



State of Wisconsin  
1999 - 2000 LEGISLATURE

Today

LRB-0935/3  
RCT:wlj&jlg:lp  
redraft  
ran

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

6/2/99

DNote

do not gen

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.

6           **SECTION 2.** 20.320 (3) of the statutes, as created by 1999 Wisconsin Act .... (this  
7           act), is amended to read:

8           20.320 (3) PRIVATE SMALL SEWAGE SYSTEM PROGRAM. (q) *Private Small sewage  
9           system loans.* From the environmental improvement fund, the amounts in the  
10          schedule for ~~private~~ small sewage system replacement or rehabilitation loans under  
11          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.

          \*\*\*NOTE: This is reconciled s. 20.320 (3). This SECTION has been affected by drafts  
          with the following LRB numbers: -0935 and -1856.

12          **SECTION 3.** 59.70 (1) of the statutes is amended to read:

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

20          **SECTION 4.** 59.70 (5) of the statutes is amended to read:

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

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

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

14           60.70 (5) “Private sewage system” ~~has the meaning given under s. 145.01 (12)~~  
15 means a sewage treatment and disposal system serving a single structure with a  
16 septic tank and soil absorption field located on the same parcel as the structure. This  
17 term also means an alternative sewage system approved by the department of  
18 commerce including a substitute for the septic tank or soil absorption field, a holding  
19 tank, a system serving more than one structure or a system located on a different  
20 parcel than the structure. A private sewage system may be owned by the property  
21 owner or by a special purpose district.

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

23           60.70 (6m) “Small sewage system” has the meaning given in s. 145.01 (14m).

24           **SECTION 7.** 60.726 (2) of the statutes is amended to read:

1           60.726 (2) If a property owner installed on his or her property a private sewage  
2 system, ~~as defined in s. 145.01 (12)~~, that conforms with the state plumbing code,  
3 before a town sanitary district that encompasses that property came into existence,  
4 that property shall be included in the town sanitary district. If the private sewage  
5 system was installed on or after 10 years before May 14, 1992, and if the property  
6 owner provides the town sanitary district with any information about the cost of the  
7 private sewage system required by the district, the town sanitary district, when the  
8 district issues any assessment or charges or imposes property taxes to construct a  
9 sewage service system, shall pay or credit the property owner an amount equal to  
10 10% of the cost of the private sewage system, less any grants or aids received by the  
11 property owner for construction of the private sewage system, multiplied by the  
12 number of years of remaining life of the private sewage system. The number of years  
13 of remaining life of the private sewage system is equal to 10 minus the number of  
14 years that the private sewage system has been in operation.

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

16           60.77 (5) (b) Require the installation of private small sewage systems.

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

18           60.77 (5) (bm) Require the inspection of private small sewage systems that  
19 have been already installed to determine compliance with the state plumbing code  
20 and may report violations of the state plumbing code to the governmental unit  
21 responsible for the regulation of private small sewage systems for enforcement under  
22 s. 145.20.

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

1           60.77 (5) (bs) Provide direct financial assistance for costs related to the  
2 replacement of ~~private~~ small sewage systems, as defined in s. 145.01 ~~(12)~~ (14m), that  
3 are failing.

4           **SECTION 11.** 60.77 (5) (j) of the statutes is amended to read:

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

7           **SECTION 12.** 66.88 (11) of the statutes is amended to read:

8           66.88 (11) “Sewerage system” means all facilities of the district for collection,  
9 transportation, storage, pumping, treatment and final disposition of sewage.  
10 “Sewerage system” does not include any ~~private~~ small sewage system, as defined in  
11 s. 145.01 ~~(12)~~ (14m), or any local sewer.

12           **SECTION 13.** 66.888 (1) (c) 3. a. of the statutes is amended to read:

13           66.888 (1) (c) 3. a. The weight to be given to the need for ~~private~~ small sewage  
14 systems, as defined in s. 145.01 ~~(12)~~ (14m), to maintain the public health and welfare  
15 in any area located within the district prior to a redefinition of the boundary but  
16 located outside the district after any redefinition of the boundary.

17           **SECTION 14.** 145.01 (4m) of the statutes is amended to read:

18           145.01 (4m) ~~FAILING PRIVATE~~ SMALL SEWAGE SYSTEM. “Failing ~~private~~ small  
19 sewage system” has the meaning specified under s. 145.245 (4).

20           **SECTION 15.** 145.01 (5) of the statutes is amended to read:

21           145.01 (5) ~~GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE~~ SMALL  
22 SEWAGE SYSTEMS. “Governmental unit responsible for the regulation of ~~private~~ small  
23 sewage systems” or “governmental unit”, unless otherwise qualified, means the  
24 county except that in a county with a population of 500,000 or more these terms mean  
25 the city, village or town where the ~~private~~ small sewage system is located.

