

# Private Onsite Wastewater Treatment System Grant Program



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# Private Onsite Wastewater Treatment System Grant Program

## Introduction

The private onsite wastewater treatment system replacement or rehabilitation grant program, also referred to as the Wisconsin Fund, provides financial assistance to owners of a principal residence (residence occupied at least 51% of the year by the owner) and small businesses (commercial establishments) who meet certain income and eligibility criteria, to cover a portion of the cost of repairing or replacing failing private onsite wastewater treatment systems. A private onsite wastewater treatment system is a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure.

This paper describes the requirements of the program. The Department of Safety and Professional Services (DSPS) administers the program. The program was administered by the Department of Commerce prior to 2011-12. The program is appropriated \$2,338,600 in each year of the 2013-15 biennium from the general fund.

There are two general types of systems utilized to treat and dispose of sewage--centralized sewage collection and treatment systems, and "private onsite wastewater treatment systems" (POWTS). Many areas are not served by centralized sewage systems, primarily rural areas or areas where the housing density is too low to justify a centralized sewer system. In these areas, residential or commercial development requires the use of a private onsite wastewater treatment system.

The private onsite wastewater treatment system replacement or rehabilitation grant program was created in 1978 to provide funding to address the problem of system failures. From 1978

through 2014, the State has awarded \$104 million in grants to assist 42,000 residences and businesses to replace or rehabilitate private onsite wastewater treatment systems. The program is authorized in s. 145.245 of the statutes. DSPS administers the grant program under administrative rules SPS 387 of the Wisconsin Administrative Code. Administrative rules for the installation and maintenance of all POWTS are found in administrative rules SPS 383.

DSPS estimates there are 728,000 POWTS in the state. Approximately 10,400 permits were issued statewide for POWTS during calendar year 2012 and 10,700 in 2013. Of these, about 30% were for newly-constructed and 70% were for replacement systems. In addition, an unknown number of homes that previously used POWTS are connected to centralized municipal wastewater treatment systems every year, and the private systems are no longer used. DSPS estimates of the number of POWTS have become more precise as counties have begun to compile an inventory of private onsite wastewater treatment systems and will become more precise during the next few years as they complete the inventory. Counties have reported approximately 90% of the estimated number of systems have been inventoried.

Failing POWTS tend to produce health hazards, water pollution, or both. Health hazards occur when a private onsite wastewater treatment system does not operate properly, discharging untreated wastewater into groundwater where it can contaminate drinking water supplies, or to the ground's surface, where persons coming into contact with it can be exposed to disease-bearing micro-organisms.

Failing systems can also result in wastewater

discharges directly into a stream or lake, resulting in water pollution. For example, the eutrophication of lakes--the process by which lakes "fill" with decomposed matter and become "marshy" in character--can be accelerated in many lakes surrounded by residences with failing POWTS because of the organic pollutants added by the discharges from these systems.

A loan program component funded from the segregated environmental improvement fund is available in years when funding is not sufficient for full funding of grants. To date, no counties have used the loan program.

Several appendices provide additional information about the distribution of grants in each county (Appendix I), how a grant is calculated (Appendix II), how a typical private onsite wastewater treatment system functions (Appendix III), and the legislative history of the program (Appendix IV).

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### County Participation

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Wisconsin counties and Indian tribes may apply to DSPS to participate in the grant program to assist homeowners and small commercial establishments with the rehabilitation or replacement of failing onsite wastewater treatment systems. Counties participate because they are responsible for the regulation of POWTS installations. Participation in the grant program is voluntary. Five counties (Ashland, Crawford, Douglas, Florence and Milwaukee) are not participating in 2014-15. Two counties used to participate but withdrew; Crawford after the 2000-01 grant cycle and Florence County after 1999-00. Bayfield County did not participate between 1998-99 and 2006-07, and resumed participation with applications for the 2007-08 grant cycle.

Milwaukee County does not perform POWTS

regulation functions, and the City of Franklin is the only participating governmental unit in that county. Indian tribes and bands are also eligible to participate in the program and the Oneida Tribe participates. References to "counties" in this paper also apply to the City of Franklin in Milwaukee County and the Oneida Tribe.

**County Responsibilities.** Counties that choose to participate in the program must:

1. Adopt a resolution stating that the county will administer the program in compliance with state law and disburse state grant funds to eligible owners;
2. Agree to establish a program of inspection and maintenance for all new or replacement POWTS constructed in the county;
3. Establish a system of user charges and cost recovery, if the county considers this to be appropriate, which may include the cost of the grant application fee and the cost of supervising installation and maintenance; and
4. Certify that: (a) the individual owner eligibility requirements are met; (b) the grant funds will be properly disbursed; and (c) the recipients' POWTS will be properly installed and maintained.

All counties are responsible for adoption and enforcement of the maintenance program for private onsite wastewater treatment systems, whether or not a county has chosen to participate in the grant program. A county is required to conduct, complete, and maintain an inventory of all POWTS located within the jurisdiction, and complete the initial inventory before October 1, 2017. (2011 Act 134 changed the date from October 1, 2013.) In the fall of 2014, DSPS was aware of 39 counties that had completed their initial inventory by the fall of 2013. A county is required to develop and begin to implement a POWTS maintenance program before October 1,

2019, that includes the inventory, and a process for recording each inspection, evaluation, maintenance and servicing report for a POWTS. (2011 Act 134 changed the date from October 1, 2015.) In the fall of 2014, DSPS was aware of 67 counties that had implemented a POWTS maintenance program by the fall of 2013.

