



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Mary P. Burke, Secretary

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

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

RULE NO.: Chapters Comm 81 to 87

RELATING TO: Private Onsite Wastewater Treatment Systems

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Roman Kaminski TITLE: Program Manager

TELEPHONE: (715) 345-5334 EMAIL: roman.kaminski@wi.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 Revisor of Statutes, 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,

Mary P. Burke
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), 145.02 (3) and (4), and 145.245 (7) (c), Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 81 to 87 relating to private onsite wastewater treatment systems.

The public hearing will be held as follows:

Date and Time:

Tuesday, November 27, 2007
10:00 a.m.

Location:

Conference Room 3B
Thompson Commerce Center
201 W. Washington Avenue
Madison

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 December 7, 2007, 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@wi.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 prior to 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 Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wi.gov, or at telephone (608) 266-8741 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@wi.gov.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Chapters Comm 81 to 87

Relating to: Private Onsite Wastewater

Treatment Systems

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 81 to 87

RELATING TO: Private Onsite Wastewater Treatment Systems

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

The proposed rule revision will affect soil testers, designers, installers and maintainers of POWTS. The revisions implement portions of 2005 Wisconsin Act 347 regarding POWTS maintenance and are also intended to update and clarify existing rules that were last revised in 2004.

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

The proposed rule revision does not establish new requirements for soil testers, designers, installers and maintainers of POWTS.

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

The proposed rule revision will not establish the need for additional or new skills for soil testers, designers, installers or maintainers of POWTS.

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 87

Relating to: Private Onsite Wastewater Treatment Systems

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:

Roman Kaminski
Division of Safety and Buildings
Department of Commerce
P.O. Box 2689
Madison, Wisconsin 53701
Telephone (715) 345-5334

Written comments will be accepted until December 7, 2007.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chs. Comm 81 to 87
Amendment No. if Applicable

Subject

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
none

Assumptions Used in Arriving at Fiscal Estimate

2005 Wisconsin Act 347 directs the department to implement a maintenance reporting program for private onsite wastewater treatment systems, POWTS. This program includes activities undertaken by governmental units (counties) to insure compliance with POWTS maintenance requirements.

Many counties have existing POWTS maintenance reporting programs in place. There is a broad range of technical ability and sophistication of these programs. The programs range from a paper based reporting system to a fully integrated electronic reporting system. The number of POWTS entered into databases range from 0 to all known POWTS within the jurisdictional area. Four counties currently do not participate in the Wisconsin Fund program and therefore do not have some form of maintenance reporting which is a requirement for participation.

Costs for implementation of a POWTS maintenance reporting program will vary depending on the level of program currently in place and are therefore indeterminable. Governmental units are able to implement fees, by ordinance, to support the implementation or expansion of a POWTS maintenance reporting program.

Governmental units have other existing sources of POWTS revenue such as Sanitary Permits. It is unknown whether governmental units may pass direct costs associated with a maintenance reporting program to owners.

A proposed change will shift the required plan review for holding tanks to be performed at the local level by all governmental units. Many governmental units currently perform this review. The department anticipates that there will be a loss of \$60,000 in annual revenue as a result of the shift.

It is not anticipated that there will be additional costs for others to comply with these rule revisions. The current chapter Comm 83 contains inspection, maintenance, servicing and reporting requirements for POWTS. Contractors involved in providing inspection, maintenance, servicing and reporting services will not have additional requirements to meet based on the proposed code revisions. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by 2005 Wisconsin Act 347.

Long-Range Fiscal Implications

None anticipated for department operations. For governmental units, ongoing costs associated with operation of a reporting program database and compliance follow-up will occur.

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. Amendment No.
 Chs. Comm 81 to 87

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):
 none

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		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
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	\$	\$ -
GPR Earned		-
FED		
PRO/PRS	0	-60,000
SEG/SEG-S		
TOTAL State Revenues	\$ 0	\$ -60,000

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ -60,000	\$ 0

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

Commerce/Roman Kaminski, (715) 345-5334

Authorized Signature/Telephone No.

Date