

ROBERT L. COWLES

Wisconsin State Senator, 2nd Senate District

STANDING COMMITTEES:

Natural Resources & Energy, Chair
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Economic Development & Technical Colleges

Testimony on 2023 Assembly Bill 100 and Senate Bill 99

Senator Robert Cowles

Assembly Committee on Energy and Utilities

May 16th, 2023

Thank you, Chairman Steffen and Committee Members, for holding a hearing and allowing me to testify on 2023 Assembly Bill 100 and its companion, Senate Bill 99. This legislation allows infiltration and inflow reduction efforts to be financed at below market interest rates through the existing Clean Water Fund Program.

Wastewater treatment plants can face a lot of challenges, but one of the largest challenges is reducing infiltration and inflow, also known as I/I. I/I, caused by leaking pipes or unsecured manhole covers, not only results in problems that can surge the amount water that comes into a wastewater treatment plant during spring thaws or periods of heavy rain, straining the system and occasionally causing overflows of untreated sewerage into waterways, but it can also add pollutants from fertilizer, dog poop, and soil into the system. This results in the need for more infrastructure to increase capacity and treatment, with these costs passed along to ratepayers.

Wastewater utilities are required by the Department of Natural Resources (DNR) to eliminate all feasible sources of I/I. Even without that requirement, these entities want to reduce I/I because it prevents the need for increased capacity or treatment, which can be very expensive, to comply with discharge permits and to prevent overflows of untreated sewerage into nearby waterways. The DNR's Clean Water Fund Program (CWFP) is the primary and most economical source of funding for capital projects by wastewater utilities. Yet, despite these legal requirements and operational incentives to reduce I/I, statutes for the CWFP do not allow the use of funds for sewer line and sewer lateral replacements and maintenance, including for the purposes of I/I reduction.

As a shared program between the state and the federal government, Wisconsin is almost entirely in-line with federal guidelines on eligible projects under the CWFP, with one exception. That's the replacement or maintenance of sewer lines and laterals. Unfortunately, that's also a key cause of infiltration and inflow. This bill simply allows the use of the CWFP for sewer line and sewer lateral replacement related to I/I projects. It does not change any other requirements, including priority rankings or eligible expenses for operational activities. Instead, it simply allows for this lower interest rate financing to help solve one of the biggest problems these utilities face.

An LFB analysis shows the CWFP has the capacity under existing funding levels, even prior to a surge of recent federal funding, to award financing for additional projects. Even under the highest interest rate charged by the CWFP, per \$1 million borrowed over a 20-year term, approximately 15%, or \$218,000, can be saved in interest payments versus the market interest rate. Utilities have taken advantage of the CWFP for I/I, but financing has been limited to sewer mains, the biggest part of the infrastructure in diameter. In expanding I/I reduction efforts by allowing CWFP financing for sewer lines and sewer laterals – the smaller pipes in diameter yet much more numerous in mileage in these infrastructure systems – we can reduce end-point treatment, peak capacity needs, and total energy use, ultimately saving costs for Wisconsin ratepayers and easing the work of utility leaders.

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I began working on this issue when I heard from NEW-Water, the wastewater district for the greater Green Bay area. However, I quickly learned that I/I challenges are not isolated in Northeast Wisconsin nor are they unique to our area. Behind us, you'll hear from a few excellent speakers who can share their experiences with I/I in their systems and demonstrate how this legislation and these projects can help to noticeably control long-term costs. As one final note, I'd like to point out that this bill already passed the Senate Committee on Natural Resources and Energy on a vote of 5 – 0 and the full Senate on a voice vote.

**State of Wisconsin Legislature
Assembly Committee on Energy and Utilities
Testimony of Cody Schoepke
On behalf of the City of Fond du Lac**

*2023 Assembly Bill 100
May 16, 2023*

My name is Cody Schoepke, the Wastewater Superintendent for the Fond du Lac Regional Wastewater Treatment and Resource Recovery Facility. I am here today on behalf of the City of Fond du Lac to testify in support of the 2023 Assembly Bill 100. The City of Fond du Lac is a community of approximately 43,000 residents at the foot of Lake Winnebago that has a serious issue with Inflow and Infiltration, also known as I&I.

