

1 **AN ACT** *to repeal* 281.48 (3) (d) 1. to 4. and 281.48 (4m) (b) 2.; *to amend* 281.48
2 (title), 281.48 (2) (b) to (g), 281.48 (2m), 281.48 (3) (d) (intro.), 281.48 (3) (e),
3 281.48 (4g), 281.48 (4m) (title) and (a), 281.48 (4m) (b) (intro.), 281.48 (4m) (b) 1.,
4 281.48 (4m) (c) and 281.49 (1) (a); and *to create* 281.48 (2) (bm), 281.48 (4m) (d),
5 281.48 (5p) and 283.82 of the statutes; **relating to:** the regulations applicable to the
6 land disposal of septage, and limitations on ordinances applicable to septage and
7 municipal sludge disposal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on septage disposal.

COMMENT: This bill draft relates to issues in memo no. 1, *suggestions of issues for committee discussion* (October 4, 2004) (part B, septage disposal, section 1., regulations).

8 **SECTION 1.** 281.48 (title) of the statutes is amended to read:

9 **281.48 (title) Servicing septic tanks, soil absorption fields, holding tanks, grease**
10 **traps interceptors and privies.**

11 **SECTION 2.** 281.48 (2) (b) to (g) of the statutes are amended to read:

12 281.48 (2) (b) “Grease trap interceptor” means a watertight tank for the collection of
13 grease present in sewage and other wastes, and from which grease may be skimmed from the
14 surface of liquid waste for disposal receptacle designed to intercept and retain grease or fatty
15 substances.

16 (c) “Privy” means a cavity in the ground or a portable above-ground device constructed
17 for toilet uses which receives human excrement either to be partially absorbed directly by the

1 ~~surrounding soil or stored for decomposition and periodic removal~~ an enclosed nonportable
2 toilet into which nonwater-carried human wastes are deposited to a subsurface storage
3 chamber that may or may not be watertight.

4 (d) “Septage” means the scum, liquid, sludge or other waste in a septic tank, soil
5 absorption field, holding tank, grease ~~trap or~~ interceptor, privy, or other component of a private
6 sewage system.

7 (e) “Septic tank” means ~~and includes a septic toilet, chemical closet and any other~~
8 ~~watertight enclosure used for storage and~~ anaerobic decomposition of human excrement, ~~or~~
9 ~~domestic or industrial wastes~~ wastewater.

10 (f) “Servicing” means removing septage from a septic tank, soil absorption field,
11 holding tank, grease ~~trap or~~ interceptor, privy, or other component of a private sewage system
12 and disposing of the septage.

13 (g) “Soil absorption field” means an area or cavity in the ground which receives the
14 liquid discharge of a septic tank or similar ~~wastewater treatment device~~ component of a private
15 sewage system.

NOTE: The definitions in this SECTION are amended to clarify and update
the text of the definitions.

16 **SECTION 3.** 281.48 (2) (bm) of the statutes is created to read:

17 281.48 (2) (bm) “Private sewage system” has the meaning given in s. 145.01 (12).

NOTE: The term “private sewage system” is used in current s. 281.48 but
is not defined. The cross-referenced definition is the definition used in
the statutes under department of commerce jurisdiction for private
sewage system regulation.

18 **SECTION 4.** 281.48 (2m) of the statutes is amended to read:

1 281.48 **(2m)** POWERS OF THE DEPARTMENT. The department ~~shall have~~ has general
2 supervision and control of servicing septic tanks, soil absorption fields, holding tanks, grease
3 ~~traps and interceptors, privies, and other components of private sewage systems.~~

4 **SECTION 5.** 281.48 (3) (d) (intro.) of the statutes is amended to read:

5 281.48 **(3)** (d) (intro.) A farmer who disposes of septage on land is exempt from the
6 licensing requirement under par. (a) if all of the ~~following~~ conditions in sub. (4m) (b) apply.

7 **SECTION 6.** 281.48 (3) (d) 1. to 4. of the statutes are repealed.

8 **SECTION 7.** 281.48 (3) (e) of the statutes is amended to read:

9 281.48 **(3)** (e) *Operator certification.* No person, except for a farmer exempted from
10 licensing under par. (d), may service a septage private sewage system or operate a septage
11 servicing vehicle unless the person is certified as an operator of a septage servicing vehicle
12 under s. 281.17 (3).

13 **SECTION 8.** 281.48 (4g) of the statutes is amended to read:

14 281.48 **(4g)** RULES ON SERVICING. The department shall promulgate rules relating to
15 servicing septic tanks, soil absorption fields, holding tanks, grease ~~traps and interceptors,~~
16 ~~privies, and other components of private sewage systems~~ in order to protect the public health
17 against unsanitary and unhealthful practices and conditions, and to protect the surface waters
18 and groundwaters of the state from contamination by septage. The rules shall comply with
19 ch. 160. The rules shall apply to all septage disposal, whether undertaken pursuant to a license
20 or registration a license exception under sub. (3). The rules shall require each person with a
21 license under sub. (3) to maintain records of the location of sites private sewage systems
22 serviced and the volume of septage disposed of and location of ~~septage disposed~~ that disposal.

23 **SECTION 9.** 281.48 (4m) (title) and (a) of the statutes are amended to read:

1 281.48 (4m) (title) ~~SITE LICENSES~~ APPROVALS. (a) The department may require a soil
2 test and a license shall require a site approval for any location where septage is stored or
3 disposed of on land, ~~except that the department may not require a soil test and a license for~~
4 septage disposal in a licensed solid waste disposal facility. ~~In determining whether to require~~
5 a license for a site, ~~the department shall consider the septage disposal needs of different areas~~
6 of the state.

