

## ELIGIBLE PLANNING ACITIVITES

**Disclaimer:** This attachment contains a summary of the administrative rule requirements. Where discrepancies exist, the provisions of the rule will govern.

Section NR 155.16 ([http://docs.legis.wisconsin.gov/code/admin\\_code/nr/100/155.pdf](http://docs.legis.wisconsin.gov/code/admin_code/nr/100/155.pdf)) lists local assistance activities eligible for funding in urban project areas under the UNPS&SW Management Grant Program.

**Planning activities are only eligible for UNPS&SW Planning cost-share funding when conducted to address the items listed below to meet the non-agricultural performance standards in ch. NR 151.**

- Storm water quality
- Infiltration
- Small storm peak flow reduction

Costs **for work addressing drainage and larger storm flood control** issues unrelated to achieving the water quality goals **cannot be included in the cost-shared amount.**

### Eligible Activities

- Cost sharing for most activities listed in s. NR 155.16 can be requested using this application. Activities for which this application can be used and the required deliverable associated with each are listed in the table below and on the following pages.

Eligible Planning Activity	Required Deliverable
Developing or updating a <b>local construction site erosion control ordinance</b> that includes performance standards equivalent to those in ss. NR 151.11(6m) and 151.23(4m), Wis. Adm. Code.	Final draft of new or updated <b>local construction site erosion control ordinance</b> including performance standards equivalent to those in ss. NR 151.11(6m) and 151.23(4m), Wis. Adm. Code.
Developing or updating a <b>local construction site erosion control program</b> that meets the requirements of NR 216.07(4).	<b>Documentation of new or updated local program for implementing a local construction site erosion control ordinance.</b> Program must be consistent with and include all elements/requirements of NR 216.07(4), and the applicable section of their MS4 WPDES permit.
Developing or updating a local <b>storm water ordinance for new and re-development</b> that includes, but does exceed [except as allowed by <a href="#">281.33(6) (a)</a> ], all the requirements of ss. NR 151.121-128 and NR 151.241-249.	Final draft of new or updated <b>local storm water ordinance</b> regulating new development and re-development including all the requirements of ss. NR 151.121-128 and NR 151.241-249.

Eligible Planning Activity	Required Deliverable
<p>Developing or updating a local <b>post-construction storm water management program</b> that meets the requirements of NR 216.07(5).</p>	<p><b>Documentation of new or updated program for implementing local post-construction storm water management ordinance.</b> Program must be consistent with and include all elements/requirements of NR 216.07(5), and the applicable section of their MS4 WPDES permit.</p>
<p>Developing or updating a <b>storm sewer system map</b> that meets the requirements of NR 216.07(7).</p>	<p>New or updated <b>storm sewer system map that is consistent with and includes all elements/requirements of NR 216.07(7)</b> and the applicable section of their MS4 WPDES permit.</p>
<p>Developing or updating a <b>storm water pollution prevention plan</b> that meets NR 216.07(6).</p>	<p>New <b>storm water pollution prevention plan</b> that is consistent with and includes all elements/requirements of NR 216.07(6) and the applicable section of their MS4 WPDES permit. Updated storm water pollution prevention plan that is consistent with and includes some or all elements/requirements of NR 216.07(6), and the applicable section of their MS4 WPDES permit. Planning with the goal of reducing the discharge of chlorides and other deicing products is an eligible part of this plan. Surveying existing outfalls and water conveyances within the MS4, including streams, with the goal of high priority locations to reduce erosion, is an eligible part of this plan.</p>
<p>Developing or updating a <b>storm water quality management plan for meeting the developed urban area performance standards</b> of s. NR 151.13(2)(b)1., Wis. Adm. Code, and the applicable section of their MS4 WPDES permit, including TMDL requirements, if applicable.</p>	<p>New or updated <b>report documenting the storm water quality management plan for meeting the developed urban area performance standards</b> of s. NR 151.13(2)(b)1., Wis. Adm. Code, and the applicable section of their MS4 WPDES permit, <b>including TMDL requirements, if applicable.</b> At minimum, elements of the storm water quality management plan must include land use and existing BMP mapping; sewershed and watershed delineations; existing BMP characteristics; a summary of pollutant load modeling methodology; modeling calculations; and mapped locations, general characteristics, and cost estimates of BMPs evaluated for meeting the developed urban area performance standards. Evaluated BMPs shall be ranked in the plan according to their feasibility and cost-effectiveness.</p>
<p>Developing or updating a local <b>illicit discharge ordinance</b> that meets the requirements of NR 216.07(3)(a)</p>	<p>New or updated draft of <b>local illicit discharge ordinance</b> that is consistent with and includes all elements/requirements of NR 216.07(3)(a), and the applicable section of their MS4 WPDES permit.</p>