The City has had a Clearwater reduction program for the better part of 40 years. We still see flows at the treatment plant of over 60 million gallons per day (MGD) when our avg. daily flow is about 8 MGD. That means flow increases from 5500 gallons per minute(gpm) to 42,000gpm in a matter of hours. We have a significant I/I problem. The treatment plant is only designed to treat flows up to 34 MGD. The excess flow of clearwater (stormwater/groundwater) has a major impact on the treatment process both hydraulically and biologically. The most critical areas of wastewater treatment are biological where microorganisms do the work of pollutant removal. These are issues wastewater professionals deal with at the plant every time it rains. Think about that for a second. Why should wastewater treatment personnel be concerned with rainfall and snowmelt when most collection systems are designed with separate storm and sanitary sewers?

The bigger concern relating to I/I is the impact it has on the collection system and the livelihood of those residing in our communities. Storm sewers are designed much larger than sanitary sewers to handle the large volumes of stormwater, so when it enters the sanitary sewer it cannot flow freely because the pipes are beyond capacity causing a surcharge situation. When the sanitary sewer surcharges it tends to back up into people's basements which is a public health concern.

Like many communities, Fond du Lac's issues are not because of a lack of effort to correct this, instead, what we are finding is that we aren't addressing a bigger portion of the problem...I&I coming from the private side. For years we have made sanitary repairs and replacements in the street (public side) and we still see flows of this magnitude. We have used smoke testing and dye testing, we have a televising truck and pair of sewer vac trucks, we perform private property plumbing inspections, and we have flowmeters throughout the City to aid in performing flow studies and complete evaluations. At the end of the day, we are only attempting to correct part of the problem. Providing funding to make repairs on the private side would allow us to start correcting issues we have never touched, that are a major contributor to the overall problem.

For more information contact Cody Schoepke at cschoepke@fdl.wi.gov



"...meeting community needs...enhancing quality of life."

Department of Utilities
Wastewater Treatment Plant
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Appleton, WI 54915
920-832-5945 tel.
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May 16, 2023

State of Wisconsin Legislature
Assembly Committee on Energy and Utilities
May 16, 2023 Public Hearing
2023 Assembly Bill 100

**RE: Letter of Support for 2023 Assembly Bill 100
City of Appleton Wastewater Treatment Plant**

The City of Appleton Wastewater Treatment Plant (AWWTP) is writing in support of 2023 Assembly Bill 100, which provides that projects to reduce infiltration and inflow (I&I) in connecting laterals and sewer lines are eligible for funding under the Clean Water Fund Program ("CWF Program").

Groundwater infiltration and stormwater inflows presents a significant challenge to the proper operation and performance of the sewage collection and wastewater treatment systems. Particularly during wet weather events, I&I entering the sewage collection system can quickly overwhelm sewage piping which was not designed to accommodate larger volumes of I&I causing backups into homes and businesses and/or result in the release untreated sewage waste from street manholes into the environment. Moreover, I&I occupies valuable treatment capacity and often overwhelms wastewater treatment plants. This results in a lack of treatment of sewage and the release of unnecessary pollutants to the environment. A further consequence of I&I is waste of funding to over-design and over-construct wastewater treatment facilities.

The City of Appleton sanitary sewer collection system serves approximately 75,000 people and is comprised of approximately 325 miles of sanitary main and 29,000 private lateral connections. The City's Department of Public Works manages the Capacity Management, Operation and Maintenance (CMOM) program. As part of the City's CMOM, the City of Appleton has established a formal sewer cleaning, televising and maintenance plan that focuses on maintaining collection system integrity and performance.

