM plan and to conservation practices; (d) the cost-effectiveness of the grant; (e) the likelihood that the grant will resolve problems specified in the county's LWRM plan; and (f) the county's demonstrated cooperation and ability to implement the project.

Table 2 provides a summary of grant awards by agency and program, and Appendix II shows a summary of joint allocation plan awards for 2021 by county. The plan is finalized before the end of each calendar year, with funds distributed the following year.

Table 2: 2021 Joint Allocation Plan Awards

Program	Grants
Agriculture, Trade and Consumer Protection	
County Staffing and Support	$9,439,100
LWRM Implementation Grants	3,500,000
Nutrient Management Grants	2,198,972
Animal Waste Management / Notice of Intent (NOI) Reserve	300,000
Nutrient Management Farmer Education Grants	258,858
Project Cooperator Grants	942,170
Subtotal DATCP	$16,639,100
Natural Resources	
Targeted Runoff Management (TRM) Grants*	$4,595,698
Notice of Discharge / Notice of Intent (NOD/NOI) Reserve	1,500,000
Urban Nonpoint Source (UNPS) Grants*	68,250
Subtotal DNR	$6,163,948
Total	$22,803,048

* TRM and UNPS grant awards provided to non-county grantees are not included in the joint allocation plan.

County Staffing and Support

The largest component of annual funding is county staffing and support grants, which fund staff at county land and water conservation departments that implement LWRM plans. Staff are eligible for funding for the following activities: (a) LWRM plan implementation; (b) conservation practice engineering, design or installation; (c) cost-share grant administration; (d) farmland preservation program administration; or (e) livestock regulation. Ineligible activities include: (a) planning and zoning; (b) parks; (c) geographic information systems; or (d) design of non-conservation practices.

For the 2019 joint allocation plan, available staffing and support funding of $9,439,100 includes $6,411,900 nonpoint account SEG and $3,027,200 GPR. Table 3 shows county staffing funding since 2015-16. Funds are awarded in a tiered process, providing each county a base allocation of $75,000. Remaining available funding is allocated consistent with statutory directives that DATCP provide full funding the first position in each county, 70% funding of a second position and 50% funding of third and subsequent positions, should sufficient funds be appropriated. In the 2021 allocation, first positions at each county were fully funded, and 67% of costs associated with second positions were funded. No funding

Table 3: County Conservation Staffing Funding

Fiscal Year	GPR	Nonpoint SEG		Annual Total
		Base	One-Time	
2016	$3,027,200	$5,036,900	$675,000	$8,739,100
2017	3,027,200	5,036,900	675,000	8,739,100
2018	3,027,200	5,936,900	0	8,964,100
2019	3,027,200	5,936,900	0	8,964,100
2020	3,027,200	5,936,900	475,000	9,439,100
2021	3,027,200	5,936,900	475,000	9,439,100

was provided for third positions, as has been the case since the 2010 cycle.

In 2019, the most recent year for which counties have reported staffing levels, 114 of 369 total FTE were supported by state funds. Other funding for positions may come from county budgets, private or other governmental grants, or other sources. County funds supported 212 positions, and all other funding supported 43.

Cost-Sharing Grants to Local Governments

DATCP and DNR both support implementation of LWRM plans through cost-sharing grants that provide up to 70% (90% in cases of economic hardship) of the cost of implementing nonpoint source water pollution prevention best management practices (BMPs). Under the joint allocation plan, each department distributes funds under several grant programs. DATCP programs include county LWRM implementation grants, nutrient management planning cost-share grants, and nutrient management farmer education grants. DNR programs include urban nonpoint source (UNPS) planning and construction grants and targeted runoff management (TRM) grants. Both DATCP and DNR administer grants for agricultural producers issued a notice of discharge or notice of intent to issue a notice of discharge (NOD/NOI) for animal wastes discharged to state waters. Several other grant programs are not managed under the joint allocation plan, including DNR's municipal flood control program and DATCP's producer-led watershed protection grant program. All of these grant programs are discussed later in detail.

In 2021, joint allocation plan funding for cost-share programs totaled $12.42 million. DATCP's portion consisted of $3,500,000 for county LWRM implementation grants, $2,199,000 for nutrient management planning cost-share grants, $258,900 for nutrient management farmer education grants, and $300,000 for animal waste and NOI grants. DNR's portion consisted of $4,595,700 for TRM grants, $1,500,000 for NOD/NOI grants and $68,300 for UNPS grants. (DNR provides UNPS grants primarily to non-county grantees, and the statutes do not require these amounts be included in the plan.)

Project Cooperator Grants

As part of the joint allocation plan, DATCP has customarily funded projects to support statewide priorities of nutrient management, technical standards development, and training. The 2021 allocation includes an allocation of $527,500 to the UW-Madison College of Agricultural and Life Sciences (CALS). Of this $527,500: (a) $280,000 is allocated for maintenance and improvement of SnapPlus software used for nutrient management planning and related soil and nutrient management projects; (b) $227,500 is allocated for outreach, education, and training by the Nutrient and Pest Management Program in UW-CALS; and (c) $20,000 is allocated for development and maintenance of nutrient application guidance.

The 2021 allocation also provides funding of: (a) $225,400 to WI Land + Water; (b) $38,000 to the Standards Oversight Council to support the development and maintenance of technical standards for soil and water conservation practices in Wisconsin; and (c) $151,300 to Ashland, Langlade, Marathon, Monroe, and Sauk counties for incentives related to farmland preservation program participation.

DATCP Grant Programs

DATCP administers the majority of its nonpoint grant programs as grant awards to counties that distribute it locally. DATCP grants are intended to support implementation of county LWRM plans and state nonpoint performance standards. The following section describes

DATCP's grant programs under its soil and resource management program, eligibility requirements, and awards.

LWRM Implementation Grants

The 2021 joint allocation provided $3,500,000 in bonding to counties for grants for implementation of LWRM plans. Grants are provided by the county to landowners on a reimbursement basis. The bonding proceeds provide up to 70% (90% in cases of economic hardship) of the cost of installing nonpoint source water pollution BMPs, which are discussed in Appendix I. The Wisconsin Constitution generally requires bonds be used for permanent improvements that benefit the state's waters, thus practices supported by these grants are structural in nature. "Soft" non-structural practices are supported by nonpoint SEG, as discussed later. Bonding is supported by debt service payments from the nonpoint account of the environmental fund.

Nutrient Management Planning Grants

Under the 2021 joint allocation, DATCP provided $2,199,000 to counties to be distributed to landowners as cost-share payments for non-structural practices, primarily nutrient management planning (NMP). Landowners are eligible for NMP funding of $10 per acre per year for four years under ATCP 50. A small amount of this funding is also provided for other non-structural practices. Beginning in 2021, counties that have more than 75% of their cropland covered by a nutrient management plan are eligible to expend up to 50% of cost-share funding for other practices. Funding is provided from nonpoint SEG, rather than bonding, because the Wisconsin Constitution generally requires bond-supported activities to be permanent structural improvements.

DATCP determines the allocation of NMP funding based on a number of criteria: (a) the size of county agricultural enterprise areas, which is a component of the farmland preservation program that target areas for agricultural development and preservation; (b) the extent of impaired waters; (c) the number of nutrient management checklists submitted to DATCP demonstrating active nutrient management plans in the county that comply with USDA standards; (d) county acres in farmland; (e) cumulative spending over the past three years; and (f) nutrient management farmer education grants received in the previous two years.

DATCP estimates that approximately 3.4 million acres in Wisconsin were under nutrient management planning in 2019. The 2019 amount reflects about 37% of Wisconsin's harvested cropland, which comprises about 9.2 million acres, according to the 2017 USDA Census of Agriculture. This total includes: (a) 1,533,000 acres under cost-sharing grants from DATCP, DNR or NRCS, or receiving farmland preservation tax credits; (b) 1,080,000 acres at concentrated animal feeding operations (CAFOs), which have wastewater discharge permits under provisions of NR 243, and must practice nutrient management planning regardless of cost-sharing availability as a condition of their wastewater discharge permit; (c) 683,000 acres under a local ordinance for manure management or livestock siting; and (d) 110,000 acres outside of a specific program.

Nutrient Management Farmer Education Grants

For 2021, DATCP awarded $258,900 nonpoint SEG to nutrient management farmer education (NMFE) grants. NMFE grants allow recipients to conduct workshops or other training to provide basic education to farmers on nutrient management principles. Grants also may fund stipends to farmers to assist with costs of training or soil sampling. DATCP reports most training results in farmers writing their own nutrient management plans, which the Department expects will help farmers gain necessary understanding to properly implement the plans. DATCP reports 26% of

plans in 2019 were farmer-written. Plans written under NMFE-funded programs may help increase voluntary NMP, which may occur without the state providing cost-share funding under its nutriaent management planning grants that compel farmers to participate.

Animal Waste Management / Notice of Intent Reserve

DATCP reserved $300,000 in nonpoint SEG-supported bonding under the 2021 joint allocation for grants for structural projects related to animal waste management. Funds are awarded to counties, who in turn provide funds to landowners. Funding is provided on a noncompetitive basis either: (a) in response to a notice of intent (NOI) to issue a notice of discharge (NOD); or (b) under recommendation of a discharge site identified by DATCP engineers, especially for managing runoff from feedlots and feed storage. Grants are intended to provide the 70% funding necessary to compel implementation of conservation practices by landowners. DNR awards primarily NOD grants, as discussed in a later section, while DATCP only awards grants for NOIs, reflecting the voluntary nature of projects. The Departments collaborate on grant awards to ensure cost-efficient allocation of funding.

Producer-Led Watershed Protection Grants

Since 2015-16, DATCP has provided grants to agricultural producer-led groups that conduct nonpoint source pollution abatement activities. During the 2019-21 biennium, grants are budgeted at $750,000 nonpoint SEG each year. During the 2019 and 2020 grant rounds, 30 unique groups received grants totaling $1.5 million, with 21 receiving grants in both rounds. A listing of 2019 and 2020 recipients can be found in Appendix III.

The grants, up to $40,000 per recipient per fiscal year, are available to groups that: (a) include at least five agricultural producers; (b) operate eligible farms meeting minimum farm income requirements under the farmland preservation program; (c) operate in one watershed; and (d) collaborate with at least one of the following: (1) DATCP; (2) DNR; (3) a county land conservation committee; (4) UW-Extension or the Discovery Farms program; or (5) a nonprofit conservation organization.

Under administrative code Chapter ATCP 52, DATCP specifies allowable purposes and reimbursable expenses for the program. Grants may be used for the following purposes: (a) startup, planning, and shared learning activities; (b) surveying and identification of management practices and solutions; (c) development of innovative techniques that increase current benefits or identify new benefits; (d) increasing participation in conservation via education, outreach, or incentive payments; (e) measurement and promotion of the benefits of conservation practices; and (f) water quality monitoring and soil testing. Reimbursable expenses include personnel costs for a group's coordinator, incentive payments, outreach and education events, and water quality monitoring and soil testing. Reimbursement is conditioned upon progress reporting and an annual report.

DNR Grant Programs

DNR funding for pollution management practices is distributed mostly through competitive grant programs. These competitive grants are intended to assist landowners and governmental units in controlling nonpoint source pollution by complementing staffing and practice grants made to counties by DATCP.

DNR administers the following three competitive grant programs under the noted chapters of the administrative code: (a) the targeted runoff man-

agement program (NR 153); (b) the urban nonpoint source and storm water grant program (NR 155); and (c) the municipal flood control program (NR 199). (Recent grants under these programs are listed in Appendices IV, V, and VI.) DNR also provides, in conjunction with DATCP, animal waste control grants to livestock operations issued an NOD or NOI.

