



WISCONSIN LEGISLATIVE COUNCIL

SEPTAGE DISPOSAL

Legislative Council Conference Room, One East Main Street, Suite 401
Madison, Wisconsin

November 16, 2004
10:00 a.m. – 3:30 p.m.

[The following is a summary of the November 16, 2004 meeting of the Special Committee on Septage Disposal. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Chair Ainsworth called the meeting to order and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. John Ainsworth, Chair; Sen. Neal Kedzie; Reps. Alvin Ott and John Steinbrink; and Public Members Sandra Begalke, Bernard Deflorian, Randy Renon, and Wally Thom.

COMMITTEE MEMBER EXCUSED: Sen. Robert Jauch.

COUNCIL STAFF PRESENT: Mark Patronsky, Senior Staff Attorney; John Stolzenberg, Chief of Research Services; and Julie Learned, Support Staff.

<p>*ATTENTION: This was the final meeting of the Special Committee on Septage Disposal. Committee members are requested to send any corrections regarding these Minutes to the Legislative Council staff. After the incorporation of any corrections, these Minutes will be considered approved by the committee.</p>
--

Following the roll call, Representative Ainsworth indicated that the Special Committee would discuss each bill draft prepared by the staff separately and, to the extent possible, work by consensus. Following the meeting, the staff would make any changes in the drafts requested by the Special

Committee and incorporate them into one or more drafts which would then be voted on by members of the Special Committee via a mail ballot.

Approval of the Minutes of the October 14, 2004 Meeting

The committee approved the minutes of its October 14, 2004 meeting by unanimous consent.

Description of Material Distributed

Mr. Patronskey briefly described the materials that had been distributed to the Special Committee. He noted that Memo No. 3 was intended to provide public members of the Special Committee with information on the style and format of draft legislation used by the Wisconsin Legislature.

Discussion of Committee Assignment

WLC: 0046/1

Mr. Patronskey noted that currently all but five counties participate in the Wisconsin Fund grant program for the replacement of private sewage systems. One of the requirements for a county to participate in this program is that the county establish a maintenance program for new private sewage systems located within the county. He noted that one effect of this draft was that it will require all the remaining five counties to establish a maintenance program, including the two counties that had apparently dropped out of the Wisconsin Fund grant program due to the maintenance requirements.

In the ensuing discussion, the committee made the following changes to the draft:

- Page 2, lines 2 and 3: retain the stricken sentence and apply the three-year inspection or pumping requirement only to private sewage systems that do not have a prescribed maintenance program.
- Page 2, lines 3 to 6: retain the stricken sentence.
- Page 2, lines 9 to 11: apply the requirement that the Department of Commerce must specify methods to establish the required frequency of inspection, maintenance, and pumping for each type of private sewage system to only those systems that have a prescribed maintenance program.
- Page 2, lines 11 and 12: limit the authority of the Department of Commerce to determine which individuals are qualified to undertake the required inspection, maintenance, and repairs to persons in addition to those authorized to conduct inspections based upon the retained sentence on page 2, lines 3 to 6.

Hearing no objection, Representative Ainsworth indicated that there was a consensus for including the draft, as amended, in the final draft for committee review.

WLC: 0047/1

Mr. Patronsky indicated that he will revise the note at the top of page 7 to more accurately reflect the content of SECTION 17. In its discussion of the draft, the committee deleted the delayed effective date on page 7, lines 1 to 3. Hearing no objection, Representative Ainsworth then indicated that there was a consensus for including the draft, as amended, in the final draft for committee review.

WLC: 0048/1

In the course of discussing this draft, the committee made the following changes to the provisions in the draft relating to the planning of new or expanded municipal sewage system disposal plants on page 2, lines 2 to 17:

- Apply the planning requirement for new sewage disposal plants or for the expansion of an existing plant when the plant's capacity will be increased by at least 20%.
- Establish that the planning process must consider the factors specified on page 2, lines 6 to 14, but that the draft will not mandate any construction of facilities for septage handling or disposal.
- Establish that the owner of the municipal sewage disposal plant need only use readily available data in addressing the four factors specified on page 2, lines 6 to 14.

Hearing no objection, Representative Ainsworth indicated that there was a consensus for including the draft, as amended, in the final draft for committee review.

WLC: 0050/1

While discussing this draft, the committee asked staff to change the verb "encourage" on page 2, line 6, to a stronger term that is not a mandate. Hearing no objection, Representative Ainsworth then indicated that there was a consensus for including the draft, as amended, in the final draft for committee review.

WLC: 0054/1

While discussing this draft, the committee agreed to retain the provisions that require municipal sewage system disposal fees to be reasonable based upon the listed factors, page 3, line 11 to page 4, line 15, while deleting the authority of the Department of Natural Resources (DNR) to interpret, modify, or delete these factors, page 5, lines 10 to 13. The committee also selected the alternative in the draft for a licensed disposer to obtain a review of a septage disposal fee via a complaint process provided by the Public Service Commission, page 2, line 10 to page 3, line 10.

With respect to the provisions in the bill establishing a limit on municipal sewage system septage disposal fees, Representative Ainsworth stated that there was no consensus to include the provisions on the limit in the committee's final draft. He also asked Mr. Thom and Ms. Begalke, or their representatives, to form a working group to further review issues related to the establishment of such a limit. He directed staff to put before the committee in its upcoming mail ballot any recommendation

developed by the working group in the form of an amendment to the committee's main recommendations. By unanimous consent of the committee, Representative Ainsworth established that this amendment would be adopted only if it is approved by at least six of the committee members in the mail ballot to ensure that there was a consensus for the policy set forth in the amendment.

WLC: 0055/1

Following a lengthy discussion, Representative Ainsworth indicated that there was a consensus for including the draft in the committee's recommendations. Mr. Patronskey also noted that he would be expanding the last paragraph in the prefatory note in the draft to better reflect the effect of the draft.

In addition, Representative Ainsworth directed staff to further research the appropriateness of applying the citation process to violations of septage servicing vehicle operator licenses under s. 281.17 (3), Stats. If appropriate, he will then put a draft applying the citation system to the enforcement of these licenses before the committee.

WLC: 0056/1

While discussing this draft, the committee made the following changes to it:

- Add a provision to it which deletes the current fees for site licenses issued under s. 281.48 (4m), Stats.
- Authorize the DNR to establish license fees for licensed disposers by rule based on a business license fee, a vehicle license fee, or a combination of those fees.

Hearing no objection, Representative Ainsworth indicated that there was a consensus for including the draft, as amended, in the final draft for committee review.

WLC: 0042/1

Following a brief staff review of this draft, Representative Ainsworth indicated that there was consensus for including the draft in the final draft for committee review.

Following the committee's discussion of the individual bill drafts, Representative Ainsworth directed staff to combine the drafts, as amended by the committee at today's meeting, into a single draft for consideration in a mail ballot. In addition, any recommendation of the Working Group of Septage Disposal Fees would be put forth as an amendment to this draft. Representative Ainsworth asked staff, in preparing the consolidated draft, to include appropriate effective date and initial applicability provisions.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

This was the last meeting of the Special Committee. Representative Ainsworth thanked the committee members and staff for their participation and assistance.

Adjournment

The meeting was adjourned at 3:30 p.m.

JES:jal