



State of Wisconsin
1999 - 2000 LEGISLATURE
SOON

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RCT:wlj&jlg:km

redraft
make
run

DOA:.....Wong - Authority of DNR and Commerce over septic systems
FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

see pp 1419 ✓

do not gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

Insert →

~~This is a preliminary draft. An analysis will be provided on a later version.~~

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

2 SECTION 1. 20.143 (3) (de) of the statutes is amended to read:

3 20.143 (3) (de) *Private Small sewage system replacement and rehabilitation.*

4 As a continuing appropriation, the amounts in the schedule for financial assistance
5 under the private small sewage system replacement and rehabilitation program
6 under s. 145.245.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

7 SECTION 2. 59.70 (1) of the statutes is amended to read:

8 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
9 sanitary codes, make necessary rules and regulations in relation thereto and provide

1 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
2 codes, rules and regulations do not apply within municipalities which have enacted
3 ordinances or codes concerning the same subject matter. "Sanitary code" does not
4 include a ~~private~~ small sewage system ordinance enacted under sub. (5). "Building
5 and sanitary codes" does not include well code ordinances enacted under sub. (6).

6 **SECTION 3.** 59.70 (5) of the statutes is amended to read:

7 59.70 (5) ~~PRIVATE SMALL~~ SEWAGE SYSTEM ORDINANCE. (a) Every governmental
8 unit responsible for the regulation of ~~private~~ small sewage systems, as defined under
9 s. 145.01 (5), shall enact an ordinance governing ~~private~~ small sewage systems, as
10 defined in s. 145.01 ~~(12)~~ (14m), which conforms with the state plumbing code. The
11 ordinance shall apply to the entire area of the governmental unit responsible for the
12 regulation of ~~private~~ small sewage systems, as defined under s. 145.01 (5). After
13 July 1, 1980, no municipality may enact or enforce a ~~private~~ small sewage system
14 ordinance unless it is a governmental unit responsible for the regulation of ~~private~~
15 small sewage systems, as defined under s. 145.01 (5).

16 (b) The governmental unit responsible for the regulation of ~~private~~ small
17 sewage systems, as defined under s. 145.01 (5), shall administer the ~~private~~ small
18 sewage system ordinance under s. 145.20 and the rules promulgated under s. 145.20.

19 **SECTION 4.** 60.70 (5) of the statutes is amended to read:

20 60.70 (5) "Private sewage system" ~~has the meaning given under s. 145.01 (12)~~
21 means a sewage treatment and disposal system serving a single structure with a
22 septic tank and soil absorption field located on the same parcel as the structure. This
23 term also means an alternative sewage system approved by the department of
24 commerce including a substitute for the septic tank or soil absorption field, a holding
25 tank, a system serving more than one structure or a system located on a different

1 parcel than the structure. A private sewage system may be owned by the property
2 owner or by a special purpose district.

3 **SECTION 5.** 60.70 (6m) of the statutes is created to read:

4 60.70 (6m) "Small sewage system" has the meaning given in s. 145.01 (14m).

5 **SECTION 6.** 60.726 (2) of the statutes is amended to read:

6 60.726 (2) If a property owner installed on his or her property a private sewage
7 system, ~~as defined in s. 145.01 (12),~~ that conforms with the state plumbing code,
8 before a town sanitary district that encompasses that property came into existence,
9 that property shall be included in the town sanitary district. If the private sewage
10 system was installed on or after 10 years before May 14, 1992, and if the property
11 owner provides the town sanitary district with any information about the cost of the
12 private sewage system required by the district, the town sanitary district, when the
13 district issues any assessment or charges or imposes property taxes to construct a
14 sewage service system, shall pay or credit the property owner an amount equal to
15 10% of the cost of the private sewage system, less any grants or aids received by the
16 property owner for construction of the private sewage system, multiplied by the
17 number of years of remaining life of the private sewage system. The number of years
18 of remaining life of the private sewage system is equal to 10 minus the number of
19 years that the private sewage system has been in operation.

20 **SECTION 7.** 60.77 (5) (b) of the statutes is amended to read:

21 60.77 (5) (b) Require the installation of private small sewage systems.

22 **SECTION 8.** 60.77 (5) (bm) of the statutes is amended to read:

23 60.77 (5) (bm) Require the inspection of private small sewage systems that
24 have been already installed to determine compliance with the state plumbing code
25 and may report violations of the state plumbing code to the governmental unit

1 responsible for the regulation of ~~private~~ small sewage systems for enforcement under
2 s. 145.20.

3 **SECTION 9.** 60.77 (5) (bs) of the statutes is amended to read:

4 60.77 (5) (bs) Provide direct financial assistance for costs related to the
5 replacement of ~~private~~ small sewage systems, as defined in s. 145.01 (~~12~~) (14m), that
6 are failing.

7 **SECTION 10.** 60.77 (5) (j) of the statutes is amended to read:

8 60.77 (5) (j) Administer the ~~private~~ small sewage system program if authorized
9 under s. 145.20 (1) (am).

10 **SECTION 11.** 66.88 (11) of the statutes is amended to read:

11 66.88 (11) "Sewerage system" means all facilities of the district for collection,
12 transportation, storage, pumping, treatment and final disposition of sewage.
13 "Sewerage system" does not include any ~~private~~ small sewage system, as defined in
14 s. 145.01 (~~12~~) (14m), or any local sewer.

15 **SECTION 12.** 66.888 (1) (c) 3. a. of the statutes is amended to read:

16 66.888 (1) (c) 3. a. The weight to be given to the need for ~~private~~ small sewage
17 systems, as defined in s. 145.01 (~~12~~) (14m), to maintain the public health and welfare
18 in any area located within the district prior to a redefinition of the boundary but
19 located outside the district after any redefinition of the boundary.

20 **SECTION 13.** 145.01 (4m) of the statutes is amended to read:

21 145.01 (4m) FAILING PRIVATE SMALL SEWAGE SYSTEM. "Failing ~~private~~ small
22 sewage system" has the meaning specified under s. 145.245 (4).

23 **SECTION 14.** 145.01 (5) of the statutes is amended to read:

24 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SMALL
25 SEWAGE SYSTEMS. "Governmental unit responsible for the regulation of ~~private~~ small

1 sewage systems” or “governmental unit”, unless otherwise qualified, means the
2 county except that in a county with a population of 500,000 or more these terms mean
3 the city, village or town where the ~~private~~ small sewage system is located.

4 **SECTION 15.** 145.01 (10) (b) of the statutes is amended to read:

5 145.01 (10) (b) The construction, connection or installation of any drain or
6 waste piping system from the outside or proposed outside foundation walls of any
7 building to the mains or other sewage system terminal within bounds of, or beneath
8 an area subject to easement for highway purposes, including ~~private~~ small sewage
9 systems, and the alteration of any such systems, drains or waste piping.

10 **SECTION 16.** 145.01 (12) of the statutes is repealed.

11 **SECTION 17.** 145.01 (14m) of the statutes is created to read:

12 145.01 (14m) SMALL SEWAGE SYSTEM. “Small sewage system” means one of the
13 following:

14 (a) Any holding tank that is connected to a building, drain or waste piping
15 system.

16 (b) Any wastewater treatment and disposal system with a final point of
17 discharge that is below the surface of the ground and with an estimated design flow
18 that does not exceed the maximum design flow specified under s. 145.02 (4) (c).

19 **SECTION 18.** 145.02 (4) (c) of the statutes is created to read:

20 145.02 (4) (c) The department, in cooperation with the department of natural
21 resources, shall promulgate rules specifying the maximum design flow for small
22 sewage systems with a final point of discharge that is below the surface of the ground.

23 **SECTION 19.** 145.045 (3) of the statutes is amended to read:

24 145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank
25 installer may also be a soil tester and install any system after approval of the site or

1 project by the department or the governmental unit responsible for the regulation
2 of ~~private~~ small sewage systems.

3 **SECTION 20.** 145.135 (1) of the statutes is amended to read:

4 145.135 (1) VALIDITY. In this section, “sanitary permit” means a permit issued
5 by the department or any governmental unit responsible for the regulation of ~~private~~
6 small sewage systems for the installation of a ~~private~~ small sewage system. No
7 person may install a ~~private~~ small sewage system unless the owner of the property
8 on which the ~~private~~ small sewage system is to be installed holds a valid sanitary
9 permit. A sanitary permit is valid for 2 years from the date of issue and renewable
10 for similar periods thereafter. A governmental unit responsible for the regulation of
11 ~~private~~ small sewage systems may not charge more than one fee for a sanitary permit
12 or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall
13 remain valid to the end of the established period, notwithstanding any change in the
14 state plumbing code or in any ~~private~~ small sewage system ordinance during that
15 period. A sanitary permit may be transferred from the holder to a subsequent owner
16 of the land, except that the subsequent owner must obtain a new copy of the sanitary
17 permit from the issuing agent. The results of any percolation test or other test
18 relating to the disposal of liquid domestic wastes into the soil shall be retained by the
19 governmental unit responsible for the regulation of ~~private~~ small sewage systems
20 where the property is located. The governmental unit responsible for the regulation
21 of ~~private~~ small sewage systems shall make the test results available to an applicant
22 for a sanitary permit and shall accept the test results as the basis for a sanitary
23 permit application unless the soil at the test site is altered to the extent that a new
24 soil test is necessary.

25 **SECTION 21.** 145.135 (2) (a) of the statutes is amended to read:

1 145.135 (2) (a) The purpose of the sanitary permit is to allow installation of the
2 ~~private~~ small sewage system described in the permit.

3 **SECTION 22.** 145.19 (1) to (4) of the statutes are amended to read:

4 145.19 (1) REQUIREMENT; INFORMATION; FORMS. No septic tank may be purchased
5 and no ~~private~~ small sewage system may be installed unless the owner of the
6 property on which the ~~private~~ small sewage system is to be installed holds a valid
7 sanitary permit from the governmental unit responsible for the regulation of ~~private~~
8 small sewage systems in which the property is located. The department shall
9 prescribe the information to be included in the sanitary permit and furnish sanitary
10 permit forms to the governmental unit. The applicant shall submit the completed
11 sanitary permit to the governmental unit. The governmental unit shall approve or
12 disapprove the sanitary permit according to the rules promulgated by the
13 department under this chapter. No person may sell at retail, as defined under s.
14 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds
15 a valid sanitary permit issued under this section.

