

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 and 145.02, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 81 to 84 relating to the design, installation or construction, inspection and maintenance of private onsite wastewater treatment systems.

The public hearing will be held as follows:

Date and Time:

Monday, June 27, 2011
10:30 a.m.

Location:

Thompson Commerce Building
Third Floor Conference Room #3B
201 W. Washington Ave.
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until July 11, 2011, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Roman Kaminski, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or email at roman.kaminski@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days before the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division website at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Norma McReynolds, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or email at norma.mcreynolds@wisconsin.gov, or at telephone (608) 267-7907 or (608) 264-8777 (TTY). Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or email at carol.dunn@wisconsin.gov.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD: Contact through relay

Scott Walker, Governor
Paul F. Jadin, Secretary

May 25, 2011

Dick Sweet, Director
Administrative Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401
Madison, WI 53703

Dear Mr. Sweet:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULES
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 81 to 84

RELATING TO Private Onsite Wastewater Treatment Systems (POWTS)

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

Paul F. Jadin
Secretary

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date: May 25, 2011

To: Carol Dunn

From: Paul F. Jadin

Subject: Notification of Proposed Rules Affecting Small Business

Rule No.: Chapters Comm 81 to 84

Relating To: Private Onsite Wastewater Treatment Systems (POWTS)

The attached proposed rules are in the form and style specified by section 227.14 of the Statutes.

I am sending these rules to you for your review, under section 227.114 (5) of the Statutes. It does not appear that these rules will have a significant effect on small businesses.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD: Contact through relay

Scott Walker, Governor
Paul F. Jadin, Secretary

May 25, 2011

Bruce Hoesly, Code Editor
Legislative Reference Bureau
Suite 200
1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 81 to 84

RELATING TO: Private Onsite Wastewater Treatment Systems (POWTS)

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Roman Kaminski TITLE: Program Manager

TELEPHONE: (715) 345-5334 EMAIL: roman.kaminski@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Paul F. Jadin
Secretary

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 81 to 84

RELATING TO: Private Onsite Wastewater Treatment Systems (POWTs)

1. Types of small businesses that will be affected by the rules.

The proposed rules will affect any business involved with the ownership, design, construction and installation, inspection, repair and maintenance of private onsite wastewater treatment systems. The proposed rules implement the mandates imposed by 2009 Wisconsin Act 392. The Act affects governmental units (counties) and establishes deadlines for the completion of an inventory of private sewage systems within their jurisdictions. The department does not believe the rules will increase the effect on small businesses more than that imposed by the Act.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

There are no additional reporting, bookkeeping or other procedures required for compliance with the rules.

3. Types of professional skills necessary for compliance with the rules.

There are no additional professional skills necessary for compliance with the rules.

4. Rules have a significant economic impact on small businesses.

No

Rules not submitted to Small Business Regulatory Review Board

Yes

Rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ASSESSMENT

Department of Commerce

Rule No.: Chapters Comm 81 to 84

Relating to: Private Onsite Wastewater Treatment Systems (POWTS)

Notice is hereby given that the Department has prepared a preliminary Environmental Assessment (EA) on the proposed rules. The preliminary recommendation is a finding of no significant impact. Copies of the preliminary EA are available from the Department on request and will be available at the public hearings. Requests for the EA and comments on the EA should be directed to:

Division of
Department of Commerce
P.O. Box 2689
Madison, Wisconsin 53701
Telephone (608) 266-8741
or TTY (608) 264-8777

Written comments will be accepted until July 11, 2011

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chs Comm 81 to 84
Amendment No. if Applicable

Subject

Private Onsite Wastewater Treatment Systems

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation
 Decrease Existing Appropriation
 Create New Appropriation
 Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Not applicable

Assumptions Used in Arriving at Fiscal Estimate

The Safety and Buildings Division is responsible for administering and enforcing rules relating to the design, installation or construction, inspection and maintenance of private onsite wastewater treatment systems. The proposed rules consist of updates of chapters Comm 81 to 84 relating to private sewage systems.

The proposed rules implement the mandates imposed by 2009 Wisconsin Act 392. The Act affects governmental units (counties) by setting deadlines for the completion of an inventory of private sewage systems within their jurisdictions. However, Act 392 does not impose any additional responsibilities that would have a fiscal effect.

The proposed rules will not have a significant effect on the private sector.

Long-Range Fiscal Implications

No long-range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/Roman Kaminski 715-345-5334

Authorized Signature/Telephone No.

Date

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Chs Comm 81-84	Amendment No.
---	---------------

Subject
 Private Onsite Wastewater Treatment Systems

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs	0	-0
Local Assistance	0	-0
Aids to Individuals or Organizations	0	-0
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$ 0	\$ -0
FED	0	-0
PRO/PRS	0	-0
SEG/SEG-S	0	-0
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$ 0	\$ -0
GPR Earned	0	-0
FED	0	-0
PRO/PRS	0	-0
0 SEG/SEG-S	0	-0
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

Commerce/Roman Kaminski, 715-345-5334