

Office of Sen. Robert Welch
Office of Rep. Glenn Grothman
Phone 608-265-0751
Phone 608-264-8486

**Joint Committee for
Review of
Administrative Rules**

**Report to the Legislature
COMM 83.03 (2)
The Joint Committee for Review of Administrative Rules**

Produced pursuant to s. 227.26(2)(g)

COMM 83.03(2), established by the Department of Commerce relating to the discontinuation of the use of privately owned wastewater treatment systems upon the installation of a public system approved by the Department of Natural Resources.

Description of the Problem

Chapter COMM 83 of the Wisconsin Administrative Code establishes guidelines for the operation of public and private sewage systems. COMM 83.03 was brought to the attention of the Joint Committee for Review of Administrative Rules by State Representative Scott Gunderson. Under the rule as it stood prior to suspension, when public sewers approved by the Department of Natural Resources become available to a household, the use of a private sewage system must be discontinued. Many homeowners have incurred great expenses installing their private septic systems, only to have a sanitary district annex the surrounding land. After public sewers become available, the homeowner has one year to disconnect his private sewage system, and connect to the public system. This rule is enforced on the homeowner regardless of the age or operating condition of the private system. With the increased development of rural subdivisions, this is likely to become a recurring problem.

Arguments in Favor of Suspension

- *Comm 83.02 compliance allows for no exceptions.* Even if a private sewage system is working and installed at the owner's expense, it still must be disconnected.
- *Comm 83.02 compliance will continue to cause problems in the future.* With the increased development of rural subdivisions, this problem is likely to recur.
- *The Department of Commerce supports a change in the rule.*
- *Local authority over the required connection of homes to public sewers is retained:* State law gives municipalities the ability to require connection to newly-installed public sewer systems. This suspension eliminates only the *state government* requirement that such interconnection occur. The local government may still, at its discretion, order such a connection within the timeframe specified in statute.

Arguments Against Suspension

- *Changes to COMM 83.03 could decrease statewide uniformity and decrease regulatory authority.*

Joint Committee for Review of Administrative Rules Action

On December 8, 1998 the Joint Committee for Review of Administrative Rules held a public hearing and executive session on COMM 83.03(2). The committee voted unanimously pursuant to s. 227.26(2)(d), stats., and for the reasons set forth in s. 227.19(4)(d) 6, stats., to suspend the first two sentences of COMM 83.03(2), Wis. Adm. Code.