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MEMORANDUM

TO: Honorable Members of the Assembly Committee on Natural Resources

FROM: Matthew Stohr, WCA Legislative Associate *MS*

DATE: October 29, 2003

RE: Proposed Rules Relating to Private Onsite Wastewater Treatment Systems and Sanitation

The Wisconsin Counties Association (WCA) appreciates the opportunity to submit comments to the proposed revisions to the rules regulating private septic systems. As the primary agents for enforcement of statewide policies regarding onsite systems, counties are directly impacted by the implementation of the new code as well as any subsequent revisions.

During the drafting and adoption of the comprehensive revisions to Comm 83, WCA and the Wisconsin County Code Administrators (WCCA) expressed great concern regarding the manner in which new treatment technologies would be monitored and maintained. At that point in time, the Department of Commerce reassured concerned parties that the Department was committed to developing a statewide tracking system for newly installed private sewage systems. However, such a system has not been developed, and the recent proposal to eliminate reporting to the Department under sections 83.55 will further remove the responsibility and commitment of the state to partner with counties to administer the private sewage code. While some counties have relatively advanced tracking systems, many do not. Therefore, it is critical that the state operate a tracking system to monitor the maintenance schedule of systems in counties that are unable to do so. In such instances, the owner of a private onsite wastewater treatment system (POWTS) or their agent will need to send reports of the completion of each inspection, maintenance or servicing as specified in the approved management plan to the state. Therefore, WCA opposes this proposed revision to section 83.55.

In addition to tracking and maintenance, WCA would also like to see an increased effort on the part of the Department to meet its obligation regarding education and training outlined under s. 145.20 (3) (d). Although many county code administrators have received needed technical training thus far, a significant amount of educational work needs to be done to inform county elected officials and private homeowners about the requirements of the private septic code as well as the importance of responsible POWTS operation and maintenance to Wisconsin's environment and public health.

WCA also shares the concerns of several county code administrators regarding the proposed revisions to section 83.22. As the primary enforcement authority of the state code, counties must issue sanitary permits and ensure that the design and installation of systems meet the state code. The standards pertaining to nitrates for large septic systems are contained within the WPDES, not POWTS design and management plans. Therefore, the requirement for a DNR WPDES permit should be maintained, or counties should be given a liability exemption for issuing a sanitary permit for a system that may not meet the nitrate standards of the code.

The Department was able to successfully complete the septic code rules after a long and arduous process because of the commitment made to counties and the Legislature to maintain a strong partnership with counties to safely and successfully implement the code via education and reliable tracking throughout the state. It would be disingenuous of the Department to back away from their responsibilities at this point in time. Counties are committed to maintaining this partnership to ensure that Wisconsin moves forward towards a positive statewide private septic program.

Thank you for considering our comments. If you have any questions, please feel free to contact the WCA office.