16 (2) FEE. No fee for a sanitary permit may be less than \$61, or the amount
17 determined under department rule. The governing body for the governmental unit
18 responsible for the regulation of ~~private~~ small sewage systems may establish a fee
19 for a sanitary permit which is more than \$61, or the amount determined under
20 department rule.

21 (3) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
22 responsible for the regulation of ~~private~~ small sewage systems shall forward a copy
23 of each valid sanitary permit and \$20, or the amount determined under department
24 rule, of the fee to the department within 90 days after the permit is issued.

1 (4) USE OF FEE. The portion of this fee retained by the governmental unit
2 responsible for the regulation of private small sewage systems shall be used for the
3 administration of private small sewage system programs.

4 **SECTION 23.** 145.19 (6) of the statutes is amended to read:

5 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the
6 governmental unit responsible for the regulation of private small sewage systems
7 shall collect a groundwater fee of \$25 for each sanitary permit. The governmental
8 unit shall forward this fee to the department together with the copy of the sanitary
9 permit and the fee under sub. (3). The moneys collected under this subsection shall
10 be credited to the environmental fund for environmental management.

11 **SECTION 24.** 145.20 (title) of the statutes is amended to read

12 **145.20 (title) Private Small sewage systems.**

13 **SECTION 25.** 145.20 (1) of the statutes is amended to read:

14 145.20 (1) ORGANIZATION AND PERSONNEL. (a) The governing body of the
15 governmental unit responsible for the regulation of private small sewage systems
16 may assign the duties of administering the private small sewage system program to
17 any office, department, committee, board, commission, position or employe of that
18 governmental unit.

19 (am) The governing body of the governmental unit responsible for the
20 regulation of private small sewage systems may delegate the duties of administering
21 the private small sewage system program to a town sanitary district or public inland
22 lake protection and rehabilitation district with the powers of a town sanitary district
23 within the town sanitary district or public inland lake protection and rehabilitation
24 district if the town sanitary district or public inland lake protection and
25 rehabilitation district agrees to assume those duties.

1 (b) The governmental unit responsible for the regulation of ~~private~~ small
2 sewage systems shall obtain the services of a certified soil tester, either as an employe
3 or under contract, to review and verify certified soil tester reports under sub. (2).

4 **SECTION 26.** 145.20 (2) (intro.) of the statutes is amended to read:

5 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The governmental
6 unit responsible for the regulation of ~~private~~ small sewage systems shall:

7 **SECTION 27.** 145.20 (2) (a) of the statutes is amended to read:

8 145.20 (2) (a) Review certified soil tester reports for proposed ~~private~~ small
9 sewage systems and verify the report at the proposed site, if necessary.

10 **SECTION 28.** 145.20 (2) (d) to (h) of the statutes are amended to read:

11 145.20 (2) (d) Inspect all ~~private~~ small sewage systems after construction but
12 before backfilling no later than the end of the next workday, excluding Saturdays,
13 Sundays and holidays, after receiving notice from the plumber in charge.

14 (e) File reports and conduct surveys and inspections as required by the
15 governmental unit responsible for the regulation of ~~private~~ small sewage systems or
16 the department.

17 (f) Investigate violations of the ~~private~~ small sewage system ordinance and s.
18 254.59 (2), issue orders to abate the violations and submit orders to the district
19 attorney, corporation counsel or attorney general for enforcement.

20 (g) Perform other duties regarding ~~private~~ small sewage systems as considered
21 appropriate by the governmental unit responsible for the regulation of ~~private~~ small
22 sewage systems or as required by the rules of the department.

23 (h) Inspect existing ~~private~~ small sewage systems to determine compliance
24 with s. 66.036 if a building or structure is being constructed which requires
25 connection to an existing ~~private~~ small sewage system. The county is not required

1 to conduct an on-site inspection if a building or structure is being constructed which
2 does not require connection to an existing ~~private~~ small sewage system.

3 **SECTION 29.** 145.20 (3) of the statutes is amended to read:

4 145.20 (3) DEPARTMENT RESPONSIBILITIES. (a) 1. The department may specify
5 categories of ~~private~~ small sewage systems for which approval by the department is
6 required prior to issuance of sanitary permits by the governmental unit responsible
7 for the regulation of ~~private~~ small sewage systems.

8 2. The department may exempt a governmental unit from any category of
9 ~~private~~ small sewage systems for which departmental approval is required prior to
10 sanitary permit issuance under subd. 1., upon a determination, in accordance with
11 rules promulgated by the department, that past performance of the governmental
12 unit on reviews and audits under par. (b) has been satisfactory and that the
13 governmental unit has the capacity to give the same level of application and plan
14 review as that provided by the department. The department may revoke an
15 exemption upon a finding that performance of the governmental unit on a review or
16 audit conducted subsequent to the granting of the exemption is unsatisfactory or
17 that the governmental unit is not giving the same level of application and plan
18 review as that provided by the department. Findings in a revocation action may be
19 made only after a public hearing upon 30 days' advance notice to the clerk of the
20 governmental unit. The department shall submit a report under s. 13.172 (2) to the
21 chief clerk of each house of the legislature, at the beginning of each legislative
22 session, describing the exemptions under this subdivision.

23 (b) The department shall review the ~~private~~ small sewage system program in
24 each governmental unit responsible for the regulation of ~~private~~ small sewage
25 systems to ascertain compliance with sub. (2) and with regulations issued by the

1 department. This review shall include a random audit of sanitary permits, including
2 verification by on-site inspection.

3 (c) If the governing body for a governmental unit responsible for the regulation
4 of ~~private~~ small sewage systems does not adopt a ~~private~~ small sewage system
5 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
6 not appoint personnel meeting the requirements of sub. (1) or if the governmental
7 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
8 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
9 As soon as practicable after the public hearing, the department shall issue a written
10 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the
11 department determines that there is a violation of these provisions, the
12 governmental unit may not issue a sanitary permit for the installation of a ~~private~~
13 small sewage system until the violation is corrected.

14 (d) The department shall conduct training and informational programs for
15 officials of the governmental unit responsible for the regulation of ~~private~~ small
16 sewage systems and employes and persons licensed under this chapter and s. 281.48
17 and certified as operators of septage servicing vehicles under s. 281.17 (3) to improve
18 the delivery of service under the ~~private~~ small sewage system program. The
19 department shall obtain the assistance of the Wisconsin counties association in
20 planning and conducting the training and informational programs.

21 **SECTION 30.** 145.20 (4) of the statutes is amended to read:

22 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
23 governmental unit may assess the owner of a ~~private~~ small sewage system for costs
24 related to the pumping of a septic or holding tank. The governmental unit shall make

1 any assessment in the same manner that a city, village or town makes an assessment
2 under s. 66.60.

3 **SECTION 31.** 145.24 of the statutes is amended to read:

4 **145.24 Variances.** (1) If an existing private small sewage system either is not
5 located in soil meeting the siting standards or is not constructed in accordance with
6 design standards promulgated under s. 145.02 or 145.13, the owner of the private
7 small sewage system may petition the department for a variance to the siting or
8 design standards.

9 (2) The department shall establish procedures for the review and evaluation
10 of existing private small sewage systems which do not comply with siting or design
11 standards.

12 (3) Upon receipt of a petition for a variance, the department shall require the
13 owner of the private small sewage system to submit information necessary to
14 evaluate the request for a variance. If the department determines that the existing
15 private small sewage system is not a failing private small sewage system, and
16 continued use of the existing private small sewage system will not pose a threat of
17 contamination of waters of the state, then the department may issue a variance to
18 allow continued use of the existing private small sewage system. The department
19 shall rescind the variance if the existing private small sewage system becomes a
20 failing private small sewage system or contaminates waters of the state.

21 **SECTION 32.** 145.245 (title) of the statutes is amended to read:

22 **145.245 (title) Private Small sewage system replacement or**
23 **rehabilitation.**

24 **SECTION 33.** 145.245 (1) (a) 1. of the statutes is amended to read:

1 145.245 (1) (a) 1. A determination that a private small sewage system is failing,
2 according to the criteria under sub. (4), based on an inspection of the private small
3 sewage system by an employe of the state or a governmental unit who is certified to
4 inspect private small sewage systems by the department.

5 **SECTION 34.** 145.245 (1) (ae) of the statutes is amended to read:

6 145.245 (1) (ae) “Governmental unit” means a governmental unit responsible
7 for the regulation of private small sewage systems. “Governmental unit” also
8 includes a federally recognized American Indian tribe or band.

9 **SECTION 35.** 145.245 (3) of the statutes is amended to read:

10 145.245 (3) MAINTENANCE. The department shall establish a maintenance
11 program to be administered by governmental units. The maintenance program is
12 applicable to all new or replacement private small sewage systems constructed in a
13 governmental unit after the date on which the governmental unit adopts this
14 program. The maintenance program shall include a requirement of inspection or
15 pumping of the private small sewage system at least once every 3 years. Inspections
16 may be conducted by a master plumber, journeyman plumber or restricted plumber
17 licensed under this chapter, a person licensed under s. 281.48 or by an employe of the
18 state or governmental unit designated by the department. The department of
19 natural resources may suspend or revoke a license issued under s. 281.48 or a
20 certificate issued under s. 281.17 (3) to the operator of a septage servicing vehicle if
21 the department of natural resources finds that the licensee or operator falsified
22 information on inspection forms. The department of commerce may suspend or
23 revoke the license of a plumber licensed under this chapter if the department finds
24 that the plumber falsified information on inspection forms.

25 **SECTION 36.** 145.245 (4) (intro.) of the statutes is amended to read:

1 145.245 (4) FAILING PRIVATE SMALL SEWAGE SYSTEMS. (intro.) The department
2 shall establish criteria for determining if a private small sewage system is a failing
3 private small sewage system. A failing private small sewage system is one which
4 causes or results in any of the following conditions:

5 **SECTION 37.** 145.245 (4) (b) of the statutes is amended to read:

6 145.245 (4) (b) The introduction of sewage into zones of saturation which
7 adversely affects the operation of a private small sewage system.

8 **SECTION 38.** 145.245 (4) (e) of the statutes is amended to read:

9 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
10 into the structure served by the private small sewage system.

11 **SECTION 39.** 145.245 (4m) of the statutes is amended to read:

12 145.245 (4m) CATEGORIES OF FAILING PRIVATE SMALL SEWAGE SYSTEMS. For the
13 purposes of this section, the department shall establish the category of each failing
14 private small sewage system for which a grant application is submitted, as follows:

15 (a) Category 1: failing private small sewage systems described in sub. (4) (a)
16 to (c).