Targeted Runoff Management (TRM) Grants

TRM grants provide financial assistance to projects addressing water quality concerns or impairments, primarily in rural and agricultural settings. Funds come from general obligation bonding, nonpoint SEG, and federal funding under Section 319 of the Clean Water Act. DNR awarded TRM grants to nine projects for $2,697,600 in 2020, and 22 projects for $5,228,400 in 2021. For a complete list of grant awards in 2021, see Appendix IV.

Grants support pollution abatement in high-priority areas, characterized by: (a) a need to comply with DNR nonpoint source performance standards; (b) the existence of impaired waters as identified by DNR and the Environmental Protection Agency (EPA); (c) the existence of outstanding or exceptional resource waters as designated by DNR; (d) the existence of threats to public health; (e) the existence of an animal feeding operation that has received a NOD or NOI; or (f) other water quality concerns of national or statewide importance. DNR provides TRM grants in four categories: (a) large-scale total maximum daily load (TMDL) implementation; (b) small-scale TMDL implementation; (c) non-TMDL large-scale control projects; and (d) non-TMDL small-scale control projects. A summary of grant categories, eligibility criteria, and awards is provided in Table 4.

TRM grants support implementation of TMDLs in Wisconsin. Under Section 303(d) of the Clean Water Act, DNR is required by EPA to report biennially on all waters it has identified as impaired, meaning they do not meet water quality standards. DNR is required to develop a TMDL report for all waters it identifies as impaired. TMDLs study pollution in a water body and set goals to limit pollution to a level that will allow the water body to meet water quality standards.

Since DNR has yet to develop TMDLs for all waters it has identified as impaired in the state, TRM funds are also available to non-TMDL projects, so long as they focus on attaining performance standards of Chapters NR 151 and ATCP 50 of the administrative code. Non-TMDL projects must be guided by a watershed plan or other

Table 4: Targeted Runoff Management Grants

Category	Purpose	Eligible Activities	Project Length	Maximum Award	2020 Awards	2021 Awards
Large-Scale TMDL	Agricultural projects that implement a TMDL	Construction of structural BMPs, implementation of non-structural BMPs, some limited staff costs	3 years*	70% of project costs, up to $1 million	$1,573,700	$2,060,100
Large-Scale Non-TMDL	Agricultural projects that implement state performance standards in an area of 8 to 39 square miles				0	309,500
Small-Scale TMDL	Agricultural and limited urban nonpoint projects that implement a TMDL	Construction of structural BMPs, acquisition of property rights to support construction	2 years*	70% of project costs, up to $150,000	502,500	2,188,800
Small-Scale Non-TMDL	Agricultural and limited urban projects that implement state performance standards	Projects that implement BMPs			621,400	670,000
				Total	**$2,697,600**	**$5,228,400**

*Projects may be extended by one year, if approved by DNR.

strategy for achieving water quality goals in the area.

TRM grants provide reimbursement of up to 70% of eligible costs. Projects provide funding for construction of structural BMPs, such as manure storage facilities or filter strips, or non-structural BMPs, such as cropping practices. Eligible BMPs under the TRM program are explained in Appendix I. Grants may also support property acquisition costs for structural practices, or staff costs. DNR awards a small amount of TRM awards for staff costs directly related to a funded project.

Only nonpoint sources of water pollution are eligible for TRM grants. This excludes certain nonpoint sources that are considered point sources and required to have a Wisconsin pollutant discharge elimination system (WPDES) permit from DNR, such as concentrated animal feeding operations (CAFOs) and more urbanized municipalities in Wisconsin, including some University of Wisconsin System campuses, that have municipal separate storm sewer systems (MS4) storm water discharge permits. Small-scale grants may support either agricultural or urban projects, although DNR has not awarded funds to urban projects in recent years. In lieu of TRM funding, urban projects are supported by the UNPS and MFC programs. Most TRM grants thus go to rural counties or small municipalities, and most of these grants in turn are provided to landowners to assist with costs of improvements made on privately held agricultural lands.

Urban Nonpoint Source and Storm Water Grant Program

Under the urban nonpoint source and storm water (UNPS) grant program, DNR provides urban municipalities financial assistance for planning or construction of urban runoff prevention practices that meet requirements of performance standards under NR 151, achieve water quality standards, protect groundwater, and help municipalities meet municipal storm water permit conditions of administrative code Chapter NR 216. Recipients must have a local program that ensures implementation of construction-site runoff controls and storm water management for newly constructed or redeveloped sites. UNPS grants are funded by nonpoint SEG and bonding, with debt service supported by the nonpoint account.

The UNPS grant program contains two grant categories. Planning grants help local governments cover various non-construction costs including engineering designs not specific to a project, feasibility studies, public information initiatives, ordinance drafting, and ordinance enforcement. Planning activities may cover developed areas, new development, or redevelopment projects. Planning grants are supported by nonpoint SEG, as non-construction costs cannot be supported by bonding.

UNPS construction grants provide funding for physical improvements. Eligible projects include: (a) stream bank and shoreland stabilization; (b) structural BMPs for abating urban runoff, including costs of land acquisition, storm sewer rerouting, and structure removal; and (c) other activities, such as improved street sweeping. Costs associated with designing and building a BMP are allowable uses of grant funding. Ineligible construction-related activities include, among others: (a) BMPs associated with new development; (b) most replacement costs for BMPs; (c) BMPs whose installation began prior to the beginning of grant or cost-share agreements; and (d) BMPs for runoff that was adequately controlled at the time of a grant or cost-share agreement but has since undergone significant changes in land use. Construction grants may be funded by general obligation bonding or nonpoint SEG.

Governmental units, including the UW Board of Regents, may apply for UNPS grants. Administrative rules for the UNPS program (NR 155) do not allow construction grants to support abatement

of discharges covered under WPDES permits other than MS4 storm water discharge permits. This prohibits UNPS construction grants from supporting BMPs at private industrial properties to contain storm water runoff from sources associated with or contaminated by industrial activity. These sources have separate storm water discharge permitting requirements under NR 216.

All UNPS grants have a maximum state cost-share rate of 50%. The maximum amount for a construction grant is $150,000 and the maximum planning grant is $85,000. In addition, construction projects that involve land acquisition or permanent easements are eligible for an additional $50,000. Both construction and planning grants are limited to two years per project, although DNR may approve a one-year extension. The UNPS program and the municipal flood control and riparian restoration program, discussed later, share nonpoint SEG and bonding sources. State law does not specify how program funds are to be divided between the UNPS planning, UNPS construction, and municipal flood control programs, except that non-capital activities may not use bond funding. DNR attempts to allocate funding approximately equally between the programs as new bonding authority is provided each biennium, although actual spending on projects selected for grants affects how funds are expended.

DNR accepts applications for UNPS grants in alternating years, with planning grants awarded in odd years and construction grants in even years. UNPS planning grants awarded in 2019 for 2020 projects totaled $974,100. UNPS construction grants awarded in 2020 for 2021 projects total $2,533,400. A list of grant recipients can be found in Appendix V.

Municipal Flood Control and Riparian Restoration Program

The municipal flood control and riparian restoration (MFC) program provides grants to cities, villages, towns, or metropolitan sewerage districts with the goal of minimizing flooding and preventing flood-related damage through flood proofing, restoration activities, and acquisition of at-risk property. MFC grants may cover 50% of eligible costs, and may not exceed 20% of total program funding in a given year. The municipal flood control program offers two types of grants. Local assistance grants fund planning and administrative costs. Acquisition and development grants fund purchases of perpetual flowage and conservation easement rights on land within a flood way, as well as flood proofing of structures remaining in a 100-year flood plain. Awards are provided once per biennium, with awards for projects in 2021 and 2022 awarded in 2020. Appendix VI shows preliminary grant awards under the program for the 2021-2022 cycle, with 17 projects totaling $2,640,900. As with UNPS grants, MFC grants are supported by nonpoint SEG and bonding, with debt service supported by the nonpoint account.

Project priority is ranked by activity in the following manner: (a) acquisition and removal of structures that cannot be rebuilt, or are in the 100-year flood plain; (b) acquisition and removal of repetitive loss structures or other flood damaged structures; (c) flood proofing, including reinforcement of walls, anchoring, or placement of utilities above flood levels; (d) restoration activities, including removal of dams, and stream bank and habitat restoration; (e) acquisition of vacant land for flood water flowage easements; (f) construction of detention ponds; and (g) flood mapping.

Under the statutes, projects must: (a) not transfer flooding downstream or accelerate upstream runoff; (b) not channel a stream or line a natural stream bed with concrete; (c) provide adequate opportunity for public use access to the stream and flood way; (d) to the extent practical, cause no harm to existing beneficial functions of water bodies and wetlands; (e) maintain aquatic and riparian environments; and (f) use storm water retention and detention structures and natural storage. DNR

has specified additional program provisions in administrative code Chapter NR 199.

Notice of Discharge / Notice of Intent Reserve

Similar to DATCP, DNR reserved $1,500,000 nonpoint SEG-supported bonding under the 2021 joint allocation plan for grants for construction projects related to animal waste management. Funds are awarded to counties who in turn provide noncompetitive grants to landowners. DNR awards funds primarily under notices of discharge (NOD), but may also provide funds under notices of intent (NOI) to issue an NOD. While DATCP provides funding only under NOIs, the Departments collaborate on grant awards to ensure cost-efficient allocation of funding. NODs reflect a regulatory order that require implementation of BMPs to ensure compliance with state performance standards. DNR issues NOD/NOI grants as the state's share of cost-share funding of up to 70% necessary to compel compliance with the NOD/NOI. As in other programs, bond revenues generally may only fund permanent structural improvements.

Federal Programs

Farm Bill Programs

In addition to federal funding provided to DNR for disbursement, federal funding may be received by landowners for implementation of conservation practices and land retirement under a variety of federal programs administered by the USDA's Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA). The programs described in the following paragraphs receive funding under the federal Farm Bill, which was reauthorized on December 20, 2018. The 2018 Farm Bill generally reauthorizes USDA discretionary programs through federal fiscal year 2023. As shown in Table 5, $90.2 million was allocated in federal fiscal year 2019 to Wisconsin landowners and local governments under NRCS and FSA programs.

Table 5: Federal Land and Water Conservation Funding Available in Wisconsin -- Federal Fiscal Year 2019

Program	Funding (Millions)
Environmental Quality Incentives Program	$38.2
Conservation Stewardship Program	18.2
Agricultural Conservation Easement Program	3.0
Conservation Reserve Program	30.8
Total	$90.2

Environmental Quality Incentives Program (EQIP). Administered by NRCS, EQIP offers financial support and technical assistance to eligible participants for the installation or implementation of structural and management practices on eligible agricultural land. EQIP contracts generally pay up to 75% of the cost of eligible conservation practices, or up to 100% of income foregone due to certain practices. EQIP participants enroll in the program under contracts of up to 10 years. Aggregate payments to any person or legal entity are capped at $450,000 for the five-year period beginning in federal fiscal year 2019 through 2023. The Wisconsin NRCS office reports EQIP funding available in the state for the 2018-19 federal fiscal year was $38.2 million.

Conservation Stewardship Program (CSP). Administered by NRCS, CSP provides financial and technical assistance by awarding incentive payments to landowners for implementation of conservation practices. Agricultural producers may apply to enter into five-year contracts providing: (a) annual payments for installation of new conservation practices and maintenance of old practices; and (b) supplemental payments for adopting crop-rotation systems. Payments are to be based on expected environmental benefits, costs to the producer for installation, and foregone income. Contracts are set at a maximum of

$200,000 per person or $400,000 for a joint operation during the five-year contract period. In federal fiscal year 2019, Wisconsin NRCS reports expenditures of $18.2 million on CSP, covering 3,696 contracts and 120,280 acres.