The owner of a failing private onsite wastewater treatment system, either of a principal residence or a small commercial establishment, may obtain grant application forms from the county after a determination of a failure of the POWTS has been made. Sixty-four of 69 participating counties (67 counties, the City of Franklin and the Oneida Tribe) charge a fee to applicants to offset county administrative and maintenance costs. The fee averages \$125, and ranges from \$25 to \$369. All applications are reviewed at the county level, and the fee is charged only for applications determined to be eligible for a grant. The county submits eligible applications to DSPS and disburses grant funds to eligible individuals. Appendix I shows the date each county entered the program, the distribution of grants made in each county in 2014-15, and the cumulative distribution amount.

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### Eligible Projects

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Replacement or rehabilitation of a private onsite wastewater treatment system serving a home or small commercial establishment may be eligible for financial assistance if:

1. The system was installed before July 1, 1978;
2. The dwelling is not located in an area served by a municipal sewer;
3. The residence or small commercial establishment is occupied at least 51% of the year by the owner;

4. The owner of the principal residence or business meets certain income criteria, (discussed in the next section);

5. The system is a category 1 or 2 failing POWTS (see the next section for description of categories); and

6. A determination of failure is made prior to the rehabilitation or replacement of the failing private onsite wastewater treatment system. A "determination of failure" is defined as either: (a) a determination that the system is failing based on an inspection by an employee of the state or a governmental unit who is certified to inspect private sewage systems by DSPS; or (b) the owner has been issued a written enforcement order by the appropriate local governmental unit, DSPS, or the Department of Natural Resources (DNR), to correct a violation of the private on-site wastewater treatment system statutes and rules.

Since the inception of the private onsite wastewater treatment system grant program, program design and eligibility criteria have been modified by the Legislature a number of times. Appendix IV describes these changes.

**Residential Properties.** The annual family income of a residential property owner may not exceed \$45,000. "Family income" is defined as the federal adjusted gross income of the owner and the owner's spouse for the taxable year prior to the year in which the determination of system failure is made.

Applicants with income below \$32,000 receive the maximum eligible grant. The grant for homeowners with income between \$32,000 and \$45,000 is reduced by 30% of the amount by which the homeowner's income exceeds \$32,000, (which means that for each \$1 in income above \$32,000, the grant is decreased by 30 cents). Rental residential properties are not eligible. The grant formula is shown in Table 1.

**Table 1: Private Onsite Wastewater Treatment System Program Grant Formula for Residential Properties**

Income	Grant Formula Amount
Under \$32,000	Full Eligible Grant
\$32,001 - \$45,000	Full Eligible Grant Minus [(Income - \$32,000 x 30%)]
Over \$45,000	No Grant

**Small Commercial Establishments.** In order to be eligible for grant funds, a commercial establishment must have a maximum daily wastewater flow rate of less than 5,000 gallons per day. In addition: (a) the commercial establishment must have been owned and occupied by the applicant when the determination of private onsite wastewater treatment system failure was made; and (b) the annual gross revenue of the business that owns the commercial establishment may not exceed \$362,500. Income is defined as the gross revenue of the business for the taxable year prior to the year in which the determination of failure is made. There is no proration based on income for commercial establishments as there is for residential properties. In each fiscal year, grant funding for all commercial establishments cannot exceed 10% of the total funds available. Grants for commercial establishments are prorated so that the total awards for commercial establishments do not exceed 10% of total funds available.

**Types of Failing Private Onsite Wastewater Treatment Systems.** The types of failing POWTS are divided into three categories. Categories 1 and 2 are eligible for grant assistance. The types of systems are:

1. Category 1 systems are those which fail by discharging sewage to surface water, groundwater, drain tiles, bedrock or zones of saturated soils. These are considered the most serious types of failure, and are given highest priority for grant assistance.

2. Category 2 systems are those which fail by discharging sewage to the surface of the ground. This type of failing system is eligible for a grant, but has a lower priority for funding than Category 1 systems.

3. Category 3 systems are those which fail by causing the backup of sewage into the structure served. This type of failing system is not eligible for grant assistance.

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### Grant Determination

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Seven categories of costs, called "work components," are eligible for reimbursement. The work components are:

1. Site evaluation and soil testing;
2. Installation of a replacement or additional anaerobic treatment component (septic tank);
3. Installation of a dosing component and lift pump or siphon;
4. Installation of a non-pressurized or in-ground pressure treatment or dispersal component (soil absorption area). The grant amount is based on systems sized according to either: (a) the percolation rate in minutes for water to fall one inch; or (b) soil morphological conditions, that is, the design loading rate in gallons per square foot per day;
5. Installation of an at-grade or mound treatment or dispersal component (soil absorption area);
6. Installation of a holding tank component; and/or
7. Installation of a replacement exterior grease interceptor.



Costs allowable in determining grant funding may not exceed the costs of rehabilitating or replacing a private onsite wastewater treatment system by the least costly method, except that a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a POWTS other than a holding tank. Statutes limit the state grant share to \$7,000, or the amount determined by the Department in grant funding tables, whichever is less. In addition, SPS 387 of the Wisconsin Administrative Code limits the maximum allowable grant to 60% of the total replacement cost or the amount determined in the grant funding tables, whichever is less.

DSPS is required to prepare and publish grant funding tables that specify the maximum state share amounts for eligible work components and costs. The grant funding tables must be designed to pay approximately 60% of the average cost of rehabilitation or replacement. DSPS is required to revise the grant funding tables when it determines that 60% of current costs of private on-site wastewater treatment system rehabilitation or replacement exceeds the amount in the tables by more than 10%. The tables may be revised no more than once every two years. The tables were last revised in 2008 for applications received on or after October 1, 2008, for funding in 2009-10 and subsequent years. Appendix II illustrates examples of how the grant is calculated for various types of POWTS under the grant funding tables that went into effect in 2009-10.