Eligible Planning Activity	Required Deliverable
Developing a <b>low impact development (LID) OR conservation subdivision ordinance.</b>	Final draft of new or updated <b>LID or Conservation Subdivision ordinance consistent with the USEPA definition of LID</b> as documented on their website at <a href="https://www.epa.gov/nps/urban-runoff-low-impact-development">https://www.epa.gov/nps/urban-runoff-low-impact-development</a> .
Developing or updating one or more <b>ordinance(s)</b> related to municipal or pollution prevention activities, or other activities <b>that affect the quality of runoff from developed urban areas.</b>	Final draft of new or updated <b>ordinance affecting the quality of runoff from developed urban areas</b> named in line B.1 of the application form, for the reasons described in line B.2 and other than a storm water, erosion control, illicit discharge or low-impact development ordinance.
Developing or updating a <b>public education and outreach program</b> to increase the awareness of storm water pollution impacts on waters of the state and encourage changes in public behavior that reduce such impacts. The program shall have measurable goals and meets the requirements of NR 216.07(1).	<ul style="list-style-type: none"> <li>• <b>Documentation of new or updated public education and outreach program</b> to increase the awareness of storm water pollution impacts on waters of the state and to encourage changes in public behavior that reduce such impacts, that includes measurable goals and, at a minimum, all elements/requirements of NR 216.07(1) and the applicable section of their MS4 WPDES permit.</li> <li>• <b>Documentation of public education and outreach meetings and events</b> during the grant period including outreach topics covered, staff/educations involved and number of participants.</li> <li>• Waters of the state include the portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems, and other surface or groundwater, natural or artificial, public or private within the State or under its jurisdiction except those waters which are entirely confined and retained completely upon the property of a person.</li> </ul>
<b>Public education and outreach activities</b> , including forming partnerships to cost-effectively manage urban runoff; preparing and using educational materials and strategies; developing and conducting demonstrations, tours and activities that incorporate citizen involvement; and other activities that increase awareness of storm water pollution impacts and encourage changes in behavior to reduce impacts.	<ul style="list-style-type: none"> <li>• A summary of program activities and accomplishments during the grant period.</li> <li>• Documentation of all meetings and events during the grant period including outreach topics covered, staff/educations involved and number of other participants (names and titles of participants if available)</li> <li>• Electronic copies of outreach materials utilized during the grant period.</li> <li>• Electronic copies of outreach materials developed during the grant period.</li> <li>• A summary of program evaluation or outcomes.</li> </ul>

Eligible Planning Activity	Required Deliverable
<p>Preparation of a <b>storm water financing feasibility analysis</b>, including a local storm water program budget for implementation of subchapter III of ch. NR 151 performance standards, a financial analysis of alternative funding mechanisms for each program element, and a plan that identifies/recommends how each program element is/will be funded.</p>	<p><b>Documentation of a new or updated feasibility analysis evaluating alternative funding mechanisms for municipal storm water quality program.</b> At a minimum, this documentation shall be comprised of a local storm water program budget covering implementation of all elements of subchapter III of ch. NR 151 performance standards (e.g., capital costs, O&amp;M, debt service, administrative, outreach, etc.) including an explanation of all assumptions used in developing the budget; financial analysis of one or more alternative funding mechanisms for each storm water program element, and a plan that identifies/recommends how each program element is/will be funded.</p>
<p>Development and <b>implementation of a dedicated revenue source</b>, such as a storm water utility, to fund a storm water program that implements the performance standards in subchapter III of ch. NR 151.</p>	<p><b>Documentation that a dedicated revenue source for funding the applicant's storm water program has been implemented</b> by the applicant. Specifically, the implemented revenue source shall provide a dedicated revenue for the implementation of performance standards in subchapter III of ch. NR 151.</p>

