



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0258/1
RCT:kmg:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 154**

November 11, 2003 - Offered by Representative MUSSER.

1 **AN ACT** *to amend* 281.49 (3) (a) 1. and 281.49 (5) (c) 4.; and *to create* 281.49 (3)
2 (c) of the statutes; **relating to:** the requirement that a municipal sewage
3 system accept and treat septage under certain circumstances and septage
4 disposal fees charged by a municipal sewage system.

Analysis by the Legislative Reference Bureau

Under current law, from November 15 to April 15, a municipal sewage system is generally required to accept and treat septage from a person who is licensed to service septic systems. There are several exceptions to this requirement, including that a municipal sewage system is not required to accept septage if treatment of the septage would cause the sewage system to exceed its design capacity or to violate water quality standards or other legal requirements.

This substitute amendment provides that a municipal sewage system may refuse to accept and treat septage from a person who is licensed to service septic systems on the grounds that treatment of the septage would cause the sewage system to exceed its design capacity or to violate water quality standards or other legal requirements only if the sewage system has demonstrated to the Department of Natural Resources that treatment of the septage would cause the sewage system to exceed its design capacity or to violate water quality standards or other legal requirements.

Current law authorizes a municipal sewage system to charge fees for disposing of septage that are calculated at the rate applied to other users of the system and including the costs of additional facilities or personnel necessary to accept the septage.

This substitute amendment specifies that the fees that a municipal sewage system charges for disposing of septage may not exceed twice the rate applied to residential users of the system.

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

1 **SECTION 1.** 281.49 (3) (a) 1. of the statutes is amended to read:

2 281.49 (3) (a) 1. ~~Treatment~~ The municipal sewage system has demonstrated
3 under par. (c) that treatment of the septage would cause the sewage system to exceed
4 its operating design capacity or to violate any applicable effluent limitations or
5 standards, water quality standards, or any other legally applicable requirements,
6 including court orders or state or federal statutes, rules, regulations, or orders;

7 **SECTION 2.** 281.49 (3) (c) of the statutes is created to read:

8 281.49 (3) (c) A municipal sewage system may demonstrate that the municipal
9 sewage system satisfies the conditions for refusal to accept septage under par. (a) 1.
10 by submitting all of the following to the department:

11 1. A calculation, using a method specified by the department, showing that
12 treatment of the septage would cause the sewage system to exceed its operating
13 design capacity or to violate any applicable effluent limitations or standards, any
14 water quality standards, or any other legally applicable requirements, including
15 court orders or state or federal statutes, rules, regulations, or orders.

16 2. The data on which the calculation under subd. 1. is based.

17 **SECTION 3.** 281.49 (5) (c) 4. of the statutes is amended to read:

