



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 347**  
[2005 Assembly Bill 449]

**Septage and Municipal Sewage  
Sludge**

2005 Wisconsin Act 347 makes a number of changes in the statutes related to the management and disposal of septage and municipal sewage sludge.

**Local Regulations.** The disposal of septage on land is regulated under the current statutes. The Department of Natural Resources (DNR) has adopted administrative rules to implement the statutes. The current statutes authorize counties to regulate the disposal of septage on land.

The Act requires the DNR to determine that county fees for disposal site approval may not be more than is necessary to fund the county program. The Act provides that a city, village, town, or county may not prohibit or regulate the land disposal of septage if the disposal complies with the statutes and DNR rules. For example, the act prohibits a local government from selectively requiring that septage disposal be done by one of the alternative methods that are allowed under the rules and precluding the disposal using another less expensive method that is also allowed under the rules.

The Act provides that a city, village, town, or county may not prohibit the land application of sewage sludge if the land application complies with DNR rules and may only regulate the application of sewage sludge to land if the regulation is identical to DNR regulations.

**Fees for Septage Disposal.** Current law regulates the disposal fees that a municipal sewage system may charge a licensed disposer (septage hauler) to dispose septage at the system's facilities. The Act makes the following changes to this statute:

- Establishes that the septage disposal fees charged by a municipal sewage system must be reasonable and specifies that a municipal sewage system must base these fees on specified actual costs related to the disposal of the septage.
- Establishes a three-stage process for a licensed disposer to obtain a review of a disputed septage disposal fee in the following order: (1) the municipal sewage system; (2) staff at the

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

PSC; and (3) the PSC. The Act specifies the method for allocating the PSC's expenses to the parties in the third stage.

- Requires a municipal sewage system to notify each licensed disposer who disposes of septage in the system of any increase in a disposal fee applicable to the licensed disposer at least 60 days prior to the increase.

***Maintenance.*** Under current law, the Department of Commerce has promulgated rules that establish a maintenance program for new private sewage systems in counties that participate in the Wisconsin Fund grant program for private sewage system replacement. One of the conditions for a county to participate in the Wisconsin Fund grant program is that the county must adopt and enforce the maintenance program.

The Act moves the county maintenance program out of the Wisconsin Fund grant program and into the general Department of Commerce duties, and makes all counties responsible for adoption and enforcement of the maintenance program.

***Clean Water Fund Loans.*** The current statutes create the Clean Water Fund Program, which provides financial assistance to municipalities for the cost of planning, design, and construction of wastewater treatment facilities, and other surface water and groundwater pollution abatement facilities. The program includes various forms of financial assistance, including market interest rate or below market interest rate loans.

The Act modifies the Clean Water Fund Program to provide 0% interest rate loans for any portion of a treatment work project that relates to facilities for receiving and storing and capacity for treating septage. This will reduce some of the potential risk incurred by the municipality in providing facilities and capacity for septage disposal, in case the anticipated amount of septage is not received, and will provide an incentive for the municipality to provide these facilities and capacity.

***Fees for Haulers.*** The Act repeals the current DNR fees for licenses for septage land disposal sites.

***Effective Date:*** The Act takes effect on April 29, 2006.

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