

URBAN BEST MANAGEMENT PRACTICES (BMP)

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

Cost-Share Rate And Funding Caps

For UNPS Construction project, the maximum state cost-share rate for installation of urban BMPs is 50% of eligible expenses. The maximum state share of the project for engineering and construction is \$150,000. Designs must receive Department approval before construction begins [as identified in s. NR 154.04(42)].

For Small-Scale Urban TMDL TRM projects, the maximum state cost-share rate for installation of most urban BMPs is 70% of eligible expenses. The maximum state share of the project for engineering and construction is \$225,000. Designs must receive Department approval before construction begins [as identified in s. NR 154.04(42)]. Storm sewer rerouting and structure removal that are necessary for the construction of the BMP are eligible for 50% cost sharing.

Fee title property acquisition and the purchase of easements necessary to install structural urban practices are eligible for up to 50% state cost sharing, and the state share is limited to a separate cap of \$50,000. Fee title property acquisition and easements will only be eligible if the BMP project is installed. Appraisals and other acquisition costs necessary to acquire the property are eligible as part of the purchase.

While grant funding may only cover work actually performed during the grant period, the Department may cost share design and property acquisition (fee title & easement) completed prior to submittal of the grant application or receipt of the grant contract. Subsequent reimbursement is contingent upon the applicant receiving all appropriate approvals identified in ch. NR 153, ch. NR 155 s. NR 154.04(42). The governmental unit may only be reimbursed once the BMP has been installed and certified as constructed according to engineering specifications.

Eligible Urban BMPs

BMPs are eligible for cost sharing in accordance with technical standards developed and disseminated under subch. V of ch. NR 151. BMPs must have been determined by DNR to be effective means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with water quality objectives.

- See some limitations under “Pro-Rating for Urban BMPs” below.
- Streambank and shoreline stabilization practices are eligible for cost sharing when used in urban areas, as necessary to filter or infiltrate urban runoff or to reduce sediment pollution caused by streambank erosion. See NR 154.04(29) and NR 154.04(31).

Note: DNR will generally not provide cost sharing for a storm water treatment practice situated in a navigable water or wetland.

Pro-Rating For Urban BMPs

The State can only provide cost sharing for the water quality portion of a BMP designed to control runoff from existing development. Projects solely focused on new development or to solve drainage and flooding problems or for dredging, are not eligible for funding. Cost-share allocations will be prorated for projects that combine eligible and ineligible components.

BMP Design Required Approvals

Design plans and specifications of urban BMPs constructed under this grant program must receive DNR approval prior to beginning construction as identified in s. NR 154.04(42).

All such designs must be approved by the DNR Regional Storm Water Engineer, who will take into account the factors listed below:

- Consistency with applicable technical standards developed under subch. V of ch. NR 151, or DNR guidance.
- Adequacy of pollutant control to protect surface water, groundwater and wetland resources in accordance with the objectives of a watershed plan. Applicable performance standards identified in ch. NR 151 may be considered and addressed in the detailed design.
- Consistency with water quality provisions of DNR-approved plans, such as integrated resource management plans, remedial action plans or wellhead protection plans or with existing local storm water management ordinances or plans that meet minimum DNR requirements.
- Structural integrity of the design.
- Aesthetics.
- The degree to which other environmental considerations are integrated in the proposal.
- The adequacy of the provisions for long-term maintenance of the structural practice.
- Other pertinent factors.

Note: DNR approval of BMP designs issued under this grant program do not automatically meet the approval requirements of other DNR programs, such as the Chapters 30 or 31, Wis. Stats. permits. Applicant/grantees must apply separately for any DNR permits. Refer to <https://dnr.wi.gov/topic/waterways/> and <https://dnr.wi.gov/topic/wetlands/programs.html>.

High-Efficiency Street Sweeper

Street sweeping involves the removal of grit, debris, trash and fine particulate material from urban impervious areas such as streets, parking lots and sidewalks. Purchase of a high-efficiency street sweeper as part of an accelerated program will be eligible for an UNPS&SW Construction grant in accordance with the following:

1. Funding Limitations

- A high-efficiency street sweeper can only be cost shared at a rate of 25% of the total cost of the high-efficiency street sweeper.
- This grant program can only fund one high-efficiency sweeper per governmental unit.
- Cost sharing may **not** be provided for the operation and maintenance costs of a street sweeper, such as disposal of the material collected by the street sweeper (although it should be disposed of in a manner approved by the Department) or for staff to operate the street sweeper.

2. Sweeper Types Eligible For Cost-sharing

For purposes of this grant program, street sweeping is intended to significantly reduce the pollutant load in the existing urban areas served by storm sewers with curb and gutter. The expectation is that this will be accomplished using a high-efficiency or combination sweeper. Examples of high-efficiency sweepers are regenerative air sweepers or sweepers that are a combination of a broom and vacuum sweeper in a single unit. Mechanical brush or broom sweepers are not considered high-efficiency sweepers and are not eligible for cost sharing.

3. Sweeping Program Requirements

A governmental unit that receives cost sharing to purchase a high-efficiency sweeper should implement the practices described below to maximize the pollutant removal effectiveness of the sweeper, for a minimum period of ten years after purchasing the sweeper.

- Adopt alternate side parking policies to allow the street sweeper complete access to the full length of the curb, as with snow removal.
- Conduct sweeping in the spring before spring rains wash the finer particles off the streets;
- Conduct sweeping in the high-density residential, commercial and industrial areas from the period of spring thaw through fall leaf pick-up, on a weekly schedule.
- Separate leaf and litter pick-up.
- Properly dispose of all material collected by the street sweeper.

State & Local Permit Fees

State and local permit fees are not reimbursable as part of the BMP construction cost.

Projects Requiring Permits Under Chapters 30 And 31, Wis. Stats.

Projects that include grading along a navigable water, drainage to a non-navigable wetland or construction of a dam will likely require a Chapter 30 or Chapter 31 permit or plan review. Applications for these projects may be submitted prior to obtaining such permits. However, in such cases, the DNR reserves the right to deny consideration or funding if it believes the permitting process might significantly delay the project beyond the allowable project period. If this is the case, DNR will request that applicants re-submit their application during a subsequent application cycle.

In order to avoid unanticipated problems during the grant award process, it is suggested that applicants contact the DNR Regional Water Management Specialist for their area to discuss whether serious delays are likely to occur during the permitting or plan review process and whether changes to the project might make the process easier.

Information about permits and plan review requirements under chs. 30 and 31, Wis. Stats. can be found on the Department's web site at <https://dnr.wi.gov/topic/waterways/>.

Contact information for DNR Regional Water Management Specialists can be found at https://dnr.wi.gov/topic/Waterways/about_us/county_contacts.html.

NR 216 Permitted Municipalities.

Except for the city of Racine, a municipality required to obtain a permit for its municipal separate storm sewer system (MS4) discharges is **not** eligible for TRM grants to control activities that are required to comply with the provisions of ch. NR 216 and s. 283.33, Wis. Stats. Municipalities required to obtain WPDES storm water discharge permits are identified in s. NR 216.02 (1. through 4.) and s. 283.33(1), Wis. Stats. This includes the permitted portions of the following:

- Federal Phase I and Phase II municipalities.
- Municipalities in the Great Lakes Areas of Concern.
- Municipalities in priority watersheds with a population of 50,000 or more. Any community receiving a letter of designation from DNR stating that discharges from its storm sewer system either contribute to a violation of a water quality standard or are a significant contributor of pollutants to waters of the state. Waters of the state includes 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.