

MEMORANDUM

DATE: 09/05/08

TO: County Code Administrators
POWTS Plan Reviewers
Wastewater Specialists
Other Interested Parties

FROM: Roman A. Kaminski, Program Manager
715.345.5334 – voice 715.345.5269 – fax
roman.kaminski@wi.gov – e-mail

SUBJECT: Statute and Rule Revision Update
-2007 Wisconsin Act 197 [s. 145.20(6), Wis. Stats.]
-Chapter Comm 2 Fee Code
-Chapter Comm 83 POWTS Code

I would like to take this opportunity to update you on the status of various statute and rule changes that will go into effect in the next few months.

2007 Wisconsin Act 197

The so-called “Conflict of Interest” legislation was adopted this past April and will be effective on November 01, 2008. Enclosed with this memo is a document that lists the most common questions that have been asked since the revisions to s. 145.20(6), Wis. Stats., were published. If additional questions come up that warrant state-wide distribution this document will be updated and posted on our website. <http://commerce.wi.gov/SB/SB-PowtsProgram.html>

Chapter Comm 2 Fee Code

As of the date of this memo, the *anticipated effective date* for revisions to this code is December 01, 2008. The code package is currently being reviewed by Senate and Assembly committees. Keep checking our website for updates regarding the effective date. <http://commerce.wi.gov/SB/SB-CodeDevelopment.html#A2>

The revisions to chapter Comm 2 include adjustments to most fees currently collected by Safety and Buildings. This includes state Sanitary Permit fees, POWTS plan review fees, variance fees, product review fees, among others. All fee adjustments will take place on the effective date of the code revision.

There have been some questions about how to deal with the \$25 increase in the “state portion” of the Sanitary Permit that is in this fee package. A suggestion that has been offered to those that inquired is that if/when you revise your ordinance consider including language that clearly splits the total state Sanitary Permit fee

into three parts. Part 1 – the county portion of the total fee. Part 2 – the state portion of the total fee that is sent to (and kept by) Commerce. Part 3 – the Ground Water portion of the fee that is sent to Commerce and passed on to the Department of Natural Resources for credit to the Environmental Fund. The ordinance language for Part 2 and Part 3 of the fee could refer to the applicable sections of chapter Comm 2, Wis. Adm. Code and/or chapter 145, Wis. Stats., rather than list specific dollar amounts. This would prevent having to make further adjustments in the future. Of course, check with your Legal Counsel for specific ordinance language that is needed in your county.

Chapter Comm 83 POWTS Code

The revisions to this code will be effective October 01, 2008. Hopefully, the Legislative Reference Bureau (LRB) will publish the revised code before then. We will post a copy of the revised code on our website (or a link to the LRB website) as soon as the code is available.

Enclosed with this memo is a copy of a document prepared by Dale Dimond from Marathon County. Dale is a member of the POWTS Advisory Code Council (representing the WCCA). I believe Dale did a good job listing the more significant changes associated with this particular code revision.

Based on inquiries received to date, one of the more immediate concerns for some county code administrators is the transfer of small (<3,000 gpd) Holding Tank plan reviews to all governmental units (counties). As of October 01, 2008, these plan reviews must be performed by the counties. The types of plan reviews all counties will now perform include Holding Tank systems that completely follow the approved POWTS Holding Tank Component Manuals. They do not include holding tank systems that are considered Individual Site Designs, holding tanks receiving combined domestic/industrial wastes, site constructed tanks that are not approved as “products” and holding tanks for state-owned facilities. [Note: holding tanks designed solely for industrial wastewater are reviewed by the Department of Natural Resources.] POWTS program staff will be contacting each county in the next few weeks to answer any questions you may have about the Holding Tank plan review process.

As with previous code revisions we will respond to questions about the code as they arise. If warranted, a “FAQ” document will be prepared and posted on our website.

There will be an informational session about the code revision on the agenda at the fall WCCA conference in Green Bay. Additional training opportunities may be scheduled depending on interest.

I realize this is a lot of information on a variety of statute and rule revisions to cover in one brief memo. If you have questions about any of the topics included in this memo, please send me an e-mail message so that I can record the question (and answer) for future distribution. Thanks!

Encl.