1           **SECTION 16.** 145.01 (10) (b) of the statutes is amended to read:

2           145.01 (10) (b) The construction, connection or installation of any drain or  
3 waste piping system from the outside or proposed outside foundation walls of any  
4 building to the mains or other sewage system terminal within bounds of, or beneath  
5 an area subject to easement for highway purposes, including ~~private~~ small sewage  
6 systems, and the alteration of any such systems, drains or waste piping.

7           **SECTION 17.** 145.01 (12) of the statutes is repealed.

8           **SECTION 18.** 145.01 (14m) of the statutes is created to read:

9           145.01 (14m) SMALL SEWAGE SYSTEM. “Small sewage system” means one of the  
10 following:

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

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

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

17           145.02 (4) (c) The department, in cooperation with the department of natural  
18 resources, shall promulgate rules specifying the maximum design flow for small  
19 sewage systems with a final point of discharge that is below the surface of the ground.

20           **SECTION 20.** 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9) of the statutes, as affected  
21 by 1999 Wisconsin Act .... (this act), are amended to read:

22           145.19 (1) DEFINITIONS. In this section, “sanitary permit” means a permit  
23 issued by the department or any governmental unit responsible for the regulation  
24 of ~~private~~ small sewage systems that authorizes the installation of a ~~private~~ small  
25 sewage system.

1           (2) (a) No person may install a ~~private~~ small sewage system unless the owner  
2 of the property on which the ~~private~~ small sewage system is to be installed holds a  
3 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,  
4 notwithstanding any change in the state plumbing code or in any ~~private~~ small  
5 sewage system ordinance during that period, and is renewable for 2-year periods.  
6 A renewal of a sanitary permit is governed by the rules in effect at the time the  
7 renewal is sought.

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

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

14           (b) The applicant for a sanitary permit shall submit a completed sanitary  
15 permit application to the governmental unit responsible for the regulation of private  
16 small sewage systems or the department. The governmental unit responsible for the  
17 regulation of ~~private~~ small sewage systems or the department, whichever is  
18 appropriate, shall approve or disapprove the sanitary permit application according  
19 to the rules promulgated by the department under ss. 145.02 and 145.13.

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

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

5           **(7) USE OF FEE.** The governmental unit responsible for the regulation of private  
6 small sewage systems shall use the portion of the fee it retains for the administration  
7 of private small sewage system programs.

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

\*\*\*\*NOTE: This is reconciled s. 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9). This  
SECTION has been affected by drafts with the following LRB numbers: -0515 and -0935.

15           **SECTION 21.** 145.20 (title) of the statutes is amended to read:

16           **145.20 (title) Private Small sewage systems.**

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

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



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

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

11 **SECTION 23.** 145.20 (2) (intro.) of the statutes, as affected by 1999 Wisconsin  
12 Act .... (this act), is amended to read:

13 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) Except as provided  
14 under sub. (1) (am) and (ar), the governmental unit responsible for the regulation of  
15 ~~private~~ small sewage systems shall:

\*\*\*\*NOTE: This is reconciled s. 145.20 (2) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: -0515 and -0935.

16 **SECTION 24.** 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 25.** 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.

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

4 (f) Investigate violations of the ~~private~~ small sewage system ordinance and s.  
5 254.59 (2), issue orders to abate the violations and submit orders to the district  
6 attorney, corporation counsel or attorney general for enforcement.

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

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

15 **SECTION 26.** 145.20 (3) (a) and (b) of the statutes are amended to read:

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

20 2. The department may exempt a governmental unit from any category of  
21 ~~private~~ small sewage systems for which departmental approval is required prior to  
22 sanitary permit issuance under subd. 1., upon a determination, in accordance with  
23 rules promulgated by the department, that past performance of the governmental  
24 unit on reviews and audits under par. (b) has been satisfactory and that the  
25 governmental unit has the capacity to give the same level of application and plan

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

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

15 **SECTION 27.** 145.20 (3) (c) of the statutes, as affected by 1999 Wisconsin Act ....  
16 (this act), is amended to read:

17 145.20 (3) (c) If the governing body for a governmental unit responsible for the  
18 regulation of private small sewage systems does not adopt a private small sewage  
19 system ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit  
20 does not appoint personnel meeting the requirements of sub. (1) or if the  
21 governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3),  
22 the department may conduct hearings in the county seat upon 30 days' notice to the  
23 county clerk. As soon as practicable after the public hearing, the department shall  
24 issue a written decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub.  
25 (1) or (2). If the department determines that there is a violation of these provisions,

1 the department may issue an order directing the governmental unit to remedy the  
2 violation.

\*\*\*NOTE: This is reconciled s. 145.20 (3) (c). This SECTION has been affected by  
drafts with the following LRB numbers: -0515 and -0935.