DSPS is required to withhold grant awards for applicants that the Department of Workforce Development determines are delinquent in their child support or maintenance payments until the applicant submits a certification of full payment from the Clerk of Courts in the county where the child support or maintenance payments are delinquent or has a payment agreement on file at the county child support agency. For the grant cycles from 1997-98 through 2009-10, 11 delinquent

grant applicants did not provide the required certification by December 31 of the calendar year of the grant cycle so their grants expired. For the 2009-10 grant cycle, one applicant was delinquent but developed a payment schedule and subsequently received the grant award. For 2010-11 through 2014-15, no applicants were delinquent in child support. (For 2014-15, if there had been delinquent applicants, they would have had until December 31, 2015, to provide required certification to restore grant eligibility.)

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### **Experimental POWTS Grants**

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Effective with the 2000-01 grant cycle, up to 10% of private onsite wastewater treatment system grant funding may be allocated for experimental private sewage systems. This equals \$233,900 of the \$2,338,600 appropriated in 2014-15 plus 10% of unobligated funds carried over from the prior year. DSPS is authorized to exempt grants for experimental systems from: (a) the statutory \$7,000 limit on POWTS grants; (b) the requirement that the grant not exceed the costs of replacing or rehabilitating the system; (c) the requirement that the grant not exceed the least costly method of replacing or rehabilitating the system; (d) the formula that decreases the grant amount for applicants with income between \$32,000 and \$45,000; and (e) proration if the appropriation is insufficient to fund 100% of grants.

Administrative rule chapter SPS 387 specifies how DSPS will select, monitor and allocate the state share for experimental POWTS. SPS 387 authorizes DSPS to determine on a case-by-case basis the maximum allowable grant for the installation and monitoring of an experimental POWTS, and to prorate available funds for experimental systems.

In the 2000-01 grant cycle, 11 property owners met eligibility requirements and received grants of \$138,677 (\$12,607 per property) to fund the installation of an experimental system consisting of a constructed wetland system to serve a small community. In addition, the former Department of Commerce granted \$29,085 to monitor the system for up to five years from the date of installation, for a total of \$167,762 for installation and monitoring. A constructed wetland is an aquatic treatment system that typically consists of one or more lined cells that are planted with wetland type vegetative species. Wastewater flows from a septic tank through the cells where it is treated by microorganisms that are present on the plant roots and in the supporting media. The wastewater then is dispersed into soil where final treatment takes place. The vegetation in a wetland system releases some of the water as vapor into the atmosphere and also removes nitrogen and phosphorus via plant uptake and biological and chemical processes.

The objective for the experimental project was to provide a more natural looking system (the constructed wetland) with lower energy and operation and maintenance costs than a traditional system, while producing wastewater of a quality that meets code requirements. Commerce received the final report for the project in July, 2006. Commerce officials indicated that the system met wastewater standard code requirements and did not have operational problems during the winter, but the system did appear to require labor intensive maintenance due to the need to regularly remove invasive species and monitor water levels in the wetland cells.

In 2001-02, Commerce awarded \$14,895 for a constructed wetland system serving one home. The grant included \$5,500 for installation of the system and \$9,395 for monitoring for up to five years. No experimental system grants have been awarded since 2001-02. DSPS officials indicate that private sewage system code changes in 2000

increased the types of allowable private sewage system options, and reduced the need for experimental systems. They further indicate that if the Department determines that research is needed on additional private sewage system components or treatment methods, DSPS would ask for proposals for experimental systems that could potentially be funded under the experimental system grant component of the program.

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### Administration and Allocation System

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**Funding Cycle.** Grant funds are allocated on an annual cycle. To receive funding, the owner of a failing private onsite wastewater treatment system must submit an application to the county within three years after the county notifies the owner that the POWTS has failed. The county reviews the application and makes an initial determination as to whether the system and owner are eligible. For the 2014-15 funding cycle, county applications were due to DSPS before February 1, 2014. The county application includes a list of property owners approved by the county as eligible and the maximum state grant share for each property owner. Each county application is reviewed by the state. If any property owner listed in the county application did not meet the eligibility requirements, the grant award to the county is reduced accordingly. DSPS awarded 2014-15 grants to counties in August, 2014.

Counties may request partial grant payments as individual homeowners complete the required work. The Department conducts a desk audit to: (a) verify that the county has inspected the system and signed off on the final inspection; (b) ensure that each system meets the state plumbing code; and (c) verify that the type of work identified in the application is consistent with the work actually performed. DSPS makes actual grant payments to the county after the replacement or

repair work is completed. Each county is responsible for disbursing all grant awards to property owners. All work done with 2014-15 grant funds must be completed by December 31, 2015.

**Prioritization.** If approved applications exceed available funding, DSPS is required to prioritize funds to counties based on potential environmental harm associated with different types of private onsite wastewater treatment system failures. The Department pays category one grants (discharge to waters) in full before category two grants (discharge to dry surface) are eligible for any funding. If there are insufficient funds to provide payment for all category one grants, then these grants are prorated, and no funds are provided for category two systems. If funds are adequate to fully fund category one grants, then remaining funds are used for category two grants. If these cannot be fully funded from remaining funds, these grants are prorated. Counties may not establish a backlog of claims in which applicants who would not receive 100% grant funding would be placed on a waiting list to receive funding in the next fiscal year.

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## Funding

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Table 2 shows program appropriations and expenditures by fiscal year during the 15 years from 2000-01 through 2014-15. The number of funded applications peaked at 1,808 in 1995-96, declined to 661 in 2009-10, increased to 863 in 2011-12, and declined to 502 in 2014-15.

