



WISCONSIN LEGISLATIVE COUNCIL

SEPTAGE DISPOSAL

Legislative Council Conference Room, One East Main Street, Suite 401
Madison, Wisconsin

September 16, 2004

10:00 a.m. - 2:30 p.m.

[The following is a summary of the September 16, 2004 meeting of the Special Committee on Septage Disposal. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Chair Ainsworth called the meeting to order. The roll was left open and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. John Ainsworth, Chair; Sens. Neal Kedzie and Robert Jauch; Reps. Alvin Ott and John Steinbrink; and Public Members Sandra Begalke, Bernard Deflorian, Randy Renon, and Wally Thom.

COUNCIL STAFF PRESENT: Mark Patronsky, Senior Staff Attorney; Rachel Letzing, Staff Attorney; and Julie Learned, Support Staff.

APPEARANCES: Terry C. Anderson, Director, Legislative Council; Greg Kester, Department of Natural Resources; Roman Kaminski, Department of Commerce; David Wagner, Ehlers and Associates, Brookfield; Bob Biebel, Southeastern Wisconsin Regional Planning Commission; Rick Stadelman, Wisconsin Towns Association; Jim Clark, Dane County Sanitarian; Matthew Stohr, Legislative Assistant, Wisconsin Counties Association; and Paul Kent, Municipal Environmental Group--Wastewater Division.

Opening Remarks

Terry C. Anderson, Director of the Legislative Council, welcomed the committee and introduced the Legislative Council staff members assigned to work with the committee. He noted that the committee's meetings are recorded and available on the Internet.

Introduction of Committee Members

Chair Ainsworth welcomed all members to the committee and thanked them for their commitment to serve on the committee. Chair Ainsworth asked the members of the committee to briefly introduce themselves.

Description of Materials Distributed

Rachel Letzing, Legislative Council staff, provided a brief summary of Staff Brief 04-2, *Statutes and Administrative Rules Related to Septage Disposal*, which will be used as a reference during committee deliberations.

Invited Speakers

Greg Kester, Department of Natural Resources (DNR), gave a brief overview of state requirements for septage disposal at treatment facilities and on agricultural land, the effects of DNR and Department of Commerce's split jurisdiction over the septage program, and the problems faced by St. Croix County and the Elcho Sanitary District. Mr. Kester also provided the committee with issues to consider in future discussions regarding septage disposal. Some of the recommendations include requiring the availability of septage disposal options to be considered when private on-site wastewater treatment systems (POWTs) are approved; requiring consideration of septage capacity during a facility's planning stage; providing septage treatment for a reasonable cost; guaranteeing septage receipt at sewage treatment plants when necessary; and transferring enforcement of ch. NR 113 violations from counties to the Department of Justice. Mr. Kester summarized one option for improvement in the septage disposal process in Wisconsin, which included dividing the state into sewer use areas and requiring all septage generated within an area to be hauled to designated treatment plants in the area; allowing land application of septage if the distance to a sewage treatment plant is greater than 40 miles; and assessing impact fees and using Clean Water Fund monies to finance treatment plant improvements.

Roman Kaminski, Department of Commerce, provided information on the number of sanitary permits issued for POWTs since 2000 and explained that the administrative rule, ch. Comm 83, Wis. Adm. Code, emphasizes long-term operation and maintenance of all POWTs. Mr. Kaminski also summarized issues that have been identified since ch. Comm 83 was revised in 2000. These issues include the wide range of capabilities among counties to track maintenance reporting; the difficulties some counties have experienced trying to finance their POWTs reporting systems; and the unwillingness of some counties to authorize pumping schedules based on demonstrated servicing needs instead of automatically requiring pumping every three years. Mr. Kaminski stated that the Department of Commerce is interested in developing guidelines for long-term POWTs management that mirrors the U.S. Environmental Protection Agency (EPA) efforts in this area.

David Wagner, Ehlers and Associates, Brookfield, outlined the methods municipalities use to finance wastewater treatment facilities and provided an overview of the difficulties communities face in recovering the costs of building or improving these facilities. He suggested that in light of the state requirement that municipal treatment plants accept septage during certain times of the year, the state could provide minimum compensation to treatment plants to cover the capital costs associated with building new facilities. Mr. Wagner recommended possible revenue sources for these payments,

including the Wisconsin Environmental Improvement Fund; or a user fee assessed on all private septic tank and holding tank systems within a treatment facility's defined service area.

Bob Biebel, Southeastern Wisconsin Regional Planning Commission, gave a brief overview of the planning process for the northwestern Waukesha County sewerage system during 2000 and 2001 and the problems that prevented implementation of this program. Mr. Biebel noted that administrative rule requirements regarding sewage treatment plant facilities planning are not consistently enforced across the state.

Rick Stadelman, Wisconsin Towns Association, provided an overview of the issues towns are concerned about regarding septage disposal. Some of these concerns include situations in which extension of sewers into a town is withheld, even in the sewer service area, pending annexation; treatment plants' unwillingness to accept town septage even when towns accept municipal sludge for land application; the extent of DNR monitoring and oversight of land application of septage and sludge which may allow too much to be landspread per year; and the perception that small scale septage disposal violations should not be considered as problematic as sewage overflows from the Milwaukee Metropolitan Sewerage District. Mr. Stadelman noted that ch. Comm 83, Wis. Adm. Code, has provided more septage system alternatives for rural areas of the state and emphasized the importance of public education efforts regarding POWTs maintenance.

Paul Kent, Municipal Environmental Group--Wastewater Division, outlined three areas of concern regarding septage disposal. First, municipal treatment plants must retain the authority to refuse to accept septage in order to protect their treatment systems from septage which may result in violation of effluent limitations or water quality standards required in state discharge permits. Second, sewage treatment plants are subject to facility planning requirements, including stormwater management and treatment plant capacity, but planning and funding new infrastructure and additional capacity is difficult because communities have no guarantee of receiving the septage and recouping facility costs through septage disposal charges. The result is that the higher costs are passed along to haulers, which discourages disposal at the facility, and to homes and businesses connected to the sewage treatment plant. Third, municipalities need the ability to charge fees that cover the actual cost of providing treatment services, rather than being subject to one statewide rate requirement.

Matthew Stohr, Legislative Assistant, Wisconsin Counties Association, provided an overview of the counties' concerns regarding proposed revisions to ch. Comm 83, Wis. Adm. Code, including county liability. Mr. Stohr suggested that the committee consider issues raised in 1997 Assembly Bill 774, particularly the mechanism for funding DNR full-time staff in the septage disposal program.

Jim Clark, Dane County Sanitarian, emphasized that adequate funding for the septage program is the key to creating an effective and coherent septage program throughout the state. He noted that increased funding would provide the necessary level of program oversight, which is currently lacking at the state level, and could provide incentives for local units of government to assume regulatory authority over the septage regulatory program. Mr. Clark recommended potential funding sources as an incentive for counties to take over septage regulation, including directing the groundwater surcharge fee assessed on every sanitary permit to the septage program; implementing a fee for the review and approval of land application of septage; increasing the licensing fee for septage operators and businesses; and instituting a maintenance fee on all POWTs owners.

Discussion of Committee Assignment

Mark Patronskey stated that he and Rachel Letzing will write a paper describing all of the recommendations offered by today's speakers for the committee's discussion at the next meeting. Chair Ainsworth noted that committee members may provide suggestions for additional speakers to address the committee at subsequent meetings.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held on *Thursday, October 14, 2004, at 10:00 a.m., in Room 225 Northwest, State Capitol, Madison.*

Adjournment

The meeting was adjourned at 2:30 p.m.

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