17 (b) Category 2: failing private small sewage systems described in sub. (4) (d).

18 (c) Category 3: failing private small sewage systems described in sub. (4) (e).

19 **SECTION 40.** 145.245 (5) (a) of the statutes is amended to read:

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

1 failure is made prior to the rehabilitation or replacement of the failing private small
2 sewage system.

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

10 3. A person who owns a principal residence or small commercial establishment
11 which is served by a category 1 or 2 failing private small sewage system may submit
12 an application for grant funds during the 3-year period after the determination of
13 failure is made. Grant funds may be awarded after work is completed if
14 rehabilitation or replacement of the system meets all requirements of this section
15 and rules promulgated under this section.

16 **SECTION 41.** 145.245 (5m) (a) of the statutes is amended to read:

17 145.245 (5m) (a) The department or a governmental unit shall deny a grant
18 application under this section if the applicant or a person who would be directly
19 benefited by the grant intentionally caused the conditions which resulted in a
20 category 1 or 2 failing private small sewage system. The department or
21 governmental unit shall notify the applicant in writing of a denial, including the
22 reason for the denial.

23 **SECTION 42.** 145.245 (6) of the statutes is amended to read:

24 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available
25 under a grant under this section shall be applied to the rehabilitation or replacement

1 of the private small sewage system. An existing private small sewage system may
2 be replaced by an alternative private small sewage system or by a system serving
3 more than one principal residence.

4 (b) Funds available under a grant under this section for experimental private
5 small sewage systems shall be applied to the installation and monitoring of the
6 experimental private small sewage systems.

7 **SECTION 43.** 145.245 (7) of the statutes is amended to read:

8 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),
9 costs allowable in determining grant funding under this section may not exceed the
10 costs of rehabilitating or replacing a private small sewage system which would be
11 necessary to allow the rehabilitated system or new system to meet the minimum
12 requirements of the state plumbing code promulgated under s. 145.13.

13 (b) Except as provided in par. (e), costs allowable in determining grant funding
14 under this section may not exceed the costs of rehabilitating or replacing a private
15 small sewage system by the least costly methods.

16 (c) Except as provided in pars. (d) and (e), the state grant share under this
17 section is limited to \$7,000 for each principal residence or small commercial
18 establishment to be served by the private small sewage system or to the amount
19 determined by the department based upon private small sewage system grant
20 funding tables, whichever is less. The department shall prepare and publish private
21 small sewage system grant funding tables which specify the maximum state share
22 limitation for various components and costs involved in the rehabilitation or
23 replacement of a private small sewage system based upon minimum size and other
24 requirements specified in the state plumbing code promulgated under s. 145.02. The
25 maximum state share limitations shall be designed to pay approximately 60% of the

1 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement
2 based upon estimated or actual costs of that rehabilitation or replacement. The
3 department shall revise the grant funding tables when it determines that 60% of
4 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed
5 the amounts in the grant funding tables by more than 10%, except that the
6 department may not revise the grant funding tables more often than once every 2
7 years.

8 (d) Except as provided in par. (e), if the income of a person who owns a principal
9 residence that is served by a category 1 or 2 failing ~~private~~ small sewage system is
10 greater than \$32,000, the amount of the grant under this section is limited to the
11 amount determined under par. (c) less 30% of the amount by which the person's
12 income exceeds \$32,000.

13 (e) Costs allowable for experimental ~~private~~ small sewage systems shall
14 include the costs of installing and monitoring experimental ~~private~~ small sewage
15 systems installed under s. 145.02 (3) (b) and this section. The department shall
16 promulgate rules that specify how the department will select, monitor and allocate
17 the state share for experimental ~~private~~ small sewage systems that the department
18 funds under this section.

19 **SECTION 44.** 145.245 (8) (a) of the statutes is amended to read:

20 145.245 (8) (a) In order to be eligible for a grant under this section, a
21 governmental unit shall make an application for replacement or rehabilitation of
22 ~~private~~ small sewage systems of principal residences or small commercial
23 establishments and shall submit an application for participation to the department.
24 The application shall be in the form and include the information the department
25 prescribes. In order to be eligible for funds available in a fiscal year, an application

1 is required to be received by the department prior to February 1 of the previous fiscal
2 year.

3 **SECTION 45.** 145.245 (9) (b) of the statutes is amended to read:

4 145.245 (9) (b) Certify that grants will be used for ~~private~~ small sewage system
5 replacement or rehabilitation for a principal residence or small commercial
6 establishment owned by a person who meets the eligibility requirements under sub.
7 (5), that the funds will be used as provided under sub. (6) and that allowable costs
8 will not exceed the amount permitted under sub. (7);

9 **SECTION 46.** 145.245 (9) (c) of the statutes is amended to read:

10 145.245 (9) (c) Certify that grants will be used for ~~private~~ small sewage systems
11 which will be properly installed and maintained;

12 **SECTION 47.** 145.245 (9) (e) of the statutes is amended to read:

13 145.245 (9) (e) Establish a process for regulation and inspection of ~~private~~
14 small sewage systems;

15 **SECTION 48.** 145.245 (11) (e) of the statutes is amended to read:

16 145.245 (11) (e) *Limitation; experimental ~~private~~ small sewage systems.* The
17 department may not allocate more than 10% of the funds available under this
18 subsection each fiscal year for grants for the installation and monitoring of
19 experimental ~~private~~ small sewage systems.

20 **SECTION 49.** 145.245 (11m) (b) to (d) of the statutes are amended to read:

21 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
22 fund all category 1 but not all category 2 failing ~~private~~ small sewage systems, the
23 department shall fully fund all category 1 systems and prorate the funds for category
24 2 systems on a proportional basis.

1 (c) Except as provided in par. (d), if funds are not sufficient to fully fund all
2 category 1 failing ~~private~~ small sewage systems, the department shall fund the
3 category 1 systems on a proportional basis and deny the grant applications for all
4 category 2 systems.

5 (d) The department is not required to prorate available funds for grants for the
6 installation and monitoring of experimental ~~private~~ small sewage systems.

7 **SECTION 50.** 145.245 (13) of the statutes is amended to read:

8 145.245 (13) INSPECTION. Agents of the department or the governmental unit
9 may enter premises where ~~private~~ small sewage systems are located pursuant to a
10 special inspection warrant as required under s. 66.122, to collect samples, records
11 and information and to ascertain compliance with the rules and orders of the
12 department or the governmental unit.

13 **SECTION 51.** 145.245 (14) (d) of the statutes is amended to read:

14 145.245 (14) (d) Additional grants under this section to a governmental unit
15 previously awarded a grant under this section may be suspended or terminated if the
16 department finds that a ~~private~~ small sewage system previously funded in the
17 governmental unit is not being or has not been properly rehabilitated, constructed,
18 installed or maintained.

19 **SECTION 52.** 160.255 of the statutes is amended to read:

20 **160.255 Exceptions for private certain sewage systems.** (1) In this
21 section, "~~private exempt~~ sewage system" ~~has the meaning given~~ means a small
22 sewage system, as defined in s. 145.01 (12) (14m), or a sewage system that is in
23 existence on January 1, ²⁰⁰⁰1999, and that would be a small sewage system except that
24 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

1 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not
2 required to promulgate or amend rules that define design or management criteria
3 for ~~private~~ exempt sewage systems to minimize the amount of nitrate in
4 groundwater or to maintain compliance with the preventive action limit for nitrate.

5 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules
6 that define design or management criteria for ~~private~~ exempt sewage systems that
7 permit the enforcement standard for nitrate to be attained or exceeded at the point
8 of standards application.

9 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
10 promulgate rules that set forth responses that the agency may take, or require to be
11 taken, when the preventive action limit or enforcement standard for nitrate is
12 attained or exceeded at the point of standards application if the source of the nitrate
13 is a ~~private~~ an exempt sewage system.

14 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required
15 to take any responses for a specific site at which the preventive action limit or
16 enforcement standard for nitrate is attained or exceeded at the point of standards
17 application if the source of the nitrate is a ~~private~~ an exempt sewage system.

18 **SECTION 53.** 283.31 (1) of the statutes is amended to read:

19 283.31 (1) The discharge of any pollutant into any waters of the state or the
20 disposal of sludge from a treatment work by any person is unlawful unless such
21 discharge or disposal is done under a permit issued by the department under this
22 section or s. 283.33. The department may by rule exempt certain classes or categories
23 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.
24 Except as provided in s. 283.33, the department may require only one permit for a

1 publicly owned treatment or collection facility or system, regardless of the number
2 of point sources from such facility or system.

3 **SECTION 9110. Nonstatutory provisions; commerce.**

4 (1) SMALL SEWAGE SYSTEMS. The department of commerce may use the procedure
5 specified under section 227.24 of the statutes to promulgate the rule required under
6 section 145.02 (4) (c) of the statutes, as created by this act, for the period before the
7 effective date of a permanent rule, but not to exceed the period authorized under
8 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
9 (2) (b) and (3) of the statutes, the department is not required to provide evidence that
10 promulgating a rule under this subsection as an emergency rule is necessary for the
11 preservation of the public peace, health, safety or welfare and is not required to
12 provide a finding of emergency for a rule promulgated under this subsection.

13 **SECTION 9410. Effective dates; commerce.**

14 (1) SMALL SEWAGE SYSTEMS. The treatment of sections 20.143 (3) (de), 59.70 (1)
15 and (5), 60.70 (5) and (6m), 60.726 (2), 60.77 (5) (b), (bm), (bs) and (j), 66.88 (11),
16 66.888 (1) (c) 3. a., 145.01 (4m), (5), (10) (b), (12) and (14m), 145.02 (4) (c), 145.045
17 (3), 145.135 (1) and (2) (a), 145.19 (1) to (4) and (6), 145.20 (title), (1), (2) (intro.), (a)
18 and (d) to (h), (3) and (4), 145.24, 145.245 (title), (1) (a) 1. and (ae), (3), (4) (intro.), (b)
19 and (e), (4m), (5) (a), (5m) (a), (6), (7), (8) (a), (9) (b), (c) and (e), (11) (e), (11m) (b) to
20 (d), (13) and (14) (d), 160.255 and 283.31 (1) of the statutes takes effect on January
21 1, 2000.

