



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0606/2
RCT;jlg:hmh

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 774**

March 19, 1998 - Offered by Representative JOHNSRUD.

1 **AN ACT to repeal** 281.48 (4m) (b) 1. to 3. and 281.48 (4s) (a) 4. and (b); **to**
2 **renumber and amend** 281.48 (4m) (b) (intro.); **to amend** 20.370 (4) (bL),
3 145.245 (3), 145.245 (5) (a) 1., 145.245 (5) (a) 2., 281.48 (2) (b) to (g), 281.48 (2m),
4 281.48 (4g), 281.48 (4m) (title) and (a), 281.48 (4m) (c) and 281.49 (5) (c) 4.; **to**
5 **repeal and recreate** 281.48 (5m); and **to create** 20.143 (3) (i), 20.370 (4) (bg),
6 145.245 (1) (ac), 145.245 (2), 145.245 (3e), 145.245 (3m), 227.01 (13) (zr), 281.48
7 (2) (bm), 281.48 (4w), 281.48 (5r) and 283.82 of the statutes; **relating to:** the
8 inspection, maintenance and pumping of private sewage systems, financial
9 assistance for replacing or rehabilitating private sewage systems, the disposal
10 of septage on land, authority over the application of sewage sludge to land,
11 waste treatment service charges, providing an exemption from rule-making
12 procedures, granting rule-making authority and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
2 the following amounts for the purposes indicated:

3		1997-98	1998-99
4	20.370 Natural resources department of		

5 (4) WATER

6	(bg) Septage management.	PR	B	-0-	450,000
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7 **SECTION 2.** 20.143 (3) (i) of the statutes is created to read:

8 20.143 (3) (i) *Private sewage system assistance, program revenue.* All moneys
9 received under s. 281.48 (4w) and not appropriated under s. 20.370 (4) (bg) for
10 financial assistance under the private sewage system replacement and
11 rehabilitation program under s. 145.245.

12 **SECTION 3.** 20.370 (4) (bg) of the statutes is created to read:

13 20.370 (4) (bg) *Septage management.* Biennially, from the general fund, the
14 amounts in the schedule from moneys received under s. 281.48 (4w) for septage
15 management activities, including the inventory under s. 145.245 (2), and public
16 education related to septage management.

17 **SECTION 4.** 20.370 (4) (bL) of the statutes, as affected by 1997 Wisconsin Act
18 27, is amended to read:

19 20.370 (4) (bL) *Wastewater management — fees.* From the general fund, all
20 moneys received under s. ~~ss.~~ 281.17 (3) and 281.48 (4s) (a) for the certification of
21 operators of water systems, wastewater treatment plants and septage servicing
22 vehicles ~~and under s. 281.48 (4s) (a) and (b), and~~ and for wastewater management
23 activities.

24 **SECTION 5.** 145.245 (1) (ac) of the statutes is created to read:

1 145.245 (1) (ac) “Existing private sewage system” means a private sewage
2 system that was constructed in a governmental unit before the date on which the
3 governmental unit adopted the maintenance program under sub. (3).

4 **SECTION 6.** 145.245 (2) of the statutes is created to read:

5 145.245 (2) INVENTORY. (a) A governmental unit that, on the effective date of
6 this paragraph ... [revisor inserts date], has not identified the locations of all of the
7 private sewage systems located within the governmental unit shall either conduct
8 an inventory to identify the location, by legal description, of all of the private sewage
9 systems located within the local governmental unit or shall cooperate with an
10 inventory conducted under contract with the department of natural resources.

11 (b) If a governmental unit with a population of 40,000 or more chooses to
12 conduct the inventory under par. (a), it shall complete the inventory before July 1,
13 2001. If a governmental unit with a population of less than 40,000 chooses to conduct
14 the inventory under par. (a), it shall complete the inventory before July 1, 2000.

15 (c) From the appropriation under s. 20.370 (4) (bg), the department of natural
16 resources shall pay each governmental unit that chooses to conduct the inventory
17 under par. (a) \$2.50 for each private sewage system installed before January 1, 1980,
18 that the governmental unit identifies through the inventory.

