

Report From Agency

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 07-100

Rule No.: Chapters Comm 81 to 87

Relating to: Private Onsite Wastewater Treatment Systems

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Roman Kaminski

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (715) 345-5334

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1. Basis and purpose of the proposed rule.

The proposed rule revisions are intended to update and clarify existing rules governing the design, installation, inspection and maintenance for private onsite wastewater treatment systems, POWTS. Proposed rules also implement a POWTS maintenance program established under 2005 Wisconsin Act 347. Proposed rules revise grant funding tables as directed by s. 145.245 (7) (c), Stats., when certain thresholds are exceeded.

2. How the proposed rule advances relevant statutory goals or purposes.

Under s. 145.02, Stats., the Department of Commerce has the responsibility of safeguarding public health and the waters of the state relative to the construction, installation and maintenance of plumbing. One mechanism of the Department to fulfill this responsibility has been the promulgation of rules under chapters Comm 81 to 87 establishing standards for the design, installation, inspection and maintenance of private onsite wastewater treatment systems, POWTS.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes were made to the fiscal estimate and only editorial changes were made to the rule analysis.

COM-10550 (R.02/04)

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the department has determined that the proposed rules which include implementation of a POWTS maintenance program as directed under 2005 Wisconsin Act 347 will not have a significant economic impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached