



1995 SENATE BILL 189

May 16, 1995 - Introduced by Senators LEEAN, ELLIS and RUDE, by request of Governor Tommy G. Thompson. Referred to Committee on Environment and Energy.

1 **AN ACT to amend** 144.04 (1) of the statutes; **relating to:** review of plans for water
2 and sewer systems and sewage and refuse disposal plants.

Analysis by the Legislative Reference Bureau

Under current law, a person who intends to build or expand a water or sewerage system or a sewage or refuse disposal plant must file a copy of the plans for the system or plant with the department of natural resources (DNR). DNR has 90 days to review and approve, conditionally approve or reject the plans except that the time for review may be extended for up to 6 months by agreement with the person submitting the plans if DNR cannot finish the review within 90 days due to circumstances beyond its control or if the construction or expansion will cost \$350,000 or more. This bill changes the \$350,000 threshold for extending the plan review period to \$1,000,000.

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

3 **SECTION 1.** 144.04 (1) of the statutes is amended to read:
4 144.04 (1) Except as provided under sub. (2), every owner within the time
5 prescribed by the department, shall file with the department a certified copy of
6 complete plans of a proposed system or plant or extension thereof, in scope and detail
7 satisfactory to the department, and, if required, of existing systems or plants, and
8 such other information concerning maintenance, operation and other details as the

1 department requires, including the information specified under s. 144.026 (5) (a), if
2 applicable. Material changes with a statement of the reasons shall be likewise
3 submitted. Before plans are drawn a statement concerning the improvement may
4 be made to the department and the department may, if requested, outline generally
5 what it will require. Upon receipt of such plans for approval, the department or its
6 duly authorized representative shall notify the owner of the date of receipt. Within
7 90 days from the time of receipt of complete plans or within the time specified in s.
8 144.026 (5) (c), if applicable, the department or its authorized representative shall
9 examine and take action to approve, approve conditionally or reject the plans and
10 shall state in writing any conditions of approval or reasons for rejection. Approval
11 or disapproval of such plans and specifications shall not be contingent upon
12 eligibility of such project for federal aid. The time period for review may be extended
13 by agreement with the owner if the plans and specifications cannot be reviewed
14 within the specified time limitation due to circumstances beyond the control of the
15 department or in the case of extensive installation involving expenditures of
16 ~~\$350,000~~ \$1,000,000 or more. The extension shall not exceed 6 months. Failure of
17 the department or its authorized representative to act before the expiration of the
18 time period allowed for review shall constitute an approval of the plans, and upon
19 demand a written certificate of approval shall be issued. Approval may be subject
20 to modification by the department upon due notice. Construction or material change
21 shall be according to approved plans only. The department may disapprove plans
22 which are not in conformance with any existing approved areawide waste treatment
23 management plan prepared pursuant to the federal water pollution control act, P.L.
24 92-500, as amended, and shall disapprove plans that do not meet the grounds for
25 approval specified under s. 144.026 (5) (d), if applicable. The department shall

1 require each person whose plans are approved under this section to report that
2 person's volume and rate of water withdrawal, as defined under s. 144.026 (1) (m),
3 and that person's volume and rate of water loss, as defined under s. 144.026 (1) (L),
4 if any, in the form and at the times specified by the department.

5

(END)