

## Compendium of 2015 Revisions to Chs. NR 162 and NR 166

**Rules Revised:** Chapter NR 162 – Clean Water Fund Program  
Chapter NR 166 – Safe Drinking Water Loan Program

**Effective Date:** July 1, 2015

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This web page provides detailed information regarding substantive changes made to chs. NR 162 and NR 166, Wis. Adm. Code.

### Definitions (ss. NR 162.003 and NR 166.03, Wis. Adm. Code)

You will find several new and revised definitions in both the CWFPP and the SDWLP codes.

**Median Household Income and Population** - We added definitions to detail the process of obtaining median household income (MHI) information for:

- town sanitary districts
- county utility districts
- public inland lake protection and rehabilitation districts
- metropolitan sewerage districts
- joint local water authorities

New definitions related to MHI and population include:

- American Community Survey
- block group
- census tract
- custom tabulation
- minor civil division
- place
- population

EL staff use these terms in the following ways:

- ⇒ To determine eligibility and calculate the amount of assistance to provide for a CWFPP hardship assistance project (NR 162.24).
- ⇒ To assess a project's eligibility for and determine percentage of principal forgiveness. (The methodology for distributing principal forgiveness funds is specified in the annual Intended Use Plan.)
- ⇒ To establish the project priority score and loan interest rate for each SDWLP project.

**Eligibility Determinations** - To clarify certain types of eligibility determinations, we added definitions for *capital improvements*, *maintenance*, and *operations*.

- These definitions clarify eligibility issues by differentiating between activities that are considered *operation and maintenance* and those considered *capital improvement*. These are important distinctions when funding projects using government funds meant for *capital improvements*.
- Water tank painting is clarified in the code as being eligible for SDWLP funding as a capital improvement. Through discussions with an external advisory group, SDWLP staff determined that it is appropriate to allow municipalities to use SDWLP funds to repaint existing water storage tanks based on the following:
  - ✓ municipalities are not allowed to save user rate revenues for a future tank repainting;
  - ✓ tank painting is a high cost activity--especially if there is lead in the paint that is being removed;
  - ✓ municipalities typically have to borrow to pay for tank painting; and
  - ✓ municipalities often have to award tank painting contracts to a specialized painting contractors.

**Municipal separate storm sewer system or MS4** – We made a few changes to NR 162 related to storm water/nonpoint projects, including the following:

- Added definitions for:
  - ✓ *municipal separate storm sewer system or MS4*
  - ✓ *municipal WPDES storm water discharge permit*
  - ✓ *runoff*
- Shortened the term *structural urban best management practice* to *best management practices* (to allow flexibility in nonpoint issues).

**Core scope of work** – This is a new defined term in ch. NR 166 that, along with a definition for *scored project* and a revised definition of *project*, clarifies under what circumstances it is acceptable for a DNR project manager or construction management engineer (CME) to approve using SDWLP funds for project costs outside of the original scope of a project. In general, unless a municipality requests non-project-specific costs in their SDWLP application, costs outside of the scope of the project--as identified in the Intent to Apply and Priority Evaluation and Ranking Formula submittal—are considered non-core costs and will not be eligible for funding through that particular scored project.

To implement this concept, we added a page to the SDWLP application form that:

- provides applicants information regarding non-core costs,
- sets limits on the amount of non-core items and activities for which the applicant may request financial assistance, and

- collects descriptions and costs of all non-core items and activities requested.

**Scored project** and **project** definitions are also included in ch. NR 162, the CWFPP code. While there is more flexibility with funding in the CWFPP, municipalities need to identify, in the Project Description section of the CWFPP application, all items and activities for which they wish to request financial assistance.

**Equipment replacement fund** – With defining the terms *equipment replacement fund* and *useful life* in NR 162, we added clarity for CWFPP loan recipients regarding how they should use the *equipment replacement fund* and for how long they must maintain the fund.

- If the municipality received federal EPA construction grant money to construct or rehabilitate the treatment works, the municipality must maintain the equipment replacement fund as long as the treatment works is operational.
- If the municipality never received federal EPA construction grant money for work on their treatment works, the municipality must maintain the equipment replacement fund as long as they still owe payments on their CWFPP loan.

### **Types of Financial Assistance Available** (s. NR 162.01, Wis. Adm. Code)

Section NR 162.01 clarifies refinancing and reimbursement limitations for a project that is already under construction or is completed.