Prior to 2001-02, the program was appropriated \$3,500,000 per year from the general fund. Subsequent legislative acts reduced the appropriation as part of general fund appropriation reductions made in many agencies. In 2001 Act 109, the appropriation was reduced to \$3,169,100 in 2001-02, and to \$2,999,000 annually beginning in 2002-03. Under 2009 Act 28, the appropriation

**Table 2: Private Onsite Wastewater Treatment System Grant Program, Appropriations and Expenditures**

Fiscal Year	Appropriations	Expenditures*
2000-01	3,500,000	\$3,585,700
2001-02	3,169,100	3,479,800
2002-03	2,999,000	2,852,800
2003-04	2,999,000	3,023,700
2004-05	2,999,000	2,960,700
2005-06	2,999,000	3,075,700
2006-07	2,999,000	3,040,500
2007-08	2,999,000	3,003,100
2008-09	2,999,000	2,965,200
2009-10	2,815,000	2,748,600
2010-11	2,815,000	2,892,900
2011-12	2,338,600	2,358,800
2012-13	2,338,600	2,314,200
2013-14	2,338,600	2,322,600
2014-15	2,338,600	2,203,400**

\*Expenditures vary from appropriations and annual awards due to carryover of unexpended funds from prior years and expenditures that are made in a fiscal year after awarded.

\*\*Expenditures are awards made in August, 2014, including awards which are pending until further information is obtained from the applicant. Grants will be paid after work is completed, but no later than December 31, 2015. After the 2014-15 awards were made, approximately \$168,400 in unobligated funds remained to accommodate pending application determinations of eligibility, pending awards made in prior years, appeals of Department decisions, or awards in 2015-16.

was reduced to \$2,815,000 in each of 2009-10 and 2010-11. Under 2011 Act 32, the appropriation was reduced to \$2,338,600 annually beginning in 2011-12. The appropriation was continued at that level in the 2013-15 biennium.

Grants awarded in 2009-10 through 2014-15 are summarized in Table 3. The grant award amounts in Table 3 differ from the actual expenditures shown in Table 2 because funds are sometimes expended in a fiscal year following the year the grant is awarded.

Grants awarded in 2009-10 fully funded all eligible amounts for 661 category one and two applicants. In 2010-11, payments for 809 category one grants were prorated to 86% of the eligible

**Table 3: Distribution of Private Onsite Wastewater Treatment System Grant Applications and Awards**

	Eligible Applicants	Application Amount	Prorated Grant Amount	Grant as Percent of Application*
<b>2009-10 Final</b>				
Category 1	643	\$2,955,757	\$2,724,487	100%
Category 2	<u>18</u>	<u>50,252</u>	<u>50,252</u>	100
Total	661	\$3,006,009	\$2,774,739	NA
<b>2010-11 Final</b>				
Category 1	809	\$3,517,646	\$2,847,676	86%
Category 2	<u>28</u>	<u>70,884</u>	<u>0</u>	0
Total	837	\$3,588,530	\$2,847,676	NA
<b>2011-12 Final</b>				
Category 1	863	\$3,753,119	\$2,348,591	68%
Category 2	<u>16</u>	<u>40,300</u>	<u>0</u>	0
Total	879	\$3,793,419	\$2,348,591	NA
<b>2012-13 Final</b>				
Category 1	852	\$3,642,606	\$2,331,052	68%
Category 2	<u>11</u>	<u>29,087</u>	<u>0</u>	0
Total	863	\$3,671,693	\$2,331,052	NA
<b>2013-14 Award</b>				
Category 1	638	\$2,748,865	\$2,346,769	88%
Category 2	<u>7</u>	<u>25,883</u>	<u>0</u>	0
Total	645	\$2,774,748	\$2,346,769	NA
<b>2014-15 Award</b>				
Category 1	495	\$2,240,092	\$2,203,403	100%
Category 2	<u>7</u>	<u>29,750</u>	<u>29,750</u>	100
Total	502	\$2,269,842	\$2,233,153	NA

\*The statutes limit grants for small commercial establishments to 10% of the total funds available in any fiscal year. Such grants were reduced by 37% in 2009-10, 40% in 2010-11, 56% in 2011-12, 48% in 2012-13, 32% in 2013-14, and 13% in 2014-15.

grant amount. In 2011-12, payments for 863 category one grants were prorated to 68% of the eligible grant amount, in 2012-13, payments for 852 category one grants were prorated to 68% of the eligible grant amount, and in 2013-14, payments for 638 category one grants were prorated to 88% of the eligible amount. No funds were available for category two grants in 2010-11 through 2013-14. In 2014-15, 502 category one and two grants received 100% of the eligible grant amount.

Table 4 shows the total grant award amount for 2014-15 grants before and after the effect of income factoring and proration to award grants within available funding. Before the effects of income factoring and proration to stay within the appropriated funding amount, 502 applicants (495 category one and seven category two) would have been eligible for a total of \$2,403,400 in eligible work components. Applicants with income equal to or less than \$32,000 were eligible for the maximum grant amount. Applicants with income equal to or less than \$32,000 accounted for 78% of this amount, applicants with income between \$32,000 and \$45,000 accounted for 17% and small commercial establishments with income over \$45,000 accounted for 5%. After income factoring, the applicants were eligible for \$2,271,300 in grants. Applicants with income equal to or less than \$32,000 were eligible for 82% of all grant award dollars, applicants with income between \$32,000 and \$45,000 were eligible for 13% of grant award dollars and applicants with income over \$45,000 (all of which were small commercial establishments) were eligible for 5%. Eligible awards for small commercial establishments were reduced by 13% to keep awards for those systems to less than 10% of the total funds available. Awards totaling \$2,233,153 were made to the 502 applicants with category one and two systems, and all residential applicants received 100% of the eligible award amount.

