

September 15, 2004

REP JOHN AINSWORTH, CHAIR
SPECIAL COMMITTEE ON SEPTAGE DISPOSAL
1 EAST MAIN ST, SUITE 401
MADISON WI 53701

Dear Rep. Ainsworth and Special Committee Members,

Thank you for the invitation today to speak to the committee on issues relating to septage disposal in Wisconsin. As a note of introduction, I have been the Director of Environmental Health for Dane County since 1988. Our office administers the private sewage code in Dane County, and I have 25 years of experience working with issues relating to those systems. I am a past president of the Wisconsin County Code Administrators (WCCA), and will be the president of the Wisconsin Environmental Health Association (WEHA) in 2005. I have participated on at least one previous committee that reviewed the septage program alternatives, so I am familiar with the variety of interests and concerns that need to be accommodated in any proposals aimed at improving the current situation.

The staff briefing prepared by the Legislative Council provides excellent background information relevant to this discussion. Rather than re-iterate those points I will address the issues that seem to be in most need of attention, and offer some ideas for consideration as alternatives for improving the current status of the program.

One thing that is clear is that the amount of septage being generated has increased dramatically over the past ten to fifteen years. This is due in part to the requirements of the Wisconsin Fund grant program and to requirements of the revised private sewage code, WAC ch. COMM 83, as identified in the Legislative Council document.

Unfortunately, at the same time the need for a viable and coherent regulatory program has been increasing, the resources applied to the septage program have been reduced so as to make it virtually non-existent. I have it on good authority that the current resources applied to this program in at least two regions is 300 hours per region per year. That translates to approximately 0.14 FTE. I suspect this is the same in every region of the state. It goes without saying that this amount of staff time allows for little more than answering phone calls and perhaps investigating complaints. Virtually no other aspect of the regulation can be addressed at this level of commitment.

The lack of adequate resources is the single most important aspect of the program that needs to be corrected. It is apparent to anyone remotely familiar with the program that the current level of program oversight is woefully inadequate. The only way that this will improve is with an increase in funding.

Adequate funding is the key ingredient to an effective and coherent septage program in this state. Providing the funding necessary to achieve the necessary level of program oversight can be designed to have the added benefit of providing incentives for local units of government to become agents, as is allowed by the current code. It is likely that larger counties would accept this role if incentives are provided, which would free up regional staff to assure that the same oversight is provided in non-agent areas.

There are a number of potential sources of the necessary funding without the need for any general purpose revenues. The following are a few sources to consider.

Groundwater Surcharge Fee:

The groundwater surcharge fee is a \$25.00 fee that is assessed on every sanitary permit that is issued in Wisconsin. Although one would think that a portion of the fee would already be targeted for the septage program, in reality these funds are simply added to the pool of revenues that support the broader groundwater protection activities of the DNR. The septage program is directly related to private sewage systems and therefore is a program that should directly benefit from the use of all or a portion of this fee paid by property owners that are installing these systems. I would argue that funding for general groundwater programs should more appropriately be generated by a license fee on private water wells or from general purpose revenue due to the statewide importance of that issue.

Land Spreading Site Approval Fee

Implementing a fee for the review and approval of land surface disposal sites could generate funding to support this program. This type of fee would need to be established at a rate that would be equitable for all parts of the state, and would likely not be sufficient to be a major source of the support funding. However, all possible sources of revenue deserve consideration, and it would be appropriate as a component of the overall funding strategy. This may create an incentive for septage haulers to take more septage to POTW's, which may in turn lead to a need for a review of the regulations that may currently be an obstacle to this outcome.

Increased Septage Operator Licensing Fee

The fee for licensing the operators and businesses involved in the program could be reviewed to see if an increase to a more appropriate level is warranted. The current fees are low by comparison with other regulated activities. This would need to be accompanied by a higher level of program activities, such as inspection of the licensed vehicles, monitoring of land spreading sites, etc., but that is also the intended purpose of generating the revenue.

POWTS Owner Maintenance Fee

This fee was discussed by the earlier study committee, and has the merit of equity in terms of a user fee concept. The information available at the time of the earlier review indicated that the fee could sustain the program at less than \$5.00 per system, and would be paid by the system owner only when the system is inspected or serviced as part of the regulatory requirements. Information available at that time also showed that there are private companies capable of maintaining the electronic database that would capture information about the servicing events, as well as allowing the capture of information about septage disposal sites that is currently available only through a manual review of the logs kept by the pumpers. The record of the maintenance fee due would be a part of each electronic transaction. The most significant obstacle for this proposal was, and likely remains to be, the manner in which the fee would be collected and submitted. The most efficient level to complete the necessary transaction is at the level of the customer and service provider, but opposition from the industry can be anticipated.

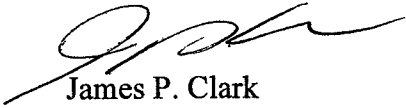
In summary, I believe the public health and groundwater protection concerns that are related to the septage disposal regulations more than justify the existence of the program. However, there is little justification to have the regulations in effect if there is no political will to resolve the current level of neglect.

While there is no wholly satisfactory method of generating the revenue that is absolutely necessary to restore program integrity, there are options available that will provide the necessary resources with a

minimum cost to those that are designated to pay and a minimum of additional effort on the part of those that are designated to collect the funds. In this regard, if the user fee is adopted it would be appropriate for the state to provide a start-up fund to provide the necessary equipment that would be involved in the electronic reporting system.

In closing I again wish to thank the committee for the opportunity to offer information regarding this important issue.

Sincerely,



James P. Clark

Past President, Wisconsin County Code Administrators (WCCA)

President-elect, Wisconsin Environmental Health Association (WEHA)