3 **SECTION 28.** 145.20 (4) of the statutes is amended to read:

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

9 **SECTION 29.** 145.24 of the statutes is amended to read:

10 **145.24 Variances. (1)** If an existing ~~private~~ small sewage system either is not  
11 located in soil meeting the siting standards or is not constructed in accordance with  
12 design standards promulgated under s. 145.02 or 145.13, the owner of the ~~private~~  
13 small sewage system may petition the department for a variance to the siting or  
14 design standards.

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

18 (3) Upon receipt of a petition for a variance, the department shall require the  
19 owner of the ~~private~~ small sewage system to submit information necessary to  
20 evaluate the request for a variance. If the department determines that the existing  
21 ~~private~~ small sewage system is not a failing ~~private~~ small sewage system, and  
22 continued use of the existing ~~private~~ small sewage system will not pose a threat of  
23 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 30.** 145.245 (title) of the statutes is amended to read:

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

7 **SECTION 31.** 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 32.** 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 33.** 145.245 (3) (d) of the statutes is amended to read:

17 145.245 (3) (d) The department shall conduct training and informational  
18 programs for officials of the governmental unit responsible for the regulation of  
19 ~~private~~ small sewage systems and employes and persons licensed under this chapter  
20 and s. 281.48 and certified as operators of septage servicing vehicles under s. 281.17  
21 (3) to improve the delivery of service under the ~~private~~ small sewage system  
22 program. The department shall obtain the assistance of the Wisconsin counties  
23 association in planning and conducting the training and informational programs.

24 **SECTION 34.** 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 35.** 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 36.** 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 37.** 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 38.** 145.245 (5) (a) 1. of the statutes, as affected by 1999 Wisconsin Act  
20 .... (this act), is amended to read:

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

1 if the residence is not located in an area served by a sewer and if determination of  
2 failure is made prior to the rehabilitation or replacement of the failing ~~private~~ small  
3 sewage system.

\*\*\*\*NOTE: This is reconciled s. 145.245 (5) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: -0521 and -0935.

4 **SECTION 39.** 145.245 (5) (a) 2. of the statutes, as affected by 1999 Wisconsin Act  
5 .... (this act), is amended to read:

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

\*\*\*\*NOTE: This is reconciled s. 145.245 (5) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0521 and -0935.

13 **SECTION 40.** 145.245 (5) (a) 3. of the statutes is amended to read:

14 145.245 (5) (a) 3. A person who owns a principal residence or small commercial  
15 establishment which is served by a category 1 or 2 failing ~~private~~ small sewage  
16 system may submit an application for grant funds during the 3-year period after the  
17 determination of failure is made. Grant funds may be awarded after work is  
18 completed if rehabilitation or replacement of the system meets all requirements of  
19 this section and rules promulgated under this section.

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

21 145.245 (5m) (a) The department or a governmental unit shall deny a grant  
22 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.** 281.59 (1m) (c) of the statutes, as created by 1999 Wisconsin Act  
25 .... (this act), is amended to read:

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

      \*\*\*\*NOTE: This is reconciled s. 281.59 (1m) (c). This SECTION has been affected by  
drafts with the following LRB numbers: -0935 and -1856.

3           **SECTION 54.** 283.31 (1) of the statutes is amended to read:

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

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

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

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

1           (1) **SMALL SEWAGE SYSTEMS.** The treatment of sections 20.143 (3) (de), 59.70 (1)  
2           and (5), 60.70 (5) and (6m), 60.726 (2), 60.77 (5) (b), (bm), (bs) and (j), 66.88 (11),  
3           66.888 (1) (c) 3. a., 145.01 (4m), (5), (10) (b), (12) and (14m), 145.02 (4) (c), 145.20  
4           (title), (1), (2) (intro.) (by SECTION 23), (a) and (d) to (h), (3) (a), (b), (c) (by SECTION 27)  
5           and (d) and (4), 145.24, 145.245 (title), (1) (a) 1. and (ae), (4) (intro.), (b) and (e), (4m),  
6           (5) (a) 1. (by SECTION 38), 2. (by SECTION 41) and 3., (5m) (a), (6), (7), (8) (a), (9) (b), (c)  
7           and (e), (11) (e), (11m) (b) to (d), (13) and (14) (d), 160.255 and 3.31 (1) of the statutes  
8           and the amendment of sections 20.320 (3), 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9)  
9           <sup>145.20 (1) (ar) ✓</sup>  
          and 281.59 (1m) (c) of the statutes take effect on January 1, 2000.

10

**(END)**

*Insert*

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

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

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

12 (7) USE OF FEE. The governmental unit responsible for the regulation of private  
13 sewage systems shall use the portion of the fee it retains for the administration of  
14 private sewage system programs.