22

(END)

Analysis insert head → Environment ✓
subhead → Water quality ✓

Under current law, the department of commerce regulates private sewage systems. A private sewage system is a sewage treatment system with a septic tank or an alternative sewage system approved by the department of commerce, such

as a holding tank. Under current law, the department of natural resources, ^(DNR) regulates point sources of ^{water} pollution.

A point source discharges pollution from a pipe or similar conveyance ^{ya} into the surface water or groundwater

of this state. Under current law, a point source of pollution is generally required to obtain a water pollution discharge permit from DNR.

Under this bill, the department of commerce regulates small sewage systems. A small sewage system ^{either} is a wastewater treatment ^{and disposal} system that discharges below the

surface of the ground and that has a design flow that does not exceed a maximum established by the department of commerce or is a holding tank. This bill authorizes

DNR to exempt small sewage systems from the requirement to obtain a water pollution discharge permit.



State of Wisconsin
1999 - 2000 LEGISLATURE

SOON

LRB-09354²
RCT:wlj&jlg:hmh *redraft*
run

DOA:.....Wong – Authority of DNR and Commerce over septic systems

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

DNate

*Don't Ger
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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

WATER QUALITY

Under current law, the department of commerce regulates private sewage systems. A private sewage system is a sewage treatment system with a septic tank or an alternative sewage system approved by the department of commerce, such as a holding tank. Under current law, the department of natural resources (DNR) regulates point sources of water pollution. A point source discharges pollution from a pipe or similar conveyance into the surface water or groundwater of this state. Under current law, a point source of pollution is generally required to obtain a water pollution discharge permit from DNR.

Under this bill, the department of commerce regulates small sewage systems. A small sewage system either is a wastewater treatment and disposal system that discharges below the surface of the ground and that has a design flow that does not exceed a maximum established by the department of commerce or is a holding tank. This bill authorizes DNR to exempt small sewage systems from the requirement to obtain a water pollution discharge permit.

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

1 **SECTION 1.** 20.143 (3) (de) of the statutes is amended to read:

2 20.143 (3) (de) *Private Small sewage system replacement and rehabilitation.*

3 As a continuing appropriation, the amounts in the schedule for financial assistance
4 under the ~~private~~ small sewage system replacement and rehabilitation program
5 under s. 145.245.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

✓ Inset
2-56 ↓ →

6 **SECTION 2.** 59.70 (1) of the statutes is amended to read:

7 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
8 sanitary codes, make necessary rules and regulations in relation thereto and provide
9 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
10 codes, rules and regulations do not apply within municipalities which have enacted
11 ordinances or codes concerning the same subject matter. "Sanitary code" does not
12 include a ~~private~~ small sewage system ordinance enacted under sub. (5). "Building
13 and sanitary codes" does not include well code ordinances enacted under sub. (6).

14 **SECTION 3.** 59.70 (5) of the statutes is amended to read:

15 59.70 (5) PRIVATE SMALL SEWAGE SYSTEM ORDINANCE. (a) Every governmental
16 unit responsible for the regulation of ~~private~~ small sewage systems, as defined under
17 s. 145.01 (5), shall enact an ordinance governing ~~private~~ small sewage systems, as
18 defined in s. 145.01 (~~12~~) (14m), which conforms with the state plumbing code. The
19 ordinance shall apply to the entire area of the governmental unit responsible for the
20 regulation of ~~private~~ small sewage systems, as defined under s. 145.01 (5). After
21 July 1, 1980, no municipality may enact or enforce a ~~private~~ small sewage system
22 ordinance unless it is a governmental unit responsible for the regulation of ~~private~~
23 small sewage systems, as defined under s. 145.01 (5).

1 (b) The governmental unit responsible for the regulation of ~~private~~ small
2 sewage systems, as defined under s. 145.01 (5), shall administer the ~~private~~ small
3 sewage system ordinance under s. 145.20 and the rules promulgated under s. 145.20.

4 **SECTION 4.** 60.70 (5) of the statutes is amended to read:

5 60.70 (5) “Private sewage system” ~~has the meaning given under s. 145.01 (12)~~
6 means a sewage treatment and disposal system serving a single structure with a
7 septic tank and soil absorption field located on the same parcel as the structure. This
8 term also means an alternative sewage system approved by the department of
9 commerce including a substitute for the septic tank or soil absorption field, a holding
10 tank, a system serving more than one structure or a system located on a different
11 parcel than the structure. A private sewage system may be owned by the property
12 owner or by a special purpose district.

13 **SECTION 5.** 60.70 (6m) of the statutes is created to read:

14 60.70 (6m) “Small sewage system” has the meaning given in s. 145.01 (14m).

15 **SECTION 6.** 60.726 (2) of the statutes is amended to read:

16 60.726 (2) If a property owner installed on his or her property a private sewage
17 system, ~~as defined in s. 145.01 (12)~~, that conforms with the state plumbing code,
18 before a town sanitary district that encompasses that property came into existence,
19 that property shall be included in the town sanitary district. If the private sewage
20 system was installed on or after 10 years before May 14, 1992, and if the property
21 owner provides the town sanitary district with any information about the cost of the
22 private sewage system required by the district, the town sanitary district, when the
23 district issues any assessment or charges or imposes property taxes to construct a
24 sewage service system, shall pay or credit the property owner an amount equal to
25 10% of the cost of the private sewage system, less any grants or aids received by the

1 property owner for construction of the private sewage system, multiplied by the
2 number of years of remaining life of the private sewage system. The number of years
3 of remaining life of the private sewage system is equal to 10 minus the number of
4 years that the private sewage system has been in operation.

5 **SECTION 7.** 60.77 (5) (b) of the statutes is amended to read:

6 60.77 (5) (b) Require the installation of private small sewage systems.

7 **SECTION 8.** 60.77 (5) (bm) of the statutes is amended to read:

8 60.77 (5) (bm) Require the inspection of private small sewage systems that
9 have been already installed to determine compliance with the state plumbing code
10 and may report violations of the state plumbing code to the governmental unit
11 responsible for the regulation of private small sewage systems for enforcement under
12 s. 145.20.

13 **SECTION 9.** 60.77 (5) (bs) of the statutes is amended to read:

14 60.77 (5) (bs) Provide direct financial assistance for costs related to the
15 replacement of private small sewage systems, as defined in s. 145.01 ~~(12)~~ (14m), that
16 are failing.

17 **SECTION 10.** 60.77 (5) (j) of the statutes is amended to read:

18 60.77 (5) (j) Administer the private small sewage system program if authorized
19 under s. 145.20 (1) (am).

20 **SECTION 11.** 66.88 (11) of the statutes is amended to read:

21 66.88 (11) "Sewerage system" means all facilities of the district for collection,
22 transportation, storage, pumping, treatment and final disposition of sewage.
23 "Sewerage system" does not include any private small sewage system, as defined in
24 s. 145.01 ~~(12)~~ (14m), or any local sewer.

25 **SECTION 12.** 66.888 (1) (c) 3. a. of the statutes is amended to read:

1 66.888 (1) (c) 3. a. The weight to be given to the need for ~~private~~ small sewage
2 systems, as defined in s. 145.01 ~~(12)~~ (14m), to maintain the public health and welfare
3 in any area located within the district prior to a redefinition of the boundary but
4 located outside the district after any redefinition of the boundary.

5 **SECTION 13.** 145.01 (4m) of the statutes is amended to read:

6 145.01 **(4m)** FAILING PRIVATE SMALL SEWAGE SYSTEM. “Failing ~~private~~ small
7 sewage system” has the meaning specified under s. 145.245 (4).

8 **SECTION 14.** 145.01 (5) of the statutes is amended to read:

9 145.01 **(5)** GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SMALL
10 SEWAGE SYSTEMS. “Governmental unit responsible for the regulation of ~~private~~ small
11 sewage systems” or “governmental unit”, unless otherwise qualified, means the
12 county except that in a county with a population of 500,000 or more these terms mean
13 the city, village or town where the ~~private~~ small sewage system is located.

14 **SECTION 15.** 145.01 (10) (b) of the statutes is amended to read:

15 145.01 **(10)** (b) The construction, connection or installation of any drain or
16 waste piping system from the outside or proposed outside foundation walls of any
17 building to the mains or other sewage system terminal within bounds of, or beneath
18 an area subject to easement for highway purposes, including ~~private~~ small sewage
19 systems, and the alteration of any such systems, drains or waste piping.

20 **SECTION 16.** 145.01 (12) of the statutes is repealed.

21 **SECTION 17.** 145.01 (14m) of the statutes is created to read:

22 145.01 **(14m)** SMALL SEWAGE SYSTEM. “Small sewage system” means one of the
23 following:

24 (a) Any holding tank that is connected to a building, drain or waste piping
25 system.

1 (b) Any wastewater treatment and disposal system with a final point of
2 discharge that is below the surface of the ground and with an estimated design flow
3 that does not exceed the maximum design flow specified under s. 145.02 (4) (c).

4 **SECTION 18.** 145.02 (4) (c) of the statutes is created to read:

5 145.02 (4) (c) The department, in cooperation with the department of natural
6 resources, shall promulgate rules specifying the maximum design flow for small
7 sewage systems with a final point of discharge that is below the surface of the ground.

8 **SECTION 19.** 145.045 (3) of the statutes is amended to read:

9 ~~145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank
10 installer may also be a soil tester and install any system after approval of the site or
11 project by the department or the governmental unit responsible for the regulation
12 of private small sewage systems.~~

13 **SECTION 20.** 145.135 (1) of the statutes is amended to read:

14 ~~145.135 (1) VALIDITY. In this section, "sanitary permit" means a permit issued
15 by the department or any governmental unit responsible for the regulation of private
16 small sewage systems for the installation of a private small sewage system. No
17 person may install a private small sewage system unless the owner of the property
18 on which the private small sewage system is to be installed holds a valid sanitary
19 permit. A sanitary permit is valid for 2 years from the date of issue and renewable
20 for similar periods thereafter. A governmental unit responsible for the regulation of
21 private small sewage systems may not charge more than one fee for a sanitary permit
22 or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall
23 remain valid to the end of the established period, notwithstanding any change in the
24 state plumbing code or in any private small sewage system ordinance during that
25 period. A sanitary permit may be transferred from the holder to a subsequent owner~~

1 of the land, except that the subsequent owner must obtain a new copy of the sanitary
2 permit from the issuing agent. The results of any percolation test or other test
3 relating to the disposal of liquid domestic wastes into the soil shall be retained by the
4 governmental unit responsible for the regulation of ~~private~~ small sewage systems
5 where the property is located. The governmental unit responsible for the regulation
6 of ~~private~~ small sewage systems shall make the test results available to an applicant
7 for a sanitary permit and shall accept the test results as the basis for a sanitary
8 permit application unless the soil at the test site is altered to the extent that a new
9 soil test is necessary.