Agricultural Conservation Easement Program (ACEP). ACEP consists of an agricultural land easement and a wetland reserve easement. Agricultural land easements seek to preserve agricultural land use and its associated conservation benefits. Wetland reserve easements seek farmed or converted wetlands to restore to their original purpose. In each case, ACEP provides easements of varying lengths to landowners in exchange for the owner maintaining the land in accordance with program specifications. In federal fiscal year 2019, Wisconsin NRCS reports that agricultural land easement payments totaled $1.9 million and wetland reserve easement payments totaled $1.1 million.

Conservation Reserve Program (CRP). Administered by the USDA Farm Service Agency, CRP encourages private landowners to establish vegetative covers on land susceptible to erosion. CRP contracts range from 10 to 15 years, and owners receive rental payments based on: (a) the relative productive capacity of soils on a county-level basis; and (b) the area's average cash rent or cash-rent equivalent. CRP lands may also be eligible for: (a) up to 50% cost sharing for establishing vegetative covers; (b) per-acre payments for maintenance practices; and (c) up-front signing incentives for committing to certain conservation practices. As of September, 2020, Wisconsin had 13,506 CRP contracts in effect covering 8,647 farms and 202,149 acres. Statewide average annual rental payments were $142 per acre, with annual payments totaling approximately $30.8 million. (These figures include payments for and acreage enrolled in the Conservation Reserve Enhancement Program, which is discussed in the following paragraphs.)

Conservation Reserve Enhancement Program (CREP). CREP is a subprogram of CRP and is administered by both the USDA and the state of Wisconsin. Participating landowners voluntarily establish conservation practices on environmentally sensitive agricultural land near bodies of water. The conservation practices are intended to decrease erosion, restore wildlife habitat, and safeguard groundwater and surface water, while leaving most acreage in agricultural production. Enrollment is through 15-year agreements or perpetual easements.

USDA pays enrollees annual land rental payments for 15 years, as well as cost-sharing assistance for 50% of the cost of installing conservation practices. Eligible CREP conservation practices include riparian buffers, filter strips, wetland restoration, and establishment of native grasslands in two designated grassland project areas. The state of Wisconsin also makes up-front, one-time incentive payments of 1.5 times the annual rental rate for 15-year easements and 12 times the annual rental rate for permanent easements, as well as 20% cost sharing for eligible costs of establishing conservation practices.

The state is required to provide a 20% overall match to a federal grant of up to $200 million. As such, the state originally authorized $40 million in general obligation bonding authority, which was later reduced to $28 million in 2009. Since its inception through October 1, 2019, net state incentive costs for CREP total $19.0 million, consisting of $6.7 million in incentive payments for perpetual easements, $10.5 million in incentive payments for 15-year agreements, and $2.4 million in cost-share payments for installation of conservation practices, and $600,000 in returned payments for relinquished agreements and easements. Additionally, counties report $3.6 million in spending for staff and other implementation costs.

As of September, 2020, Wisconsin has 3,686 active CREP contracts covering 2,590 farms and

35,900 acres, with average annual rental payments of $226 per acre totaling $8.1 million annually paid by USDA. As of 2019, practices funded by CREP: (a) buffer 900 miles of stream or shoreline, part of the state goal of 3,700 miles; (b) prevent 94,000 pounds of phosphorus deposition annually, part of the state goal of 610,000 annually; (c) prevent 51,000 pounds of nitrogen deposition annually, part of the state goal of 305,000 annually; and (d) prevent 47,000 tons of sediment deposition annually, part of the state goal of 335,000 tons.

Great Lakes Restoration Initiative

The Great Lakes Restoration Initiative (GLRI) began in 2010 as a coordinated effort among several federal agencies to provide federal funding to address concerns in the Great Lakes watersheds pertaining to water quality, public health and wildlife habitat. According to a federal GLRI grants database, approximately $2.7 billion in GLRI grants has been awarded from 2010 through March, 2020. Projects located primarily in Wisconsin have been granted $406 million in that period from EPA, the U.S. Department of the Interior, the U.S. Army Corps of Engineers, USDA, the U.S. Department of Commerce, the U.S. Department of Transportation, the U.S. Department of Health and Human Services, and their constituting agencies. Projects include those related to addressing runoff and nonpoint source pollution, as well as other contamination from toxic or hazardous substance discharges. Of this amount, the majority, $221 million, has been awarded by EPA. Not included in the total are other amounts for multistate awards that may have Wisconsin components.

CHAPTER 2

PROGRAM FUNDING AND ADMINISTRATION

This chapter describes the funding for and administration of the soil and water resource management and nonpoint source water pollution abatement programs in Wisconsin. Funding comes primarily from GPR, the nonpoint account of the environmental fund (SEG), bonding revenues supported by nonpoint account SEG, federal Clean Water Act awards, and the federal Farm Bill.

Nonpoint Account of the Environmental Fund

The segregated environmental fund consists of: (a) the nonpoint account, which is the primary funding source for nonpoint source water pollution abatement programs in Wisconsin; and (b) the environmental management account, which primarily supports DNR programs related to recycling, groundwater, and cleanup of contaminated lands. The two accounts are statutorily designated as one fund but are tracked separately for budgetary purposes. For discussion of the environmental management account, see the Legislative Fiscal Bureau's paper entitled "Environmental Management Account." Table 6 summarizes the condition of the nonpoint account for fiscal years 2017-18 through 2020-21.

Revenues

Both accounts of the environmental fund rely heavily on revenues from several solid waste tipping fees. Wisconsin landfills pay state solid waste tipping fees for each ton of solid waste disposed of at a landfill. State solid waste tipping fees total $12.997 per ton for most solid waste disposed of at Wisconsin landfills, including municipal solid waste and non-high-volume industrial waste. Of this total, $3.20 per ton is deposited into the nonpoint account. As seen in Table 6, tipping fee revenues represent more than half of nonpoint account revenues annually. Fee revenues totaled $17.6 million in 2019-20, but have fluctuated substantially in recent years. The variation shown represents fiscal year-end timing issues associated with collection of these fees. Tipping fees are collected from billings issued by DNR each May. As a result, a portion of billings are not collected until the subsequent fiscal year.

The nonpoint account also receives an annual GPR transfer to support its operations. This fee originated from an automobile title transfer fee deposited into the nonpoint account. At the time, the fee was chosen in recognition of nonpoint source water pollution attributable to the state's transportation infrastructure and vehicle operation. In 1997, statutory changes required the fee be deposited into the transportation fund, and it was replaced with a GPR transfer equal to collected fees. The 2007-09 biennial budget act later established a sum-certain GPR transfer consistent with historical amounts of title fee transfer revenue. This amount has been adjusted occasionally, and was most recently reduced from $11,143,600 to $7,991,100 annually beginning in 2017-18 under 2017 Wisconsin Act 59, the 2019-19 biennial budget act.

In recent years, tipping fee revenues and GPR funding have been insufficient to support budgeted nonpoint account appropriations. In order to maintain a positive account balance, the account has been supported with transfers from the environmental management account. In the 2017-19 biennium, the decrease in the annual GPR transfer

Table 6: Nonpoint Account Condition

	Actual 2017-18	Actual 2018-19	Actual 2019-20	Estimated 2020-21	2020-21 Staff
Opening Balance	$6,619,000	$11,057,700	$11,395,400	$11,943,700	
Revenue:					
GPR Transfer	$7,991,100	$7,991,100	$7,991,100	$7,991,100	
Tipping Fee*	21,921,800	19,491,300	17,639,300	18,165,600	
Env. Mgmt. Acct. Transfer	3,652,500	3,652,500	6,150,000	6,150,000	
Interest and Misc. Income	28,900	98,400	289,500	209,600	
Total Revenue	$33,594,300	$31,233,300	$32,069,900	$32,516,300	
Expenditures:					
Agriculture, Trade and Consumer Protection					
Soil and water management admin.	$2,216,400	$2,303,700	$2,316,200	$2,319,000	20.30
County staffing grants	5,512,600	5,936,900	5,936,900	6,411,900	0.00
Soil and water management grants	2,257,100	3,003,100	3,929,000	4,425,000	0.00
Debt service	4,114,400	4,692,200	4,701,300	4,852,200	0.00
Natural Resources					
Nonpoint source operations	$1,215,000	$872,900	$2,062,500	$2,169,500	18.15
Department operations	366,500	370,000	433,900	436,300	1.00
Nonpoint source contracts	831,100	955,000	642,900	767,600	0.00
Urban nonpoint source grants	1,005,200	1,305,900	337,100	500,000	0.00
Rural TRM/NOD grants	65,000	35,900	69,700	100,000	0.00
Debt service – Facilities	104,200	108,100	111,000	176,000	0.00
Debt service – Priority watershed	6,106,200	5,788,900	5,347,500	4,693,700	0.00
Debt service – TRM	2,165,800	2,155,700	2,285,800	2,403,200	0.00
Debt service – UNPS & MFC	3,196,100	3,367,300	3,347,800	3,618,000	0.00
Total Expenditures	$29,155,600	$30,895,600	$31,521,600	$32,872,400	39.45
Cash Balance	$11,057,700	$11,395,400	$11,943,700	$11,587,600	
Encumbrances/Continuing	-13,517,000	-12,761,300	-14,350,500	-14,350,500	
Tipping fees receivable	8,377,500	7,528,800	9,116,600	9,311,000	
Available Balance	$5,918,200	$6,162,900	$6,709,800	$6,548,100	

* Tipping fees vary based on timing of year-end billings, which may be collected the following fiscal year.

to the nonpoint account was offset by a transfer from the environmental management account of $3,652,500 annually. This amount was increased to $6,150,000 annually on an ongoing basis under 2019 Wisconsin Act 9, the 2019-21 biennial budget act.

Expenditures

The following section discusses budgeted 2020-21 expenditures for programs supported by the nonpoint account. It should be noted that budgeted amounts do not closely reflect annual grant awards discussed in previous sections due to the timing of grant awards, returned funds, projects finishing under cost, and the reimbursement nature of many grant programs, all of which may delay expenditure of funds or make available additional funding.

Debt Service. The largest expenditure category within the nonpoint account is principal and interest payments primarily for general obligation bonds issued for SWRM and nonpoint grant programs discussed previously. Debt service funds also support the now-discontinued priority water-

shed program, the predecessor to current nonpoint programs. Finally, a small amount of debt service is for DNR facilities proportionally attributed to nonpoint programs. In 2020-21, debt service represents 48% of budgeted nonpoint SEG expenditures, totaling $15,743,100, with $4,852,200 under DATCP and $10,890,900 under DNR.

DATCP Grants. As discussed previously, DATCP supports a number of its SWRM grant programs with nonpoint SEG, including county conservation staff funding, cost-sharing grants for nutrient management planning and other soft conservation practices, producer-led watershed protection grants, nutrient management farmer education grants, and project cooperator grants. These are supported by two appropriations totaling $10,836,900 in 2020-21, with the majority (59%) of funding directed towards county conservation staff.

DNR Grants. Similar to DATCP, DNR supports a number of its nonpoint grant programs with nonpoint SEG. These grants typically support non-structural practices in the TRM, UNPS, and MFC programs that would not be eligible for bond funding. Total budgeted nonpoint SEG amounts for DNR grants are $600,000 in 2020-21.