The tools within the Appleton CMOM have aided in identifying and correcting I&I issues within the public right-of-way. However, since the changes to the municipal tax levy calculations in 2011 funding of that program remains limited (approximately 1.5 miles per of sanitary sewer rehabilitated per year) as it competes with other municipal needs and does not provide the tools necessary to address private laterals where an estimated 50% of I&I originates. The AWWTP receives up to eight (8) times its average daily flow during I&I wet weather events. Options to reconcile the I&I issue involve a multi-

million dollar treatment plant expansion burdened by rate payers or providing the funding mechanisms and tools necessary to address faulty private laterals. Unfortunately, despite this high rate of I&I estimated from private laterals, wastewater utilities are not currently permitted to use CWF program funds for work on privately-owned sewer laterals.

AB100 seeks to address this lack of funding by making projects for the reduction of I&I in private laterals eligible for funding under the CWF Program. The availability of CWF funding will allow utilities to provide relief to residents whose sewer laterals are in need of repair and ensure that necessary repairs can be implemented in a timely manner; develop programs to reduce or cover costs for residents to replumb households; and increase the number and frequency of private lateral inspections. This work on private laterals is vital to addressing the ongoing I&I problems facing our's and other communities, and AB100 provides critical funding to enable the City of Appleton to engage in this work.

The City of Appleton Wastewater Treatment Plant greatly appreciates the opportunity to provide these comments and would be pleased to continue to work with the Committee on AB100.

Best Regards,



Chris Stempa
Utilities Department Deputy Director
City of Appleton

Executive Director
Thomas W. Sigmund, P.E.
Commissioners
Kathryn Hasselblad, President
James Blumreich, Secretary
Thomas P. Meinz, Vice President
Mark D. Tumpach, Vice President
Philip J. Danen, Vice President



**Before the Assembly Committee on Energy and Utilities
Testimony of Tom Sigmund, P.E., Executive Director
On behalf of NEW Water, the brand of the Green Bay Metropolitan Sewerage District**

**2023 Assembly Bill 100
May 16, 2023**

My name is Tom Sigmund and I am Executive Director of NEW Water, the brand of the Green Bay Metropolitan Sewerage District. I am here to testify in support of 2023 Assembly Bill 100 (AB100) which provides that projects to reduce infiltration and inflow (I&I) in connecting laterals and sewer lines are eligible for funding under the Clean Water Fund Program (CWFP).

Wet weather events in Northeast Wisconsin mean that NEW Water can receive upwards of 3 times the normal amount of water to be cleaned. This massive influx of additional flow increases the risk of basement backups and sanitary sewer overflows and can push treatment facilities beyond their design capacity. NEW Water is currently working with its municipal partners on a Regional Inflow & Infiltration Reduction Program to address this issue.

Wisconsin Administrative Code NR 210.23 (3) (c) requires NEW Water to take "all feasible steps to eliminate excessive infiltration and inflow from the system." Currently, NEW Water is not permitted to spend CWFP funds on sanitary laterals or sewers that are privately owned. However, significant amounts of I&I comes from the private property side, with some studies estimating 50 to 70%. Fixing this problem only on the public sector side only will not solve the problem. Therefore work is needed to be done on the private property side, and allowing this funding of projects would be important to offset that cost impact. Excessive clean water getting into the wastewater system is not sustainable. Addressing the private property side is critical to resolving this problem and provides significant benefits to the public through mitigation of risk of basement backups and sanitary sewer overflows as well as deferring significant capital upgrades to public wastewater infrastructure.

On behalf of the families, residents, businesses, and customers served by NEW Water in Northeast Wisconsin, our utility fully supports AB100 which allows for CWFP funding for reduction of infiltration and inflow in connecting laterals and sewer lines. NEW Water has also received two statements of support from our municipal partners for the companion bill Senate Bill SB99; please see attached. For more information, please contact Tom Sigmund at tsigmund@newwater.us.