- To be eligible for financial assistance, the project cannot have been substantially complete for more than 3 years.
- The CWFPP cannot refinance the project debt of a municipality if the debt to be refinanced is considered by DOA and DNR to be long-term affordable debt.

### **Project Eligibility – SDWLP** (s. NR 166.06, Wis. Adm. Code)

DNR made one substantive change to the project eligibility section of the SDWLP code. If an applicant is creating a new community water system, the applicant must be able to either:

- document that 40% or more of the individual wells are contaminated or 40% of the surface water in the area is contaminated; or
- provide hydrogeological data or other documentation that indicates contamination is imminent.

Previous code required that the applicant needed to document contamination at 50% or more of the individual wells in the area to be served by the new water system.

## **Project Eligibility – CWF** (s. NR 162.03, Wis. Adm. Code)

Project eligibility for the CWF remains mostly unchanged; however, we organized the section into multiple project categories:

- traditional wastewater treatment plant and collection system projects,
- individual wastewater systems,
- area-wide storm water projects, and
- individual storm water projects.

Also, the compliance maintenance project type in s. NR 162.03(1)(a) is divided into two subcategories:

- projects taking place completely inside the fence/on site of the wastewater treatment plant; and
- projects taking place outside of the fence of the treatment plant.

Work inside and outside of the fence earn different points in the priority scoring system, so this is an important piece of information. See “Priority Scoring and Ranking System – CWF” at the end of this document for details regarding projects that include both inside- and outside-the-fence elements.

## **Cost Eligibility** (ss. NR 162.04 and NR 166.07, Wis. Adm. Code)

In the CWF and SDWLP codes, the cost eligibility sections are now arranged alphabetically by cost type.

**Sub-units** - Some eligibility items are listed on their own, while others are listed as sub-units of a more encompassing item. For instance, in both codes you’ll see ‘*professional services*’ as an eligible cost with many items listed underneath, such as preparing bidding documents, conducting archaeological surveys, performing activities related to compliance with Davis-Bacon requirements, and producing record drawings.

**Key elements** - Most of the changes in the cost eligibility sections are related to the restructuring of the section or are minor revisions of already existing policies. Key decision-making elements for cost eligibility are:

- Is the activity or item project-specific?
- Is the activity or item necessary?
- Is the extent of and the cost of the activity or item reasonable?

**Interim financing cost eligibility** - The most significant cost eligibility changes in each of the codes are to the limitations on eligibility of interim financing costs.

- The limit on interim financing issuance costs is now capped at \$15,000 + 0.5% of the total eligible face amount of the interim financing. Previously, the loan programs could refinance issuance costs of up to \$7,500 + 0.5%.
- We can now refinance interest costs on interim financing accrued up to 12 months ahead of construction. Previously, we could include interim financing interest costs beginning 6 months prior to the start of construction.

***No construction costs requested*** -The revised cost eligibility sections also allow provision of funding for other project costs when no construction costs are being requested, but only when another governmental funding agency:

- is involved in the project,
- is covering the construction costs, and
- can provide acceptable documentation showing the agency's participation in the project.

Previously, the CWFPP and SDWLP couldn't provide any funding for a project unless the applicant was requesting at least some funds for construction costs from our programs.

### **Notice of Intent to Apply** (ss. NR 162.05 and NR 166.08, Wis. Adm. Code)

Please note these substantive changes to the Notice of Intent to Apply section.

- Intent to Apply information must now be submitted by October 31 (previously Dec 31) and must be submitted through an online system. Instructions for submitting online are available at <http://dnr.wi.gov/Aid/OnlineSubmissions.html>.
- The new language in this section clarifies who can sign the Intent to Apply or, with the new online system, who can submit an ITA through the online system. Any municipal official or any employee of the municipality may submit notice of Intent to Apply through the online system. If the municipality chooses to have a consulting engineer submit the Intent to Apply information on behalf of the municipality, a municipal official (administrator, clerk, director of public works (DPW), mayor, president, or other management position associated with the municipality) must sign an authorization certificate to grant authority to the consulting engineer to access the online system for them.
- If a municipality is unable to access the online system or has problems with submitting the Intent to Apply information through that system, the code allows the municipality to submit a paper Intent to Apply form.