The distribution of grants in 2014-15 by final grant amount (after proration) is shown in Table 5. In 2014-15, the average grant award for the 502 awards was \$4,449. Grants equal to or less than \$3,000 comprised 21% of grants and accounted for 11% of the total award dollars. A total of 37% of grants were between \$3,001 and \$5,000, with 32% of awarded dollars. Grants between \$5,001 and \$7,000 comprised 42% of the number of grants and 57% of the total award dollars. In comparison, in 2012-13, no grants exceeded \$5,000 because the number of grants

**Table 4: Distribution of Grants by Applicant's Income -- 2014-15**

Applicant's Income	No. of Grants	Grant Before Income Factoring	Grant After Income Factoring	Prorated Grant Amount **	Average Prorated Grant
\$0-32,000	391	\$1,858,759	\$1,858,759	\$1,838,403	\$4,702
32,001-38,000	48	231,810	195,210	193,816	4,038
38,001-45,000	36	184,125	90,897	90,897	2,525
45,001-362,500*	<u>27</u>	<u>128,725</u>	<u>126,475</u>	<u>110,037</u>	<u>4,075</u>
Total	502	\$2,403,419	\$2,271,341	\$2,233,153	\$4,449

\*Applicants with income over \$45,000 were small commercial establishments. The annual gross revenue of a small commercial establishment may not exceed \$362,500.

\*\*495 category one and 7 category two grants were funded at 100% of the eligible grant amount. However, small commercial establishments were reduced by 13% to stay within the 10% maximum for such applicants.

**Table 5: Distribution of Grants by Amount of Grant -- 2014-15**

Amount of Grant	Number of Grants	Amount	Average
\$1-1,000	10	\$5,649	\$565
1,001-2,000	12	16,668	1,389
2,001-3,000	85	222,441	2,617
3,001-4,000	87	287,488	3,304
4,001-5,000	100	437,175	4,372
5,001-6,000	58	319,857	5,515
6,001-7,000	<u>150</u>	<u>943,875</u>	<u>6,293</u>
Total	502	\$2,233,153	\$4,449

was higher and grants were prorated to 68% of the eligible amount.

In 2014-15, grants were made for five types of private onsite wastewater treatment systems listed in Table 6. (See Appendix III for a description of how these systems function.) Mound systems accounted for 45% of grant awards and

**Table 6: Distribution of Grants by Type of Replacement or Rehabilitated Private Onsite Wastewater Treatment System -- 2014-15**

Type of System	Number of Grants	Amount	Average
Mound	227	\$1,325,047	\$5,837
In-ground Pressure	9	32,108	3,568
Conventional	126	378,862	3,007
At-grade	77	321,851	4,258
Holding Tank	<u>63</u>	<u>175,285</u>	<u>2,782</u>
Total	502	\$2,233,153	\$4,449

59% of total award dollars. Mound systems are generally a more expensive system than others because of the need to build a mound on top of the soil. (See Appendix II for sample calculations of grants for different system types).

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### Loan Program

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In 1999 Wisconsin Act 9, a private sewage system replacement and rehabilitation no-interest loan program was created. In a year in which DSPS must prorate funds under the private onsite wastewater treatment system replacement and rehabilitation grant program, counties may apply to DSPS for a loan. Counties may only use the loan to increase the grant amount to eligible persons to the amount that the persons would have been eligible to receive if DSPS had not had to prorate grants. The loan amount may not exceed the difference between the amount the county would have received if DSPS had not prorated grants and the amount that the county did receive. If the amount available for loans under the program is insufficient to provide loans to all eligible counties in a year, DSPS is required to prorate loans in the same manner as under the grant program. In years where grants are funded at 100% of the eligible amount, there is no loan eligibility.

The loan program is provided \$1,500,000 segregated revenue (SEG) from the environmental improvement fund. The environmental improvement fund primarily provides loans to municipalities to upgrade or replace wastewater treatment plants to meet state and federal requirements. Further information about the environmental improvement fund can be found in the Legislative Fiscal Bureau's informational paper entitled, "Environmental Improvement Fund."

A no-interest loan may not be for a term longer than 20 years, as determined by the Department of Administration (DOA), and must be fully amortized no later than 20 years after the original date of the loan. DSPS and DOA will enter into a financial assistance agreement with an eligible county. DOA, in consultation with DSPS, may establish terms and conditions of a financial assistance agreement that relate to its financial management, including what type of municipal obligation is required for the repayment of the loan. DOA is responsible for disbursing the loan to the county.

If a county fails to make a principal repayment when due, DOA could collect the past amounts due by deducting those amounts from any state payments due to the county or may add a special charge to the amount of state tax apportioned to and levied upon the county.

To date, no counties have applied for a loan under the program. Counties were eligible to apply for a cumulative total of \$5,534,300 be-

tween 2000-01 and 2014-15. The amount equals the difference between the eligible and prorated final grant amount for years in which the grant was prorated.

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## Summary

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The failure of private onsite wastewater treatment systems can result in water pollution and health hazards. The private onsite wastewater treatment system replacement or rehabilitation grant program provides partial funding for replacement or rehabilitation of POWTS serving owners of principal residences or small commercial businesses in participating counties if potential environmental harm exists, the owner of the private onsite wastewater treatment system meets certain income criteria, and other program requirements are met. The DSPS program, in conjunction with grant programs administered by DNR, is designed to reduce the problem of water pollution in order to provide cleaner lakes, rivers, streams and groundwater in this state.

Since the program's inception in 1978-79, it has awarded over \$104 million to assist over 42,000 owners of principal residences and small commercial establishments in replacing or repairing their private onsite wastewater treatment system.