19 (d) The department of natural resources shall contract with another person to
20 conduct an inventory to identify the location, by legal description, of all private
21 sewage systems located in a governmental unit that has not, on the effective date of
22 this paragraph ... [revisor inserts date], identified the locations of all of the private
23 sewage systems located within the governmental unit and that chooses not to
24 conduct the inventory under par. (a).

25 **SECTION 7.** 145.245 (3) of the statutes is amended to read:

1 145.245 (3) MAINTENANCE. The department shall establish a maintenance
2 program to that shall be administered by governmental units. The maintenance
3 program is applicable to all new or replacement private sewage systems constructed
4 in a governmental unit after the date on which the governmental unit adopts this
5 program. ~~The maintenance program shall include a requirement of inspection or~~
6 ~~pumping of the private sewage system at least once every 3 years. Inspections and~~
7 ~~to existing private sewage systems according to the schedule under sub. (3e). The~~
8 ~~department shall specify the required frequency of inspection, maintenance and~~
9 ~~pumping for each type of private sewage system and shall periodically update the~~
10 ~~requirements. The department shall specify the types of inspections, maintenance~~
11 ~~and repairs that may be conducted by a master plumber, journeyman plumber or~~
12 ~~restricted plumber licensed under this chapter, a person licensed certified under s.~~
13 ~~281.48 281.17 (3) as a septage servicing vehicle operator or by an employe of the state~~
14 ~~or governmental unit designated by the department. The department may not,~~
15 ~~under this section, require a person certified under s. 281.17 (3) as a septage~~
16 ~~servicing vehicle operator or a person licensed under s. 281.48 to determine the~~
17 ~~functional status of a private sewage system.~~ The department of natural resources
18 may suspend or revoke a license issued under s. 281.48 or a certificate issued under
19 s. 281.17 (3) to the operator of a septage servicing vehicle if the department of natural
20 resources finds that the licensee or operator falsified information on inspection
21 forms. The department of commerce may suspend or revoke the license of a plumber
22 licensed under this chapter if the department finds that the plumber falsified
23 information on inspection forms.

24 **SECTION 8.** 145.245 (3e) of the statutes is created to read:

1 145.245 **(3e)** SCHEDULE FOR REQUIRING MAINTENANCE OF EXISTING PRIVATE SEWAGE
2 SYSTEMS. (a) A governmental unit shall begin to apply the requirements under sub.
3 (3) to existing private sewage systems according to the following schedule:

4 1. In a county with a population of more than 90,000, no later than July 1, 2002.

5 2. In a county with a population of more than 40,000 but not more than 90,000,
6 no later than July 1, 2004.

7 3. In any other county, no later than July 1, 2006.

8 (b) A county shall implement a schedule to require repair or replacement of
9 existing private sewage systems that are determined to be failing private sewage
10 systems under par. (a).

11 **SECTION 9.** 145.245 (3m) of the statutes is created to read:

12 145.245 **(3m)** REPORTING. Beginning on January 1, 1999, a person who
13 inspects, performs maintenance on or pumps a private sewage system shall report
14 the nature of the activity performed to the statewide records system under s. 281.48
15 (5r).

16 **SECTION 10.** 145.245 (5) (a) 1. of the statutes is amended to read:

17 145.245 **(5)** (a) 1. A person is eligible for grant funds under this section if he or
18 she owns a principal residence which is served by a category 1 or 2 failing private
19 sewage system, if the residence was constructed prior to and inhabited on July 1,
20 ~~1978~~ 1980, if the family income of the person does not exceed the income limitations
21 under par. (c), if the amount of the grant determined under sub. (7) is at least \$100,
22 if the residence is not located in an area served by a sewer and if determination of
23 failure is made prior to the rehabilitation or replacement of the failing private
24 sewage system.

25 **SECTION 11.** 145.245 (5) (a) 2. of the statutes is amended to read:

1 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
2 owns a small commercial establishment which is served by a category 1 or 2 failing
3 private sewage system, if the small commercial establishment was constructed prior
4 to July 1, 1978 1980, if the gross revenue of the business does not exceed the
5 limitation under par. (d), if the small commercial establishment is not located in an
6 area served by a sewer and if a determination of failure is made prior to the
7 rehabilitation or replacement of the private sewage system.

