

Report From Agency

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 17-065
DEPARTMENT OF SAFETY :
AND PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The objective of this rule revision was to review and update administrative rules related to private onsite wastewater treatment systems (POWTS) and the POWTS replacement and rehabilitation financial assistant fund, otherwise known as the Wisconsin Fund.

The Wisconsin Fund is a program that provides grants to offset a portion of the cost for the repair, rehabilitation of existing or failing POWTS. The department is currently required under s. 145.245 (7) (c), Stats., to review and update funding tables for the Wisconsin Fund if it is determined that 60 percent of costs for rehabilitating or replacing private sewage systems exceeds the amounts in the grant funding tables by more than 10 percent. This rule revision updates funding tables for the Wisconsin Fund. The funding tables were last revised in February 1999.

In addition, the rule revision incorporates the requirements pursuant to 2017 Wis. Act 59, which, in part, repeals s. 145.245, Stats., effective June 30, 2021. Section 145.245, Stats., provides authority for chapter SPS 387 - *Private Onsite Wastewater Treatment System Replacement or Rehabilitation Financial Assistance Program* (the Wisconsin Fund). Therefore, this rule revision repeals chapter SPS 387, effective June 30, 2021. The proposed rule also incorporates other POWTS-related requirements as affected by 2017 Wis. Act 59, which were effective September 23, 2017.

Finally, the rule revision updates outdated standards incorporated by reference, improves language clarity, and updates other references and notes as needed.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on October 17, 2017. A notification about the public hearing was sent to stakeholders through the Department's list serve.

One individual registered at the public hearing in partial opposition to the proposed rule and provided oral and written testimony.

The following people submitted written comments:

- Jeffery J. Beiriger, Germantown, WI - Representing Wisconsin Liquid Waste Carriers Association; Plumbing-Heating-Cooling Contractors – Wisconsin and Master Plumbers/Heating-Cooling Contractors Associations; and Wisconsin Onsite Water Recycling Association
- Dale Dimond, Wausau, WI – Representing Marathon County Conservation, Planning & Zoning Department
- George Klaetsch, Madison, WI – Representing Wisconsin Precast Concrete Association
- Walter Rose, Arena, WI
- Peter Studley, Adams County, WI
- William Vande Voort, Greenleaf, WI - Bills Plumbing Service

Attachment 1 of this report contains a summary of the oral and written comments and the Department's response to each of the issues.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comments:

5. This comment relates to the phrase "at risk". The phrase also appears in Table A-383.43-1 footnote b. The Department feels this definition is necessary to provide clarity. As such, no resulting changes were made.

All of the remaining recommendations in the Clearinghouse Report have been accepted in whole and incorporated into the proposed rules.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A