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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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<b>2003 Wisconsin Act 169</b> [2003 Assembly Bill 125]	<b>Private Sewage System Replacement Grants</b>
2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a>	Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a>

Current law provides a grant program for the replacement or rehabilitation of failing private sewage systems. [See s. 145.245, Stats.] The grant program includes limitations on grant availability based on the income of the property owner and limitations on the amount of costs that may be used in determining the amount of a grant.

2003 Wisconsin Act 169 modifies one of the statutory limitations on the allowable costs that may be included in a grant for rehabilitating or replacing a private sewage system. The prior statute required that the allowable costs could not exceed the costs of rehabilitating or replacing a private sewage system by the “least costly method.” A private sewage system that consists of a septic tank and a drain field for disposal of the treated wastewater can be quite expensive. A holding tank, which merely contains wastewater for removal and disposal offsite, is substantially less expensive. Counties and municipalities may either restrict or ban the use of holding tanks, due to the problems of finding adequate land area or a sewage treatment plant with capacity for the disposal of wastewater pumped from holding tanks. Also, property owners usually prefer not to have a holding tank to avoid the cost of removing the wastewater. However, the effect of the former statute was to place a fairly low cap on the amount of funds available for private sewage system rehabilitation, because a holding tank is usually the least costly method of rehabilitation or replacement.

Act 169 provides that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private sewage system, unless the private sewage system that is being replaced is a holding tank.

**Effective Date:** This Act takes effect on April 20, 2004.

**Prepared by:** Mark C. Patronsky, Senior Staff Attorney

April 15, 2004

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.