

ROBERT L. COWLES

Wisconsin State Senator, 2nd Senate District

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Natural Resources & Energy, Chair
Transportation & Local Government, Vice-Chair
Economic Development & Technical Colleges

Testimony on 2023 Senate Bill 99

Senator Robert Cowles
Senate Committee on Natural Resources and Energy
March 15th, 2023

Thank you, Committee Members, for holding a hearing and allowing me to testify on 2023 Senate Bill 99. This bill allows infiltration and inflow reduction efforts to be funded through the 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 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. SB 99 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.

JESSIE RODRIGUEZ

STATE REPRESENTATIVE ★ 21ST ASSEMBLY DISTRICT

**SB 99: Allowing for the Clean Water Fund Program to be used for Line/Lateral
Replacement related to I/I Projects**

**Testimony of State Representative Jessie Rodriguez
Senate Committee on Natural Resources and Energy**

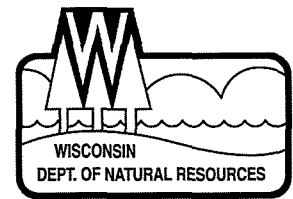
March 15, 2023

Thank you Chairman Cowles, Ranking Member Wirch, and members of the Senate Committee on Natural Resources and Energy for holding a hearing on Senate Bill 99, legislation that would allow the use of the Clean Water Fund Program (CWFP) for sewer line and lateral replacement related to infiltration and inflow (I/I) projects.

Wastewater treatment facilities are integral to the communities they serve. Wastewater treatment facilities incur a lot of challenges, to include infiltration and inflow, also known as I/I. The surge in infiltration and inflow strains the system when the capacity is overwhelmed either in the pipe system or the wastewater treatment facility itself. The solution to these constant challenges are limited because an increase in capacity either through the pipes or the facility is a financial burden. The Clean Water Fund Program has been providing financial assistance to municipalities since 1991 for clean water initiatives, it is the largest source of funding that these facilities rely on. Currently, eligible projects under the CWFP do not include sewer line and lateral replacements - maintenance that directly impacts infiltration and inflow.

SB 99 would allow the use of the CWFP for sewer line and lateral replacements related to I/I projects. The use of these funds to address infiltration and inflow challenges would benefit the municipalities and the wastewater treatment facilities. Access to these funds would provide a competitive at or below market rate to finance these projects. This would alleviate the financial burden on homeowners. The allowance of CWFP funds for use in related I/I projects would ultimately reduce infiltration and inflow problems while reducing the need for peak capacity to the waterways and facilities.

I encourage your support for this legislation. Thank you for your time. I welcome any questions you may have.



Senate Committee on Natural Resources and Energy

2023 Senate Bill 99

Funding for Reduction of Infiltration and Inflow in Connecting Laterals and Sewer Lines

March 15, 2023

Good afternoon, Chair Cowles and members of the Committee. My name is Matt Marcum, and I am a Section Manager for the Environmental Loans program with the Wisconsin Department of Natural Resources. Thank you for the opportunity to testify, for informational purposes, on 2023 Senate Bill 99, related to funding for the reduction of infiltration and inflow in connecting laterals and sewer lines.

2023 Senate Bill 99 (SB 99) increases project eligibility under the existing Clean Water Fund Program (CWFP) by providing that projects that reduce infiltration and inflow (I/I) in connecting laterals and sewer lines are eligible under the program. Infiltration and inflow are terms that refer to groundwater and rainwater that enters the sanitary sewer system through cracked pipes and other leaks in the sanitary sewer collection system. Most infiltration comes from groundwater, and most inflow comes from rainwater and snowmelt.

Connecting laterals and sewer lines are the pipes that connect a building's plumbing system to the main sanitary sewer, typically found under the street. Extensive studies have shown that as much 40 percent of I/I enters the collection system from connecting laterals and sewer lines. Additional I/I flow in the sanitary sewer collection system results in the need for larger sewers and treatment plants. Higher sewer user fees must be collected to treat the increased volume of wastewater from I/I.

Projects to replace or rehabilitate connecting laterals and sewer lines to reduce I/I can be costly. Some municipalities have chosen to repair or replace connecting laterals and sewer lines without utilizing CWFP financing. Cost estimates for those projects range from \$8 to \$150 per foot. Making these projects eligible through the CWFP would provide municipalities with a source of reliable, low-interest rate financing and would allow the projects to compete for principal forgiveness, which is analogous to a grant.