10 **SECTION 21.** 145.135 (2) (a) of the statutes is amended to read:

11 145.135 (2) (a) The purpose of the sanitary permit is to allow installation of the
12 private small sewage system described in the permit.

13 **SECTION 22.** 145.19 (1) to (4) of the statutes are amended to read:

14 145.19 (1) REQUIREMENT; INFORMATION; FORMS. No septic tank may be purchased
15 and no ~~private~~ small sewage system may be installed unless the owner of the
16 property on which the ~~private~~ small sewage system is to be installed holds a valid
17 sanitary permit from the governmental unit responsible for the regulation of ~~private~~
18 small sewage systems in which the property is located. The department shall
19 prescribe the information to be included in the sanitary permit and furnish sanitary
20 permit forms to the governmental unit. The applicant shall submit the completed
21 sanitary permit to the governmental unit. The governmental unit shall approve or
22 disapprove the sanitary permit according to the rules promulgated by the
23 department under this chapter. No person may sell at retail, as defined under s.
24 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds
25 a valid sanitary permit issued under this section.

1 (2) FEE. No fee for a sanitary permit may be less than \$61, or the amount
2 determined under department rule. The governing body for the governmental unit
3 responsible for the regulation of ~~private~~ small sewage systems may establish a fee
4 for a sanitary permit which is more than \$61, or the amount determined under
5 department rule.

6 (3) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
7 responsible for the regulation of ~~private~~ small sewage systems shall forward a copy
8 of each valid sanitary permit and \$20, or the amount determined under department
9 rule, of the fee to the department within 90 days after the permit is issued.

10 (4) USE OF FEE. The portion of this fee retained by the governmental unit
11 responsible for the regulation of ~~private~~ small sewage systems shall be used for the
12 administration of ~~private~~ small sewage system programs.

13 **SECTION 23.** 145.19 (6) of the statutes is amended to read: ✓

14 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the
15 governmental unit responsible for the regulation of ~~private~~ small sewage systems
16 shall collect a groundwater fee of \$25 for each sanitary permit. The governmental
17 unit shall forward this fee to the department together with the copy of the sanitary
18 permit and the fee under sub. (3). The moneys collected under this subsection shall
be credited to the environmental fund for environmental management.

↓ Inset
819
20 **SECTION 24.** 145.20 (title) of the statutes is amended to read

21 **145.20 (title) Private Small sewage systems.**

22 **SECTION 25.** 145.20 (1) of the statutes is amended to read:

23 145.20 (1) ORGANIZATION AND PERSONNEL. (a) The governing body of the
24 governmental unit responsible for the regulation of ~~private~~ small sewage systems
25 may assign the duties of administering the ~~private~~ small sewage system program to

1 any office, department, committee, board, commission, position or employe of that
2 governmental unit.

3 (am) The governing body of the governmental unit responsible for the
4 regulation of private small sewage systems may delegate the duties of administering
5 the private small sewage system program to a town sanitary district or public inland
6 lake protection and rehabilitation district with the powers of a town sanitary district
7 within the town sanitary district or public inland lake protection and rehabilitation
8 district if the town sanitary district or public inland lake protection and
9 rehabilitation district agrees to assume those duties.

10 (b) The governmental unit responsible for the regulation of private small
11 sewage systems shall obtain the services of a certified soil tester, either as an employe
12 or under contract, to review and verify certified soil tester reports under sub. (2).

12 (B)
13 *author for*
13 *(p. 2)*

13 SECTION 26. 145.20 (2) (intro.) of the statutes is amended to read:

as affected by 1999 Wisconsin Act... (this act)
** No scoring/pain -> Except as provided under sub. (1)*
(am) ✓
(ar) ✓
the

14 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) ~~governmental~~
15 unit responsible for the regulation of private small sewage systems shall:

✓
15 *Insert*
16 *9-15*

16 SECTION 27. 145.20 (2) (a) of the statutes is amended to read:

17 145.20 (2) (a) Review certified soil tester reports for proposed private small
18 sewage systems and verify the report at the proposed site, if necessary.

19 SECTION 28. 145.20 (2) (d) to (h) of the statutes are amended to read:

20 145.20 (2) (d) Inspect all private small sewage systems after construction but
21 before backfilling no later than the end of the next workday, excluding Saturdays,
22 Sundays and holidays, after receiving notice from the plumber in charge.

23 (e) File reports and conduct surveys and inspections as required by the
24 governmental unit responsible for the regulation of private small sewage systems or
25 the department.

1 (f) Investigate violations of the private small sewage system ordinance and s.
2 254.59 (2), issue orders to abate the violations and submit orders to the district
3 attorney, corporation counsel or attorney general for enforcement.

4 (g) Perform other duties regarding private small sewage systems as considered
5 appropriate by the governmental unit responsible for the regulation of private small
6 sewage systems or as required by the rules of the department.

7 (h) Inspect existing private small sewage systems to determine compliance
8 with s. 66.036 if a building or structure is being constructed which requires
9 connection to an existing private small sewage system. The county is not required
10 to conduct an on-site inspection if a building or structure is being constructed which
11 does not require connection to an existing private small sewage system.

12 **SECTION 29.** 145.20 (3) ^{(a) and (b) are} of the statutes is amended to read:

13 145.20 (3) ~~DEPARTMENT RESPONSIBILITIES~~. (a) 1. The department may specify
14 categories of private small sewage systems for which approval by the department is
15 required prior to issuance of sanitary permits by the governmental unit responsible
16 for the regulation of private small sewage systems.

17 2. The department may exempt a governmental unit from any category of
18 private small sewage systems for which departmental approval is required prior to
19 sanitary permit issuance under subd. 1., upon a determination, in accordance with
20 rules promulgated by the department, that past performance of the governmental
21 unit on reviews and audits under par. (b) has been satisfactory and that the
22 governmental unit has the capacity to give the same level of application and plan
23 review as that provided by the department. The department may revoke an
24 exemption upon a finding that performance of the governmental unit on a review or
25 audit conducted subsequent to the granting of the exemption is unsatisfactory or

1 that the governmental unit is not giving the same level of application and plan
2 review as that provided by the department. Findings in a revocation action may be
3 made only after a public hearing upon 30 days' advance notice to the clerk of the
4 governmental unit. The department shall submit a report under s. 13.172 (2) to the
5 chief clerk of each house of the legislature, at the beginning of each legislative
6 session, describing the exemptions under this subdivision.

7 (b) The department shall review the ~~private~~ small sewage system program in
8 each governmental unit responsible for the regulation of ~~private~~ small sewage
9 systems to ascertain compliance with sub. (2) and with regulations issued by the
10 department. This review shall include a random audit of sanitary permits, including
11 verification by on-site inspection.

✓
Insert
11-12

12 (c) If the governing body for a governmental unit responsible for the regulation
13 of ~~private~~ small sewage systems does not adopt a ~~private~~ small sewage system
14 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
15 not appoint personnel meeting the requirements of sub. (1) or if the governmental
16 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
17 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
18 As soon as practicable after the public hearing, the department shall issue a written
19 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the
20 department determines that there is a violation of these provisions, the
21 governmental unit may not issue a sanitary permit for the installation of a ~~private~~
22 ~~small sewage system until the violation is corrected.~~

23 145.245(3) (d) The department shall conduct training and informational programs for
24 officials of the governmental unit responsible for the regulation of ~~private~~ small
25 sewage systems and employes and persons licensed under this chapter and s. 281.48

Section #. 145.245 (3)(d) of the statute is amended to read:

1 and certified as operators of septage servicing vehicles under s. 281.17 (3) to improve
2 the delivery of service under the private small sewage system program. The
3 department shall obtain the assistance of the Wisconsin counties association in
4 planning and conducting the training and informational programs.

5 **SECTION 30.** 145.20 (4) of the statutes is amended to read:

6 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
7 governmental unit may assess the owner of a private small sewage system for costs
8 related to the pumping of a septic or holding tank. The governmental unit shall make
9 any assessment in the same manner that a city, village or town makes an assessment
10 under s. 66.60.

11 **SECTION 31.** 145.24 of the statutes is amended to read:

12 **145.24 Variances. (1)** If an existing private small sewage system either is not
13 located in soil meeting the siting standards or is not constructed in accordance with
14 design standards promulgated under s. 145.02 or 145.13, the owner of the private
15 small sewage system may petition the department for a variance to the siting or
16 design standards.

17 (2) The department shall establish procedures for the review and evaluation
18 of existing private small sewage systems which do not comply with siting or design
19 standards.

20 (3) Upon receipt of a petition for a variance, the department shall require the
21 owner of the private small sewage system to submit information necessary to
22 evaluate the request for a variance. If the department determines that the existing
23 private small sewage system is not a failing private small sewage system, and
24 continued use of the existing private small sewage system will not pose a threat of
25 contamination of waters of the state, then the department may issue a variance to

1 allow continued use of the existing ~~private~~ small sewage system. The department
2 shall rescind the variance if the existing ~~private~~ small sewage system becomes a
3 failing ~~private~~ small sewage system or contaminates waters of the state.

4 **SECTION 32.** 145.245 (title) of the statutes is amended to read:

5 **145.245 (title) Private Small sewage system replacement or**
6 **rehabilitation.**

7 **SECTION 33.** 145.245 (1) (a) 1. of the statutes is amended to read:

8 145.245 (1) (a) 1. A determination that a ~~private~~ small sewage system is failing,
9 according to the criteria under sub. (4), based on an inspection of the ~~private~~ small
10 sewage system by an employe of the state or a governmental unit who is certified to
11 inspect ~~private~~ small sewage systems by the department.

12 **SECTION 34.** 145.245 (1) (ae) of the statutes is amended to read:

13 145.245 (1) (ae) “Governmental unit” means a governmental unit responsible
14 for the regulation of ~~private~~ small sewage systems. “Governmental unit” also
15 includes a federally recognized American Indian tribe or band.

16 **SECTION 35.** 145.245 (3) of the statutes is amended to read:

17 145.245 (3) **MAINTENANCE.** The department shall establish a maintenance
18 program to be administered by governmental units. The maintenance program is
19 applicable to all new or replacement ~~private~~ small sewage systems constructed in a
20 governmental unit after the date on which the governmental unit adopts this
21 program. The maintenance program shall include a requirement of inspection or
22 pumping of the ~~private~~ small sewage system at least once every 3 years. Inspections
23 may be conducted by a master plumber, journeyman plumber or restricted plumber
24 licensed under this chapter, a person licensed under s. 281.48 or by an employe of the
25 state or governmental unit designated by the department. The department of

1 natural resources may suspend or revoke a license issued under s. 281.48 or a
2 certificate issued under s. 281.17 (3) to the operator of a septage servicing vehicle if
3 the department of natural resources finds that the licensee or operator falsified
4 information on inspection forms. The department of commerce may suspend or
5 revoke the license of a plumber licensed under this chapter if the department finds
6 that the plumber falsified information on inspection forms.

7 **SECTION 36.** 145.245 (4) (intro.) of the statutes is amended to read:

8 145.245 (4) ~~FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. (intro.) The department
9 shall establish criteria for determining if a ~~private~~ small sewage system is a failing
10 ~~private~~ small sewage system. A failing ~~private~~ small sewage system is one which
11 causes or results in any of the following conditions:

12 **SECTION 37.** 145.245 (4) (b) of the statutes is amended to read:

13 145.245 (4) (b) The introduction of sewage into zones of saturation which
14 adversely affects the operation of a ~~private~~ small sewage system.

15 **SECTION 38.** 145.245 (4) (e) of the statutes is amended to read:

16 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
17 into the structure served by the ~~private~~ small sewage system.

18 **SECTION 39.** 145.245 (4m) of the statutes is amended to read:

19 145.245 (4m) ~~CATEGORIES OF FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. For the
20 purposes of this section, the department shall establish the category of each failing
21 ~~private~~ small sewage system for which a grant application is submitted, as follows:

22 (a) Category 1: failing ~~private~~ small sewage systems described in sub. (4) (a)
23 to (c).

24 (b) Category 2: failing ~~private~~ small sewage systems described in sub. (4) (d).

25 (c) Category 3: failing ~~private~~ small sewage systems described in sub. (4) (e).

autoref C

as affected by 1999 Wisconsin Act (this act),

1 SECTION 40. 145.245 (5) (a) of the statutes is amended to read:

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

private small sewage system was installed before ✓

Insert
15-9

10 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it owns a small
11 commercial establishment which is served by a category 1 or 2 failing private small
12 sewage system, if the ~~small commercial establishment was constructed prior to~~ July
13 1, 1978, if the gross revenue of the business does not exceed the limitation under par.
14 (d), if the small commercial establishment is not located in an area served by a sewer
15 and if a determination of failure is made prior to the rehabilitation or replacement
16 of the private small sewage system.

Insert
15-16

17 145.245 (5) (a) 3. A person who owns a principal residence or small commercial establishment
18 which is served by a category 1 or 2 failing private small sewage system may submit
19 an application for grant funds during the 3-year period after the determination of
20 failure is made. Grant funds may be awarded after work is completed if
21 rehabilitation or replacement of the system meets all requirements of this section
22 and rules promulgated under this section.

23 SECTION 41. 145.245 (5m) (a) of the statutes is amended to read:

24 145.245 (5m) (a) The department or a governmental unit shall deny a grant
25 application under this section if the applicant or a person who would be directly

1 benefited by the grant intentionally caused the conditions which resulted in a
2 category 1 or 2 failing ~~private~~ small sewage system. The department or
3 governmental unit shall notify the applicant in writing of a denial, including the
4 reason for the denial.

5 **SECTION 42.** 145.245 (6) of the statutes is amended to read:

6 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available
7 under a grant under this section shall be applied to the rehabilitation or replacement
8 of the ~~private~~ small sewage system. An existing ~~private~~ small sewage system may
9 be replaced by an alternative ~~private~~ small sewage system or by a system serving
10 more than one principal residence.

11 (b) Funds available under a grant under this section for experimental ~~private~~
12 small sewage systems shall be applied to the installation and monitoring of the
13 experimental ~~private~~ small sewage systems.

14 **SECTION 43.** 145.245 (7) of the statutes is amended to read:

15 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),
16 costs allowable in determining grant funding under this section may not exceed the
17 costs of rehabilitating or replacing a ~~private~~ small sewage system which would be
18 necessary to allow the rehabilitated system or new system to meet the minimum
19 requirements of the state plumbing code promulgated under s. 145.13.

20 (b) Except as provided in par. (e), costs allowable in determining grant funding
21 under this section may not exceed the costs of rehabilitating or replacing a ~~private~~
22 small sewage system by the least costly methods.

23 (c) Except as provided in pars. (d) and (e), the state grant share under this
24 section is limited to \$7,000 for each principal residence or small commercial
25 establishment to be served by the ~~private~~ small sewage system or to the amount

1 determined by the department based upon ~~private~~ small sewage system grant
2 funding tables, whichever is less. The department shall prepare and publish ~~private~~
3 small sewage system grant funding tables which specify the maximum state share
4 limitation for various components and costs involved in the rehabilitation or
5 replacement of a ~~private~~ small sewage system based upon minimum size and other
6 requirements specified in the state plumbing code promulgated under s. 145.02. The
7 maximum state share limitations shall be designed to pay approximately 60% of the
8 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement
9 based upon estimated or actual costs of that rehabilitation or replacement. The
10 department shall revise the grant funding tables when it determines that 60% of
11 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed
12 the amounts in the grant funding tables by more than 10%, except that the
13 department may not revise the grant funding tables more often than once every 2
14 years.

15 (d) Except as provided in par. (e), if the income of a person who owns a principal
16 residence that is served by a category 1 or 2 failing ~~private~~ small sewage system is
17 greater than \$32,000, the amount of the grant under this section is limited to the
18 amount determined under par. (c) less 30% of the amount by which the person's
19 income exceeds \$32,000.

20 (e) Costs allowable for experimental ~~private~~ small sewage systems shall
21 include the costs of installing and monitoring experimental ~~private~~ small sewage
22 systems installed under s. 145.02 (3) (b) and this section. The department shall
23 promulgate rules that specify how the department will select, monitor and allocate
24 the state share for experimental ~~private~~ small sewage systems that the department
25 funds under this section.

1 **SECTION 44.** 145.245 (8) (a) of the statutes is amended to read:

2 145.245 (8) (a) In order to be eligible for a grant under this section, a
3 governmental unit shall make an application for replacement or rehabilitation of
4 ~~private~~ small sewage systems of principal residences or small commercial
5 establishments and shall submit an application for participation to the department.
6 The application shall be in the form and include the information the department
7 prescribes. In order to be eligible for funds available in a fiscal year, an application
8 is required to be received by the department prior to February 1 of the previous fiscal
9 year.

10 **SECTION 45.** 145.245 (9) (b) of the statutes is amended to read:

11 145.245 (9) (b) Certify that grants will be used for ~~private~~ small sewage system
12 replacement or rehabilitation for a principal residence or small commercial
13 establishment owned by a person who meets the eligibility requirements under sub.
14 (5), that the funds will be used as provided under sub. (6) and that allowable costs
15 will not exceed the amount permitted under sub. (7);

16 **SECTION 46.** 145.245 (9) (c) of the statutes is amended to read:

17 145.245 (9) (c) Certify that grants will be used for ~~private~~ small sewage systems
18 which will be properly installed and maintained;

19 **SECTION 47.** 145.245 (9) (e) of the statutes is amended to read:

20 145.245 (9) (e) Establish a process for regulation and inspection of ~~private~~
21 small sewage systems;

22 **SECTION 48.** 145.245 (11) (e) of the statutes is amended to read:

23 145.245 (11) (e) *Limitation; experimental ~~private~~ small sewage systems.* The
24 department may not allocate more than 10% of the funds available under this

1 subsection each fiscal year for grants for the installation and monitoring of
2 experimental ~~private~~ small sewage systems.

3 **SECTION 49.** 145.245 (11m) (b) to (d) of the statutes are amended to read:

4 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
5 fund all category 1 but not all category 2 failing ~~private~~ small sewage systems, the
6 department shall fully fund all category 1 systems and prorate the funds for category
7 2 systems on a proportional basis.

8 (c) Except as provided in par. (d), if funds are not sufficient to fully fund all
9 category 1 failing ~~private~~ small sewage systems, the department shall fund the
10 category 1 systems on a proportional basis and deny the grant applications for all
11 category 2 systems.

12 (d) The department is not required to prorate available funds for grants for the
13 installation and monitoring of experimental ~~private~~ small sewage systems.

14 **SECTION 50.** 145.245 (13) of the statutes is amended to read:

15 145.245 (13) INSPECTION. Agents of the department or the governmental unit
16 may enter premises where ~~private~~ small sewage systems are located pursuant to a
17 special inspection warrant as required under s. 66.122, to collect samples, records
18 and information and to ascertain compliance with the rules and orders of the
19 department or the governmental unit.

20 **SECTION 51.** 145.245 (14) (d) of the statutes is amended to read:

21 145.245 (14) (d) Additional grants under this section to a governmental unit
22 previously awarded a grant under this section may be suspended or terminated if the
23 department finds that a ~~private~~ small sewage system previously funded in the
24 governmental unit is not being or has not been properly rehabilitated, constructed,
25 installed or maintained.

1 **SECTION 52.** 160.255 of the statutes is amended to read:

2 **160.255 Exceptions for private certain sewage systems.** (1) In this
3 section, “private exempt sewage system” ~~has the meaning given~~ means a small
4 sewage system, as defined in s. 145.01 (12) (14m), or a sewage system that is in
5 existence on January 1, 2000, and that would be a small sewage system except that
6 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

7 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency is not
8 required to promulgate or amend rules that define design or management criteria
9 for private exempt sewage systems to minimize the amount of nitrate in
10 groundwater or to maintain compliance with the preventive action limit for nitrate.

11 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules
12 that define design or management criteria for private exempt sewage systems that
13 permit the enforcement standard for nitrate to be attained or exceeded at the point
14 of standards application.

15 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
16 promulgate rules that set forth responses that the agency may take, or require to be
17 taken, when the preventive action limit or enforcement standard for nitrate is
18 attained or exceeded at the point of standards application if the source of the nitrate
19 is a private an exempt sewage system.

20 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not required
21 to take any responses for a specific site at which the preventive action limit or
22 enforcement standard for nitrate is attained or exceeded at the point of standards
23 application if the source of the nitrate is a private an exempt sewage system.