#### Clarifications Regarding Eligible UNPS-Planning Activities

- Reviewing and recommending changes to existing ordinances, programs or plans is not eligible for reimbursement if the required final deliverable is not provided.
- Reviewing existing ordinances, programs or plans and determining that no change or changes are required is not eligible for reimbursement.
- An ordinance and a plan are different deliverables. Specifically:
  - an ordinance is a piece of legislation enacted by a municipal authority; and
  - a plan is a detailed formulation of a program of action.

As such, an ordinance is not an acceptable plan development deliverable, and a plan is not an acceptable ordinance development deliverable.
- Eligible expenses associated with developing or updating a local illicit discharge program does not include costs associated with outfall inspection and monitoring.
- Participating in meetings is only eligible for reimbursement if the meetings are directly related to the development of deliverables funded by this grant. Documentation of the meeting date, location, topic, associated eligible deliverable(s) and participants requesting reimbursement for their time is required.
- Eligible expenses associated with developing or updating a storm water quality management plan for meeting the developed urban area performance standards includes developing cost estimates for BMPs proposed by the plan and identifying potential funding sources to pay for BMPs. This element of a storm water quality management plan is not the same as a storm water financing feasibility analysis.

- Group membership fees are not a reimbursable expense.

### **Activities that must be applied for using Form 8700-299 for UNPS&SW Construction projects.**

The following activities are eligible for assistance under the UNPS&SW Grant Program but are considered part of BMP construction. Consequently, **funding for these activities must be applied for using Form 8700-299 for UNPS&SW construction projects.** Grantees can be reimbursed for the activities listed below under an UNPS-Construction grant only after the associated BMP has been installed and certified as constructed according to engineering specifications.

- Engineering services, including design and construction.
- Land acquisition and easement purchase, including appraisal costs, as necessary to install structural urban practices.
- Cost of testing materials for use in BMP design, installation, or evaluation.

### **Clarifications regarding eligible UNPS-Planning vs UNPS-Construction Activities**

- Soil borings are considered part of testing materials for use in BMP design, installation or evaluation and are not eligible for reimbursement under a UNPS-Planning grant and as such, must be applied for using Form 8700-299 for UNPS-Construction projects as part of an urban BMP construction project.
- Eligible expenses associated with developing or updating a storm water quality management plan for meeting the developed urban area performance standards can include wetland identification at proposed BMP locations identified in the plan, i.e., a desktop or brief field evaluation to determine if wetlands exist at one or more proposed BMP locations. However, wetland delineation is considered part of BMP engineering design and is therefore not eligible for reimbursement under a UNPS-Planning grant. Funding for BMP engineering design can be applied for using Form 8700-299 for UNPS-Construction projects as part of an urban BMP construction project.
- Eligible expenses associated with developing or updating a storm water quality management plan for meeting the developed urban area performance standards includes infiltration tests required to evaluate the effectiveness of existing water quality BMPs modeled as part of the plan. Conducting infiltration tests at proposed BMP locations is considered part of testing materials for use in BMP design, installation or evaluation and as such, must be applied for using Form 8700-299 for UNPS-Construction projects as part of an urban BMP construction project.
- Eligible expenses associated with developing or updating a storm sewer system map can include a field survey to locate municipal storm sewer system infrastructure and collect information such as rim elevation, invert elevation, pipe diameter, etc. However, topographic survey of proposed BMP locations identified in a storm water quality management plan for meeting the developed urban area performance standards is considered part of BMP engineering design and is therefore not eligible for reimbursement under a UNPS-Planning grant. Funding for BMP engineering design can be applied for using Form 8700-299 for UNPS-Construction projects as part of an urban BMP construction project.