

**SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES,
EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS
SPS 381 to 387 and 391, Private Onsite Wastewater Treatment Systems and the Wisconsin Fund**

This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in support or opposition, or that provided information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

#	Topic	Provision	Comments / Recommendations	Agency Response
1.	Wisconsin Fund	Chapter SPS 387	One commenter supports keeping the Wisconsin Fund. Two commenters oppose the administration costs to counties, which makes the Wisconsin Fund burdensome to administer. One commenter feels amending the potential grant amounts in the financial tables is of no value unless the state budget includes adequate funding for the Wisconsin Fund.	The Wisconsin Fund is repealed effective 6-30-2021 by 2017 Wis. Act 59. The proposed rule reflects the repeal of chapter SPS 387.
2.	Component Manual Definition	SPS 381.01 (183)	The commenter feels the use of the term "plan document" is not an accurate description within the definition of "component manual".	Changes were made to the proposed rule to incorporate the commenter's recommendation.
3.	Numbering	383.22(1)(a)	The commenter believes there is an error in the section number and should be amended to SPS 383.22 (1) (a) instead of 383.21 (1) (a).	The section number was amended to incorporate the commenter's recommendation.
4.	Revise for Clarity	383.22(2)(b)	The commenter feels with the repeal of the phrase "but not limited to", a phrase should be created to read "Other information requested by the department".	Changes were made to the proposed rule to incorporate the commenter's recommendation. (Note: The phrase "but not limited to" was struck to comply with rule drafting style requirements.)
5.	Revise for Clarity	383.25(2)(b)	The commenter feels this provision should be amended to clarify that a property owner must comply with "one of the following conditions" so as to not imply that <i>all</i> conditions apply.	Changes were made to the proposed rule to incorporate the commenter's recommendation.
6.	Technical Advisory Committee (TAC)	384.10(2)(b)2.	Five comments oppose a provision that permits the Department to consult with experts outside the department for guidance in the review of applications for POWTS products. The commenters feel that the provision should be amended to include that term "shall", which would mandate the Department to consult with the TAC when reviewing the applications.	Changes were made to the proposed rule to read that the Department may consult with the Technical Advisory Committee.
7.	Revise for Clarity	384.10(3)(d)2. b.	The commenter feels the word "local" should be deleted from this section to avoid confusion since the definition of "governmental unit" is clearly defined in existing rule.	Changes were made to the proposed rule to incorporate the commenter's recommendation.
8.	Standards Incorporated by Reference	SPS 391.11(2)	One commenter recommended the cited standard for electric fired incinerating toilets be amended to NSF Protocol P157.	Changes were made to the proposed rule to incorporate the commenter's recommendation.