New Water
Tricia Garrison
2231 N. Quincy Street
Green Bay, WI 54302

RE: Town of Ledgeview support for the 2023 Senate Bill 99

Ms. Garrison,

The Town of Ledgeview is writing this letter in support of the passing of SB 99 to allow for available Inflow & Infiltration (I&I) funding for the private sector. Ledgeview would utilize this funding to:

- Provide relief to residents that have I&I in their laterals so that the repairs can be completed in a timely manner.
- Develop programs that would reduce or remove the cost for residents to re-plumb their households to not pump storm water into the sanitary sewer systems.
- Increase the amount of private lateral inspections within our system to reduce the amount of I&I.

Reducing the amount of private I&I, will reduce capital needed for facility capacity and asset upgrades, which will benefit the population as a whole.

Sincerely,

Greg Potts
Director of Public Works
Town of Ledgeview

Public Works

Greg Potts
Director of Public Works
3700 Dickinson Road
De Pere, WI 54115
P: 920/336/3360 ext. 102
www.ledgeviewwisconsin.com

From: James Boyd [<mailto:jboyd@deperewi.gov>]

Sent: Monday, March 13, 2023 7:18 PM

To: Garrison, Tricia <TGarrison@newwater.us>

Cc: Larry Delo <ldelo@deperewi.gov>; Scott Thoresen <sthoresen@deperewi.gov>; Eric Rakers <erakers@deperewi.gov>

Subject: City of De Pere support for passage of SB99

The City has identified the need to address deteriorated sanitary laterals on the private property side and require residents to install sump pumps for addressing I & I throughout the City. Therefore, the City of De Pere is in support of the passing of SB 99 to allow for funding for I & I on the private property side. Funding would be utilized to:


- **Provide financial relief to residents that have I&I in their laterals due to deteriorated sanitary laterals so that the repairs can be completed in a timely manner.**
- **Provide financial relief to residents that are required to install sump pumps.**

James G. Boyd
Mayor
City of De Pere
920-339-4040
jboyd@deperewi.gov



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**Municipal Environmental Group
Wastewater Division**

**Before the Assembly Committee on Energy and Utilities
Testimony of Vanessa Wishart
On behalf of the Municipal Environmental Group – Wastewater Division**

*2023 Assembly Bill 100
May 16, 2023*

I am here today on behalf of the Municipal Environmental Group–Wastewater Division (MEG Wastewater) to testify in support of Assembly Bill 100. MEG Wastewater is an organization of over 100 municipalities statewide who own and operate wastewater treatment plants. We represent facilities ranging in size from small sanitary districts to larger utilities such as Racine and Green Bay. The mission of our members is to protect public health and the environment through the treatment and reclamation of wastewater.

MEG supports AB100 because it will provide funding that is vital to address sewer system infiltration and inflow, also known as I&I. I&I is excess water that flows into sewer pipes, predominately from stormwater and groundwater. I&I that enters utility facilities adds problematic wastewater loads that can overload sewerage systems and cause sewer backups. I&I is typically caused by aging infrastructure that needs maintenance or replacement, including due to root intrusion or cracked pipes.

Most of our member communities have conducted extensive I&I programs on utility-owned infrastructure including sewer main inspections, dye testing, flow studies, and repairs and replacement of sewer mains. These utilities, however, still see a significant problem with I&I, including flows that greatly exceed average daily flows during rain events. This is because the infrastructure in most critical need of maintenance or replacement is often private sewer laterals, not utility-owned sewer mains. The problem is that utilities generally lack the resources necessary to fund private side lateral repair and replacement to address I&I.

AB100 seeks to address this lack of funding by making projects for the reduction of I&I in private laterals eligible for funding under the Clean Water Fund Program. The availability of CWF funding will allow utilities to: provide relief to residents whose sewer laterals are in need of repair and ensure that necessary repairs can be implemented in a timely manner; develop programs to reduce or cover costs for residents to replumb households; and increase the number and frequency of private lateral inspections. This work on private laterals is vital to addressing the ongoing I&I problems facing many of our communities, and AB100 provides critical funding to enable utilities to engage in this work.

I am also attaching a letter from the Village of Jackson in support of AB100. We appreciate the opportunity to participate in this hearing and would be pleased to continue to work with the Committee on AB100.