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

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

*Fix component*  
*Insert*

23 SECTION 145.20 (1) (ar) of the statutes <sup>is</sup> created <sup>to read:</sup>

*100 by 1999 Wisconsin Act... (this act) 15 amended*

24 145.20 (1) (ar) The governmental unit responsible for the regulation of private  
25 sewage systems may, with the department's consent, delegate the administration of



*Inset, p. 2*

1 any of the responsibilities under sub. (2) to the department. If the department  
2 consents to the delegation, it may contract for the administration of the delegated  
3 responsibilities.

*(end ins)*

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

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

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

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

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

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

18 ~~SECTION 9. 145.20 (3) (c) of the statutes is amended to read:~~

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



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

LRB-0935/<sup>3</sup>2dn  
RCT:wlj&jlg:lp

February 3, 1999 } new  
date

Manye and Sarah:

*This redraft (13) corrects the reconciliation with  
LRB-0515.*

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

LRB-0935/3dn  
RCT:wlj&jlg:jf

February 4, 1999

Manyee and Sarah:

This redraft (/3) corrects the reconciliation with LRB-0515.

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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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0935/3  
RCT:wlj&jlg:jf

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

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

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*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.

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*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.

6           **SECTION 2.** 20.320 (3) of the statutes, as created by 1999 Wisconsin Act .... (this  
7           act), is amended to read:

8           20.320 (3) ~~PRIVATE~~ SMALL SEWAGE SYSTEM PROGRAM. (q) *Private Small sewage*  
9           *system loans.* From the environmental improvement fund, the amounts in the  
10           schedule for ~~private~~ small sewage system replacement or rehabilitation loans under  
11           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.

          \*\*\*\*NOTE: This is reconciled s. 20.320 (3). This SECTION has been affected by drafts  
          with the following LRB numbers: -0935 and -1856.

12           **SECTION 3.** 59.70 (1) of the statutes is amended to read:

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

20           **SECTION 4.** 59.70 (5) of the statutes is amended to read:

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

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

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

14           60.70 (5) “Private sewage system” ~~has the meaning given under s. 145.01 (12)~~  
15 means a sewage treatment and disposal system serving a single structure with a  
16 septic tank and soil absorption field located on the same parcel as the structure. This  
17 term also means an alternative sewage system approved by the department of  
18 commerce including a substitute for the septic tank or soil absorption field, a holding  
19 tank, a system serving more than one structure or a system located on a different  
20 parcel than the structure. A private sewage system may be owned by the property  
21 owner or by a special purpose district.

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

23           60.70 (6m) “Small sewage system” has the meaning given in s. 145.01 (14m).

24           **SECTION 7.** 60.726 (2) of the statutes is amended to read:

1           60.726 (2) If a property owner installed on his or her property a private sewage  
2 system, ~~as defined in s. 145.01 (12)~~, that conforms with the state plumbing code,  
3 before a town sanitary district that encompasses that property came into existence,  
4 that property shall be included in the town sanitary district. If the private sewage  
5 system was installed on or after 10 years before May 14, 1992, and if the property  
6 owner provides the town sanitary district with any information about the cost of the  
7 private sewage system required by the district, the town sanitary district, when the  
8 district issues any assessment or charges or imposes property taxes to construct a  
9 sewage service system, shall pay or credit the property owner an amount equal to  
10 10% of the cost of the private sewage system, less any grants or aids received by the  
11 property owner for construction of the private sewage system, multiplied by the  
12 number of years of remaining life of the private sewage system. The number of years  
13 of remaining life of the private sewage system is equal to 10 minus the number of  
14 years that the private sewage system has been in operation.

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

16           60.77 (5) (b) Require the installation of private small sewage systems.

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

18           60.77 (5) (bm) Require the inspection of private small sewage systems that  
19 have been already installed to determine compliance with the state plumbing code  
20 and may report violations of the state plumbing code to the governmental unit  
21 responsible for the regulation of private small sewage systems for enforcement under  
22 s. 145.20.

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

1           60.77 (5) (bs) Provide direct financial assistance for costs related to the  
2 replacement of ~~private~~ small sewage systems, as defined in s. 145.01 (~~12~~) (14m), that  
3 are failing.

4           **SECTION 11.** 60.77 (5) (j) of the statutes is amended to read:

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

7           **SECTION 12.** 66.88 (11) of the statutes is amended to read:

8           66.88 (11) “Sewerage system” means all facilities of the district for collection,  
9 transportation, storage, pumping, treatment and final disposition of sewage.  
10 “Sewerage system” does not include any ~~private~~ small sewage system, as defined in  
11 s. 145.01 (~~12~~) (14m), or any local sewer.