## APPENDIX I

### Private Onsite Wastewater Treatment System Grants -- Award Summary by County

County	Year Entered Program	2014-15		Cumulative Total*		County	Year Entered Program	2014-15		Cumulative Total*	
		# of Systems	Amount	# of Systems	Amount			# of Systems	Amount	# of Systems	Amount
Adams	1992	11	\$48,632	307	\$848,652	Marathon	1979	27	\$114,578	1,288	\$2,929,378
Barron	1980	1	5,568	856	1,548,575	Marinette	1994	2	10,700	140	434,993
Bayfield	1990	1	2,850	62	180,574	Marquette	1998	6	24,020	84	275,095
Brown	1990	7	38,319	515	1,888,293	Menominee	1993	1	2,281	5	14,818
Buffalo	1990	0	0	274	735,104	Monroe	1980	6	32,576	758	1,910,001
Burnett	1983	3	13,325	493	1,222,895	Oconto	1989	5	24,125	628	1,665,475
Calumet	1980	24	129,316	780	2,374,668	Oneida	1980	2	4,925	1,613	2,635,134
Chippewa	1990	4	17,650	606	1,473,241	Oneida Tribe	1991	0	0	3	10,856
Clark	1980	9	40,091	542	1,187,904	Outagamie	1989	8	35,173	666	2,219,696
Columbia	1986	2	9,675	797	1,693,792	Ozaukee	1982	3	14,186	412	1,230,180
Crawford **	1979	0	0	246	376,504	Pepin	1980	0	0	241	497,359
Dane	1980	1	6,675	1,841	4,508,316	Pierce	1980	5	28,250	656	1,530,832
Dodge	1986	3	16,375	818	2,255,656	Polk	1987	0	0	426	992,379
Door	1980	19	91,912	981	3,016,363	Portage	1980	5	19,800	1,091	2,262,101
Dunn	1990	3	13,577	353	1,004,625	Price	1986	1	5,300	204	532,583
Eau Claire	1991	3	13,651	552	1,534,135	Racine	1981	4	24,268	527	1,568,296
Florence **	1990	0	0	36	73,163	Richland	1980	28	117,314	879	2,156,500
Fond du Lac	1979	2	13,280	882	2,648,442	Rock	1985	3	8,410	310	872,042
Forest	1991	1	3,050	147	316,139	Rusk	1988	8	28,419	512	1,123,261
Franklin City	1991	0	0	5	19,116	St. Croix	1983	0	0	718	1,589,348
Grant	1981	45	146,122	1,320	2,810,235	Sauk	1980	11	49,560	1,353	3,465,772
Green	2003	10	39,633	256	864,109	Sawyer	1980	0	0	958	1,732,859
Green Lake	1984	1	4,100	288	621,360	Shawano	1991	28	120,836	887	2,319,094
Iowa	1980	16	51,050	930	2,201,077	Sheboygan	1984	4	23,856	457	1,377,224
Iron	1980	0	0	164	343,174	Taylor	2002	6	15,651	107	291,799
Jackson	1980	6	21,111	801	1,661,980	Trempealeau	1982	4	20,100	732	1,729,964
Jefferson	1990	2	12,200	176	594,115	Vernon	1980	7	28,131	572	1,381,492
Juneau	1984	14	51,132	757	2,300,674	Vilas	1979	0	0	569	1,013,269
Kenosha	1981	5	29,116	585	1,396,892	Walworth	1984	0	0	458	952,825
Kewaunee	1985	51	263,456	848	2,708,281	Washburn	1980	4	11,425	414	780,649
LaCrosse	1983	2	6,452	243	628,634	Washington	1979	4	23,409	1,244	3,157,399
Lafayette	1986	6	22,725	290	706,037	Waukesha	1979	5	24,782	1,575	3,465,594
Langlade	1980	2	4,925	406	662,905	Waupaca	1990	6	27,896	404	1,181,283
Lincoln	1991	7	29,384	375	977,266	Waushara	1999	2	12,425	50	179,696
Manitowoc	1985	29	156,987	1,114	3,775,630	Winnebago	1980	2	9,443	167	426,452
						Wood	1985	15	48,965	1,268	2,971,946
						<b>TOTAL</b>		<b>502</b>	<b>\$2,233,153</b>	<b>42,022</b>	<b>\$104,036,170</b>

\*Equals cumulative awards made. Actual expenditures may be less than awards.

\*\*These counties withdrew from participation (the last grant cycle is in parentheses): Crawford (2000-01) and Florence (1999-00). Bayfield County withdrew in 1997-98 and rejoined the program effective with the 2007-08 grant cycle.

## APPENDIX II

### Examples of Calculation of Private Onsite Wastewater Treatment System Grant Amount

Component	Grant Awards*	Total Eligible Grant Amount			
		Example 1	Example 2	Example 3	Example 4
Site evaluation and soil testing	Flat \$250	\$250	\$250	\$250	\$250
Installation of replacement or additional POWTS anaerobic treatment component	\$500 to \$950, depending on tank size	550	550	550	
Installation of a POWTS dosing component and lift pump or siphon	\$1,100 to \$1,250, depending on number of bedrooms		1,200	1,200	
Installation of a non-pressurized or in-ground pressure POWTS treatment or dispersal component	\$1,400 to \$2,750, depending on percolation rate and number of bedrooms	1,925	1,925		
Installation of a high groundwater mound POWTS treatment or dispersal component	\$2,550 to \$4,775, depending on number of bedrooms			4,100	
Installation of POWTS holding tank component	\$2,800 to \$4,775, depending on number of bedrooms				2,800
<b>Total grant amount before income proration</b>		<b>\$2,725</b>	<b>\$3,925</b>	<b>\$6,100</b>	<b>\$3,050</b>

POWTS = Private onsite wastewater treatment system.

\*The grant funding levels were revised in administrative rules, to the levels shown effective with the 2009-10 grant year.

Example 1 = Replacement of a conventional system, 3-bedroom house.

Example 2 = Installation of an in-ground system, 3-bedroom house.

Example 3 = Installation of a high groundwater mound system, 3-bedroom house.

Example 4 = Installation of a holding tank, 3-bedroom house.