NOTE: "Stored" is deleted because storage of septage is regulated under s. 281.41 rather than s. 281.48. The site license for land disposal of septage is changed to a site approval. This change allows the department of natural resources (DNR) to continue its present practice of reviewing applications for septage disposal and approving them based on the paperwork submitted. A site license, as in the current statute, implies a more thorough review of each application. The exception for septage disposal in a solid waste disposal facility is eliminated so that the hauler must notify the DNR that the septage will be taken to a landfill and the DNR may simply approve the septage disposal if it is consistent with the landfill's plan of operation.

7 **SECTION 10.** 281.48 (4m) (b) (intro.) of the statutes is amended to read:

8 281.48 (4m) (b) (intro.) Notwithstanding par. (a), the department may not require a
9 license site approval for a location where septage is disposed of on land if the person who
10 disposes of the septage is a farmer and if:

11 **SECTION 11.** 281.48 (4m) (b) 1. of the statutes is amended to read:

12 281.48 (4m) (b) 1. The septage is removed from a septic tank, ~~soil absorption field,~~
13 ~~holding tank, grease trap or privy~~ which is located on the same parcel where the septage is
14 disposed of; and

NOTE: Under the current statutes, DNR may not require a site license (changed in this draft to a site approval) for a location where septage is removed from a private sewage system and disposed on the same parcel where the private sewage system is located. The statute limits the amount of septage that may be disposed to no more than 3,000 gallons per week, and requires that all disposal regulations, other than site

approval, be followed. This bill draft limits the exception to septic tanks. The main effect of this change is either to require the contents of a holding tank to be taken to a sewage treatment plant or, if the holding tank waste is disposed on the same parcel where the holding tank is located, the disposal site must have a site approval.

1 **SECTION 12.** 281.48 (4m) (b) 2. of the statutes is repealed.

NOTE: The repeal of s. 281.48 (4m) (b) 2. deletes the 3,000 gallon per week limit for disposal of septage without a site approval on the same parcel where the private sewage system is located. This limit is no longer necessary due to the elimination of holding tanks from the types of private sewage systems for which the site approval exemption is provided. Septic tanks, which may continue to be pumped and the septage disposed on the same parcel, do not produce large volumes of septage.

2 **SECTION 13.** 281.48 (4m) (c) of the statutes is amended to read:

3 281.48 **(4m)** (c) If a location is exempt from ~~licensing~~ site approval under par. (b), the
4 department may require the person who services the septic tank, ~~soil absorption field, holding~~
5 ~~tank, grease trap or privy to register the disposal site with the department and provide the~~
6 department with information to show that sufficient land area is available for disposal.

7 **SECTION 14.** 281.48 (4m) (d) of the statutes is created to read:

8 281.48 **(4m)** (d) A person seeking a site approval under par. (a) shall submit an
9 application to the department at least 7 days prior to using the site. Upon receiving an
10 application for site approval, the department may enter and inspect the site if the department
11 determines such an inspection is necessary. Commencing 7 days after submitting the
12 application, the applicant may use the site unless the department notifies the applicant that the
13 site may not be used.

NOTE: The procedure for a septage hauler to obtain a site license (changed to a site approval in this bill draft) is set out by the DNR in administrative rules in ch. NR 113. The rules contain a provision requiring the hauler to notify the DNR at least 7 days prior to using a field for septage disposal. The rules do not clearly state the consequence if DNR does not respond within the 7 days. This bill draft provides that

the hauler may commence using the site after providing notice to the DNR and the 7 days have elapsed. The hauler may then continue using the site unless the DNR subsequently determines that the site may not be used and so notifies the hauler.

1 **SECTION 15.** 281.48 (5p) of the statutes is created to read:

2 281.48 **(5p)** No city, village, town, or county may prohibit, through zoning or any other
3 means, the disposal of septage on land if that disposal complies with this section and rules
4 promulgated under this section or with an ordinance adopted under sub. (5m).

NOTE: This provides that a city, village, town, or county may not prohibit septage disposal on land if the disposal conforms with the statutes and DNR rules or with a septage land disposal ordinance adopted by a county, city, village, or town under s. 281.48 (5m).

5 **SECTION 16.** 281.49 (1) (a) of the statutes is amended to read:

6 281.49 **(1)** (a) “Septage” means the scum, liquid, sludge or other waste from a septic
7 tank, soil absorption field, holding tank or privy. This term does not include the waste from
8 a grease trap interceptor.

9 **SECTION 17.** 283.82 of the statutes is created to read:

10 **283.82 Land application of sewage sludge.** **(1)** The department shall oversee, set
11 technical standards for, and regulate the application of sewage sludge to land.

12 **(2)** No city, village, town, or county may prohibit, through zoning or any other means,
13 the application of sewage sludge to land if that application complies with this section and rules
14 promulgated under this section.

15 **(3)** A city, village, town, or county may not regulate the application of sewage sludge
16 to land, except that the city, village, town, or county may enact the model ordinance developed
17 under sub. (4).

18 **(4)** The department shall develop a model land application ordinance for sewage sludge.
19 The model ordinance shall be consistent with rules promulgated under this section.

NOTE: This provision prohibits a city, village, town, or county from regulating the application of sewage sludge on land.

SECTION 18. Effective date.

(1) This act takes effect on July 1, 2006, or on the day after publication, whichever is later.

(END)