12           **SECTION 13.** 66.888 (1) (c) 3. a. of the statutes is amended to read:

13           66.888 (1) (c) 3. a. The weight to be given to the need for ~~private~~ small sewage  
14 systems, as defined in s. 145.01 (~~12~~) (14m), to maintain the public health and welfare  
15 in any area located within the district prior to a redefinition of the boundary but  
16 located outside the district after any redefinition of the boundary.

17           **SECTION 14.** 145.01 (4m) of the statutes is amended to read:

18           145.01 (4m) FAILING PRIVATE SMALL SEWAGE SYSTEM. “Failing ~~private~~ small  
19 sewage system” has the meaning specified under s. 145.245 (4).

20           **SECTION 15.** 145.01 (5) of the statutes is amended to read:

21           145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SMALL  
22 SEWAGE SYSTEMS. “Governmental unit responsible for the regulation of ~~private~~ small  
23 sewage systems” or “governmental unit”, unless otherwise qualified, means the  
24 county except that in a county with a population of 500,000 or more these terms mean  
25 the city, village or town where the ~~private~~ small sewage system is located.

1           **SECTION 16.** 145.01 (10) (b) of the statutes is amended to read:

2           145.01 (10) (b) The construction, connection or installation of any drain or  
3 waste piping system from the outside or proposed outside foundation walls of any  
4 building to the mains or other sewage system terminal within bounds of, or beneath  
5 an area subject to easement for highway purposes, including ~~private~~ small sewage  
6 systems, and the alteration of any such systems, drains or waste piping.

7           **SECTION 17.** 145.01 (12) of the statutes is repealed.

8           **SECTION 18.** 145.01 (14m) of the statutes is created to read:

9           145.01 (14m) **SMALL SEWAGE SYSTEM.** “Small sewage system” means one of the  
10 following:

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

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

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

17           145.02 (4) (c) The department, in cooperation with the department of natural  
18 resources, shall promulgate rules specifying the maximum design flow for small  
19 sewage systems with a final point of discharge that is below the surface of the ground.

20           **SECTION 20.** 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9) of the statutes, as affected  
21 by 1999 Wisconsin Act .... (this act), are amended to read:

22           145.19 (1) **DEFINITIONS.** In this section, “sanitary permit” means a permit  
23 issued by the department or any governmental unit responsible for the regulation  
24 of ~~private~~ small sewage systems that authorizes the installation of a ~~private~~ small  
25 sewage system.



1           (2) (a) No person may install a ~~private~~ small sewage system unless the owner  
2 of the property on which the ~~private~~ small sewage system is to be installed holds a  
3 valid sanitary permit. A sanitary permit is valid for 2 years from the date of issue,  
4 notwithstanding any change in the state plumbing code or in any ~~private~~ small  
5 sewage system ordinance during that period, and is renewable for 2-year periods.  
6 A renewal of a sanitary permit is governed by the rules in effect at the time the  
7 renewal is sought.

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

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

14          (b) The applicant for a sanitary permit shall submit a completed sanitary  
15 permit application to the governmental unit responsible for the regulation of private  
16 small sewage systems or the department. The governmental unit responsible for the  
17 regulation of ~~private~~ small sewage systems or the department, whichever is  
18 appropriate, shall approve or disapprove the sanitary permit application according  
19 to the rules promulgated by the department under ss. 145.02 and 145.13.

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

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

5           **(7) USE OF FEE.** The governmental unit responsible for the regulation of private  
6 small sewage systems shall use the portion of the fee it retains for the administration  
7 of private small sewage system programs.

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

      \*\*\*NOTE: This is reconciled s. 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9). This  
SECTION has been affected by drafts with the following LRB numbers: -0515 and -0935.

15           **SECTION 21.** 145.20 (title) of the statutes is amended to read:

16           **145.20 (title) Private Small sewage systems.**

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

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

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

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

11 **SECTION 23.** 145.20 (1) (ar) of the statutes, as created by 1999 Wisconsin Act  
12 .... (this act), is amended to read:

13 145.20 (1) (ar) The governmental unit responsible for the regulation of ~~private~~  
14 small sewage systems may, with the department's consent, delegate the  
15 administration of any of the responsibilities under sub. (2) to the department. If the  
16 department consents to the delegation, it may contract for the administration of the  
17 delegated responsibilities.

18 **SECTION 24.** 145.20 (2) (intro.) of the statutes, as affected by 1999 Wisconsin  
19 Act .... (this act), is amended to read:

20 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) Except as provided  
21 under sub. (1) (am) and (ar), the governmental unit responsible for the regulation of  
22 ~~private~~ small sewage systems shall:

\*\*\*\*NOTE: This is reconciled s. 145.20 (2) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: -0515 and -0935.

23 **SECTION 25.** 145.20 (2) (a) of the statutes is amended to read:

1           145.20 (2) (a) Review certified soil tester reports for proposed ~~private~~ small  
2 sewage systems and verify the report at the proposed site, if necessary.