## APPENDIX III

### Description of a Typical Private Onsite Wastewater Treatment System

Private onsite wastewater treatment systems (POWTS) collect and/or treat sewage on the premises of a residence or commercial establishment. The systems are sometimes referred to as private sewage systems or septic systems. The first stage of a typical private onsite wastewater treatment system is a septic tank, where a natural settling and flotation process allows some solids to settle out, fats and oils to rise, and bacteria to partially decompose the pollutants and treat the wastewater.

The second stage of a typical system is an absorption field. Clarified wastewater flows by gravity or pump through a series of pipes with small holes in them designed to spread the wastewater evenly over a wide area. The pipes are buried beneath the surface of the ground, usually on a bed of gravel and sand. As the wastewater trickles through the soil beneath the field, it is cleansed of its remaining biological pollutants. Once the discharged water reaches the groundwater it is adequately treated. Nitrates are partially treated in a typical POWTS.

If an absorption field cannot be installed, a holding tank is installed to hold wastewater for transport to off-site treatment. The holding tank has to be pumped out when it fills.

Private onsite wastewater treatment systems require soils that possess the correct properties. The soil must permit the wastewater to "percolate" or trickle through it fast enough to prevent the water from "ponding" and reaching the surface but slowly enough that it can be treated before it reaches groundwater. Even if the soils

are adequate, the groundwater must not be too near the surface or proper treatment with a standard system becomes impossible. Finally, private onsite wastewater treatment systems must be properly designed, installed and maintained or they may malfunction, causing inconvenience, health risk and expense to the owner. Siting a system on proper soils and using a system designed to assure even distribution are often adequate to overcome soils or groundwater contamination problems.

Other types of systems exist to allow on-site treatment where conditions are inadequate for in-ground gravity systems. The best-known of these is the "mound" system, which requires the construction of a soil absorption field of sand on top of existing soils. Another system is the "in-ground pressure distribution" system, which uses a pump to discharge a precalculated volume of wastewater to be evenly distributed from a septic tank to an absorption field. Another system is the "at-grade" system, which is a step between the in-ground pressure system and the mound system. It incorporates distribution piping laid on gravel on prepared ground (but no sand fill as in a mound system), that is then covered by a mound of soil.

Administrative rule SPS 383 (renumbered from Comm 83, effective December 1, 2011) allows for other technologies that may permit treatment of wastewater to a higher level than is possible with a traditional septic tank and soil absorption system. These technologies provide the property owner with additional wastewater treatment options.

## APPENDIX IV

### History of the Private Onsite Wastewater Treatment System Replacement or Rehabilitation Grant Program

In Chapter 418, Laws of 1977, the Legislature created three grant programs to address water pollution problems. The major share of grant funding was devoted to point source pollution problems with the objective of bringing municipalities into compliance with federal and state pollution discharge laws. The point source program (which has since been replaced by the clean water fund program) addressed those problems most likely to arise in an urbanized area. A second initiative, the nonpoint source program, addresses those pollution abatement problems most typically associated with rural, agricultural areas. Finally, the creation of the private sewage system replacement or rehabilitation grant program provides funding for a set of problems found in developed but relatively less dense suburban and rural areas--private sewage system failures.

**Original Program.** The original private sewage system replacement or rehabilitation grant program was established in DNR. When the program was created, funding was set at three percent of the point source pollution abatement grant program. This provided approximately \$2,000,000 GPR per year for the first three years of the program.

The original statute determined that the state's share of private sewage system replacement or repair would be 60% of actual costs up to a maximum grant of \$3,000. There were no income limitations for residential or small commercial establishment owners. Small commercial establishments included business places with maximum daily waste flow of 300 gallons.

**1983 Wisconsin Act 545:** DNR was required to develop grant funding tables which specified

the 60% state share of actual costs for various types of systems or components of systems. These tables were based upon minimum size and other requirements specified in the state plumbing code. DNR implemented grant funding tables, which provided a "flat-rate" grant based on the size and type of the system and the type of soil to which the system would discharge. The grant funding tables were intended to simplify program administration by eliminating the need for the county and state to determine actual repair or replacement costs, and to create an incentive for the system owner to "shop" for system replacement or repair work based on costs, since paying reduced costs would not result in a reduced grant under the flat-rate system.

Act 545 set income limitations, for residential owners at the greater of \$27,000 adjusted gross income or 125% of the county median income, and for commercial businesses at the greater of \$27,000 net income or 125% of the county median income. It also redefined "small commercial establishment" to include business places with maximum daily waste flow of 2,100 gallons.

**1985 Wisconsin Act 29:** Income limitations for residential owners were increased to the greater of \$32,000 adjusted gross income or 125% of the county median income. The limit for commercial establishments was increased to the greater of \$32,000 net income or 125% of the county median income. The appropriation was also changed from a continuing to a biennial appropriation.

**1987 Wisconsin Act 27:** In 1987-88, the appropriation was changed from a biennial to an annual appropriation.

**1989 Wisconsin Act 31:** The state's maximum share of the replacement or rehabilitation costs was increased from \$3,000 to \$7,000. Income limits for residential owners were increased to the greater of \$45,000 adjusted gross income or 125% of the county median income. The income limit for commercial establishments was changed to \$362,500 annual gross revenues.

**1989 Wisconsin Act 326:** The appropriation was changed from an annual to a continuing appropriation, enabling approximately \$1,700,000 of 1989-90 funds to be retained by the program for future use. DNR was also required to update the grant funding tables and to revise them whenever it determined that 60% of current costs of private sewage system rehabilitation or replacement exceeds the amount in the tables by more than 10%, but not more often than once every two years.

Act 326 also modified the definition of a "small commercial establishment" to mean a commercial establishment, or place of business, with a maximum daily waste flow rate of less than 5,000 gallons (previously 2,100 gallons).

