

1979 Senate Bill 97

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CHAPTER 262, Laws of 1979

AN ACT to repeal 145.022; to amend 1.11 (2) (intro.); and to create 145.022 of the statutes, relating to authorization for the department of health and social services to approve limited trial programs for alternative private sewage systems for periods not to exceed 5 years.

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

SECTION 1. 1.11 (2) (intro.) of the statutes is amended to read:

1.11 (2) (intro.) ~~All~~ Except as provided in s. 145.022, all agencies of the state shall:

SECTION 2. 145.022 of the statutes is created to read:

145.022 Trial programs. (1) DEFINITIONS. In this section:

(a) "Alternative private sewage system" means a private sewage system which may not be installed under rules promulgated by the department on or before the effective date of this act (1979).

(b) "Conventional private sewage system" means a private sewage system which may be installed under rules promulgated by the department on or before the effective date of this act (1979).

(2) AUTHORIZATION. The department may approve in the context of specific trial programs installation of alternative private sewage systems under trial regulatory procedures established by the department. The department may not approve the installation of alternative private sewage systems except under this section.

(3) LIMITATIONS. (a) *Generally.* The total number of approvals issued under this section for all types of alternative private sewage systems may not exceed 3% of the total number of all conventional and alternative private sewage systems installed in this state during the calendar year preceding the calendar year in which the request for approval is made. The number of approvals issued under this section for one county may not exceed 5% of the total approvals issued under this section for all types of alternative private sewage systems.

(b) *Exceptions.* The limitations under par. (a) do not apply to an approval issued under this section:

1. If an application for an alternative private sewage system permit is completed and on file with the department on February 1, 1980.

2. If an application for a permit which could allow the installation of a conventional private sewage system on an individual lot of record was approved by the department or a county, city, village or town but later disapproved because of a failure to meet new soil condition criteria promulgated by the department.

3. If an application for an alternative private sewage system permit is for one additional homesite on a farm to be occupied by a relative who is the operator or a joint operator of the farm. As used in this subdivision "relative" means a parent, child, sibling, grandchild, niece, nephew or first cousin.

4. If an application for an alternative private sewage system permit is for a new system to replace a failing private sewage system or a private sewage system which is likely to fail including a holding tank or privy if that system exists on February 1, 1980.

(4) TIME LIMIT. No trial program may be conducted under this section for a period exceeding 5 years.

(5) ENVIRONMENTAL IMPACT. An environmental impact statement is required under s. 1.11 (2) for each type of alternate private sewage system approved but not for each individual unit approved for installation.

(6) DEPARTMENT SUPERVISION. The department shall supervise any trial program under this section and may require departmental review of applications for alternative private sewage system permits, periodic inspection of alternative private sewage systems and training requirements for inspectors of alternative private sewage systems.

(7) COUNTY ADMINISTRATION. A county shall issue and administer alternative private sewage system permits consistent with this section and s. 145.20 and the private sewage system ordinance enacted under s. 59.065.

(8) SUNSET. This section is effective until July 1, 1985.

SECTION 3. 145.022 of the statutes, as created by chapter (this act), laws of 1979, is repealed.

SECTION 4. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
145.21 (1), as created by chapter 34, laws of 1979	145.19	145.022 or 145.19

SECTION 5. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
145.21 (1), as affected by chapters 34 and ... (this act), laws of 1979	145.022 or 145.19	145.19

SECTION 6. Effective dates. (1) The creation or treatment of sections 1.11 (2) (intro.), 145.022 and 145.21 (1) of the statutes by SECTIONS 1, 2 and 4 of this act take effect on July 1, 1980.

(2) The repeal or treatment of sections 145.022 and 145.21 (1) of the statutes by SECTIONS 3 and 5 of this act take effect on July 1, 1985.