



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 2, 2001

Joint Committee on Finance

Paper #307

Groundwater Monitoring Near Onsite Wastewater Treatment Systems (Commerce -- Building and Environmental Regulation)

[LFB 2001-03 Budget Summary: Page 196, #10]

CURRENT LAW

The Safety and Buildings Division administers provisions related to the design and installation of private, on-site wastewater treatment systems (POWTS) contained in Chapter 145 of the Statutes and Chapter Comm 83 of the administrative code. Commerce is authorized \$75,000 PR annually for POWTS research.

GOVERNOR

Provide \$250,000 PR annually in one-time funding in unallotted reserve for the Safety and Buildings Division to conduct a groundwater monitoring program to provide information about the long-term performance of private, on-site wastewater treatment systems and long-term compliance with groundwater standards. Program revenue would be provided from building and private sewage system plan review and inspection activities.

DISCUSSION POINTS

1. Several changes to administrative rule Comm 83, related to regulation of private onsite wastewater treatment systems (POWTS), went into effect on July 1, 2000. The rule requires that Commerce maintain an ongoing performance-monitoring program for the various POWTS methods and technologies. Comm 83 also requires the Department to prepare an annual report of performance-monitoring activities undertaken and the results of the activities, provide it to the Groundwater Coordinating Council, and to prepare the first report by December 31, 2001. The Council advises state agencies on implementation of the state groundwater law contained in Chapter 160 of the Statutes.

2. The Governor's Executive Budget Book indicates that the funds would be released from unallotted reserve by DOA following development of a monitoring plan by Commerce. Commerce indicates that it would work with the POWTS technical advisory committee (POWTS TAC) to develop the monitoring program in the summer and fall of 2001 for submittal to DOA for approval. Commerce anticipates conducting a pilot of the project in the fall of 2001 and beginning the full-scale monitoring program in the spring of 2002.

3. Commerce indicates that the University of Wisconsin currently conducts POWTS research for the Department and would be a potential provider of groundwater monitoring services. If Commerce contracts with the University, it could do so within a few weeks after DOA approves the monitoring plan. Other potential providers of the service would be engineering firms and testing labs. A bidding process would have to be followed if Commerce pursues a contract with a private sector entity.

4. The Department indicates that the monitoring would focus on potential contaminants from onsite systems, such as bacteria. Possible types of monitoring costs might be: (a) testing of drinking water wells at \$50 per test; and (b) sampling of soil cores at private on-site wastewater treatment systems at \$4,000 to \$4,500 per site. Commerce plans to review with the POWTS TAC what the appropriate number of data collection points and level of detail should be to obtain useful research results. They will also make decisions about what parts of the state should be part of the monitoring program. The exact cost of the monitoring would be determined after those decisions are made.

5. Commerce anticipates that its first report to the Groundwater Coordinating Council under the new Comm 83 provisions would report on the anticipated pilot under the bill. The Department will not have a full-scale monitoring program during the summer of 2001. The first full year of monitoring would be in 2002 and the results of that program would be included in a 2002 report.

6. Commerce had requested ongoing monitoring funding. It could be argued that the funding should be provided as ongoing because the Department will have a continuing need to perform monitoring. However, it could also be argued that providing the funding on a one-time basis would allow the development and evaluation of a plan. The monitoring plan and program could be evaluated during the 2003-05 biennial budget deliberations after initial monitoring is completed.

7. There are sufficient funds in the Safety and Buildings Division program revenue appropriation for the recommended \$250,000 in each year of the 2001-03 biennium.

8. If the funding is not provided, Commerce could reallocate existing funds, including some portion of the \$75,000 in current POWTS research funding. The current funding focuses on POWTS technologies and experimentation, rather than on monitoring. Commerce currently contracts with the University of Wisconsin and has in the past. Currently, the \$75,000 is being used to evaluate pathogen and nitrogen movement beneath POWTS that use sand filters. Past research

has focused on validating the performance of POWTS components.

ALTERNATIVES TO BASE

1. Approve the Governor's recommendation to provide \$250,000 PR annually in one-time funding in unallotted reserve for a groundwater monitoring program to provide information about the long-term performance of private on-site wastewater treatment systems and long-term compliance with groundwater standards.

Alternative 1	PR
2001-03 FUNDING (Change to Base)	\$500,000
<i>[Change to Bill]</i>	<i>[\$0]</i>

2. Approve the Governor's recommendation, as modified to provide ongoing instead of one-time funding.

Alternative 2	PR
2001-03 FUNDING (Change to Base)	\$500,000
<i>[Change to Bill]</i>	<i>[\$0]</i>

3. Approve the Governor's recommendation, as modified to provide \$175,000 PR annually as follows (instead of \$250,000 PR annually under the bill):

- a. On a one-time basis
- b. Ongoing

Alternative 3	PR
2001-03 FUNDING (Change to Base)	\$350,000
<i>[Change to Bill]</i>	<i>-\$150,000]</i>

4. Maintain current law.

Alternative 4	PR
2001-03 FUNDING (Change to Base)	\$0
<i>[Change to Bill]</i>	<i>-\$500,000]</i>

Prepared by: Kendra Bonderud