DNR Nonpoint Contracts. DNR is appropriated funds for contracts with entities providing research, education, and outreach related to its nonpoint programs. 2019 Act 9 provided funding of $767,600 each year under a biennial authorization, consisting of $500,000 in one-time funding and $267,600 in ongoing funding. Historically, these contracts have been awarded primarily to UW-Extension and other UW System institutions. In the 2019-21 biennium, funding is allocated to: (a) the Natural Resources Education Program at UW-Madison Division of Extension ($300,500 in 2019-20 and $355,900 in 2020-21); (b) UW-Madison Soils Department development and maintenance of SnapPlus nutrient management planning software ($180,000 annually); (c) nonpoint runoff research at the U.S. Geological Survey ($110,200 in 2019-20 and $80,000 in 2020-21); (d) development and maintenance of a best management practices implementation and tracking tool ($80,000 in 2019-20 and $75,000 in 2020-21); (e) Standards Oversight Council nonpoint best management practices coordination activities ($42,000 annually); (f) outreach by the Center for Land Use Education at UW-Stevens Point ($20,000 annually); and (g) UW-CALS development of nitrate management tools ($40,000 in 2020-21). DNR notes that the terms and amounts of these contracts have been subject to amendment due to the COVID-19 pandemic.

DATCP Staff and Administration. A portion of nonpoint SEG funds support staff and administrative costs related to each department's nonpoint programs. Table 7 shows nonpoint SEG funding for these purposes, as well as funding from other sources. (Other sources are described in a following section.) DATCP activities are supported by $2,316,200 in 2019-20 with 20.30 positions as part of the Bureau of Land and Water Resources, as seen in Table 7. Supported activities include establishing technical standards for nonpoint pollution, assisting the development of nonpoint pollution abatement measures, providing agricultural engineering assistance across the state through five field offices, implementing the farmland preservation program, providing nutrient management support, overseeing county LWRM planning, managing grant programs and evaluating nonpoint pollution abatement efforts.

DNR Staff and Administration. DNR activities are supported by $2,496,400 and 19.15 positions from the nonpoint account in 2019-20. DNR staff dedicated to nonpoint operations, totaling 18.15 positions for $2,062,500, conduct the following activities: (a) grant administration; (b) policy development; (c) regulation, permitting, and enforcement of WPDES permits for CAFOs and smaller facilities that have been sources of manure or process wastewater discharges to state waters; (d) coordination and technical support related to implementation of agricultural performance

Table 7: 2019-20 Administrative Funding and Positions

	DATCP		DNR	
Source	Funding	Staff	Funding	Staff
GPR	$0	0.00	$994,400	8.50
FED	191,100	1.50	2,421,200	24.00
SEG-NP	2,316,200	20.30	2,496,400	19.15
SEG-EIF	0	0.00	180,900	2.00
PR	0	0.00	1,872,200	17.50
Total	$2,507,300	21.80	$7,965,100	71.15

standards; (e) wastewater engineering; (f) research, evaluation, and monitoring of nonpoint source water pollution; and (g) website development for permitting and access to water-related data.

The nonpoint account also supports 1.0 position and $433,900 in 2019-20 for a portion of departmentwide activities attributable to nonpoint programs, such as legal services, finance and auditing, administrative and field services, data processing, information technology, human resources, facility rental costs, grant management, licensing, and public information.

Other Funding Sources

General Purpose Revenue

In addition to the $7,991,100 GPR annually transferred to the nonpoint account, DATCP and DNR receive other appropriations of GPR for nonpoint programs. DATCP is appropriated $3,027,200 each year in the 2019-21 biennium for county conservation staff awards, as discussed previously. DNR also uses GPR appropriated to its Watershed Management program to support its CAFO regulatory duties, estimated to cost $994,400 with 8.50 positions in 2019-20.

Program Revenue

DNR is authorized $1,794,100 PR annually in 2019-21 with 16.50 positions under an annual appropriation for storm water management and permitting. The DNR storm water program is responsible for annual WPDES permitting of municipalities, industrial sites, and construction sites required to operate under permits for their storm water discharges. The program also conducts inspections and enforcement of permit violations. DNR is also authorized 1.0 PR position for CAFO regulatory duties, funded from CAFO permit revenues. In 2019-20, this position cost approximately $78,100. Storm water management and CAFO regulation are discussed in greater detail in Chapter 3.

Bond Revenue

Under recent biennial budgets, DNR and DATCP have regularly received additional bonding authority to finance long-term nonpoint source water pollution abatement programs. Programs supported by bond revenues represent long-term improvements to the state's waters. To reflect the long-term benefits of these improvements, projects are financed through bond revenues and subsequent debt service payments. All nonpoint grant program debt service payments are supported by the nonpoint account of the environmental fund.

Under 2019 Act 9, DATCP was provided $7,000,000 in additional bonding authority for its bond-funded programs, which include LWRM implementation grants and animal waste management grants. Act 9 provided DNR $6,500,000 in additional bonding authority for its rural nonpoint programs, including TRM and animal waste management grants, and $4,000,000 for its UNPS and MFC programs. Both departments customarily allocate their entire bonding authorization during each biennium, including any previously unallocated amounts from prior years.

Federal Funds

Federal Grants to DATCP. DATCP has occasionally received federal grants for projects related to nonpoint programs. In 2019, DATCP was awarded a five-year conservation collaboration grant totaling $342,400 from NRCS to provide technical support to producer-led watershed groups. In 2020, DATCP received $31,600 from EPA to support regional meetings and other nonpoint source pollution control activities of producer-led groups.

USDA Programs. As discussed previously, federal programs from USDA's NRCS and FSA were allocated $90.2 million in federal fiscal year 2019, available for the installation of conservation practices to prevent nonpoint runoff and soil erosion, restore wetlands and wildlife habitat, and retire agricultural land.

Clean Water Act. DNR and DATCP receive funds from EPA under the Clean Water Act to support activities related to nonpoint source pollution control (Section 319 of the Act) and general surface water and groundwater pollution control (Section 106). In 2019-20, DNR allocated Section 319 funds totaling $536,800 that support 4.0 positions, and Section 106 funds totaling $1,884,400 that support 20.0 positions. In addition, DNR transferred $191,100 in Section 319 funds to DATCP in 2019-20 to support 1.50 positions for conservation engineering field work related to education, design, and implementation of BMPs. These amounts are seen in Table 7.

Also under the Clean Water Act, DNR and DOA administer the clean water fund program, which provides subsidized loans to municipalities for wastewater treatment infrastructure and facilities. Funding may also support nonpoint source pollution abatement and storm water management projects. The subsidized interest rate is 55% of the market rate in most instances. As of June 30, 2020, the program has funded 26 nonpoint or urban storm water projects for $23,414,900, although no such projects have been funded since 2012. The Legislative Fiscal Bureau informational paper entitled, "Environmental Improvement Fund" describes the clean water fund program.

The environmental improvement fund (EIF) also provided 2.0 positions and $180,900 EIF SEG in 2019-20 for CAFO regulatory activities within DNR. 2017 Act 59 expanded eligible activities under the environmental improvement fund to allow DNR to support CAFO regulatory staff.

Other Federal Funds. Grant recipients in Wisconsin have received federal Great Lakes Restoration Initiative funding of at least $406 million since 2010, as discussed previously.

Adaptive Management, Water Quality Trading and the Multi-Discharger Variance for Phosphorus

In addition to traditional grants and agency support for nonpoint source water pollution abatement, alternative approaches to water quality improvement are available through adaptive management (AM) and water quality trading (WQT) programs. Both AM and WQT approaches recognize that discharges of pollutants to a watershed can more readily be reduced by engaging multiple entities to cooperate on abatement activities, notably from nonpoint sources, to achieve the most cost-effective solutions to water quality issues. While point sources, such as wastewater treatment plants or industrial facilities, may have discharges that are easier to identify and monitor, such entities have already achieved reductions of certain regulated pollutants, and pursuing additional reductions may be technologically difficult or expensive. At the same time, nearby nonpoint sources may have relatively fewer pollution controls and may be able to manage their runoff with lower-cost practices to help meet water quality standards for area waters.

The following sections discuss both AM and WQT programs. While each seek similar results,

they do so through different approaches. AM seeks pollution reductions based on attainment of a certain water quality standard of an entire waterbody, while WQT represents equivalent, measured reductions of a given pollutant from different sources within the same watershed. In both instances, point and nonpoint source dischargers cooperate to reduce pollutants in a watershed through more cost-effective means.

Water Quality Trading. Section 283.84 authorizes DNR to administer a WQT program under the federal Water Pollution Control Act. Under water quality trading agreements, WPDES-permitted point sources may enter into agreements with credit generators to offset the following pollutants, among others: (a) phosphorus; (b) total suspended solids (TSS); (c) temperature; and (d) nitrogen. Credit generators may include: (a) other point sources who agree to reduce their discharges; (b) DNR or local governmental units that will use funds to reduce nonpoint pollution, often through cost-share grants; (c) other watershed dischargers not under a permit, typically nonpoint sources, who agree to reduce their discharges; (d) the WPDES-permitted point source, if operators are implementing their own project to reduce pollution outside their permitted discharges; (e) a clearinghouse created under 2019 Wisconsin Act 151; or (d) other third parties approved by DNR.

Credit generators receive payments to implement practices that would reduce pollutant levels within the same watershed, and are preferred to be upstream of the trading discharger. Credits are scaled to a ratio based on factors related to the nature of the practice and its demonstrated success in reducing a pollutant. For example, a hypothetical trade ratio of 2:1 for nutrient management planning means two pounds of pollutant reduction from NMP would be worth equivalent to one pound of discharge at the point source.

As of September, 2020, DNR reports 35 dischargers are participating WQT, and 10 more are in the process of establishing trades. Of these 35 dischargers, 34 are trading pollutant credits for phosphorus, and three are trading pollutant credits for total suspended solids; two are participating in both. DNR modeling estimates these agreements reduce phosphorus discharges into surface waters by 23,300 pounds per year.

2019 Act 151 created a water pollution credit clearinghouse to facilitate the exchange of water pollution credits between dischargers and credit generators. Act 151 requires DOA to enter into a contract with a private entity to administer the clearinghouse. Credits traded through the clearinghouse must constitute a pollution reduction of 1.2 times the amount of pollution the buyer is seeking to offset, and be generated within the same watershed. DNR reports implementation of Act 151, including solicitation of a contract for a third-party administrator, is in progress as of fall 2020.

Adaptive Management. Administrative code Chapter NR 217 creates an AM option for WPDES-permitted point source dischargers of phosphorus that can demonstrate: (a) the watershed phosphorus concentration exceeds water quality standards; (b) more than 50% of the phosphorus in the watershed is attributable to nonpoint sources; and (c) technological improvements would be necessary for the plant to achieve water quality standards. Entities approved for an AM plan may take up to three five-year WPDES permit terms to meet phosphorus concentration limits, with requirements becoming progressively more stringent each term. Entities would cooperate with others in the watershed to implement eligible practices to reduce phosphorus pollution. Eligible activities funded under AM agreements include both urban and agricultural BMPs, such as porous pavement, retention basins, cover crops, nutrient management planning, and wetland restoration, among others.

Multi-Discharger Variance for Phosphorus. Federal law provides regulatory flexibility to

states for implementing water quality standards in the form of variances. A variance is a short-term deviation from pollution abatement standards that represents the highest attainable pollution abatement with given technology within a given time period. Variances are intended to allow incremental step-ups over a period of time to enable a more feasible and cost-effective implementation of pollution abatement technology. Under Chapter 283 of the statutes, point sources may apply for an individual variance on a case-by-case basis.