8 **SECTION 12.** 227.01 (13) (zr) of the statutes is created to read:

9 227.01 (13) (zr) Specifies the required frequency of inspection, maintenance
10 and pumping for private sewage systems or the types of inspections, maintenance or
11 repairs of private sewage systems that may be performed by persons with various
12 qualifications, under s. 145.245 (3).

13 **SECTION 13.** 281.48 (2) (b) to (g) of the statutes are amended to read:

14 281.48 (2) (b) “Grease trap interceptor” means a watertight tank for the
15 collection of grease present in sewage and other wastes, and from which grease may
16 be skimmed from the surface of liquid waste for disposal receptacle designed to
17 intercept and retain grease or fatty substances.

18 (c) “Privy” means a cavity in the ground or a portable above-ground device
19 constructed for toilet uses which receives human excrement either to be partially
20 absorbed directly by the surrounding soil or stored for decomposition and periodic
21 removal an enclosed toilet that is not portable and that receives wastes that are not
22 water carried.

23 (d) “Septage” means the scum, liquid, sludge or other waste in a septic tank,
24 soil absorption field, holding tank, grease trap ~~or~~ interceptor, privy or other
25 component of a private sewage system.

1 (e) "Septic tank" means ~~and includes~~ a septic toilet, chemical closet and any
2 other watertight enclosure used for storage and anaerobic decomposition of human
3 excrement, or domestic or industrial wastes wastewater.

4 (f) "Servicing" means removing septage from a septic tank, soil absorption field,
5 holding tank, grease ~~trap or~~ interceptor, privy or other component of a private sewage
6 system and disposing of the septage.

7 (g) "Soil absorption field" means an area or cavity in the ground which receives
8 the liquid discharge of a septic tank or similar ~~wastewater treatment device~~
9 component of a private sewage system.

10 **SECTION 14.** 281.48 (2) (bm) of the statutes is created to read:

11 281.48 (2) (bm) "Private sewage system" has the meaning given in s. 145.01
12 (12).

13 **SECTION 15.** 281.48 (2m) of the statutes is amended to read:

14 281.48 (2m) POWERS OF THE DEPARTMENT. The department shall have has
15 general supervision and control of servicing septic tanks, soil absorption fields,
16 holding tanks, grease ~~traps and~~ interceptors, privies and other components of
17 private sewage systems.

18 **SECTION 16.** 281.48 (4g) of the statutes is amended to read:

19 281.48 (4g) RULES ON SERVICING. The department shall promulgate rules
20 relating to servicing septic tanks, soil absorption fields, holding tanks, grease ~~traps~~
21 and interceptors, privies and other components of private sewage systems in order
22 to protect the public health against unsanitary and unhealthful practices and
23 conditions, and to protect the surface waters and groundwaters of the state from
24 contamination by septage. The rules shall comply with ch. 160. The rules shall apply
25 to all septage disposal, whether undertaken pursuant to a license or ~~registration a~~

1 license exception under sub. (3). The rules shall require each person with a license
2 under sub. (3) to maintain records of the location of sites private sewage systems
3 serviced and the volume of septage disposed of and location of ~~septage disposed~~ that
4 disposal.

5 **SECTION 17.** 281.48 (4m) (title) and (a) of the statutes are amended to read:

6 281.48 (4m) (title) ~~SITE LICENSES~~ APPROVALS. (a) The department may require
7 a soil test and a license shall require a site approval for any location where septage
8 is stored or disposed of on land, ~~except that the department may not require a soil~~
9 ~~test and a license for septage disposal in a licensed solid waste disposal facility. In~~
10 ~~determining whether to require a license for a site, the department shall consider the~~
11 ~~septage disposal needs of different areas of the state.~~

12 **SECTION 18.** 281.48 (4m) (b) (intro.) of the statutes is renumbered 281.48 (4m)

13 (b) and amended to read:

14 281.48 (4m) (b) Notwithstanding par. (a), the department may not require a
15 license site approval for a location where septage is disposed of on land if: the person
16 who disposes of the septage is a farmer and all of the conditions in sub. (3) (d) 1. to
17 4. apply.