3           **SECTION 26.** 145.20 (2) (d) to (h) of the statutes are amended to read:

4           145.20 (2) (d) Inspect all ~~private~~ small sewage systems after construction but  
5 before backfilling no later than the end of the next workday, excluding Saturdays,  
6 Sundays and holidays, after receiving notice from the plumber in charge.

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

10          (f) Investigate violations of the ~~private~~ small sewage system ordinance and s.  
11 254.59 (2), issue orders to abate the violations and submit orders to the district  
12 attorney, corporation counsel or attorney general for enforcement.

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

16          (h) Inspect existing ~~private~~ small sewage systems to determine compliance  
17 with s. 66.036 if a building or structure is being constructed which requires  
18 connection to an existing ~~private~~ small sewage system. The county is not required  
19 to conduct an on-site inspection if a building or structure is being constructed which  
20 does not require connection to an existing ~~private~~ small sewage system.

21          **SECTION 27.** 145.20 (3) (a) and (b) of the statutes are amended to read:

22          145.20 (3) (a) 1. The department may specify categories of ~~private~~ small sewage  
23 systems for which approval by the department is required prior to issuance of  
24 sanitary permits by the governmental unit responsible for the regulation of ~~private~~  
25 small sewage systems.

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

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

21           **SECTION 28.** 145.20 (3) (c) of the statutes, as affected by 1999 Wisconsin Act ....  
22 (this act), is amended to read:

23           145.20 (3) (c) If the governing body for a governmental unit responsible for the  
24 regulation of ~~private~~ small sewage systems does not adopt a ~~private~~ small sewage  
25 system ordinance meeting the requirements of s. 59.70 (5) or if the governmental unit

1 does not appoint personnel meeting the requirements of sub. (1) or if the  
2 governmental unit does not comply with the requirements of sub. (2) or s. 145.19 (3),  
3 the department may conduct hearings in the county seat upon 30 days' notice to the  
4 county clerk. As soon as practicable after the public hearing, the department shall  
5 issue a written decision regarding compliance with s. 59.70 (5) or 145.19 (3) or sub.  
6 (1) or (2). If the department determines that there is a violation of these provisions,  
7 the department may issue an order directing the governmental unit to remedy the  
8 violation.

\*\*\*\*NOTE: This is reconciled s. 145.20 (3) (c). This SECTION has been affected by  
drafts with the following LRB numbers: -0515 and -0935.

9 **SECTION 29.** 145.20 (4) of the statutes is amended to read:

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

15 **SECTION 30.** 145.24 of the statutes is amended to read:

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

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

1           (3) Upon receipt of a petition for a variance, the department shall require the  
2 owner of the ~~private~~ small sewage system to submit information necessary to  
3 evaluate the request for a variance. If the department determines that the existing  
4 ~~private~~ small sewage system is not a failing ~~private~~ small sewage system, and  
5 continued use of the existing ~~private~~ small sewage system will not pose a threat of  
6 contamination of waters of the state, then the department may issue a variance to  
7 allow continued use of the existing ~~private~~ small sewage system. The department  
8 shall rescind the variance if the existing ~~private~~ small sewage system becomes a  
9 failing ~~private~~ small sewage system or contaminates waters of the state.

10           **SECTION 31.** 145.245 (title) of the statutes is amended to read:

11           **145.245 (title) Private Small sewage system replacement or**  
12 **rehabilitation.**

13           **SECTION 32.** 145.245 (1) (a) 1. of the statutes is amended to read:

14           145.245 (1) (a) 1. A determination that a ~~private~~ small sewage system is failing,  
15 according to the criteria under sub. (4), based on an inspection of the ~~private~~ small  
16 sewage system by an employe of the state or a governmental unit who is certified to  
17 inspect ~~private~~ small sewage systems by the department.

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

19           145.245 (1) (ae) “Governmental unit” means a governmental unit responsible  
20 for the regulation of ~~private~~ small sewage systems. “Governmental unit” also  
21 includes a federally recognized American Indian tribe or band.

22           **SECTION 34.** 145.245 (3) (d) of the statutes is amended to read:

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

1 and s. 281.48 and certified as operators of septage servicing vehicles under s. 281.17  
2 (3) to improve the delivery of service under the ~~private~~ small sewage system  
3 program. The department shall obtain the assistance of the Wisconsin counties  
4 association in planning and conducting the training and informational programs.

5 **SECTION 35.** 145.245 (4) (intro.) of the statutes is amended to read:

6 145.245 (4) ~~FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. (intro.) The department  
7 shall establish criteria for determining if a ~~private~~ small sewage system is a failing  
8 ~~private~~ small sewage system. A failing ~~private~~ small sewage system is one which  
9 causes or results in any of the following conditions:

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

11 145.245 (4) (b) The introduction of sewage into zones of saturation which  
12 adversely affects the operation of a ~~private~~ small sewage system.