Effective December 1, 2010, the state promulgated new, stricter phosphorus standards for point sources under WPDES permits. DNR reports that under these new standards, almost 80% of permittees face more stringent standards than under previous standards. Subsequently, DOA analysis found that expenditures of at least $3.45 billion would be required by Wisconsin businesses and municipalities to comply with the new phosphorus rule. As a result of requirements under 2013 Wisconsin Act 378 and 2015 Wisconsin Act 205, DOA directed DNR to apply to EPA for a multi-discharger variance for phosphorus. A multi-discharger variance (MDV) means that each point source would not be required to apply individually to DNR and receive DNR and EPA approval for a variance from phosphorus standards. Instead, approval would be granted by DNR to any point source meeting certain criteria.

DNR received approval from EPA in February, 2017, for the MDV for phosphorus. Qualifying municipal and industrial wastewater treatment facilities are eligible for the variance; CAFOs and MS4s under WPDES permits are not. Facilities under the variance are required to optimize their performance in controlling phosphorus discharges, but will be allowed four WPDES permit terms, or 20 years, before being required to comply fully with effluent limits for phosphorus.

During the interim period, facilities will be required to incrementally reduce discharges, while also undertaking one of three options to reduce phosphorus discharges within their watershed. The first two options consist of either a permit holder or a third-party contractor implementing practices to reduce phosphorus discharges within the geographic drainage basin of the point source. The amount of phosphorus reduction is required to be at least as much as the difference between the point source's actual phosphorus contributions and the level it would be expected to reach to meet effluent limits. Any person conducting a project under these options must report annually to DNR on the estimated phosphorus reductions achieved by the project. If the project is shown not to effectively reduce phosphorus, the project is to be modified or terminated. For 2020, DNR reports three permittees selected the watershed project option, with two self-directed projects and one third-party project.

The third option is for the permit holder to make payments to counties in support of county nonpoint source pollution abatement activities. The payment is to be an amount per pound of phosphorus by which the point source in the previous year exceeded the level of phosphorus discharge it would be expected to reach to meet water quality standards. The amount was originally set at $50 per pound, and is annually adjusted by DNR for inflation. For 2020, it was $54.23 per pound of phosphorus. DNR approves payments for the previous year's discharges each March. Payments are proportionate to the amount of territory each county has in the watershed of discharge. For the 2019 discharge year, 34 counties received payments totaling $938,100, as seen in Table 8.

Counties must develop a plan for funds they receive. The plan must: (a) be consistent with the county LWRM plan; (b) include measures to ensure project completion and evaluation; and (c) identify projects or watersheds with the greatest potential to achieve phosphorus reductions. Funds received by counties may support: (a) cost-sharing projects to reduce phosphorus at agricultural facilities; (b) staff to implement such projects; or (c)

Table 8: 2019 Multi-Discharger Variance Payments

County	Amount	County	Amount
Brown	$5,470	Monroe	$32,410
Buffalo	24,182	Outagamie	7,905
Calumet	17,636	Ozaukee	18,183
Chippewa	11,883	Pierce	40,060
Dodge	32,199	Racine	8,724
Door	4,505	Sauk	129,114
Dunn	2,648	Shawano	17,425
Eau Claire	13,560	Taylor	44,445
Fond du Lac	36,430	Trempealeau	32,682
Grant	28,860	Vernon	33,494
Iowa	33,147	Walworth	17,597
Jackson	82,388	Washington	5,867
Jefferson	11,192	Waupaca	7,457
Juneau	37,883	Waushara	2,877
La Crosse	15,627	Winnebago	13,417
Lafayette	83,201	Wood	20,923
Manitowoc	15,460		
Marathon	49,268	Total	$938,119

modeling or monitoring of waters for planning purposes for future efforts to reduce phosphorus entry into state waters. At least 65% of funds must be used for cost-share projects. Two years after receiving a payment from a point source permit holder, a county must submit a report detailing the projects or staff funded and the estimated pounds of phosphorus reductions achieved. Reports are to be submitted to each permit holder from which it received payments, as well as DNR and DATCP. DNR is to review the reports, and if it determines funding is not being effectively used to reduce phosphorus entry to state waters, future funding can be reduced or eliminated.

CHAPTER 3

REGULATORY AUTHORITY

DNR is required to promulgate administrative rules establishing water quality standards for Wisconsin's surface waters. These standards are contained in administrative rule Chapters NR 102 through NR 105. In order to meet these water quality standards, section 281.16 of the statutes requires DNR to promulgate administrative rules to establish performance standards for nonpoint source water pollution abatement. These performance standards are set forth in NR 151, and apply to: (a) agricultural lands and facilities; and (b) non-agricultural areas including construction sites, post-construction sites, transportation facilities, and developed urban areas. NR 151 agricultural performance standards are developed in consultation with DATCP, which has promulgated administrative rules under Chapter ATCP 50 to establish agricultural conservation best management practices (BMPs) used to meet NR 151 standards. Appendix I lists agricultural BMPs, including their definitions and cost-share rates.

In certain instances, nonpoint source water pollution occurs as a result of concentrated activities and is regulated as a point source of water pollution by assigning a wastewater discharge permit under the Wisconsin Pollutant Discharge Elimination System (WPDES). NR 243 outlines nonpoint source water pollution abatement requirements under WPDES permits for concentrated animal feeding operations (CAFOs). Similarly, NR 216 outlines WPDES permit requirements for storm water dischargers, including urbanized municipalities with municipal separate storm sewer systems (MS4s), large construction sites generally of one acre or more, and industrial facilities.

Although the state has discretion in establishing its water quality standards, basic requirements are contained in the Clean Water Act and federal regulations, and states are required to establish water quality standards on these bases. If states fail to promulgate water quality standards on their own accord, federal law provides the EPA authority to promulgate water quality standards for states. In several instances, Wisconsin has been subject to review by EPA for noncompliance with federal Clean Water Act requirements. Among other more technical aspects, these reviews have affirmed DNR is the exclusively delegated entity responsible for enforcing Clean Water Act standards in Wisconsin and must administer permits and other regulatory standards without delegation to other state agencies.

This chapter describes performance standards for nonpoint source water pollution abatement imposed under NR 151, NR 243, NR 216, ATCP 50, SPS 360, and local ordinances.

Agricultural Performance Standards

NR 151

Chapter NR 151 establishes performance standards for agricultural sources of nonpoint source water pollution. Performance standards include those for: (a) erosion; (b) phosphorus; (c) nutrient management; (d) tillage setback; (e) total maximum daily load (TMDL) plan compliance; (f) manure storage and management; (g) process wastewater; and (h) clean water diversions. With the exception of certain large-scale agricultural operations discussed later, agricultural sources of nonpoint pollution are entitled to receive a cost-

share offer before being required to implement practices at an existing agricultural operation.

Erosion, Phosphorus, and Nutrient Management. NR 151 requires agricultural landowners to implement practices to limit soil erosion and phosphorus runoff. The soil erosion rate "T" and phosphorus index "P" are used in nutrient management planning to implement practices to conserve soil quality and quantity, and limit runoff of nutrients and sediment into waters of the state. NR 151 requires all application of fertilizer, manure, and other nutrients on cropland to be in accordance with a nutrient management plan, and applicable T and P limits.

Area-Specific Standards for Silurian Bedrock. Silurian bedrock has been found to allow rapid transport of contaminants from surface to groundwater without attenuating those contaminants, leading to a higher chance of groundwater contamination. NR 151 imposes more stringent, terrain-specific performance standards areas with Silurian bedrock to ensure attainment of state surface water and groundwater standards. The revisions require producers to comply with progressively more restrictive manure spreading practices in areas with less than 20 feet of soil to bedrock, and prohibit mechanical spreading for areas with less than two feed of soil to bedrock. Silurian bedrock is located in the eastern portions of Wisconsin, including Brown, Calumet, Dodge, Door, Fond du Lac, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Walworth, Washington, and Waukesha counties.

Tillage Setback. Operations must establish tillage setbacks of five to 20 feet from surface waters to prevent tilling that compromises the integrity of stream banks or shoreline and prevent direct deposition of sediment into surface waters. Setback areas must be at least 70% covered by sod or self-sustaining vegetative covers. These conditions and dimensions do not apply to a grassed waterway installed specifically as a conservation practice.

Total Maximum Daily Load Plans. NR 151 requires agricultural producers to reduce pollution discharges to surface waters if necessary to achieve limits established under a TMDL plan for the watershed in which they operate. TMDL plans are created for impaired waters identified under the federal Clean Water Act and use studies of pollutant loading within the impaired water's basin to allocate a maximum daily amount of pollutants from both point and nonpoint sources that can enter the water and still allow the body to meet water quality standards. Once approved by EPA, TMDL plans are implemented by requiring all point and nonpoint sources in a watershed to implement pollution control measures.

Manure Storage Facilities. NR 151 requires manure storage facilities to be designed, built, and maintained to minimize the risk of failure, including leakage to surface or groundwater, or overflow from significant rain. The requirement applies to new, renovated, and abandoned facilities. Abandoned facilities must be closed in a manner to prevent future contamination. Additionally, operating facilities that pose an imminent threat to public health or aquatic life, or that are violating groundwater standards, must be upgraded, replaced, or abandoned.

Manure Management. NR 151 prohibits handling of manure that results in an overflow of storage facilities, an unconfined manure pile in a water quality management area, direct runoff from stored feed or manure to surface or groundwater, or unlimited access to state waters by livestock, when animal concentrations are high enough to prevent self-sustaining vegetative cover to prevent runoff and preserve shoreline integrity.

Process Wastewater. NR 151 prohibits all significant discharges of process wastewater to any surface water or groundwater. Process wastewater includes production-area wastewater from an animal feeding operation that results from: (a) overflow of watering systems; (b) washing, cleaning or flushing of pens, barns, manure

pits or other facilities; or (c) water used for swimming, washing or spray cooling that directly contacts animals, raw materials or animal byproducts such as manure, feed, bedding, milk, or eggs. "Significant" discharges are determined based on the circumstances of the event, including the volume and frequency of discharges, proximity to affected waters, and susceptibility of groundwater to contamination from discharges.

Clean Water Diversions. NR 151 requires that runoff be diverted away from feedlots, manure storage areas, and barnyard areas in water quality management areas. Generally, water quality management areas are those adjacent to waters of the state or likely to have a high impact on groundwater.

ATCP 50

DATCP is directed under ss. 92.05, 281.16 and 281.65 of the statutes to: (a) promulgate rules to improve agricultural nutrient management in Wisconsin, consistent with the nonpoint source performance standards established in NR 151; (b) provide technical assistance to counties and other local governments in developing ordinances to implement agricultural standards on a local basis; (c) promulgate rules prescribing conservation practices that would achieve agricultural performance standards; and (d) disseminate technical standards, including numeric or other objectives, that constitute achievement of a performance standard.

While NR 151 is intended to establish goals for reducing nonpoint source water pollution, ATCP 50 is intended to describe specific conservation practices and their technical specifications agricultural operations may implement to meet these goals. The technical specifications established in ATCP 50 provide the minimum requirements for practices to be eligible for cost-sharing grants under various state and local nonpoint source water pollution abatement programs. Appendix I provides a listing of ATCP 50 conservation best management practices and their cost-share rates.

In addition to establishing conservation best management practices, ATCP 50 implements DATCP's soil and water resource management (SWRM) program. This includes establishing requirements for landowner compliance with agricultural performance standards under NR 151, requirements related to controlling cropland erosion and compliance with nutrient management plans, and creating procedures for annual distribution of grant funding to counties.