24 **SECTION 53.** 283.31 (1) of the statutes is amended to read:

1 283.31 (1) The discharge of any pollutant into any waters of the state or the
 2 disposal of sludge from a treatment work by any person is unlawful unless such
 3 discharge or disposal is done under a permit issued by the department under this
 4 section or s. 283.33. The department may by rule exempt certain classes or categories
 5 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.
 6 Except as provided in s. 283.33, the department may require only one permit for a
 7 publicly owned treatment or collection facility or system, regardless of the number
 8 of point sources from such facility or system.

*Insert
21-8*

SECTION 9110. Nonstatutory provisions; commerce.

10 (1) SMALL SEWAGE SYSTEMS. The department of commerce may use the procedure
 11 specified under section 227.24 of the statutes to promulgate the rule required under
 12 section 145.02 (4) (c) of the statutes, as created by this act, for the period before the
 13 effective date of a permanent rule, but not to exceed the period authorized under
 14 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
 15 (2) (b) and (3) of the statutes, the department is not required to provide evidence that
 16 promulgating a rule under this subsection as an emergency rule is necessary for the
 17 preservation of the public peace, health, safety or welfare and is not required to
 18 provide a finding of emergency for a rule promulgated under this subsection.

SECTION 9410. Effective dates; commerce.

19 (1) SMALL SEWAGE SYSTEMS. The treatment of sections 20.143 (3) (de), 59.70 (1)
 20 and (5), 60.70 (5) and (6m), 60.726 (2), 60.77 (5) (b), (bm), (bs) and (j), 66.88 (11),
 21 66.888 (1) (c) 3. a, 145.01 (4m), (5), (10) (b), (12) and (14m), 145.02 (4) (c), ~~145.02~~
 22 ~~145.03 (1) (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w), (x), (y), (z), (aa), (ab), (ac), (ad), (ae), (af), (ag), (ah), (ai), (aj), (ak), (al), (am), (an), (ao), (ap), (aq), (ar), (as), (at), (au), (av), (aw), (ax), (ay), (az), (ba), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bl), (bm), (bn), (bo), (bp), (bq), (br), (bs), (bt), (bu), (bv), (bw), (bx), (by), (bz), (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ch), (ci), (cj), (ck), (cl), (cm), (cn), (co), (cp), (cq), (cr), (cs), (ct), (cu), (cv), (cw), (cx), (cy), (cz), (da), (db), (dc), (dd), (de), (df), (dg), (dh), (di), (dj), (dk), (dl), (dm), (dn), (do), (dp), (dq), (dr), (ds), (dt), (du), (dv), (dw), (dx), (dy), (dz), (ea), (eb), (ec), (ed), (ee), (ef), (eg), (eh), (ei), (ej), (ek), (el), (em), (en), (eo), (ep), (eq), (er), (es), (et), (eu), (ev), (ew), (ex), (ey), (ez), (fa), (fb), (fc), (fd), (fe), (ff), (fg), (fh), (fi), (fj), (fk), (fl), (fm), (fn), (fo), (fp), (fq), (fr), (fs), (ft), (fu), (fv), (fw), (fx), (fy), (fz), (ga), (gb), (gc), (gd), (ge), (gf), (gg), (gh), (gi), (gj), (gk), (gl), (gm), (gn), (go), (gp), (gq), (gr), (gs), (gt), (gu), (gv), (gw), (gx), (gy), (gz), (ha), (hb), (hc), (hd), (he), (hf), (hg), (hh), (hi), (hj), (hk), (hl), (hm), (hn), (ho), (hp), (hq), (hr), (hs), (ht), (hu), (hv), (hw), (hx), (hy), (hz), (ia), (ib), (ic), (id), (ie), (if), (ig), (ih), (ii), (ij), (ik), (il), (im), (in), (io), (ip), (iq), (ir), (is), (it), (iu), (iv), (iw), (ix), (iy), (iz), (ja), (jb), (jc), (jd), (je), (jf), (jg), (jh), (ji), (jj), (jk), (jl), (jm), (jn), (jo), (jp), (jq), (jr), (js), (jt), (ju), (jv), (jw), (jx), (jy), (jz), (ka), (kb), (kc), (kd), (ke), (kf), (kg), (kh), (ki), (kj), (kk), (kl), (km), (kn), (ko), (kp), (kq), (kr), (ks), (kt), (ku), (kv), (kw), (kx), (ky), (kz), (la), (lb), (lc), (ld), (le), (lf), (lg), (lh), (li), (lj), (lk), (ll), (lm), (ln), (lo), (lp), (lq), (lr), (ls), (lt), (lu), (lv), (lw), (lx), (ly), (lz), (ma), (mb), (mc), (md), (me), (mf), (mg), (mh), (mi), (mj), (mk), (ml), (mm), (mn), (mo), (mp), (mq), (mr), (ms), (mt), (mu), (mv), (mw), (mx), (my), (mz), (na), (nb), (nc), (nd), (ne), (nf), (ng), (nh), (ni), (nj), (nk), (nl), (nm), (nn), (no), (np), (nq), (nr), (ns), (nt), (nu), (nv), (nw), (nx), (ny), (nz), (oa), (ob), (oc), (od), (oe), (of), (og), (oh), (oi), (oj), (ok), (ol), (om), (on), (oo), (op), (oq), (or), (os), (ot), (ou), (ov), (ow), (ox), (oy), (oz), (pa), (pb), (pc), (pd), (pe), (pf), (pg), (ph), (pi), (pj), (pk), (pl), (pm), (pn), (po), (pp), (pq), (pr), (ps), (pt), (pu), (pv), (pw), (px), (py), (pz), (qa), (qb), (qc), (qd), (qe), (qf), (qg), (qh), (qi), (qj), (qk), (ql), (qm), (qn), (qo), (qp), (qq), (qr), (qs), (qt), (qu), (qv), (qw), (qx), (qy), (qz), (ra), (rb), (rc), (rd), (re), (rf), (rg), (rh), (ri), (rj), (rk), (rl), (rm), (rn), (ro), (rp), (rq), (rr), (rs), (rt), (ru), (rv), (rw), (rx), (ry), (rz), (sa), (sb), (sc), (sd), (se), (sf), (sg), (sh), (si), (sj), (sk), (sl), (sm), (sn), (so), (sp), (sq), (sr), (ss), (st), (su), (sv), (sw), (sx), (sy), (sz), (ta), (tb), (tc), (td), (te), (tf), (tg), (th), (ti), (tj), (tk), (tl), (tm), (tn), (to), (tp), (tq), (tr), (ts), (tt), (tu), (tv), (tw), (tx), (ty), (tz), (ua), (ub), (uc), (ud), (ue), (uf), (ug), (uh), (ui), (uj), (uk), (ul), (um), (un), (uo), (up), (uq), (ur), (us), (ut), (uu), (uv), (uw), (ux), (uy), (uz), (va), (vb), (vc), (vd), (ve), (vf), (vg), (vh), (vi), (vj), (vk), (vl), (vm), (vn), (vo), (vp), (vq), (vr), (vs), (vt), (vu), (vv), (vw), (vx), (vy), (vz), (wa), (wb), (wc), (wd), (we), (wf), (wg), (wh), (wi), (wj), (wk), (wl), (wm), (wn), (wo), (wp), (wq), (wr), (ws), (wt), (wu), (wv), (ww), (wx), (wy), (wz), (xa), (xb), (xc), (xd), (xe), (xf), (xg), (xh), (xi), (xj), (xk), (xl), (xm), (xn), (xo), (xp), (xq), (xr), (xs), (xt), (xu), (xv), (xw), (xx), (xy), (xz), (ya), (yb), (yc), (yd), (ye), (yf), (yg), (yh), (yi), (yj), (yk), (yl), (ym), (yn), (yo), (yp), (yq), (yr), (ys), (yt), (yu), (yv), (yw), (yx), (yz), (za), (zb), (zc), (zd), (ze), (zf), (zg), (zh), (zi), (zj), (zk), (zl), (zm), (zn), (zo), (zp), (zq), (zr), (zs), (zt), (zu), (zv), (zw), (zx), (zy), (zz))~~

*and
not A
in insert
11-12*

1. (by ^(CS) SECTION ^(A.R.)), 2. (by ^(CS) SECTION ^(A.R.)) and 3.
autorefer^C p 15, line 1 *autorefer^D in insert 15-9*

(by ^(CS) SECTION ^(A.R.)) - autorefer^B from p. 9

1 (d), (13) and (14) (d), 160.255 and 283.31 (1) of the statutes take effect on January
2 1, 2000.

3 (END)

and the amendment of sections [✓]20.320 (3),
[✓]45.19 (2), (2) (a),
[✓](3) (a), (4) to (7) and (9) [✓]and 281.59 (1m) (c) [✓] of the
statutes

Inset 2-5 p. 1

enter into a financial assistance agreement with DOA and the department of commerce.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 SECTION ~~4.~~ [#] 20.320 (3) of the statutes ^{as} ~~is~~ ^{by 1999 Wisconsin Act...} created ^{(this act), is} to read: ^{amended}
- 2 20.320 (3) ~~PRIVATE SEWAGE SYSTEM PROGRAM.~~ ^{CS small} (q) ~~Private~~ ^{Small} sewage system loans.
- 3 From the environmental improvement fund, the amounts in the schedule for ~~private~~ ^{private}
- 4 ^{small} sewage system replacement or rehabilitation loans under s. 145.245 (12m).

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

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~~SECTION 2. 25.43 (3) of the statutes is amended to read:~~

~~25.43 (3) Except for the purpose of investment as provided in s. 25.17 (2) (d), the environmental improvement fund may be used only for the purposes authorized under ss. 20.320 (1) (r), (s), (sm), (t), (x) and (y) and, (2) (s) and (x) and (3) (q), 20.370 (4) (mt), (mx) and (nz), (8) (mr) and (9) (mt), (mx) and (ny), 20.505 (1) (v), (x) and (y), 281.58, 281.59, 281.60, 281.61 and 281.62.~~

~~SECTION 3. 67.12 (12) (a) of the statutes is amended to read:~~

~~67.12 (12) (a) Any municipality may issue promissory notes as evidence of indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not limited to paying any general and current municipal expense, and refunding any municipal obligations, including interest on them. Each note, plus interest if any, shall be repaid within 10 years after the original date of the note, except that notes issued under this section for purposes of ss. 145.245 (12m), 281.58 and 281.59, or to raise funds to pay a portion of the capital costs of a metropolitan sewerage district, shall be repaid within 20 years after the original date of the note.~~

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

Insert 2-5, p. 2
20,320(3)

✓
***NOTE: This is reconciled s. 1 . This SECTION has been affected by drafts with the following LRB numbers:

-0935 and -1856 .