**1991 Wisconsin Act 39:** Administration of the program was transferred from DNR to the Department of Industry, Labor and Human Relations (DILHR) effective August 15, 1991. DILHR was already responsible for issuing sanitary permits for private sewage systems. DILHR adopted DNR's administrative rule to implement the program as ILHR 87, effective March 1, 1992.

Act 39 also modified the income limitations for residential owners so applicants with adjusted gross income below \$32,000 receive the maximum eligible grant. The grant for households with income between \$32,000 and \$45,000 is reduced by 30% of the amount by which the household's income exceeds \$32,000, (which means that for each \$1 increase in income above

\$32,000, the grant is decreased by 30 cents). No change was made to the income limitations for commercial establishments.

**1993 Wisconsin Act 16:** The date by which applications must be submitted by counties to DILHR was changed from June 1 to February 1. Funding was increased from \$3.0 million to \$3.5 million in each year to address anticipated program demand.

Act 16 also allocated up to 10% of private sewage system grant funding for experimental private sewage systems, effective with applications funded from the 1994-95 appropriation. Based on the amounts appropriated for 1993-95, this provided up to \$350,000 in 1994-95. Act 16 authorized DILHR to exempt grants for experimental systems from: (a) the statutory \$7,000 limit on private sewage system grants; (b) the requirement that the grant not exceed the costs of replacing or rehabilitating the system; (c) the requirement that the grant not exceed the least costly method of replacing or rehabilitating the system; (d) the formula that decreases the grant amount for applicants with income between \$32,000 and \$45,000; and (e) proration if the appropriation is insufficient to fund 100% of grants. DILHR was directed to promulgate rules specifying how it would select, monitor and allocate the state share for experimental private sewage systems.

**1995 Wisconsin Act 27:** The program, along with DILHR's Safety and Buildings Division, which administered the program, was transferred from DILHR to the Department of Commerce effective July 1, 1996. Commerce renumbered the DILHR administrative rule to implement the program as Comm 87, effective February 1, 1997.

**1999 Wisconsin Act 9:** Effective with the 2001-02 grant cycle, eligibility requirements changed in two ways. First, the definition of

annual family income was changed to include the federal adjusted gross income of the owner of the failing private sewage system and the owner's spouse. Second, a private sewage system is eligible for a grant if the system was installed before July 1, 1978, and the owner meets other eligibility requirements.

Act 9 also created a private sewage system replacement and rehabilitation loan program within the environmental improvement fund. The program is provided with \$1,500,000 SEG from the environmental improvement fund. In years in which Commerce must prorate funds under the grant program, counties could apply to Commerce for a no-interest loan for not more than the difference between the amount the county would have received if Commerce had not prorated grants and the amount that the county did receive.

**2001 Wisconsin Act 109:** As part of broad-based general fund budget reductions made in many state agencies, the private sewage system replacement or rehabilitation grant program appropriation was reduced from \$3,500,000 by \$330,900 to \$3,169,100 in 2001-02 and by \$501,000 to \$2,999,000 in 2002-03.

**2003 Wisconsin Act 169:** The act clarified that when calculating costs allowable in determining grant funding that may not exceed the costs of rehabilitating or replacing a private sewage system by the least costly method, a holding tank may not be used as the measure of the least costly method for rehabilitating or replacing a private sewage system other than a holding tank.

**2005 Wisconsin Act 347:** The act moved the county maintenance program out of the private sewage system replacement or rehabilitation grant program and into the general duties of Commerce. The act made all counties responsible for adoption and enforcement of the maintenance program. The act required Commerce to determine the private sewage systems to which the

maintenance program applies. At a minimum, the program is applicable to all new or replacement private sewage systems constructed after the date on which the county adopts the program. The act authorized Commerce to promulgate an administrative rule to apply the maintenance program to private sewage systems constructed on or before the date on which the county adopts the maintenance program. Commerce promulgated a rule requiring counties to conduct and maintain an inventory of private sewage systems, to complete the inventory by October 1, 2011, and to implement the maintenance program by October 1, 2013.

Commerce is required to determine the private sewage systems to which the maintenance program applies in counties that do not meet the conditions for eligibility under the private sewage system replacement or rehabilitation grant program. The act specified that the maintenance program in these counties would commence on January 1, 2008. (2009 Act 392 deleted this date.)

**2009 Wisconsin Act 28:** As part of broad-based general fund budget reductions made in many state agencies, the private sewage system replacement or rehabilitation grant program appropriation was reduced from \$2,999,000 annually by \$184,000 to \$2,815,000 in each of 2009-10 and 2010-11.

**2009 Wisconsin Act 392:** The act moved the private sewage system inventory requirement from administrative rule to statute. It delayed by two years the deadlines for completing the inventory to October 1, 2013, and the deadline for implementing the maintenance program to October 1, 2015. The act also deleted the specific January 1, 2008, implementation date for maintenance programs in counties that do not meet the conditions for eligibility under the private sewage system replacement or rehabilitation grant program.

**2011 Wisconsin Act 32:** As part of broad-based general fund budget reductions made in many state agencies, the private onsite wastewater treatment system replacement or rehabilitation grant program appropriation was reduced from \$2,815,000 annually by \$476,400 to \$2,338,600 in each of 2011-12 and 2012-13.

Act 32 also transferred the program and the Safety and Buildings Division to the Department of Safety and Professional Services (DSPS, the former Department of Regulation and Licensing), and repealed the Department of Commerce. DSPS renumbered the Commerce administrative

rule to implement the program as SPS 387, effective December 1, 2011.

**2011 Wisconsin Act 134:** The act delayed, by an additional four years, the deadlines for counties to complete the inventory of private systems to October 1, 2017, and the deadline for counties to implement and enforce the maintenance program to October 1, 2019.

**2011 Wisconsin Act 146:** The act changed the statutory term "private sewage system" to "private onsite wastewater treatment system."