DATCP Farmland Preservation Program

In addition to the SWRM program, DATCP's farmland preservation program provides further support for soil and water conservation efforts in Wisconsin. The farmland preservation program requires individuals claiming farmland preservation tax credits to comply with performance standards under ATCP 50 and NR 151. County LCCs must monitor compliance, which includes county inspections of land on which credits are claimed, and annual certification by landowners that the land is in compliance with performance standards. Land found not to be compliant with performance standards will have certification of eligibility for farmland preservation tax credits withdrawn until compliance is restored. Counties are required at least once every four years to inspect farms claiming tax credits. Based on county reports, DATCP estimates 13,145 and 13,168 certificates of compliance were active in 2018 and 2019, respectively.

Landowners receive farmland preservation tax payments that vary from $5 to $10 per acre for most claimants depending on the level of program participation. In 2019-20, representing claims primarily for the 2019 tax year, the farmland preservation program provided $17.1 million in state income tax credits to agricultural landowners. DOR data for the 2019 tax year shows approximately 11,300 individual claimants, excluding corporate claimants, covering 2.2 million acres.

The financial incentive provided by the farmland preservation tax credit is thought to improve compliance with agricultural nonpoint performance standards, and thus serves as a complement to nonpoint source water pollution abatement programs conducted by DATCP and DNR. For further discussion of DATCP's farmland preservation program, see the Legislative Fiscal Bureau's Paper entitled "Farmland Preservation Program and Tax Credits."

Concentrated Animal Feeding Operation Regulation

Large-scale agricultural operations, known as concentrated animal feeding operations (CAFOs) are regulated as point sources of water pollution under requirements of the federal Clean Water Act. EPA has delegated this regulatory authority to DNR, which regulates CAFOs with WPDES permits under s. 283.31 of the statutes and administrative code Chapter NR 243. CAFOs are defined as agricultural operations that keep 1,000 animal units or more and some smaller operations with certain discharges of pollutants into state waters. Measurement in animal units adjusts for the relative size and manure production of different animals, with 700 dairy cows, 1,000 beef cattle, and 125,000 broiler chickens each approximating 1,000 animal units. As of September 30, 2020, there were 319 permitted CAFOs in Wisconsin, consisting of 289 dairy, 14 swine, seven beef, and nine poultry. Permittees self-report the number of animal units kept at each facility when they submit an application for a new or renewed permit. As of September 30, 2020, the total self-reported animal units kept by CAFOs was approximately 1,021,000.

CAFOs are subject to strict regulation to prevent discharge of pollutants, primarily manure and process wastewater, into waters of the state. Under the zero-discharge standard, CAFOs are required to implement practices necessary to prevent all runoff from animal confinements, feed storage areas, and manure containment structures. CAFOs must implement nutrient management practices and facility design standards, develop spill response plans, maintain manure storage facilities and wastewater management systems, and comply with inspection, monitoring, and reporting requirements. Because CAFOs are regulated as point sources, they are not eligible for cost-sharing grants to meet permit conditions.

DNR investigates CAFOs under its general inspection authority for WPDES-permitted operations, including routinely scheduled inspections, and on the basis of citizen complaints or information received from state and county staff. In 2019-20, CAFO permitting and oversight staff at DNR, including both administrative and field staff, totaled 26.0 positions, including 8.5 GPR, 12.5 nonpoint SEG, 2.0 EIF SEG, 1.0 PR, and 2.0 FED positions, with associated funding totaling $2,674,300, consisting of $994,400 GPR, $1,238,500 nonpoint SEG, $180,900 EIF SEG, $78,100 PR, and $182,400 FED.

CAFOs pay an annual fee of $345, deposited into a program revenue appropriation supporting regulation of CAFOs. In 2019-20, the appropriation received $84,500 in fees. DNR is required to report annually to the Joint Committee on Finance and relevant standing committees on how it spends this fee revenue and nonpoint SEG appropriations dedicated to CAFO regulation.

Construction Site Performance Standards

Regulation of nonpoint source water pollution runoff from construction sites is shared between DNR and the Department of Safety and Professional Services (DSPS). EPA has designated DNR as the sole entity responsible for issuing storm water permits required under the federal Clean Water

Act. At the same time, DSPS has retained authority to regulate erosion control at smaller sites for commercial buildings and one- and two-family dwellings. As a result, DNR is responsible for regulating: (a) storm water management at construction sites; (b) erosion control at construction sites with land disturbance of more than one acre; and (c) erosion control at construction sites with land disturbance of less than one acre that do not involve one- and two-family dwellings, public buildings, or buildings that are places of employment (i.e. those not regulated by DSPS). DSPS is responsible for regulating erosion control at construction sites with land disturbance of less than one acre that involve one- or two family dwellings, public buildings, or buildings that are places of employment.

DNR Authority

In general, NR 151 regulates construction sites under one acre in size that are not subject to a WPDES permit, while NR 216 regulates construction sites one acre or larger that require a WPDES permit. Under NR 151, non-permitted sites must implement practices to reduce the following: (a) soil being tracked onto streets from vehicle tires; (b) sediment discharges by various means; and (c) runoff of chemicals, cement and other building compounds. WPDES-permitted sites under NR 216 must: (a) limit sediment runoff from a site to no more than five tons of sediment per acre per year; (b) maintain existing vegetation where practicable; (c) minimize soil compaction and preserve topsoil; (d) minimize land disturbances on slopes of 20 degrees or steeper; (e) develop spill prevention and responses; and (f) institute erosion control practices required of non-permitted sites under NR 151. Pollution controls are to be in place prior to construction beginning and must remain in place until land disturbances cease.

DSPS Authority

DSPS is responsible for developing and administering statewide standards for erosion control at: (a) construction sites of less than one acre that are also commercial buildings, or places of employment, including multi-family dwellings, commercial shopping malls, industrial buildings, and schools; but not federal buildings, buildings on Native American tribal reservations, or farm buildings; and (b) one- and two-family dwellings. The statutes allow DSPS to delegate its regulatory authority related to erosion control in commercial settings to municipalities. DSPS does so on a widespread basis, allowing municipalities to review erosion control plans and inspect construction sites for erosion control compliance.

DSPS exercises its commercial construction site erosion control authority under SPS 360, which functions as an analog to NR 151 in that it requires commercial construction sites subject to DSPS standards to employ practices that will not discharge or deposit soil or sediment to streets, the waters of the state or any location off site. The numeric standards of SPS 360 also are intended to be similar to those under NR 151. Sites must achieve one of the following: (a) soil loss of no more than five tons per acre per year or seven and a half tons per acre per year, depending on the type of soil at the site; or (b) a reduction of 40% of the potential sediment load in storm water runoff, as compared to a circumstance of no controls during construction. DSPS exercises its residential construction site erosion control authority under the state one- and two-family uniform dwelling code (SPS 321), which addresses standards for erosion control at such dwellings built on sites of less than one acre.

Urban Storm Water Performance Standards

DNR regulates storm water runoff in urban areas through performance standards under NR 151 for incorporated municipalities with more than 1,000 residents per square mile that do not hold a WPDES permit for storm water discharges, and NR 216 for municipalities holding a municipal

separate storm sewer system (MS4) WPDES permit for storm water discharges. Both permitted and non-permitted municipalities must implement: (a) public education programs related to yard waste, lawn chemical use, pet waste management, and disposal of hazardous chemicals; (b) programs for management of leaves and grass clippings; (c) site-specific nutrient application practices for municipal turf and garden maintenance; and (d) detection and elimination of illicit discharge of chemicals or other non-permitted pollutants into storm sewers. WPDES-permitted municipalities must also: (a) implement administer a program requiring pollutant control at construction sites and storm water management at newly developed or redeveloped sites following the completion of construction; and (b) maintain practices to reduce the runoff of sediment and suspended solids from areas of existing development.

NR 151 requires several performance standards to be met following the completion of construction activities at each WPDES storm water-permitted construction site. All post-construction sites must meet standards relating to: (a) total suspended solids (TSS); (b) peak discharges, which would be estimated to occur during a 24-hour design storm taking place on average every two years; (c) infiltration of runoff volume; (d) areas immediately adjacent to bodies of water, known as protective areas; and (e) fueling and vehicle maintenance areas.

NR 151 requires that private owners of turf or gardens of five acres or larger that apply nutrients for fertilizer do so based on site-specific schedules designed to achieve optimum health of the turf or garden through the use of soil tests. The provision applies only to properties that discharge to surface or groundwater, and that are not the site of forestry or agricultural activities.

Transportation Facility Performance Standards

Transportation facilities are required to be constructed according to a development plan that utilizes best management practices (BMPs) to meet all performance standards. In general, the standards for transportation facilities in each category mirror those for other construction sites and post-construction sites regulated under NR 151 and NR 216. However, standards relating to transportation facilities in areas in close proximity to water resources are somewhat less restrictive than the same standards for nonagricultural facilities. NR 151 prohibits impervious surfaces of transportation facilities in close proximity to water resources, unless it is determined necessary by the approving authority of the facility and DNR. In such a case, construction is only allowed to the degree it is reasonably necessary. Further, post-construction facilities that use swales for runoff conveyance generally are considered to meet applicable performance standards, provided the swale is vegetated and meets certain technical standards. (A swale is a channel that receives and absorbs runoff. It commonly contains vegetation, and may be located on roadsides or in highway medians.) DNR may impose additional requirements on swales occurring near certain high-traffic areas where runoff enters impaired or significant waters. Finally, post-construction performance standards for transportation facilities may not in all cases apply to certain activities, such as minor reconstruction of highways, bicycle/pedestrian paths, or road resurfacing.

Local Regulations

The statutes allow local governments to create

several types of ordinances to further regulate agricultural activities that may contribute to nonpoint source water pollution in their jurisdictions. These ordinances are described in the following paragraphs. State law limits local regulation of agriculture by requiring: (a) DNR or DATCP approval of local provisions relating to livestock operations, and that are more stringent than state standards (s. 92.15); (b) compliance with state-mandated procedures and standards when approving new or expanding livestock facilities (s. 93.90); and (c) an offer of cost-share funding if a local government ordinance requires existing agricultural facilities to install practices to comply with state standards (s. 281.16).

Livestock Operations

Local governmental units may impose regulations for livestock operations that are consistent with the performance standards, prohibitions, conservation practices and technical standards established by DNR and DATCP. The most common focus of local ordinances involves the regulation of livestock facilities. Local standards for livestock operations may only exceed those established by DNR or DATCP if the more stringent regulations are shown to be necessary to achieve state water quality standards, and one of the Departments approves the standards. As of October, 2020, of the 133 local governments with ordinances requiring approval of new and expanded livestock facilities, 25 counties have adopted zoning (13) or licensing (12) ordinances, according to DATCP.

Cost-share funding must be made available to existing operations before they can be required to implement new practices. DATCP is required to provide technical assistance to county land conservation committees and local units of government for the development of any local ordinance that implements agricultural performance standards. Technical assistance includes preparing model ordinances, providing data concerning these standards and reviewing draft ordinances for compliance with applicable state laws. Restrictions on local regulation do not apply to measures that do not directly relate to livestock operations, such as local standards for cropland that may be more stringent than state standards.

Manure Storage Facility Ordinances

Chapter 92 of the statutes authorizes municipalities to enact ordinances requiring manure storage facilities in their jurisdictions to comply with technical standards the municipality may impose on such structures. ATCP 50 further specifies the content of these ordinances and provides for the review of the ordinances, prior to enactment, by the county land conservation committee and the county planning and zoning agency. DATCP also may require a municipality to submit a proposed ordinance for review. However, these procedures do not require any reviewing entity to approve the ordinance. As of October, 2020, 62 counties have used the authority under s. 92.l6 of the statutes to adopt manure storage ordinances that require construction permits for new or substantially altered manure storage structures and implementation of nutrient management plans. These ordinances often include provisions that require operators to close storage structures unused for 24 months and to obtain permits to close unused manure storage structures.