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

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~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

end of insert 2-5

governmental units to issue sanitary permits for the installation of private sewage systems on either private or state-owned property.

Current law prohibits a governmental unit from issuing a sanitary permit for the installation of a private sewage system if the department finds that the governmental unit has not adopted a private sewage system ordinance (as required by law) or if the governmental unit fails to carry out its regulatory duties concerning private sewage systems. This bill provides instead that the department may order the governmental unit to remedy its failure to adopt a private sewage system ordinance or carry out its regulatory duties.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 25.46 (5c) of the statutes is amended to read:

25.46 (5c) The moneys collected under s. 145.19 (6) (9) for environmental management.

SECTION 2. 145.045 (3) of the statutes is repealed.

SECTION 3. 145.135 of the statutes is repealed.

SECTION 4. 145.19 of the statutes is repealed and recreated to read:

145.19 Sanitary permits. (1) DEFINITIONS. In this section, "sanitary permit"

means a permit issued by the department or any governmental unit responsible for the regulation of ^{small} private sewage systems that authorizes the installation of a ^{small} private sewage system.

(2) ~~VALIDITY~~ (a) No person may install a ^{small} private sewage system unless the owner of the property on which the ^{small} private sewage system is to be installed holds a valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue, notwithstanding any change in the state plumbing code or in any ^{small} private sewage system ordinance during that period, and is renewable for 2-year periods. A renewal

as affected by 1999 Wisconsin Act (this act) are amended to read

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Insert F-19, p. 2

1 of a sanitary permit is governed by the rules in effect at the time the renewal is
2 sought.

3 ~~(b) A holder of a sanitary permit may transfer the sanitary permit to a
4 subsequent owner of the land, except that the subsequent owner shall obtain a new
5 copy of the sanitary permit from the issuing agent.~~

6 ~~(3) NOTICE. A sanitary permit shall include a notice displayed conspicuously
7 and separately on the permit form to inform the permit holder that:~~

8 ~~(a) The purpose of the sanitary permit is to allow installation of the private~~ *small*
9 sewage system described in the permit.

10 ~~(b) The approval of the sanitary permit is based on rules in force on the date
11 of approval.~~

12 ~~(c) The sanitary permit is valid and may be renewed for a 2-year period.~~

13 ~~(d) Changed rules will not impair the validity of a sanitary permit, but they may
14 impede renewal.~~

15 ~~(e) The sanitary permit is transferable.~~

16 (4) INFORMATION ON SANITARY PERMITS; FORMS. (a) The department shall
17 prescribe the information to be included on the sanitary permit and shall furnish
18 sanitary permit forms to the governmental unit responsible for the regulation of
19 ~~private~~ *small* sewage systems.

20 (b) The applicant for a sanitary permit shall submit a completed sanitary
21 permit application to the governmental unit responsible for the regulation of ~~private~~ *small*

22 sewage systems or the department. The governmental unit responsible for the
23 regulation of ~~private~~ *small* sewage systems or the department, whichever is appropriate,

24 shall approve or disapprove the sanitary permit application according to the rules
25 promulgated by the department under ss. 145.02 and 145.13.



Insert 8-19, p. 3

1 (5) FEE. No fee for a sanitary permit may be less than \$61, or the amount
 2 determined under department rule. The governing body for the governmental unit
 3 responsible for the regulation of ~~private~~^{small} sewage systems may establish a fee for a
 4 sanitary permit which is more than \$61, or the amount determined under
 5 department rule.

6 (6) COPY OF PERMIT FORWARDED TO THE DEPARTMENT. The governmental unit
 7 responsible for the regulation of ~~private~~^{small} sewage systems shall forward a copy of each
 8 valid sanitary permit and \$20, or the amount determined under department rule, of
 9 the fee to the department within 90 days after the permit is issued.

10 (7) USE OF FEE. The governmental unit responsible for the regulation of ~~private~~^{small}
 11 sewage systems shall use the portion of the fee it retains for the administration of
 12 ~~private~~^{small} sewage system programs.

13 ~~(8) FEE ADJUSTMENT. The department may by rule adjust the minimum permit~~
 14 ~~fee under sub. (5) and the fee portion forwarded under sub. (6).~~

15 (9) GROUNDWATER FEE. In addition to the fee under sub. (5), the governmental
 16 unit responsible for the regulation of ~~private~~^{small} sewage systems or the department shall
 17 collect a groundwater fee of \$25 for each sanitary permit. The governmental unit
 18 shall forward this fee to the department together with the copy of the sanitary permit
 19 and the fee under sub. (6). The moneys collected under this subsection shall be
 20 credited to the environmental fund for environmental management.

21 ~~SECTION 5. 145.20 (1) (ar) of the statutes is created to read:~~

22 ~~145.20 (1) (ar) The governmental unit responsible for the regulation of private~~
 23 ~~sewage systems may, with the department's consent, delegate the administration of~~
 24 ~~any of the responsibilities under sub. (2) to the department. If the department~~



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

Insert 8-19, p. 4

145.19(1)[✓], (2)(a)[✓], (3)(a)[✓], (4) to (7)[✓] and (9)[✓]

***NOTE: This is reconciled s. 1 . This SECTION has been affected by drafts with the following LRB numbers:
-0515 and -0935, ✓

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

end of insert 8-19

1999-2000 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRB
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Insert 9-15

145.20(2) (Intro.)^v

***NOTE: This is reconciled s. 1. This SECTION has been affected by drafts with the following LRB numbers: 0515 and -0935.

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~****NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

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~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

Insert 11-12, p. 1

1 consents to the delegation, it may contract for the administration of the delegated
2 responsibilities.

3 SECTION 6. 145.20 (2) (intro.) of the statutes is amended to read:

4 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) ~~The Except as~~
5 ~~provided under sub. (1) (am) and (ar), the governmental unit responsible for the~~
6 regulation of private sewage systems shall:

7 SECTION 7. 145.20 (2) (am) of the statutes is created to read:

8 145.20 (2) (am) Retain the results of any percolation test or other test relating
9 to the disposal of liquid domestic wastes into the soil, make the test results available
10 to an applicant for a sanitary permit and accept the test results as the basis for a
11 sanitary permit application, unless the soil at the test site is altered to the extent that
12 a new soil test is necessary.

13 SECTION 8. 145.20 (2) (b) of the statutes is amended to read:

14 145.20 (2) (b) ~~Approve or disapprove applications for sanitary permits and~~
15 ~~assist~~ Assist applicants in preparing an approvable application sanitary permit
applications.

16
17
18
*auto ref. A
p. 21, 11/24/24*

19 SECTION 9. 145.20 (3) (c) of the statutes ^{as affected by 1999 Wisconsin Act...} is amended to read:

18 145.20 (3) (c) If the governing body for a governmental unit responsible for the
19 regulation of ~~private~~ ^{small ✓} sewage systems does not adopt a ~~private~~ ^{small ✓} sewage system
20 ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit does
21 not appoint personnel meeting the requirements of sub. (1) or if the governmental
22 unit does not comply with the requirements of sub. (2) or s. 145.19 (3), the department
23 may conduct hearings in the county seat upon 30 days' notice to the county clerk.
24 As soon as practicable after the public hearing, the department shall issue a written
25 decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the

↓

↓

1 department determines that there is a violation of these provisions, the
2 ~~governmental unit may not issue a sanitary permit for the installation of a private~~
3 ~~sewage system until the violation is corrected, department may issue an order~~
4 directing the governmental unit to remedy the violation.

plain

(END)



1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
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Insert 11-12, p. 3

145.20(3)(c)✓

***NOTE: This is reconciled s. 1 . This SECTION has been affected by drafts with the following LRB numbers: -0515 and -0935.

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

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~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

end insert 11-12

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
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Insert 15-9

145.245(5)(a)1. ✓

***NOTE: This is reconciled s. 1. This SECTION has been affected by drafts with the following LRB numbers:

-0521 and -0935.

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

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~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

~~***NOTE: This is reconciled s. . This SECTION has been affected by drafts with the following LRB numbers:~~

autoref D

Section # AM; 145.245[✓](5)(a)2.; as affected by 1999 Wisconsin
Act ... (this act)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB
.....

Insert 15-16
145.245(5)(a) ✓

***NOTE: This is reconciled s. 1. This SECTION has been affected by drafts with the following LRB numbers:

-0521 and -0935, ✓

~~***NOTE: This is reconciled s. This SECTION has been affected by drafts with the following LRB numbers:~~

~~****NOTE: This is reconciled s. This SECTION has been affected by drafts with the following LRB numbers:~~

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~~****NOTE: This is reconciled s. This SECTION has been affected by drafts with the following LRB numbers:~~

Section #. AM; 145.245(5)(a) 3. ✓

(end ins 15-16)

Insert 21-8

1 amounts to the fund to which they are due and notify the department of commerce
2 of that action.

3 SECTION 5. 281.59 (1m) (c) of the statutes ^{is created} to read:

4 281.59 (1m) (c) There is established a ^{small} private sewage system replacement and
5 rehabilitation loan program, administered under s. 145.245 (12m).

6 (END)

*** Note: This is re-enacted s. 281.59 (1m) (c). This SECTION
has been affected by drafts with the following LRB ^{numbers:} ~~1856~~
-0935 and -1856.

as by 1999 Wisconsin Act... (this act) is amended

(CS)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB -0935/2dn

.....
Ret w/ij
+
ij

Marye and Sarah :

LRB-0516, LRB-0520, LRB-0521

0935

0515

1856

This draft reconciles LRB-~~XXXX~~, LRB-~~XXXX~~ and LRB-~~XXXX~~. [All of these drafts should continue to appear in the compiled bill.] [All of these drafts, except LRB-~~XXXX~~, should continue to appear in the compiled bill. LRB-~~XXXX~~ should be dropped from the compile.]

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0935/2dn
RCT:wlj&jlg:lp

February 3, 1999

Manyee and Sarah:

This draft reconciles LRB-0935, LRB-0515, LRB-0516, LRB-0520, LRB-0521 and LRB-1856. All of these drafts should continue to appear in the compiled bill.

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