

1       **AN ACT** *to renumber and amend* 145.245 (3); *to amend* 145.10 (1) (c), 145.245 (9)  
2           (a), 281.17 (3) and 281.48 (5) (a) 4.; and *to create* 145.20 (2) (i) of the statutes;  
3       **relating to:** maintenance of private sewage systems.

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

4       **SECTION 1.** 145.10 (1) (c) of the statutes is amended to read:

5           145.10 (1) (c) Falsified information on an inspection form under s. ~~145.245 (3)~~ 145.20  
6       (5).

7       **SECTION 2.** 145.20 (2) (i) of the statutes is created to read:

8           145.20 (2) (i) Adopt and enforce the maintenance program under sub. (5).

**NOTE:** This provision adds to the list of county duties for the private sewage system regulatory program a reference to the maintenance program that is modified and expanded in the next SECTION of the bill draft.

9       **SECTION 3.** 145.245 (3) of the statutes is renumbered 145.20 (5) and amended to read:

10       145.20 (5) MAINTENANCE. (a) The department shall establish a maintenance program  
11 to be administered by governmental units responsible for the regulation of private sewage  
12 systems. The department shall determine the private sewage systems to which the  
13 maintenance program applies. At a minimum the maintenance program is applicable to all  
14 new or replacement private sewage systems constructed in a governmental unit after the date  
15 on which the governmental unit adopts this the program under s. 145.245. The department  
16 may apply the maintenance program by rule to private sewage systems constructed in a  
17 governmental unit responsible for the regulation of private sewage systems on or before the  
18 date on which the governmental unit adopts the program under s. 145. 245. The department

1 shall determine the private sewage systems to which the maintenance program applies in  
2 governmental units that do not adopt the program under s. 145.245, except that the  
3 maintenance program in these governmental units does not commence until January 1, 2008.

4 (b) The maintenance program shall include a requirement of inspection or pumping of  
5 the private sewage system at least once every 3 years if the private sewage system does not  
6 have a maintenance plan as prescribed by rule by the department. Inspections may be  
7 conducted by a master plumber, journeyman plumber or restricted plumber licensed under this  
8 chapter, a person licensed under s. 281.48 or by an employee of the state or governmental unit  
9 designated by the department, and the department may determine by rule other persons who  
10 are qualified to undertake the required inspection, maintenance, or repairs. The department  
11 shall specify the methods to establish the required frequency of inspection, maintenance, and  
12 pumping for each type of private sewage system that does not have a maintenance plan and  
13 shall periodically update the methods.

14 (c) The department of natural resources may suspend or revoke a license issued under  
15 s. 281.48 or a certificate issued under s. 281.17 (3) to the operator of a septage servicing  
16 vehicle if the department of natural resources finds that the licensee or operator falsified  
17 information on inspection forms. The department of commerce may suspend or revoke the  
18 license of a plumber licensed under this chapter if the department finds that the plumber  
19 falsified information on inspection forms.

**NOTE:** The department of commerce administers the private sewage system replacement or rehabilitation grant program under s. 145.245, stats. The program is referred to as the Wisconsin fund. This program pays for part of the cost of replacing or rehabilitating failing private sewage systems for eligible individuals and small business owners.

A county must adopt a resolution in which the county agrees to administer the grant program in accordance with state law. One eligibility requirement is that the county where the property is located

must adopt and enforce a maintenance program for private sewage systems that are newly installed or replaced after the date that the county adopts the resolution. The maintenance program ensures that inspection and pumping of private sewage systems is done as required. The department of commerce has established the maintenance requirements by administrative rule in s. Comm. 87.60.

This bill draft moves the county maintenance program statute out of the Wisconsin fund program and into the general department of commerce and county duties for private sewage system regulation, thus making it applicable to all counties. The draft retains the requirement in the current statute that requires inspection or pumping out the contents of a private sewage system at least once every 3 years, but limits this provision to private sewage systems that do not have a maintenance program under current department of commerce rules. The bill draft directs the department of commerce to specify by rule methods to establish requirements for periodic maintenance of these systems, which will continue to allow counties to adopt more frequent maintenance requirements for these systems. The bill draft authorizes the department to designate which credentialed professionals may undertake the required inspection, maintenance, or repairs, in addition to those authorized under the current statute.

The current statute requires that the county maintenance program must apply to private sewage systems that are newly installed or replaced after the date that the county adopts the Wisconsin fund grant program. The bill draft maintains this provision, without change, for counties that participate in the Wisconsin fund grant program. The bill draft requires the department of commerce to determine which other private sewage systems are subject to the maintenance program, whether or not the county participates in the Wisconsin fund program.

1       **SECTION 4.** 145.245 (9) (a) of the statutes is amended to read:

2       145.245 (9) (a) Adopt and administer the maintenance program established under sub.  
3       (3) s. 145.20 (5);

4       **SECTION 5.** 281.17 (3) of the statutes is amended to read:

5       281.17 (3) The department shall promulgate rules establishing an examining program  
6       for the certification of operators of water systems, wastewater treatment plants and septage  
7       servicing vehicles operated under a license issued under s. 281.48 (3), setting such standards

1 as the department finds necessary to accomplish the purposes of this chapter and chs. 285 and  
2 289 to 299, including requirements for continuing education. The department may charge  
3 applicants a fee for certification. All moneys collected under this subsection for the  
4 certification of operators of water systems, wastewater treatment plants and septage servicing  
5 vehicles shall be credited to the appropriation under s. 20.370 (4) (bL). No person may operate  
6 a water systems, wastewater treatment plant or septage servicing vehicle without a valid  
7 certificate issued under this subsection. The department may suspend or revoke a certificate  
8 issued under this subsection for a violation of any statute or rule relating to the operation of  
9 a water system or wastewater treatment plant or to septage servicing, for failure to fulfill the  
10 continuing education requirements or as provided under s. ~~145.245 (3)~~ 145.20 (5). The owner  
11 of any wastewater treatment plant shall be, or shall employ, an operator certified under this  
12 subsection who shall be responsible for plant operations, unless the department by rule  
13 provides otherwise. In this subsection, "wastewater treatment plant" means a system or plant  
14 used to treat industrial wastewater, domestic wastewater or any combination of industrial  
15 wastewater and domestic wastewater.

16 **SECTION 6.** 281.48 (5) (a) 4. of the statutes is amended to read:

17 281.48 **(5)** (a) 4. Violated any provisions of this section or any rule prescribed by the  
18 department or falsified information on inspection forms under s. ~~145.245 (3)~~ 145.20 (5).

19 (END)