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

14 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage  
15 into the structure served by the ~~private~~ small sewage system.

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

17 145.245 (4m) ~~CATEGORIES OF FAILING PRIVATE~~ SMALL SEWAGE SYSTEMS. For the  
18 purposes of this section, the department shall establish the category of each failing  
19 ~~private~~ small sewage system for which a grant application is submitted, as follows:

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

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

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

24 **SECTION 39.** 145.245 (5) (a) 1. of the statutes, as affected by 1999 Wisconsin Act  
25 .... (this act), is amended to read:



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

      \*\*\*NOTE: This is reconciled s. 145.245 (5) (a) 1. This SECTION has been affected by  
drafts with the following LRB numbers: -0521 and -0935.

9           **SECTION 40.** 145.245 (5) (a) 2. of the statutes, as affected by 1999 Wisconsin Act  
10 .... (this act), is amended to read:

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

      \*\*\*NOTE: This is reconciled s. 145.245 (5) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0521 and -0935.

18           **SECTION 41.** 145.245 (5) (a) 3. of the statutes is amended to read:

19           145.245 (5) (a) 3. A person who owns a principal residence or small commercial  
20 establishment which is served by a category 1 or 2 failing ~~private~~ small sewage  
21 system may submit an application for grant funds during the 3-year period after the  
22 determination of failure is made. Grant funds may be awarded after work is

1 completed if rehabilitation or replacement of the system meets all requirements of  
2 this section and rules promulgated under this section.

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

4 145.245 (5m) (a) The department or a governmental unit shall deny a grant  
5 application under this section if the applicant or a person who would be directly  
6 benefited by the grant intentionally caused the conditions which resulted in a  
7 category 1 or 2 failing ~~private~~ small sewage system. The department or  
8 governmental unit shall notify the applicant in writing of a denial, including the  
9 reason for the denial.

10 **SECTION 43.** 145.245 (6) of the statutes is amended to read:

11 145.245 (6) USE OF FUNDS. (a) Except for grants under par. (b), funds available  
12 under a grant under this section shall be applied to the rehabilitation or replacement  
13 of the ~~private~~ small sewage system. An existing ~~private~~ small sewage system may  
14 be replaced by an alternative ~~private~~ small sewage system or by a system serving  
15 more than one principal residence.

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

19 **SECTION 44.** 145.245 (7) of the statutes is amended to read:

20 145.245 (7) ALLOWABLE COSTS; STATE SHARE. (a) Except as provided in par. (e),  
21 costs allowable in determining grant funding under this section may not exceed the  
22 costs of rehabilitating or replacing a ~~private~~ small sewage system which would be  
23 necessary to allow the rehabilitated system or new system to meet the minimum  
24 requirements of the state plumbing code promulgated under s. 145.13.

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

4           (c) Except as provided in pars. (d) and (e), the state grant share under this  
5 section is limited to \$7,000 for each principal residence or small commercial  
6 establishment to be served by the ~~private~~ small sewage system or to the amount  
7 determined by the department based upon ~~private~~ small sewage system grant  
8 funding tables, whichever is less. The department shall prepare and publish ~~private~~  
9 small sewage system grant funding tables which specify the maximum state share  
10 limitation for various components and costs involved in the rehabilitation or  
11 replacement of a ~~private~~ small sewage system based upon minimum size and other  
12 requirements specified in the state plumbing code promulgated under s. 145.02. The  
13 maximum state share limitations shall be designed to pay approximately 60% of the  
14 average allowable cost of ~~private~~ small sewage system rehabilitation or replacement  
15 based upon estimated or actual costs of that rehabilitation or replacement. The  
16 department shall revise the grant funding tables when it determines that 60% of  
17 current costs of ~~private~~ small sewage system rehabilitation or replacement exceed  
18 the amounts in the grant funding tables by more than 10%, except that the  
19 department may not revise the grant funding tables more often than once every 2  
20 years.

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

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

7 **SECTION 45.** 145.245 (8) (a) of the statutes is amended to read:

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

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

17 145.245 (9) (b) Certify that grants will be used for ~~private~~ small sewage system  
18 replacement or rehabilitation for a principal residence or small commercial  
19 establishment owned by a person who meets the eligibility requirements under sub.  
20 (5), that the funds will be used as provided under sub. (6) and that allowable costs  
21 will not exceed the amount permitted under sub. (7);

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

23 145.245 (9) (c) Certify that grants will be used for ~~private~~ small sewage systems  
24 which will be properly installed and maintained;

25 **SECTION 48.** 145.245 (9) (e) of the statutes is amended to read:

1           145.245 (9) (e) Establish a process for regulation and inspection of private  
2           small sewage systems;

3           **SECTION 49.** 145.245 (11) (e) of the statutes is amended to read:

4           145.245 (11) (e) *Limitation; experimental private small sewage systems.* The  
5           department may not allocate more than 10% of the funds available under this  
6           subsection each fiscal year for grants for the installation and monitoring of  
7           experimental private small sewage systems.