APPENDIX I

Best Management Practices

Recipients of cost-share funding from any of the grant programs discussed in Chapter 1 must agree to install certain cost-effective structures or operations known as best management practices (BMPs). Best management practices are those techniques considered to be the most effective and practical means of abating nonpoint source pollution to a level compatible with state water quality goals. BMPs are generally eligible for cost-share agreements, provided that they are the lowest-cost practice. More expensive alternatives may receive grant funding if they confer additional benefits for fish, wildlife, practice longevity, ease of maintenance, or reduced risk of failure. DNR and DATCP jointly establish technical standards for management practices eligible for grant funds. A listing of BMPs and their cost-share rate follows at the end of this section.

Cost-Share Rates

Cost-share grants under rural nonpoint programs generally equal 70% of the cost of implementing the BMP, except the rate may be up to 90% in cases of economic hardship, as defined by rule. Urban BMPs generally are cost-shared at 50%. BMPs and the associated cost-share rates have been established by administrative code Chapters NR 154 and ATCP 50. For certain cropland practices, a county has the option to select between fixed rates per acre or rates based on costs incurred.

Property Acquisition and Easements

Under some programs, grants may cover land or easement acquisitions for any of the following: (a) the construction of a structural urban BMP; (b) land that contributes or will contribute to nonpoint source water pollution and that may be used for riparian buffers, wetland restoration, critical area stabilization or other practices; or (c) under the TRM program, abandonment/relocation of livestock or livestock facilities. For livestock facility relocation, an acquisition must meet eligibility requirements as a BMP. Further, if the acquisition cost is greater than amounts needed for installation of other BMPs, the additional cost must be justified by additional water quality improvements. If the acquisition cost is less than the amount needed to install BMPs, but the landowner is unwilling to sell property rights, the amount that would be needed for acquisition may be used as the ceiling for the cost of installing BMPs.

Easements are to be held in perpetuity. The standard cost-share rate of 70% applies to acquisitions and easements, except the rate is 50% for acquisitions supporting structural urban BMPs. The rate is applied to the lesser of: (a) the cost of the acquisition or easement; or (b) the appraised value and reasonable related costs, including appraisals, land surveys, relocation payments, title evidence, recording fees, historical and cultural assessments, and environmental inspections and assessments. Easements may be donated in whole or in part. Administrative rules require that any acquisitions or easements may only be purchased from willing sellers.

ATCP 50 also allows for SWRM cost-share payments to compensate part of the landowner's cost of removing land from agricultural production to install or maintain certain practices, provided the area is more than half an acre. The landowner's annual cost is generally the county average annual land rental rate for each year the land is required to be removed from agricultural production. Riparian land of more than a half an acre removed from agricultural production is eligible for rental rates equivalent to those under the Conservation Reserve Enhancement Program (CREP),

a state-federal program discussed in Chapter 1. Lands removed from production may be placed under a fixed-term or perpetual easement, depending on the nature of the agreement with a landowner.

Maintenance of Practices

Landowners and governmental units receiving grants under the SWRM and nonpoint source grant programs are required to maintain most cost-shared structural practices for 10 years beginning with the date the last practice is installed. Nonstructural practices such as strip cropping, contour farming, or nutrient, pesticide and residue management need only be maintained through any year in which cost-share funding is provided; these cost-sharing agreements generally last four years.

However, it should be noted that administrative code Chapter NR 151, which establishes performance and technical standards for runoff, specifies that once agricultural land comes into compliance with a performance standard, it must continue to meet that standard regardless of whether future cost-share funding is available. In other words, a landowner may be required to maintain a structure or practice following the expiration of a cost-sharing agreement, provided the minimum cost-sharing requirements were met.

Cost-share agreements, which are the contracts between local governments and landowners that specify the terms of BMP installation and subsequent maintenance, are required to be filed with the appropriate county register of deeds if cost-share grants are to exceed certain dollar amounts. The TRM and NOD programs also require filing of cost-share agreements covering all riparian buffers or any grassed waterway systems receiving one-time per-acre payments.

Additionally, DATCP specifically requires any contracts of $14,000 or more to be binding on future landowners for the term of the agreement if the property is sold before expiration. This means subsequent owners or users must maintain the BMPs installed. DNR administrative rules also bind any future owners to cost-share agreements for the agreements' specified durations. However, local governments are authorized to approve different management of the land if requested by a new landowner, provided that the appropriate degree of environmental protection is maintained. Violations of a cost-share agreement may be penalized by repayment of all or part of the cost-share funds received under the contract, and the seriousness of the infraction determines the amount of the penalty.

Monitoring and Reporting

Local governments administering funding under the SWRM and nonpoint source grant programs must maintain records of the financing and proper installation of BMPs receiving state cost sharing. Such documentation forms the basis for reimbursement requests and for required reporting, which grantees must complete at varying intervals or at the completion of a project, depending on the program. Although requirements vary somewhat among programs, reporting in general must include evaluations of how a project or projects have furthered the conservation goals stated in a project application or county LWRM plan.

Definitions of Cost-Shared Agricultural Best Management Practices

Unless otherwise specified, these practices have up to a 70% cost-share rate. For certain DATCP cost-shared practices, noted with a dagger,† this amount may not exceed 50% of eligible costs to install and maintain, unless installation is required to achieve compliance with an agricultural performance standard. Further, practices not associated with permanent structural improvements may not be supported by bonding revenues, and are marked with an asterisk.* The Wisconsin Constitution generally restricts the issuance of public debt to long-term capital projects. In the context of nonpoint source water pollution, this

would include projects that permanently benefit the waters of the state.

Access Roads.† A road or pathway that confines or directs the movement of livestock, farm equipment or vehicular traffic, and which is designed and installed to control surface water runoff, to protect an installed practice, or to prevent erosion.

Animal Feeding Operation Relocation or Abandonment. Discontinuing an existing animal lot at a location, and, if appropriate, relocating the operation to minimize pollutants introduced to surface or ground waters. Reimbursement costs for permanent relocation or abandonment of livestock operation must be the most cost-effective option to address a water quality problem at the site, and DATCP must approve a plan for relocation or abandonment. The landowner also must agree to abstain from reestablishing an animal lot at the abandoned site unless certain conditions are satisfied. Eligible abandonment costs are those for removing structures, closing wells and stabilizing the site. Eligible relocation costs are those for installing manure storage and other conservation practices at the new site, transporting animals (up to $5,000), and constructing livestock buildings at the new site. Cost-share funding for new buildings may not exceed the appraised value of buildings at the current site.

Barnyard Runoff Management. The use of structural measures to intercept, collect, treat or redirect surface runoff around an outdoor area with concentrated animal activity. Such measures may include roofs, sediment basins or vegetated treatment areas.

Contour Farming.* Plowing, preparing, planting and cultivating sloping land on the contour and along established grades of terraces or diversions. (Contour farming may be cost-shared at $9 per acre per year for up to four years.)

Cover Cropping.* Close-growing grasses, legumes or small grain grown for seasonal protection and soil improvement. (Cover cropping may be cost-shared for four years at $70 per acre per year under NR 154 or $25 per acre per year under ATCP 50.)

Critical Area Stabilization. The planting of suitable trees, shrubs and other vegetation appropriate for controlling and stabilizing sloped lands that are producing nonpoint source pollutants and lands that drain into bedrock crevices, openings or sinkholes.

Diversions. Structures installed to divert water from areas where it is in excess to sites where it can be used or transported safely. Usually the system is a channel with a supporting ridge on the lower side constructed across the slope at a suitable grade.

Feed Storage Runoff Control Systems. A system of facilities or practices to contain, divert, treat or convey runoff from feed storage areas.

Field Windbreaks. A strip or belt of trees, shrubs or grasses established or renovated within or adjacent to a field, so as to control soil erosion by reducing wind velocities at the land surface.

Filter Strips. An area of herbaceous (nonwoody) vegetation that separates an environmentally sensitive area from cropland, grazing land or disturbed land. (For non-riparian filter strips that remove one-half acre or more from agricultural production, a cost-sharing offer may include: (a) 70% of installation costs; (b) 70% of the rental rate for the length of the cost-share agreement; and (c) costs for mowing twice per year at $10 per mowing if necessary to maintain the practice. A filter strip of one-half acre or larger required of a landowner must include all components. For riparian filter strips, landowners must be offered at least the rate landowners would receive under CREP. Landowners may elect to receive payment under either 15-year or perpetual CREP-equivalent contracts.)

Grade Stabilization Structures. A structure used to reduce the grade in a drainage way or channel to protect the channel from erosion or to prevent formation or advance of gullies.

Livestock Fencing. The enclosure or division of one area of land from another to create a permanent barrier to livestock movement. Fencing may exclude livestock from land areas that should be protected from grazing or gleaning. It also may be erected to prevent human or animal access to manure storage containment.

Livestock Watering Facilities. A trough, tank, pipe, conduit, spring development, pump, well, or other device or combination of devices installed to deliver drinking water to livestock.

Manure Storage Facilities. A structure or impoundment for the storage of manure, along with equipment for the proper conveyance of manure to storage. Cost-share funding is limited to instances in which facilities are necessary to properly land apply the manure according to a nutrient management plan. Such instances may include operations with unsuitable land application sites: (a) during frozen or saturated conditions; or (b) due to contamination potential of nearby surface or groundwater resources. Nutrient management plans are required of recipients.

Manure Storage Systems Closure. Permanently dismantling and sealing manure storage systems, including those improperly sited or at risk of failure. Closure may include the disposition of manure-saturated soils.

Milking Center Waste Control. Equipment or practices to reduce the quantity or pollution potential of wastes from milking facilities.

Nutrient Management.* Controlling the application of manure, legumes and commercial fertilizers, including the rate, method and timing of application, to minimize the amount of nutrients entering surface or ground waters. (Under ATCP 50, cost-share funding of $10 per acre per year for four years, paid as a lump sum, is intended to cover soil testing, manure analysis and plan development consistent with NRCS Conservation Practice Standard Nutrient Management Code 590, dated December, 2015. Under NR 154, DNR offers $10 per acre per year for four years.)

Pesticide Management.* Managing the handling, disposal and application of herbicides, insecticides and fungicides, both through application planning and spill-prevention facilities. (Pesticide management may be cost-shared at 70% of costs of structural practices, as well as $7 per acre per year for up to four years for other non-structural activities.)

Prescribed Grazing.* A grazing system that divides pastures into multiple cells, each of which is grazed intensively for a short period and then protected from grazing until its vegetative cover is restored.

Residue Management.* The preparation or planting of land using methods that yield a rough surface with variable residue cover in order to reduce soil erosion. (Residue management systems may be cost-shared at $18.50 per acre per year for four years.)

Riparian Buffers. An area in which vegetation is enhanced or established to reduce or eliminate the movement of sediment, nutrients and other nonpoint source pollutants to an adjacent surface water resource.

Roofs. A roof and supporting structure constructed specifically to prevent rain and snow from contacting manure.

Roof Runoff Systems.† A facility for collecting, controlling, diverting, and disposing of precipitation from roofs.

Sediment Basin. A permanent basin that reduces the transport of waterborne pollutants such as eroded soil sediment, debris and manure

sediment.

Sinkhole Treatment. The modification of a sinkhole, or its surrounding area, to reduce erosion, prevent expansion of the hole, and reduce pollution of water resources.

Stream Bank and Shoreline Protection.† Waterway-specific treatments to stabilize and protect banks of streams or constructed channels, and the shorelines of lakes or other surface waters. Component practices may include critical area stabilization, riparian buffers, and others.

