



CR 88-20

State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

STATE OF WISCONSIN)
DEPARTMENT OF NATURAL RESOURCES)

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Bureau

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruce B. Braun, Deputy Secretary of the Department of Natural Resources and custodian of the official records of said Department, do hereby certify that the annexed copy of Natural Resources Board Order No. CA-8-88 was duly approved and adopted by this Department on April 28, 1988. I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand and affixed the
official seal of the Department at
the Natural Resources Building in
the City of Madison, this 24th
day of June

Bruce B. Braun
Bruce B. Braun, Deputy Secretary

(SEAL)

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9-1-88

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES
BOARD AMENDING AND CREATING RULES

.....
IN THE MATTER of amending s. NR 124.03(7) and .
(9) and creating s. NR 124.03(2m) of the .
Wisconsin Administrative Code pertaining .
to the Individual Septic Tank Replacement . CA-8-88
or Rehabilitation Grant Program .
.....

Analysis Prepared by the Department of Natural Resources

Statutory authority: ss. 144.245 and 227.11(2)(a), Stats.
Statutes interpreted: s. 144.245, Stats.

Grants for private sewage system rehabilitation or replacement are authorized under s. 144.245 Stats., and ch. NR 124. Grants are awarded to participating counties which distribute the funds to eligible individual applicants. Eligible structures include only owner-occupied principal residences or small commercial establishments constructed prior to July 1, 1978.

The proposed revision would increase the number of eligible applicants by doing the following:

- Create a definition of "farm" which is similar to the one used in the farmland preservation program under s. 91.01(6), Stats. Farm income language is not included in the proposed definition to avoid conflict with the grant program income limits established under s. 144.245(5)(d), Stats.
- Revise the definition of "principal residence" to include a residence owned by a trust or estate if the residence is occupied at least 51% of the year by a person who has an ownership interest in the property as a beneficiary of the trust or estate.
- Revise the definition of "small commercial establishment" to include a farm residence if it is occupied by a person who operates the farm.

SECTION 1. NR 124.03(2m) is created to read:

NR 124.03(2m) "Farm" means a parcel of 35 or more acres of contiguous land which is devoted primarily to agricultural use, as defined in s. 91.01(1) and (5), Stats.

SECTION 2. NR 124.03(7) is amended to read:

NR 124.03(7) "Principal residence" means a residence which is occupied at least 51% of the year by the owner. Principal residence includes a residence owned by a trust or estate of an individual, if the residence is occupied at least 51% of the year by a person who has an ownership interest in the residence as a beneficiary of the trust or estate.

SECTION 3. NR 124.03(9) is amended to read:

NR 124.03(9) "Small commercial establishment" means a commercial establishment or business place with a maximum daily wastewater flow rate of less than 2,100 gallons per day as determined from the design criteria of the state plumbing code. Small commercial establishment includes a farm, including a residence on a farm, if the residence is occupied by a person who is an operator of the farm and if the maximum daily wastewater flow rate of the farm and the residence on the farm is less than 2,100 gallons per day as determined from the design criteria of the state plumbing code.

The foregoing rules were approved and adopted by the State of Wisconsin Natural Resources Board on April 28, 1988.

The rules shall take effect the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Dated at Madison, Wisconsin

June 24, 1988

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary

(seal)



State of Wisconsin

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

June 24, 1988

1020

Mr. Orlan L. Prestegard
Revisor of Statutes
Suite 702
30 W. Mifflin Street

Dear Mr. Prestegard:

Enclosed are two copies, including one certified copy, of State of Wisconsin Natural Resources Board Order No. CA-8-88. These rules were reviewed by the Assembly Committee on Environmental Resources and Utilities and the Senate Committee on Urban Affairs, Energy, Environmental Resources and Elections pursuant to s. 227.19, Stats. A summary of the final regulatory flexibility analysis and comments of the legislative review committees is also enclosed.

You will note that this order takes effect following publication. Kindly publish it in the Administrative Code accordingly.

Sincerely,

A handwritten signature in cursive script that reads 'C. D. Besadny'.

C. D. Besadny
Secretary

Enc.