### **Engineering Report - SDWLP** (s. NR 166.09, Wis. Adm. Code)

A municipality may submit an application prior to receiving department approval of an engineering report for the project, IF:

- neither ch. NR 108 nor ch. NR 811, Wis. Adm. Code, requires an engineering report for a specific project, or
- either ch. NR 108 or ch. NR 811 allows submittal and review of the engineering report and plans and specifications simultaneously, and the department receives the plans and specifications and engineering report with or prior to submittal of the application by the application deadline.

In effect, engineering report requirements for the SDWLP are now the same as those included in chs. NR 108 and NR 811.

### **Application** (ss. NR 162.06 and NR 166.10, Wis. Adm. Code)

Please make sure you have the most recent application form and read instructions on the form carefully. Implementation of administrative code revisions requires a number of changes to the applications.

**Application completeness** – Modifications to the list of items needed to make an application complete include the following:

- If a municipality already has an executed engineering contract for construction management, they must include a copy with the application form. If the municipality has not yet executed a construction management contract by time of application, they must submit the contract prior to preparation of the Financial Assistance Agreement (FAA) if they are requesting financing for those costs. (Previously DNR required submittal of a proposed construction management contract with the application if no executed contract was available; that is no longer required.)
- The applicant must include a copy of the reimbursement resolution (declaration of intent) with the application form only if the municipality passed a reimbursement resolution prior to the application deadline. The municipality will have to pass and submit a reimbursement resolution prior to preparation of the FAA.
- For CFWP projects, applicants must submit approvable plans and specifications to DNR's Water Quality Bureau by the application deadline, but they may wait until after bids are final before submitting plans and specifications to the DNR construction management engineer and project manager.
- For most SDWLP projects, the applicant must submit approvable plans and specifications to EL for all parts of the project being financed either prior to or with the application. However, well projects are an exception; the municipality must submit plans and specifications for the drilling of a permanent well with or prior to the application but may submit additional plans at a later date prior to preparation of the FAA. Additional plans may include those for pumps, a wellhouse, treatment, or other well-related plans that cannot be properly drawn before the final well is drilled.

***Codifying existing policies*** - With revisions to the codes, we documented some procedures we already followed.

- Before DNR can accept an application:
  - ✓ the applicant must submit all applicable required items/information listed on page 1 of the application form to DNR; and
  - ✓ the Department of Administration must make an initial determination that there is a reasonable likelihood the municipality will be financially capable of paying back a loan.
- If a municipality is financing a project with assistance from more than one state or federal agency, and typical documentation for the project is not available due to differences in procedures or items between the agencies, DNR may determine that atypical documentation provided is acceptable. For example, sometimes we can't obtain typical contractual or bidding documentation for projects partially funded through WisDOT since that agency's bid lettings are performed differently than municipal bid lettings, but we can usually obtain acceptable substitute documentation.
- DNR may allow late submittal of an item or information within a short amount of time after the application deadline. This is allowed only if DNR receives the application by the deadline and determines the application was substantively complete by the deadline. DNR may reject applications that are missing multiple items and/or a significant amount of information.

## **Financial Assistance Requirements** (ss. NR 162.07 and NR 166.11, Wis. Adm. Code)

Please note the following changes regarding activities that take place after application submittal but prior to loan closing:

- Applicants must provide a copy of both the bid bond and the performance bond for each awarded contract. Previously we required only the bid bond.
- For evidence of a municipality's award of a construction contract, we can accept any of the following:
  - ✓ a notice of award,
  - ✓ a municipal resolution awarding the contract, or
  - ✓ minutes from the municipal meeting at which the determination of award was made.

The documentation should include the name of the selected construction contractor and the dollar amount of the award.

- Municipalities must submit a complete, bound copy of each executed construction contract for its project. The bound copy must include up-to-date copies of:
  - ✓ the successful bid proposal, including DBE solicitation information
  - ✓ the bid bond and the performance bond
  - ✓ all addenda to the plans and specifications

- ✓ all attachments and appendices to the contract agreement
  - ✓ appropriate Davis-Bacon wage rate information
  - ✓ any other documentation that makes the contract complete
- We are required to collect information regarding multiple federal regulations from our SDWLP and CWFP applicants; therefore, we added language regarding compliance with federal requirements to the Financial Assistance Requirements section of each code. Applicants may have to submit compliance documentation related to:
    - ✓ DBE solicitation and utilization
    - ✓ Use of American Iron and Steel
    - ✓ environmental review
    - ✓ Davis Bacon wage rates

In addition, CWFP applicants must document compliance with requirements for:

- ✓ fiscal sustainability plans
  - ✓ green project reserve activities
  - ✓ energy/water efficiency of the selected design of the project
- A municipality must submit a copy of the reimbursement resolution and the construction management engineering contract prior to loan closing. The old code required these documents with the application submittal.
  - We eliminated the previous CWFP requirement to submit a plan of operation.