18 **SECTION 19.** 281.48 (4m) (b) 1. to 3. of the statutes are repealed.

19 **SECTION 20.** 281.48 (4m) (c) of the statutes is amended to read:

20 281.48 (4m) (c) If a location is exempt from licensing site approval under par.
21 (b), the department may require the person who services the septic tank, soil
22 absorption field, holding tank, grease trap ~~or privy to register the disposal site with~~
23 ~~the department and~~ interceptor, privy or other component of a private sewage system
24 to provide the department with information to show that sufficient land area is
25 available for disposal.

1 **SECTION 21.** 281.48 (4s) (a) 4. and (b) of the statutes are repealed.

2 **SECTION 22.** 281.48 (4w) of the statutes is created to read:

3 281.48 (**4w**) SERVICING FEE. (a) Beginning on January 1, 1999, a person
4 servicing, inspecting or performing maintenance on a private sewage system shall
5 charge a servicing fee in addition to the amount that the person charges for
6 performing the servicing, inspection or maintenance. The fee is \$7.50, except that
7 the fee for servicing, inspecting or performing maintenance on a holding tank, or on
8 another type of private sewage system that must be serviced at least once every 6
9 months, is \$2.50 per occurrence or \$2.50 per week, whichever is less, and except as
10 provided under par. (b).

11 (b) The department may change the amount of the fees under this subsection
12 by rule. The rule may specify a reduced charge for servicing, inspection or
13 maintenance performed more frequently than required under s. 145.245 (3).

14 (c) A person who collects fees under par. (a) may retain 10% of the amount
15 collected. A person licensed under sub. (3) who has 5 or more vehicles used for
16 servicing shall remit the balance of the amount collected to the department every 2
17 months, beginning on March 15, 1999, and a person licensed under sub. (3) who has
18 fewer than 5 vehicles used for servicing shall remit the balance of the amount
19 collected to the department every 3 months, beginning on April 15, 1999, except that
20 the department may establish a different schedule by rule.

21 **SECTION 23.** 281.48 (5m) of the statutes is repealed and recreated to read:

22 281.48 (**5m**) LOCAL REGULATION. (a) No city, village, town or county may
23 prohibit, through zoning or any other means, the disposal of septage on land if that
24 disposal complies with this section and rules promulgated under this section.

1 (b) A city, village, town or county may not regulate the disposal of septage on
2 land, except that the county may limit vehicle weights as authorized in ch. 349.

3 **SECTION 24.** 281.48 (5r) of the statutes is created to read:

4 281.48 (5r) STATEWIDE RECORDS SYSTEM. (a) The department of natural
5 resources, in consultation with the department of commerce, shall develop and,
6 beginning no later than July 1, 1999, operate a statewide septage records system.
7 In developing the system, the department of natural resources shall also consult with
8 counties, towns, persons who perform servicing and others who will be affected by
9 the system. The system shall be designed to record information concerning
10 inspection, maintenance and pumping of private sewage systems, disposal of
11 septage, sites approved for the land application of septage, licensing of persons who
12 perform servicing, certification of operators of septage servicing vehicles and other
13 activities associated with septage regulation and to facilitate statewide access to that
14 information.

15 **SECTION 25.** 281.49 (5) (c) 4. of the statutes is amended to read:

16 281.49 (5) (c) 4. Actual and equitable disposal fees based on the volume and
17 strength of septage introduced into the municipal sewage system and calculated at
18 the rate applied to other users of the municipal sewage system, ~~and including the~~
19 ~~costs of additional facilities or personnel necessary to accept~~ plus reasonable
20 administrative costs of accepting septage at the point of introduction into the
21 municipal sewage system.

22 **SECTION 26.** 283.82 of the statutes is created to read:

23 **283.82 Land application of sewage sludge.** (1) The department shall
24 oversee, set technical standards for and regulate the application of sewage sludge to
25 land.