For more information contact Vanessa Wishart at vwishart@staffordlaw.com or Paul Kent at pkent@staffordlaw.com.

May 16, 2023

State of Wisconsin Legislature
Assembly Committee on Energy and Utilities
May 16, 2023, Public Hearing
2023 Assembly Bill 100

RE: Letter of Support for 2023 Assembly Bill 100
Village of Jackson

Village of Jackson is writing in support of 2023 Assembly Bill 100, which provides that projects to reduce infiltration and inflow (I&I) in connecting laterals and sewer lines are eligible for funding under the Clean Water Fund Program ("CWF Program").

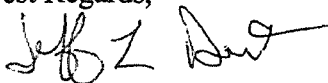
I&I is excess water that flows into sewer pipes, predominantly from stormwater and groundwater. Particularly during wet weather events, I&I entering a municipal wastewater treatment system can quickly exceed the design capacity of these treatment facilities, leading to problems such as system overload and also as sewer backups. In fact, Village of Jackson estimates that it receives upwards of 3 times its average daily flow of water into its system to be cleaned during wet weather events due to I&I.

Wastewater utilities in Wisconsin are required to and strongly desire to take steps to eliminate I&I from the system to ensure proper operation of wastewater treatment facilities. Village of Jackson has been proactive on Main line repair and replacement to reduce I&I on its sewer infrastructure. It is estimated, however, that more than 60% of I&I enters the system from private laterals. Despite this high rate of I&I estimated from private laterals, wastewater utilities are not currently permitted to use CWF program funds for work on privately-owned sewer laterals.

AB100 seeks to address this lack of funding by making projects for the reduction of I&I in private laterals eligible for funding under the CWF Program. The availability of CWF funding will allow utilities to provide relief to residents whose sewer laterals need repair and ensure that necessary repairs can be implemented in a timely manner; develop programs to reduce or cover costs for residents to replumb households; and increase the number and frequency of private lateral inspections. This work on private laterals is vital to addressing the ongoing I&I problems facing our community, and AB100 provides critical funding to enable Village of Jackson to engage in this work.

Village of Jackson greatly appreciates the opportunity to provide these comments and would be pleased to continue to work with the Committee on AB100.

Best Regards,



Jeff L. Deitsch
Utility Superintendent
Village of Jackson



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To: Assembly Committee on Energy and Utilities
From: Toni Herkert, Government Affairs Director, League of Wisconsin Municipalities
Date: May 16, 2023
RE: Assembly Bill 100/Senate Bill 99, relating to Funding for the Reduction of Infiltration and Inflow in Connecting Laterals and Sewer Lines

Chairman Steffen, Vice-Chair Summerfield, and Committee Members,

My name is Toni Herkert, and I am the Government Affairs Director with the League. The League of Wisconsin Municipalities represents almost all of the 605 cities in villages, large and small, throughout the state. Our member municipalities own and operate 586 of the state's wastewater treatment facilities.

Thank you for the opportunity to provide testimony today in support of Assembly Bill 100 and Senate Bill 99 relating to funding the reduction of infiltration and inflow in connecting laterals and sewer lines. This is an important issue and can be very costly for municipalities both in terms of compliance and infrastructure capacity.

There are several ways stormwater, snow melt, and groundwater get into the sanitary sewer system. Diffuse water that enters the sanitary sewer system is called inflow and infiltration, or I&I. Infiltration refers to groundwater that seeps into sewer pipes through holes, cracks from tree roots, joint failures, and faulty connections. Inflow is stormwater that quickly flows into sewers through discrete sources such as connected roof drain downspouts, foundation drains, sump pumps, and through holes in manhole covers.

All the water that comes to wastewater treatment facilities needs to be treated and discharged. Inflow and infiltration can be especially problematic during spring thaw and large storm events. Neither the sanitary sewer system nor the treatment facilities were designed to handle stormwater, so when large amounts of additional water enter the sanitary sewer system, it can overburden the treatment facility capacity.

