

Chapter NR 160

FEDERAL AND STATE CONSTRUCTION GRANT PRIORITY RANKING SYSTEM FOR WATER POLLUTION ABATEMENT PROJECTS

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Note: Chapter NR 160 as it existed on September 30, 1975 was repealed and a new chapter NR 160 was created effective October 1, 1975.

NR 160.01 Purpose. The purpose of this chapter is to establish a priority system for distributing federal grant funds for the construction of municipal wastewater treatment systems as provided in the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) (33 U.S.C. 1251 et. seq.), and state grant funds for the construction of municipal wastewater treatment systems as provided in s. 144.24, Stats.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.02 Definitions. (1) "Department" means the department of natural resources.

(2) "Intercepting sewer" means a sewer constructed:

(a) To receive and convey the dry weather flow from one or more sanitary sewer system terminals in a previously developed area, other than from a dwelling or building, and to convey the flow to an existing sanitary sewer or to a treatment works, whichever is nearer; or

(b) To serve in lieu of an existing or proposed treatment works.

(3) "Municipality" means a city, township, village, county, sanitary district, county utility district, metropolitan sewerage district or any other public entity created pursuant to law and having the authority to own, operate, maintain, finance and construct a publicly-owned sewer system or sewage treatment plant.

(4) "Dry weather conditions" means the usual conditions that occur in the absence of snowmelt, rainfall and high groundwater.

(5) "Sanitary sewer" means a sewer designed and constructed to convey only sanitary sewage or industrial wastewater or both, but not runoff from streets or land, due to rain, flooding or melting snow. The term "sanitary sewer" does not include combined sewers.

(6) "Combined sewer" means a sewer designed and constructed to convey sanitary sewage, industrial wastewater or both during dry weather and storm water from rain or snow during wet weather.

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(7) "Federal grant" means a grant made pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et. seq.).

(8) "Lateral" means a service sewer from a building to a publicly owned sanitary or combined sewer.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75.

NR 160.03 Priority rating system. The following factors, when applied to particular projects in accordance with NR 160.04, will determine the priority ranking of municipal wastewater treatment projects for funding for a federal grant pursuant to the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 et. seq.).

(1) RIVER BASIN SCORE. (a) Each project shall be assigned a river basin score.

(b) In assigning a river basin score to a project, the department shall assign the score corresponding to the river basin within which the problem to be remedied by the project is located.

(c) The river basin score and the priority ranking of the following river basins is given below.

Rank	Basin Code	Basin Name	River Basin Score
1	052	Milwaukee County	7.40
2	113	Lower Fox (Wisconsin)	6.95
3	171	Upper Wisconsin	5.89
4	030	Des Plaines	5.61
5	040	Root	5.53
6	130	Pensaukee	5.53
7	090	Kewaunee	5.33
8	012	Lower Rock	5.33
9	011	Upper Rock	4.87
10	020	Fox (Illinois)	4.81
11	080	Twin	4.55
12	060	Sheboygan	4.52
13	100	Door	4.38
14	051	Milwaukee River	4.33
15	120	Duck	4.30
16	220	La Crosse	3.64
17	070	Manitowoc	3.62
18	160	Menominee	3.46
19	140	Oconto	3.38
20	180	Sugar	3.25
21	172	Baraboo-Lemonweir	3.22
22	111	Upper Fox (Wisconsin)	3.18
23	150	Peshtigo	3.13
24	262	Lower Chippewa	3.08
25	173	Lower Wisconsin	3.00
26	190	Pecatonica	2.98
27	270	St. Croix	2.80

Rank	Basin Code	Basin Name	River Basin Score
28	250	Buffalo	2.76
29	210	Bad Axe	2.74
30	200	Grant-Platte	2.71
31	240	Trempealeau	2.57
32	112	Wolf	2.30
33	280	Lake Superior	2.26
34	261	Upper Chippewa	2.21
35	230	Black	2.15

Note: The river basin score is determined by the department from several different factors which generally characterize the water quality and population of the basin. A report which discusses the calculation of the various river basin scores is available upon request from the Department of Natural Resources, Bureau of Water Grants, Box 7921, Madison, Wisconsin 53707.

(2) **HEALTH HAZARD SCORE.** (a) The health hazard score assignable to a project falling into the following categories shall be determined as follows:

1. Projects necessary to alleviate groundwater pollution which occurs in 10 or more of the public or private potable water supply systems in the project area and results from the discharge of wastewaters shall be assigned 4.0 points;

2. Projects necessary to prevent the discharge of raw sewage from sewers or treatment facilities during periods of dry weather shall be assigned 3.5 points;

3. Projects necessary to eliminate ponding or runoff of effluent from 10 or more of the septic tank systems in the project area shall be assigned 3.0 points;

4. Projects necessary to eliminate the discharge or bypass of wastewater effluent from a sewage treatment plant after primary treatment shall be assigned 2.5 points; or

5. Sewer projects necessary to eliminate basement backups which occur annually in buildings and result from sewer surcharging during wet or dry weather conditions, provided that such basement backups occur in 10 or more of such buildings, shall be assigned 2.0 points. This does not include backups due to plugged sewers or laterals which result from the lack of proper maintenance.

