

1 **AN ACT** *to repeal* 281.48 (3) (d) 1. to 4. and 281.48 (4m) (b) 2.; *to amend* 281.48
2 (title), 281.48 (2) (b) to (g), 281.48 (2m), 281.48 (3) (d) (intro.), 281.48 (3) (e),
3 281.48 (4g), 281.48 (4m) (title) and (a), 281.48 (4m) (b) (intro.), 281.48 (4m) (b) 1.,
4 281.48 (4m) (c) and 281.49 (1) (a); and *to create* 281.48 (2) (bm), 281.48 (4m) (d),
5 281.48 (5p) and 283.82 of the statutes; **relating to:** the regulations applicable to the
6 land disposal of septage, and limitations on ordinances applicable to septage and
7 municipal sludge disposal.

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

8 **SECTION 1.** 281.48 (title) of the statutes is amended to read:

9 **281.48 (title) Servicing septic tanks, soil absorption fields, holding tanks, grease**
10 **traps interceptors and privies.**

11 **SECTION 2.** 281.48 (2) (b) to (g) of the statutes are amended to read:

12 281.48 (2) (b) “Grease trap interceptor” means a watertight tank for the collection of
13 grease present in sewage and other wastes, and from which grease may be skimmed from the
14 surface of liquid waste for disposal receptacle designed to intercept and retain grease or fatty
15 substances.

16 (c) “Privy” means a cavity in the ground or a portable above-ground device constructed
17 for toilet uses which receives human excrement either to be partially absorbed directly by the
18 surrounding soil or stored for decomposition and periodic removal an enclosed nonportable
19 toilet into which nonwater-carried human wastes are deposited to a subsurface storage
20 chamber that may or may not be watertight.

1 (d) "Septage" means the scum, liquid, sludge or other waste in a septic tank, soil
2 absorption field, holding tank, grease trap or interceptor, privy, or other component of a private
3 sewage system.

4 (e) "Septic tank" means ~~and includes a septic toilet, chemical closet and any other~~
5 watertight enclosure used for storage and anaerobic decomposition of human excrement, or
6 domestic or industrial wastes wastewater.

7 (f) "Servicing" means removing septage from a septic tank, soil absorption field,
8 holding tank, grease trap or interceptor, privy, or other component of a private sewage system
9 and disposing of the septage.

10 (g) "Soil absorption field" means an area or cavity in the ground which receives the
11 liquid discharge of a septic tank or similar ~~wastewater treatment device~~ component of a private
12 sewage system.

NOTE: The definitions in this SECTION are amended to clarify and update
the text of the definitions.

13 **SECTION 3.** 281.48 (2) (bm) of the statutes is created to read:

14 281.48 (2) (bm) "Private sewage system" has the meaning given in s. 145.01 (12).

NOTE: The term "private sewage system" is used in current s. 281.48 but
is not defined. The cross-referenced definition is the definition used in
the statutes under department of commerce jurisdiction for private
sewage system regulation.

15 **SECTION 4.** 281.48 (2m) of the statutes is amended to read:

16 281.48 (2m) POWERS OF THE DEPARTMENT. The department shall have has general
17 supervision and control of servicing septic tanks, soil absorption fields, holding tanks, grease
18 traps and interceptors, privies, and other components of private sewage systems.

19 **SECTION 5.** 281.48 (3) (d) (intro.) of the statutes is amended to read:

1 281.48 (3) (d) (intro.) A farmer who disposes of septage on land is exempt from the
2 licensing requirement under par. (a) if all of the ~~following conditions in sub. (4m) (b)~~ apply:

NOTE: The current statutes require a person who services (i.e., pumps the contents from) a private sewage system to obtain a license, with one exception. Under the current statutes, a farmer who services a private sewage system is not required to obtain a license if the farmer does all of the following: removes septage from a private sewage system that is located on the same parcel where the septage is disposed, disposes of no more than 3,000 gallons per week, complies with all regulations related to servicing a private sewage system, and has sufficient land that is suitable for septage disposal. This bill draft narrows the exemption for farmers so that the license exemption is available only to a farmer who services a septic tank, and not to a farmer who services a holding tank or other private sewage system. This bill draft also states explicitly that the farmer must pump and dispose of the septic tank waste on property that the farmer owns or leases, to make this provision conform to legislative intent.

3 **SECTION 6.** 281.48 (3) (d) 1. to 4. of the statutes are repealed.

4 **SECTION 7.** 281.48 (3) (e) of the statutes is amended to read:

5 281.48 (3) (e) *Operator certification.* No person, except for a farmer exempted from
6 licensing under par. (d), may service a ~~septage private sewage~~ system or operate a septage
7 servicing vehicle unless the person is certified as an operator of a septage servicing vehicle
8 under s. 281.17 (3).

9 **SECTION 8.** 281.48 (4g) of the statutes is amended to read:

10 281.48 (4g) **RULES ON SERVICING.** The department shall promulgate rules relating to
11 servicing septic tanks, soil absorption fields, holding tanks, grease traps and interceptors,
12 privies, and other components of private sewage systems in order to protect the public health
13 against unsanitary and unhealthful practices and conditions, and to protect the surface waters
14 and groundwaters of the state from contamination by septage. The rules shall comply with
15 ch. 160. The rules shall apply to all septage disposal, whether undertaken pursuant to a license

1 or ~~registration~~ a license exception under sub. (3). The rules shall require each person with a
2 license under sub. (3) to maintain records of the location of ~~sites~~ private sewage systems
3 serviced and the volume of septage disposed of and location of ~~septage disposed~~ that disposal.

4 **SECTION 9.** 281.48 (4m) (title) and (a) of the statutes are amended to read:

5 281.48 **(4m)** (title) ~~SITE LICENSES~~ APPROVALS. (a) The department may require a soil
6 test and a license shall require a site approval for any location where septage is stored or
7 disposed of on land, ~~except that the department may not require a soil test and a license for~~
8 ~~septage disposal in a licensed solid waste disposal facility. In determining whether to require~~
9 ~~a license for a site, the department shall consider the septage disposal needs of different areas~~
10 ~~of the state.~~

NOTE: “Stored” is deleted because storage of septage is regulated under s. 281.41 rather than s. 281.48. The site license for land disposal of septage is changed to a site approval. This change allows the department of natural resources (DNR) to continue its present practice of reviewing applications for septage disposal and approving them based on the paperwork submitted. A site license, as in the current statute, implies a more thorough review of each application. The exception for septage disposal in a solid waste disposal facility is eliminated so that the hauler must notify the DNR that the septage will be taken to a landfill and the DNR may simply approve the septage disposal if it is consistent with the landfill’s plan of operation.

11 **SECTION 10.** 281.48 (4m) (b) (intro.) of the statutes is amended to read:

12 281.48 **(4m)** (b) (intro.) Notwithstanding par. (a), the department may not require a
13 license site approval for a location where septage is disposed of on land if the person who
14 disposes of the septage is a farmer who owns or leases that location and if:

NOTE: The current statute contains an exemption from the requirement for a site license for any place where septage is disposed on land. DNR may not currently require a site license (changed in this draft to a site approval) for a location where septage is removed from a private sewage system and disposed on the same parcel where the private sewage system is located. This bill draft limits the exception from the requirement for a

site approval so that it applies only to farmers. In addition, this bill draft narrows the exception in other respects in the following 2 Sections, as explained in the notes. This bill draft also states explicitly that the farmer must pump and dispose of the septic tank waste on property that the farmer owns or leases, to make this provision conform to legislative intent.

1 **SECTION 11.** 281.48 (4m) (b) 1. of the statutes is amended to read:

2 281.48 **(4m)** (b) 1. The septage is removed from a septic tank, ~~soil absorption field,~~
3 ~~holding tank, grease trap or privy~~ which is located on the same parcel where the septage is
4 disposed of; and

NOTE: This bill draft narrows the exception from site approval so that it applies only to septage removed from a septic tank. The main effect of this change is either to require the contents of a holding tank or other private sewage system to be taken to a sewage treatment plant or, if the holding tank or other waste is disposed on the same parcel where the holding tank or other private sewage system is located, the disposal site must have a site approval.

5 **SECTION 12.** 281.48 (4m) (b) 2. of the statutes is repealed.

NOTE: The repeal of s. 281.48 (4m) (b) 2. deletes the 3,000 gallon per week limit for disposal of septage without a site approval on the same parcel where the private sewage system is located. This limit is no longer necessary due to the elimination of holding tanks from the types of private sewage systems for which the site approval exemption is provided. Septic tanks, which may continue to be pumped and the septage disposed on the same parcel, do not produce large volumes of septage.

6 **SECTION 13.** 281.48 (4m) (c) of the statutes is amended to read:

7 281.48 **(4m)** (c) If a location is exempt from ~~licensing~~ site approval under par. (b), the
8 department may require the person who services the septic tank, ~~soil absorption field, holding~~
9 ~~tank, grease trap or privy to register the disposal site with the department and provide the~~
10 department with information to show that sufficient land area is available for disposal.

11 **SECTION 14.** 281.48 (4m) (d) of the statutes is created to read:

1 281.48 (4m) (d) A person seeking a site approval under par. (a) shall submit an
2 application to the department at least 7 days prior to using the site. Upon receiving an
3 application for site approval, the department may enter and inspect the site if the department
4 determines such an inspection is necessary. Commencing 7 days after submitting the
5 application, the applicant may use the site unless the department notifies the applicant that the
6 site may not be used.

NOTE: The procedure for a septage hauler to obtain a site license (changed to a site approval in this bill draft) is set out by the DNR in administrative rules in ch. NR 113. The rules contain a provision requiring the hauler to notify the DNR at least 7 days prior to using a field for septage disposal. The rules do not clearly state the consequence if DNR does not respond within the 7 days. This bill draft provides that the hauler may commence using the site after providing notice to the DNR and the 7 days have elapsed. The hauler may then continue using the site unless the DNR subsequently determines that the site may not be used and so notifies the hauler.

7 **SECTION 15.** 281.48 (5p) of the statutes is created to read:

8 281.48 (5p) No city, village, town, or county may prohibit, through zoning or any other
9 means, the disposal of septage on land if that disposal complies with this section and rules
10 promulgated under this section or with an ordinance adopted under sub. (5m) (a).

NOTE: This provides that a city, village, town, or county may not prohibit septage disposal on land if the disposal conforms with the statutes and DNR rules or with a septage land disposal ordinance adopted by a county, city, village, or town under s. 281.48 (5m) (a).

11 **SECTION 16.** 281.49 (1) (a) of the statutes is amended to read:

12 281.49 (1) (a) “Septage” means the scum, liquid, sludge or other waste from a septic
13 tank, soil absorption field, holding tank or privy. This term does not include the waste from
14 a grease trap interceptor.

15 **SECTION 17.** 283.82 of the statutes is created to read:

1 **283.82 Land application of sewage sludge.** (1) The department shall oversee, set
2 technical standards for, and regulate the application of sewage sludge to land.

3 (2) No city, village, town, or county may prohibit, through zoning or any other means,
4 the application of sewage sludge to land if that application complies with this section and rules
5 promulgated under this section.

6 (3) A city, village, town, or county may not regulate the application of sewage sludge
7 to land, except that the city, village, town, or county may enact the model ordinance developed
8 under sub. (4).

9 (4) The department shall develop a model land application ordinance for sewage sludge.
10 The model ordinance shall be consistent with rules promulgated under this section.

NOTE: This provision directs the DNR to set standards for and to regulate the application of sewage sludge to land, and to develop a model land application ordinance for sewage sludge. Further, this provision states that a city, village, town, or county may not prohibit the land application of sludge if the land application complies with the standards promulgated by DNR, and not regulate the land application of sewage sludge except by enacting the model ordinance developed by the DNR.