### **Requirements for a User Charge System – CWFP** (s. NR 162.08(3)(d), Wis. Adm. Code)

- New code language provides municipalities some guidance and a bit of flexibility in the maintenance and use of their required equipment replacement fund for CWFP projects. The municipality:
  - ✓ Must establish an equipment replacement fund as a separate fund.
  - ✓ Make annual deposits to the fund or maintain a balance that is acceptable (based on wastewater utility assets) to DNR.
  - ✓ May use the fund for costs of replacing equipment related to the treatment works or BMP (best management practice), or for conducting maintenance of a runoff treatment works or BMP.
  - ✓ May also use the fund for unexpected unbudgeted costs incurred for continuing effective operations of the treatment works.
  - ✓ Must periodically make appropriate adjustments to the equipment replacement fund deposit schedule or balance, including adjustments needed to bring the fund balance back up following expenditures from the fund.

- Note that DNR monitors equipment replacement funds through the Compliance Maintenance Annual Report (CMAR). Keeping good records throughout the year regarding expenditures from and deposits to the fund would make it easier for municipalities to complete the financial portion of the CMAR.

## Procurement

- *Solicitation of DBEs* (ss. NR 162.09(4) and NR 166.12(4), Wis. Adm. Code)

We updated the procurement section of both codes to align the code language regarding disadvantaged business enterprises (DBEs) with federal regulations that took effect several years ago. Detailed DBE information is available online at: <http://dnr.wi.gov/Aid/documents/EIF/Guide/DBE.html>.

- *Change Order Submittals* (ss. NR 162.09(7)(c)1. and NR 166.12(7)(c)1., Wis. Adm. Code)
  - ✓ CFWP and SDWLP applicants must, for each change order associated with construction contracts on their projects, provide the change order and all associated backup documentation to the DNR construction management engineer (CME) **within 90 days of execution of the change order.**
  - ✓ If a change order for a project is executed 90 days or more prior to application submittal, the municipality must submit the change order within 30 days of the date on which DNR receives the application.
  - ✓ The DNR may deny funding for a change order if it is not submitted to the CME within the timeframes provided in the revised codes. When a CME receives a change order long after it's executed, it is difficult to properly review the content and determine whether the change order is eligible for financial assistance.

## Loan Interest Rates

 (ss. NR 162.11 and NR 166.13, Wis. Adm. Code)

Because the statutory levels of subsidy have been changed by the legislature and the governor a few times over the past several years, we modified the code to reference the statute for language regarding appropriate loan interest rates.

We also revised the Loan Interest Rates section in NR 166 for the SDWLP to clarify the process by which SDWLP and CFWP staff and applicants must determine median household income (MHI).

## Financial Assistance Agreement Conditions

 (ss. NR 162.12(1)(L) and NR 166.14(1)(k), Wis. Adm. Code)

The references to construction site performance standards in the previous codes were out-of-date. Revised references identify DNR's web page on which storm water technical standards, models, and BMPs are available (<http://dnr.wi.gov/topic/stormwater/standards/>).

## **Financial Assistance Disbursements** (ss. NR 162.14(3)(c) and NR 166.16(3)(c), Wis. Adm. Code)

Both revised codes require that a municipality must provide a contract amendment to change the dates of a contract if there are costs that were incurred outside of the beginning or end dates of the contract for which the municipality would like reimbursement. The disbursement specialist will deny costs that fall outside of the contract dates if the municipality does not provide an amendment.

## **Amendments to a Financial Assistance Agreement** (ss. NR 162.15 and NR 166.17, Wis. Adm. Code)

DNR made minor changes to the Amendments sections of the codes. Changes made to the state statutes in the 2015-2017 biennial budget process removed PV (present value subsidy) from the statute to reflect restructuring of the Environmental Improvement Fund, hence references to PV in the codes are no longer valid.

Amending a FAA is something we can still do. When determining what kind of financial assistance we can provide, the main issues will be whether there are funds immediately available for the amendment and whether the market rate at that time is the same as it was when the original FAA was executed.