(b) The health hazard score assigned to a project shall not be cumulative. It shall be the single highest value which can properly be assigned to the project. If a health hazard category enumerated in par. (a) above is not properly assignable to a project, it shall be assigned a health hazard score of zero.

(c) A health hazard score shall be assigned only to a project required to alleviate the health hazard. If a project contains elements not required to alleviate a health hazard, a health hazard score shall not be assigned to the entire project.

(3) **ASSIMILATIVE CAPACITY FACTOR SCORE.** (a) Only projects designed to enhance the quality of treatment provided by existing municipal sew-

age treatment plants discharging to surface waters are eligible for the assignment of assimilative capacity factor (ACF) points.

(b) The maximum number of ACF points assignable to any eligible project is 5.0. The number of points assigned to any eligible project may be determined from the following mathematical expression:

$$\text{ACF} = \frac{5 \times \text{BODD}}{\text{BODD} + \text{BODA}}$$

Where BODD is the average number of pounds of 5-day biochemical oxygen demand (BOD) discharged per day and BODA is the maximum number of pounds per day of 5-day biochemical oxygen demand which can be assimilated by the receiving body of water under a low flow condition which occurs as the 7-day average once in 10 years. In computing the number of ACF points assignable to an eligible project, the department will use the best information available to it at the time the determination is made.

(c) If the ACF score for an eligible project is less than 2.22, it is assumed that the receiving water can assimilate the waste load discharged to it. In such event, no ACF points shall be assigned to the project. If the ACF score for an eligible project is equal to or greater than 2.22, it is assumed that the potential for water quality degradation exists and ACF points shall be assigned to the project.

(4) **NUTRIENT CONTROL SCORE.** If phosphorous control is required by the department for an existing municipal sewage treatment plant discharge, a project designed to enhance the quality of treatment provided by such a plant shall be assigned a nutrient control score of 2.0 points.

(5) **POPULATION SCORE.** The department shall assign to each project a population score which shall be computed as the logarithm to the base 10 (log 10) of the population equivalents served by the project. The population equivalents served is the sum of the population which would be served by the project if it were built at the time the determination of the population score is made plus 6 times the total pounds of 5-day biochemical oxygen demand presently being discharged per day by industries into an existing municipal sewerage system to be served by the project. (Note: The following table demonstrates the relationship between the population score and the population equivalents served:)

Equivalent Population Served	Population Score
100	2.00
1,000	3.00
5,000	3.69
10,000	4.00
20,000	4.30
50,000	4.69
100,000	5.00
1,000,000	6.00

(6) **PROJECT CATEGORY SCORE.** Projects which are properly assignable to any of the project categories enumerated in this subsection shall be assigned a project category score as follows:

(a) Projects intended to enhance the level of treatment provided by existing primary-designed treatment plants requiring a higher degree of treatment or to eliminate existing primary-designed treatment plants by construction of intercepting sewers where the initial dry weather flow is at least 25% of the design capacity of the sewer, shall be assigned 18 points;

(b) Projects intended to replace, improve or expand existing secondary-designed treatment facilities, or to provide advanced waste treatment for existing secondary-designed facilities, or to eliminate existing municipal sewage treatment plants by construction of intercepting sewers where the initial dry-weather flow is at least 25% of the design capacity of the sewer shall be assigned 16 points;

(c) Relief interceptor sewers shall be assigned 14 points if they are intended:

1. To eliminate dry weather overflows from sewers;

2. To alleviate documented basement backups occurring annually and resulting from surcharged sanitary sewers or to eliminate bypasses, crossovers or documented portable pumping implemented to prevent such backups; or

3. To eliminate an existing sewage treatment plant serving at least 5,000 persons and resulting in an initial flow of at least 10% of the design capacity of the sewer.

(d) Projects to eliminate malfunctioning private sanitary waste disposal systems shall be assigned 10 points.

(e) Projects for the rehabilitation of existing sanitary sewer systems to eliminate infiltration or inflow problems shall be assigned 10 points.

(f) Projects for the separation of combined sewers or for the elimination of combined sewer overflows shall be assigned 10 points.

(g) Projects for reducing, storing, treating, separating or disposing of storm water runoff shall be assigned 2 points.