Stream Crossing.† A road or path to confine or direct the movement of livestock, equipment or vehicles over a stream, and which is designed to improve water quality, protect an installed practice, or control livestock access to surface water.

Strip-cropping.* Growing crops in a systematic arrangement of strips or bands, usually on the contour, in alternated strips of close growing crops, such as grasses or legumes, and tilled row crops. (Strip-cropping may be cost-shared at $13.50 per acre per year for four years.)

Subsurface Drains. A conduit installed below the surface of the ground to collect drainage water and convey it to a suitable outlet.

Terrace Systems. A system of ridges and channels constructed on the contour of the land with a non-erosive grade at a suitable spacing.

Trails and Walkways. A travel lane to facilitate the movement of livestock or people.

Underground Outlets. A conduit installed below the surface of the ground to collect surface water and convey it to a suitable outlet.

Wastewater Treatment Strips. An area of herbaceous vegetation used to remove pollutants from runoff of an animal lot or milking center. (Such practices are similar to a filter strip or riparian buffer, but installed where greater amounts of pollutants are anticipated.) Recent changes in NRCS technical standards will significantly limit the use of treatment areas for larger livestock operations.

Water and Sediment Control Basin. An earthen embankment or a ridge and channel combination installed across a slope or minor watercourse to trap or detain runoff and sediment.

Waterway System. A natural or constructed waterway or outlet that is shaped, graded and covered with a vegetation or another suitable surface material to prevent erosion by runoff waters.

Well Decommissioning. The proper filling and sealing of a well to prevent it from acting as a channel for contaminants to reach the groundwater or as a channel for the vertical movement of surface water to groundwater.

Wetland Development or Restoration.† The construction of berms or destruction of the function of tile lines and drainage ditches to create or restore conditions suitable for wetland vegetation.

*Non-structural improvement not eligible for support from bonding revenues.

†Cost-sharing limited to 50% of eligible costs.

APPENDIX II

2021 Joint Final Allocation Plan

County	Staff & Support	Cost Sharing	Total
Adams	$118,335	$74,900	$193,235
Ashland	109,884	69,500	179,384
Barron	133,829	96,900	230,729
Bayfield	119,187	61,500	180,687
Brown	152,638	51,500	204,138
Buffalo	107,652	67,650	175,302
Burnett	99,223	63,493	162,716
Calumet	152,070	278,610	430,680
Chippewa	182,536	104,750	287,286
Clark	126,177	153,500	279,677
Columbia	123,580	530,291	653,871
Crawford	109,090	62,150	171,240
Dane	196,094	375,400	571,494
Dodge	151,992	53,500	205,492
Door	144,315	298,000	442,315
Douglas	112,221	17,000	129,221
Dunn	159,463	89,900	249,363
Eau Claire	144,654	109,500	254,154
Florence	75,000	33,300	108,300
Fond du Lac	160,840	424,000	584,840
Forest	101,995	23,900	125,895
Grant	114,163	55,400	169,563
Green	142,884	81,750	224,634
Green Lake	156,938	84,500	241,438
Iowa	165,020	188,252	353,272
Iron	111,729	48,500	160,229
Jackson	131,489	94,650	226,139
Jefferson	151,690	45,750	197,440
Juneau	117,651	61,500	179,151
Kenosha	131,244	58,000	189,244
Kewaunee	157,770	69,900	227,670
La Crosse	323,985	487,400	811,385
Lafayette	94,309	80,000	174,309
Langlade	93,687	83,400	177,087
Lincoln	99,277	42,000	141,277
Manitowoc	158,494	132,150	290,644
Marathon	$145,072	$393,500	$538,572
Marinette	128,344	343,900	472,244
Marquette	131,429	96,500	227,929
Menominee	94,200	20,000	114,200
Milwaukee	75,000	20,000	95,000
Monroe	127,296	104,000	231,296
Oconto	144,022	328,872	472,894
Oneida	101,181	47,900	149,081
Outagamie	182,729	106,650	289,379
Ozaukee	147,624	125,000	272,624
Pepin	107,109	83,400	190,509
Pierce	139,885	78,750	218,635
Polk	133,522	46,250	179,772
Portage	148,692	56,000	204,692
Price	92,670	41,400	134,070
Racine	151,585	109,500	261,085
Richland	100,475	74,150	174,625
Rock	164,360	135,000	299,360
Rusk	96,334	215,325	311,659
St. Croix	261,392	434,575	695,967
Sauk	140,180	120,750	260,930
Sawyer	95,549	42,000	137,549
Shawano	130,970	403,035	534,005
Sheboygan	152,997	74,500	227,497
Taylor	121,573	114,650	236,223
Trempealeau	128,603	96,500	225,103
Vernon	129,142	121,500	250,642
Vilas	124,162	33,400	157,562
Walworth	149,606	68,000	217,606
Washburn	110,616	50,900	161,516
Washington	136,353	54,900	191,253
Waukesha	178,218	28,000	206,218
Waupaca	308,864	804,413	1,113,277
Waushara	140,703	74,900	215,603
Winnebago	161,726	86,500	248,226
Wood	148,041	153,675	301,716
Subtotal	$9,961,329	$9,840,691	$19,802,020

Note: These figures reflect grant awards under the 2021 joint final allocation plan, including grants to counties under the DATCP soil and water resource management program and the DNR targeted runoff management and urban nonpoint source and storm water management programs. Actual spending may be less, and funds may be transferred or reallocated to increase or decrease funding awards.

Reserve Funds:	
DATCP Cost-Share Reserve	$300,000
DNR Cost-Share Reserve	1,500,000
Other Project Funding:	
UW-College of Agriculture and Life Sciences	$527,469
Nutrient Management Farmer Education Grants	258,858
Wisconsin Land and Water Conservation Association	225,401
Innovation Grants	151,300
Standards Oversight Council	38,000
Total	**$22,803,048**

APPENDIX III

Producer-Led Watershed Protection Grants

2019 and 2020 Awards

Recipient	2019	2020
Bear Creek/Chippewa Farmer Groundwater Group	$0	$39,815
Buffalo-Trempealeau Farmer Network	0	25,000
Calumet County Agricultural Stewardship Alliance	0	7,500
Cedar Creek Farmers - Improving Land for Cleaner Waters	0	25,000
Dodge County Farmers for Healthy Soil & Healthy Water	39,050	39,705
Eau Pleine Partnership for Integrated Conservation	32,000	0
Farmers for Lake Country	0	19,630
Farmers for the Upper Sugar River	40,000	38,800
Farmers for Tomorrow	40,000	40,000
Farmers of Barron County	40,000	20,000
Farmers of Mill Creek	36,535	40,000
Farmers of the Sugar River	25,000	35,000
Hay River Farmer-Led Watershed Council	13,125	10,000
Horse Creek Farmer-Led Watershed Council	18,750	15,000
Lafayette Ag Stewardship Alliance	32,000	20,000
Milwaukee River Watershed Clean Farm Families	40,000	40,000
Pecatonica Pride	20,250	0
Peninsula Pride Farms	40,000	10,000
Producers of Lake Redstone	40,000	20,000
Red Cedar Conservation Farmers	40,000	40,000
Sauk Soil and Water Improvement Group	0	40,000
Sheboygan River Progressive Farmers	40,000	35,000
Shell Lake - Yellow River Farmer-Led Watershed Council	15,600	17,500
South Kinni Farmer-Led Watershed Council	7,500	10,000
Tainter Creek Farmer-Led Watershed Council	40,000	40,000
Upland Watershed Group	29,120	17,000
Watershed Protection Committee of Racine County	40,000	40,000
Waumandee Watershed	19,080	0
Western Wisconsin Conservation Council	22,000	40,000
Yahara Pride Farms	40,000	25,000
Total	$750,010	$749,950

APPENDIX IV

2021 Targeted Runoff Management Grants

Large-Scale TMDL

County	Amount
La Crosse County	$600,000
Waupaca County	600,000
St. Croix County	496,075
Fond du Lac County	364,000
Subtotal	$2,060,075

Large-Scale Non-TMDL

Recipient	Amount
Calumet County	$171,960
Iowa County	137,553
Subtotal	$309,513

Small-Scale TMDL

County	Amount
Columbia County [2]	$361,791
Shawano County [2]	321,385
Dane County	225,000
Marathon County	225,000
Village of Elm Grove	225,000
Waupaca County	221,591
Village of Lac La Belle	209,454
Village of Mount Pleasant	198,261
Rusk County	146,925
Wood County	40,425
Burnett County	13,993
Subtotal	$2,188,825

Small-Scale Non-TMDL

County	Amount
Marinette County	$225,000
Oconto County	225,000
Door County	220,000
Subtotal	$670,000

Awards Summary

County	Total Funding
Large-Scale TMDL	$2,060,075
Large-Scale Non-TMDL	309,513
Small-Scale TMDL	2,188,825
Small-Scale Non-TMDL	670,000
Total TRM	$5,228,413

Note: Numerals listed after grantees denote multiple grant awards to the same municipality within the grant category.

APPENDIX V

Urban Nonpoint Source and Storm Water Grants for 2020 and 2021

Grantee	Funding Awarded
Planning Grants (2020)	
City of Oshkosh	$77,664
Village of Thiensville	77,093
City of Appleton	75,000
Village of Weston	72,280
City of Merrill	68,855
Village of Kronenwetter	67,230
Marathon County	64,730
City of Schofield	61,770
Town of Grand Chute	61,200
City of West Allis	58,760
Town of Greenville	50,000
City of Marshfield	49,970
City of Glendale	46,000
City of Mosinee	42,010
City of Rice Lake	41,000
City of Baraboo	31,000
Village of North Fond du Lac	29,560
Subtotal – Planning	$974,122

APPENDIX V (continued)

Urban Nonpoint Source and Storm Water Grants for 2020 and 2021

Project Grantee	Funding Awarded
Construction Grants (2021)	
Town of Buchanan [2]	$400,000
City of De Pere [2]	242,450
City of Two Rivers	154,600
City of Beaver Dam	150,000
City of Menomonie	150,000
City of Monona	150,000
City of Sheboygan	150,000
City of Wauwatosa	149,900
City of Kaukauna	135,000
Village of Ashwaubenon	120,000
Village of Little Chute	117,800
City of Milwaukee Redevelopment Authority	105,000
Milwaukee Board of School Directors	100,000
Village of Saukville	100,000
Village of Fox Point	57,700
Village of Combined Locks	52,800
City of Whitewater	49,800
Village of Menomonee Falls	46,348
Ozaukee County	45,000
Village of Rothschild	33,730
Calumet County	23,250
Subtotal – Construction	$2,533,378
Total Urban Nonpoint Source Grants	**$3,507,500**

Note: Numerals listed after the grantees denote multiple grant awards to the same municipality within the grant category.

APPENDIX VI

Preliminary Municipal Flood Control Grant Awards for 2021 and 2022

Project Grantee	Amount Requested
Village of Ontario	$472,302
City of Reedsburg	274,235
Town of Grafton	264,540
Village of LaValle	230,062
Town of Koshkonong	227,681
Town of Sumner	192,091
City of Elroy	184,764
Village of Mazomanie	150,246
Village of Rock Springs	125,803
Town of Leon	122,172
Village of Wonewoc	111,926
Town of Sparta	83,203
Village of Kendall	72,213
Town of Christiana	69,859
Village of Chaseburg	35,779
Town of Portland	17,512
Village of Readstown	6,503
Total	$2,640,892

Note: Amounts listed represent anticipated grant awards. Final award amounts are pending as of December, 2020.