We expect that incorporating projects to repair or replace connecting laterals and sewer lines to address I/I into the CWFP can be accomplished relatively quickly, potentially starting with applications received in state fiscal year 2024. Most projects would likely be combined into sewer main rehabilitation projects, which our program regularly funds. Or, if a municipality opted to target I/I reduction in connecting laterals and sewer lines, they would be able to submit a standalone CWFP application.

Over the last three fiscal years, the CWFP has received over \$1 billion in requests for financial assistance, approximately 14 percent of which has been for sanitary sewer main rehabilitation projects. If SB 99 is enacted, we anticipate a modest increase in the annual amount of funding requested and

expect that the CWFP would continue to have sufficient capacity to provide loan financing for all funding requests received, including those for connecting laterals and sewer lines.

On behalf of the Department of Natural Resources, we would like to thank you for your time today. I would be happy to answer any questions you may have.



316 W. Washington Ave., Suite 600
Madison, WI 53703
Phone: 608-267-2380
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Email: league@lwm-info.org
Website: lwm-info.org

To: Senate Committee on Natural Resources and Energy
From: Toni Herkert, Government Affairs Director, League of Wisconsin Municipalities
Date: March 15, 2023
RE: Senate Bill 99, relating to Funding for the Reduction of Infiltration and Inflow in Connecting Laterals and Sewer Lines

Chairman Cowles, Vice-Chair Wimberger, 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 operate the majority of the over 640 wastewater treatment facilities in the state.

Thank you for the opportunity to provide testimony today in support of 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 state-run Clean Water Fund program. However, a problem lies in one significant difference between state law and the federal standards. The state program does not currently allow the use of Clean Water 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. In addition, 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 due to 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.

We would like to thank Senator Cowles and Representative Rodriguez for their leadership on this important issue and ask the committee to support SB 99. Thank you for your consideration. If you have any questions, please contact me at therkert@lwm-info.org.



Municipal Environmental Group
Wastewater Division

**Before the Senate Committee on Natural Resources and Energy
Testimony of Paul Kent
On behalf of the Municipal Environmental Group – Wastewater Division**

2023 Senate Bill 99

March 15, 2023

I am here today on behalf of the Municipal Environmental Group–Wastewater Division (MEG Wastewater) to testify in support of Senate Bill 99. 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 SB99 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 the system 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 often, the infrastructure in most critical need of maintenance or replacement is private sewer laterals, not Utility-owned sewer mains. The problem is that utilities often lack the resources necessary to fund private side lateral repair and replacement to address I&I.

SB99 seeks to address this lack of funding by making projects for the reduction of I&I in private laterals and sewer lines 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 to 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 SB99 provides critical funding to enable utilities to engage in this work.

We have attached additional letters of support from some of our member communities to this testimony. We appreciate the opportunity to participate in this hearing and would be pleased to continue to work with the Committee on SB99.

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

Executive Director
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Commissioners
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James Blumreich, Secretary
Thomas P. Meinz, Vice President
Mark D. Tumpach, Vice President
Philip J. Danen, Vice President



March 14, 2023

Vanessa Wishart
Municipal Environmental Group – Wastewater Division
Stafford Rosenbaum LLP
222 West Washington Avenue, Suite 900
Madison, WI 53701-1784
Via email to Municipal Environmental Group – Wastewater Division

Attention: Wisconsin State Senate Committee on Natural Resources and Energy

NEW Water, the brand of the Green Bay Metropolitan Sewerage District, supports 2023 Senate Bill 99 (SB99) 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 more than 50%. Fixing this problem only on the public sector side 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. "Clean water" getting into the wastewater system is not sustainable. Addressing the private property side is tantamount 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, our utility fully supports SB99 which allows for CWFP funding for reduction of infiltration and inflow in connecting laterals and sewer lines. NEW Water also has received two statements of support from our municipal partners, please see attached.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Sigmund".

Thomas W. Sigmund P.E.
Executive Director

Attachments
File





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

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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To: Members, Senate Committee on Natural Resources and Energy
From: Chris Groh, Executive Director, Wisconsin Rural Water Association
Date: March 15, 2023
Re: Support for Senate Bill 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 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.

**Before the Senate Committee on Natural Resources and Energy
Testimony of Cody Schoepke
On behalf of the City of Fond du Lac**

*2023 Senate Bill 99
February 15, 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 Senate Bill 99. 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 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. The treatment plant is only designed to treat flows up to 34 MGD. The recent rain event we had on 2/27 that brought just over an inch of rain to the Fond du Lac area caused flows to go from 5MGD to nearly 40MGD. We have a significant I/I problem. It's not because of a lack of effort to do 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 residential and commercial Clearwater 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