8           **SECTION 50.** 145.245 (11m) (b) to (d) of the statutes are amended to read:

9           145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully  
10          fund all category 1 but not all category 2 failing private small sewage systems, the  
11          department shall fully fund all category 1 systems and prorate the funds for category  
12          2 systems on a proportional basis.

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

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

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

20          145.245 (13) INSPECTION. Agents of the department or the governmental unit  
21          may enter premises where private small sewage systems are located pursuant to a  
22          special inspection warrant as required under s. 66.122, to collect samples, records  
23          and information and to ascertain compliance with the rules and orders of the  
24          department or the governmental unit.

25          **SECTION 52.** 145.245 (14) (d) of the statutes is amended to read:

1           145.245 (14) (d) Additional grants under this section to a governmental unit  
2 previously awarded a grant under this section may be suspended or terminated if the  
3 department finds that a ~~private~~ small sewage system previously funded in the  
4 governmental unit is not being or has not been properly rehabilitated, constructed,  
5 installed or maintained.

6           **SECTION 53.** 160.255 of the statutes is amended to read:

7           **160.255 Exceptions for ~~private~~ certain sewage systems.** (1) In this  
8 section, "~~private exempt~~ sewage system" ~~has the meaning given~~ means a small  
9 sewage system, as defined in s. 145.01 (12) (14m), or a sewage system that is in  
10 existence on January 1, 2000, and that would be a small sewage system except that  
11 its design flow exceeds the maximum design flow specified under s. 145.02 (4) (c).

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

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

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

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

5           **SECTION 54.** 281.59 (1m) (c) of the statutes, as created by 1999 Wisconsin Act  
6 .... (this act), is amended to read:

7           281.59 (1m) (c) There is established a private small sewage system  
8 replacement and rehabilitation loan program, administered under s. 145.245 (12m).

      \*\*\*\*NOTE: This is reconciled s. 281.59 (1m) (c). This SECTION has been affected by  
drafts with the following LRB numbers: -0935 and -1856.

9           **SECTION 55.** 283.31 (1) of the statutes is amended to read:

10          283.31 (1) The discharge of any pollutant into any waters of the state or the  
11 disposal of sludge from a treatment work by any person is unlawful unless such  
12 discharge or disposal is done under a permit issued by the department under this  
13 section or s. 283.33. The department may by rule exempt certain classes or categories  
14 of vessels and small sewage systems, as defined in s. 145.01 (14m), from this section.  
15 Except as provided in s. 283.33, the department may require only one permit for a  
16 publicly owned treatment or collection facility or system, regardless of the number  
17 of point sources from such facility or system.

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

19          (1) SMALL SEWAGE SYSTEMS. The department of commerce may use the procedure  
20 specified under section 227.24 of the statutes to promulgate the rule required under  
21 section 145.02 (4) (c) of the statutes, as created by this act, for the period before the  
22 effective date of a permanent rule, but not to exceed the period authorized under  
23 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),

1 (2) (b) and (3) of the statutes, the department is not required to provide evidence that  
2 promulgating a rule under this subsection as an emergency rule is necessary for the  
3 preservation of the public peace, health, safety or welfare and is not required to  
4 provide a finding of emergency for a rule promulgated under this subsection.

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

6 (1) **SMALL SEWAGE SYSTEMS.** The treatment of sections 20.143 (3) (de), 59.70 (1)  
7 and (5), 60.70 (5) and (6m), 60.726 (2), 60.77 (5) (b), (bm), (bs) and (j), 66.88 (11),  
8 66.888 (1) (c) 3. a., 145.01 (4m), (5), (10) (b), (12) and (14m), 145.02 (4) (c), 145.20  
9 (title), (1), (2) (intro.) (by SECTION 24), (a) and (d) to (h), (3) (a), (b), (c) (by SECTION 28)  
10 and (d) and (4), 145.24, 145.245 (title), (1) (a) 1. and (ae), (4) (intro.), (b) and (e), (4m),  
11 (5) (a) 1. (by SECTION 39), 2. (by SECTION 42) and 3., (5m) (a), (6), (7), (8) (a), (9) (b), (c)  
12 and (e), (11) (e), (11m) (b) to (d), (13) and (14) (d), 160.255 and 3.31 (1) of the statutes  
13 and the amendment of sections 20.320 (3), 145.19 (1), (2) (a), (3) (a), (4) to (7) and (9),  
14 145.20 (1) (ar) and 281.59 (1m) (c) of the statutes take effect on January 1, 2000.

15 (END)