## **Variances** (s. NR 166.22(4), Wis. Adm. Code)

In the SDWLP code (NR 166), we added a new section under Variances labeled "Granting a Variance." The language instructs DNR to take the following factors into account when determining whether granting a variance is appropriate:

- good cause;
- circumstances beyond the control of the municipality;
- emergencies;
- natural disasters; and
- financial hardship.

Similar language already existed in NR 162, the CWFP code.

## **CWFP Hardship Financial Assistance** (ch. NR 162, Wis. Adm. Code, subch. III)

The CWFP Hardship Financial Assistance subprogram is still available to CWFP applicants and remains mostly unchanged from the previous code.

**MHI** - We revised the procedures (s. NR 162.24(1)(a)) for determining median household income (MHIs) for town sanitary districts, county utility districts, public inland lake protection and rehabilitation districts, metropolitan sewerage districts, and joint local water authorities. The new procedures are described on the Median Household Income web page in our online Reference Guide at:

<http://dnr.wi.gov/Aid/documents/EIF/Guide/hardmhi.html>.

You'll see the previously-mentioned newly-defined terms in the procedures: *American Community Survey*, *block group*, *census tract*, *custom tabulation*, *minor civil division*, and *place*.

**Other revisions** – Revisions to the Hardship Financial Assistance subchapter include:

- Changed the Hardship ITA/PERF deadline to October 31, consistent with ITA/PERF deadline for all projects.
- Removed language regarding publishing funding policies; this topic is still included in s. NR 162.02.
- Added language to codify implementation of a directive from s. 281.58(13)(c), Wis. Stats., dealing with the calculation of hardship assistance amounts when another funding agency is participating in a project financing package. DNR has been following the directive from the statutes for several years, but the implementation was not previously incorporated into ch. NR 162, Wis. Adm. Code. The statutes state that DNR cannot reduce the amount of hardship financial assistance to be provided to a municipality just because the municipality is getting additional assistance from another funding agency, unless that additional funding combined with the CWFP hardship financial assistance would put the residential user rates for wastewater treatment below 2% of the municipality's MHI.
- Revised language regarding regression analyses DNR uses to estimate an appropriate level of Operation, Maintenance, and Replacement costs to be included in the calculation of hardship assistance. New language is less restrictive.

*Note:* The hardship subchapter includes many references to present value subsidy (PV) because the statutes used PV as a financial control mechanism in the structure of the loan programs. In the most recent budget, PV was eliminated from the statutes. Therefore, a number of sections in this subchapter already need revisions to adjust to the new fund structure.

## **Interest Rate Subsidies for Small Loans** (ch. NR 162, Wis. Adm. Code, subch. IV)

We modified the Small Loans Program (a subprogram of the CWFP) a bit.

- Under s. NR 162.38, we raised the maximum project cost of loans for which the CWFP can provide interest rate subsidy from \$1,000,000 to \$2,000,000.
- To match the structure of the revised scoring section, we rearranged s. NR 162.39.
- Like for all CWFP and SDWLP projects, the Small Loans subprogram will not provide financial assistance for a project that has been substantially complete for 3 years or more.
- The Procurement section of this subchapter includes a minor revision, changing MBE and WBE to DBE to be consistent with the requirements for solicitation of DBEs for regular

loans and hardship assistance. In the Small Loans Program, the applicant is encouraged to solicit DBEs to participate in the project.

- The references to construction site performance standards in the previous codes were out-of-date. The revised references identify DNR's web page on which storm water technical standards, models, and BMPs are available (<http://dnr.wi.gov/topic/stormwater/standards/>).

### **Priority Scoring and Ranking System – SDWLP** (ss. NR 166.23 – 166.25, Wis. Adm. Code)

The following highlights the significant changes to Subchapter III of the drinking water code. All of the modifications identified below related to the award of points in the PERF and are found in s. NR 166.23, Wis. Adm. Code.