History: Cr Register, September, 1975, No. 237, eff. 10-1-75; r. (5) (b), am. (6) (b) and (d), Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.04 Project priority value. (1) A project priority value (PV) shall be assigned by the department to each project for which a completed priority evaluation review form has been received from the project sponsor. The project priority value shall be determined using the following formula:

$$PV = A + B + C + D + E + F$$

where A = River basin score
B = Health hazard score
C = Assimilative capacity factor score
D = Nutrient control score
E = Population score
F = Project category score

(2) In computing the project priority value, the department shall consider only those scores properly assignable to a particular project. If a

project does not satisfy the necessary criteria associated with the assignment of a particular score, a score of zero will be recorded for that particular score.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75.

NR 160.05 Procedure for determination and updating of project priority value. (1) Any project sponsor intending to apply for state or federal grant assistance or both for the first time shall submit to the department a written request for priority determination on a priority evaluation review sheet (PERS). A PERS is available from the bureau of water grants of the department.

(2) No project will be assigned a priority value, nor will it be placed on the project priority list until a PERS for the project has been submitted by the project sponsor and evaluated by the department.

(3) Upon completion of the review and determination of priority value, the department will notify the project sponsor in writing of the determination.

(4) Annually, the department shall review, and if necessary under the requirements of this chapter, recalculate priority values to assure accuracy and timeliness of information. The department shall notify the project sponsor in writing of the change.

(5) After completion of step 1 (facilities planning) the department shall reevaluate the priority value of the project, making revisions if necessary. The department shall notify the project sponsor in writing of the change.

(6) If the project sponsor objects to the department's determination of the priority value, the project sponsor shall notify the department in writing within 30 days. This notice shall state specifically the objection, and the notice shall present information supporting the objection and the priority value which the sponsor believes should be assigned to the project based on this information.

(7) Upon receipt of such notice the department shall reevaluate its determination of the project priority value and shall notify the sponsor. If the department denies the requested priority value, it shall state the reasons in writing.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.06 Project ranking system. (1) The department shall maintain a project priority list which shall rank the projects for which priority values have been determined. The projects will be ranked in the order of descending priority value with the project with the highest priority value ranked first.

(2) In case 2 or more projects have the same priority value, the project having the higher population to be served immediately will be considered to have the higher priority.

(3) The project priority list shall be prepared annually by the department. Subject to public hearing and natural resources board approval, it shall be used for allocating federal and state funds to eligible project applicants.

Register, September, 1981, No. 309
Environmental Protection

(4) In cases where amendment to this chapter will remove a project from next year's federal fundable range, such a project shall, for one year, be ranked at a sufficient score to retain fundability for Wisconsin fund assistance, if all other requirements of eligibility are satisfied.

(5) In cases where projects are undergoing a federally required full environmental impact analysis, and scores are recalculated under this chapter, the department shall allow the grantee the option for one year after the completion of the environmental impact statement to be ranked for priority, either under the score assigned at the time of the initiation of the environmental process or the new score mandated by this chapter.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75; am. Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.07 Cluster projects. (1) Where several projects are proposed to be associated with a common project and are not separable in their analysis, design, construction and management, the department may consider them as a cluster project.

(2) In making its determination, the department shall:

(a) Cluster a project with the priority value of a treatment plant project under s. NR 160.03 (6) (a) or (b) only if:

1. The project significantly affects the treatment plant design and operation; and

2. The projects which the project sponsor seeks to cluster are in substantial compliance with the requirements of either a Wisconsin pollutant discharge elimination system permit compliance schedule or a court approved compliance schedule under ch. 147, Stats.

(b) Not consider sanitary sewer collection systems as a part of a cluster project.

(c) Cluster factor scores either upward or downward to those of the highest scoring project to correct failure of a treatment plant to achieve final effluent limits, other violations of WPDES permit conditions, or documented health hazards.

(d) Adjust the population score to include the sum of the population equivalents which contribute to the common project.

(3) For determination of (step 1) facilities planning priorities, a formal resolution of intent to discharge to a single regional waste treatment plant by the governing bodies of the participating municipalities will be required. For consideration of (step 2) plans and specifications grants and (step 3) construction grants, a contract committing the participating municipalities to cooperative wastewater treatment will be required. When a statement of intent or a contract to effect regional treatment is submitted for each municipality together with a single priority evaluation review form, a cluster priority will be considered.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75, cr. (1m), Register, April, 1976, No. 244, eff. 5-1-76; am. Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.08 Annual funding policies. The department shall establish funding policies in conjunction with the project priority list, including

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project bypass procedures, before the beginning of the federal fiscal year. These funding policies shall be subject to public hearing and endorsement by the natural resources board.

History: Cr. Register, September, 1981, No. 309, eff. 10-1-81.

NR 160.09 Severability. Should any section, paragraph, phrase, sentence, clause or word of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, September, 1975, No. 237, eff. 10-1-75; renum. from NR 160.08, Register, September, 1981, No. 309, eff. 10-1-81.

Note: Provisions of this chapter shall be amended when necessary as a result of changes in federal program regulations, subject to public hearing.