Inflow and infiltration are problematic for the following reasons:

- Increased capacity in the collection system and corresponding wastewater treatment plant results in higher treatment costs.
- Contributes to sewer system overflows in local homes and the area waterways, negatively impacting public health and the environment.
- Requires a higher energy concentration to pump the flow and the unnecessary treatment of groundwater and stormwater.
- If left untreated, I/I could lead to funding a plant upgrade, because influent flows are exceeding permit and design capacity.

Municipalities have taken many steps including main and lateral televising, repair and replacement of mains, manhole inspections and replacements, flow monitoring, sump pump inspections, smoke testing, and flow modeling to identify and address inflow and infiltration issues. These types of activities are all able to be funded with loans or principal forgiveness from the federally funded, state-run Clean Water Fund program. One significant difference between state law and the federal standards is that our state program does not currently allow the use of Clean Water capitalization funds for the remediation of common inflow and infiltration issues.

Senate Bill 99 rectifies this situation and allows municipalities to utilize Clean Water funding for projects that would reduce private sources of inflow and infiltration. These measures could include disconnection of sump pumps, foundation drains, downspouts and gutters from the sanitary sewer, and repair, rehabilitation, and lining of sewer laterals.

Senate Bill 99 simply allows federal funds to be utilized to fund infiltration and inflow projects, it does not prioritize these projects. By allowing federal funding (with a local match) to be utilized for small scale infrastructure repairs and upgrades, municipalities could avoid costly compliance issues, or a large-scale infrastructure upgrade spurred by capacity issues. The latter costs would be greater and shouldered by ratepayers.

According to the EPA, wastewater collection and treatment costs can range from \$2 to \$5 per thousand gallons. An annual I&I volume of 150 million gallons would cost between \$300,000 and \$750,000 per year to transport and treat. Providing this simple adjustment to the state's Clean Water Fund program could be a significant savings to ratepayers statewide.

We would like to thank Representative Rodriguez and Senator Cowles for their leadership on this important issue and ask the committee to support Assembly Bill 100/SB 99. Thank you for your consideration. I would be happy to take any questions at this time.



To: Members, Assembly Committee on Energy and Utilities
From: Chris Groh, Executive Director, Wisconsin Rural Water Association
Date: May 16, 2023
Re: Support for AB 100/ SB 99, Allow CDWF for infiltration and inflow projects

Wisconsin Rural Water Association is a non-profit organization that renders technical assistance and training to over 750 of rural Wisconsin's water and wastewater systems. WRWA also provides operator certification and represents rural systems serving under 10,000 in population at both the state and federal levels. WRWA supports AB 100/Senate Bill 99 which will allow projects for the reduction of infiltration and inflow (I/I) in connecting laterals and sewer lines, to be eligible for funding under the Clean Water Fund Program (CWFP).

It is common that wastewater treatment plants require upgrades due to the collection system experiencing I/I issues. Wastewater treatment systems are designed for certain flow levels and will fail when excessive flows are continually allowed to enter the plant. Collection Systems can very easily become leaky and prone to excessive flows into the plant. This inflow brings in water that must run through the treatment process and will take up detention time and treatment from the actual wastewater that is meant to flow into the plant.

Without critical updates, leaky collection systems will allow untreated sewage to seep out of the pipe and into the ground, thus possibly causing groundwater contamination. While no collection system is safe from age, wear, and time, system upgrades can help alleviate plugging and damage to customers' homes from basement backups as well as manufacturers, restaurants and other businesses that cannot have untreated sewage backup into their premises. Cities generally carry insurance for these occurrences and the upgrading of a collection system will greatly reduce the need for an expensive liability policy.

Providing CWFP financing for I/I related projects will also generate positive health impacts. For example, exposure to sewage and sewage gases in a home is also greatly reduced. This legislation is a simple change to the CWFP project allowances, that will have a significant impact on the communities our wastewater utilities serve.

Thank you for your consideration of this legislation.