- Language was added at the beginning of subch. III stating that DNR may require **documentation to support any points requested** by the applicant in the Priority Evaluation and Ranking Formula (PERF). DNR is requiring that supporting documentation be submitted **with the PERF**. If the applicant does not upload supporting documentation with the PERF, the points requested cannot be awarded.
- The DNR *increased the point value to 20* for each of the questions in the Secondary Contaminants section of the PERF that previously had a point value of 10. The reason for this increase is to make a clearer separation on the funding list between projects addressing the most significant issues in the Secondary Contaminants section from the projects that are mostly receiving points for project components that have a less direct or less serious impact on human health.
- The previous PERF included one 4-point question regarding whether the project was adding redundancy—an additional river, railroad, or highway crossing to a major system divide resulting in better reliability. The 4 points were awarded whether the project was adding extra redundancy to already existing redundancy, or the project was putting redundancy in place for the first time (e.g., going from one highway crossing to two). The revised NR 166 includes two questions regarding redundancy:
  - ✓ A 20-point question to award higher points for a project that is addressing system reliability where significant reliability issues exist. This could include putting a crossing in place where there was only one previously, installing a second surface water intake; or constructing a second well.
  - ✓ A 4-point question to award redundancy points for a project that will add another river, railroad, or highway crossing when two or more crossings already exist.
- One previous 4-point question was expanded *from* just awarding points for replacement of lead services *to* also awarding points for replacing lead joints with non-lead services or joints.

- Another 4-point question was modified *from* awarding points for documented water loss of more than 30% if the project will reduce water loss *to* awarding points if the system has:
  - ✓ documented non-revenue water in excess of 30% of the total water entering the distribution system; or
  - ✓ for public water systems with 1,000 or fewer customers, water losses exceeding 25%; or
  - ✓ for public water systems with more than 1,000 customers, water losses exceeding 15%; and
  - ✓ the project reduces the amount of non-revenue water within the system.
- Another previous 4-point question was expanded *from* just awarding points for removal of water mains that pass through sanitary sewer manholes *to* also awarding points for correction of other types of undesirable cross connections.
- The deadline for submitting the on-line PERF information was changed from December 31 to October 31<sup>st</sup> in s. NR 166.24.
- PERFs are valid for one state fiscal year only. The PERF and the ITA are combined into one “document” in the on-line system. You must complete both an ITA and a PERF for the year in which you will submit an application. There is no longer an option when completing the ITA to mark “previously submitted”. Each year you are considering applying for a loan for a particular project, you must complete the information fields in the online system for both ITA and PERF by October 31.
- The final revision to ch. NR 166 reflects a statutory change that sets a biennial cap on the amount any one municipality may receive in SDWLP financial assistance. The original cap was 25% of the amount of present value subsidy (PV) that was designated each biennium in s. 281.61(8), Wis. Stats. The statute was changed to a cap of 25% of the amount of assistance planned to be provided in the biennium. The Department of Administration will determine this amount using the information approved in our biennial finance plan.

### **Priority Scoring and Ranking System – CWFP** (ss. NR 162.50 – 162.53, Wis. Adm. Code)

In an effort to streamline the project scoring process, DNR developed a more automated scoring system for CWFP projects. The online PERF system mentioned above is a great help in the streamlining effort.

- The new online PERF system pulls data directly out of DNR’s WPDES permitting database to pre-populate information needed for project scoring in the online PERF system. Along with streamlining and going electronic, CWFP staff revamped the system of points awarded for various conditions and activities that make up a project priority score. The revamped system awards points for many of the same factors as those used in the prior system, but the new system gives greater weight to projects for facilities that have to consistently meet strict discharge permit limits.

- Section NR 162.51(2), Wis. Adm. Code, requires municipalities to, along with their PERF, submit documentation to support all of the points claimed in the PERF. If DNR does not receive supporting documentation for a particular factor in the PERF, DNR will assign a score of zero to that factor. This requirement is meant to provide evidence for awarding all of the points being requested on the PERF.
- PERFs are valid for one state fiscal year only. The PERF and the ITA are combined into one “document” in the on-line system. You must complete both an ITA and a PERF for the year in which you will submit an application. There is no longer an option when completing the ITA to mark “previously submitted”. Each year you are considering applying for a loan for a particular project, you must complete the information fields in the online system for both ITA and PERF by October 31.
- If there are elements in your CWFP project that are inside the fence and elements outside the fence, those portions of the project will be scored separately. When submitting an ITA/PERF for what the municipality considers one project, two ITAs/PERFs must be submitted to separate those elements taking place inside the fence from those outside the fence. There may be situations in which the DNR construction management engineer will determine that the elements belong together for scoring purposes, but the initial step for the municipality is to submit two separate projects.

If you have questions about any of the revisions to ch. NR 162-Clean Water Fund Program or ch. NR 166-Safe Drinking Water Loan Program, please contact Jeanne Cargill at 608-267-7587 or [jeanne.cargill@wisconsin.gov](mailto:jeanne.cargill@wisconsin.gov).