

## **281.49 Disposal of septage in municipal sewage systems.**

**(1) DEFINITIONS.** In this section:

**(b)** "Licensed disposer" means a person engaged in servicing, as defined in s. [281.48 \(2\) \(f\)](#), under a license issued under s. [281.48 \(3\) \(a\)](#).

**(m)** "Septage" means the scum, liquid, sludge or other waste from a septic tank, soil absorption field, holding tank or privy. This term does not include the waste from a grease interceptor.

**(2) REQUIREMENT TO TREAT SEPTAGE.** A municipal sewage system shall accept and treat septage from a licensed disposer during the period of time commencing on November 15 and ending on April 15. The sewage system may, but is not required to, accept and treat septage at other times during the year.

**(3) EXCEPTIONS.**

**(a)** Notwithstanding sub. [\(2\)](#), a municipal sewage system is not required to accept septage from a licensed disposer if:

1. Treatment of the septage would cause the sewage system to exceed its operating design capacity or to violate any applicable effluent limitations or standards, water quality standards or any other legally applicable requirements, including court orders or state or federal statutes, rules, regulations or orders;

2. The septage is not compatible with the sewage system;

3. The licensed disposer has not applied for and received approval under sub. [\(5\)](#) to dispose of septage in the sewage system or the licensed disposer fails to comply with the disposal plan; or

4. The licensed disposer fails to comply with septage disposal rules promulgated by the municipal sewage system.

**(b)** The municipal sewage system shall accept that part of the total amount of septage offered for disposal which is not within the exceptions in par. [\(a\)](#).

**(4) PRIORITIES.** If the municipal sewage system can accept some, but not all, of the septage offered for disposal, the municipal sewage system may accept septage which is generated within the sewage service area before accepting septage which is generated outside of the sewage service area.

**(5) DISPOSAL PLAN.**

**(a)** Each year a licensed disposer may apply to the municipal sewage system, prior to September 1, for permission to dispose of septage in the sewage system.

**(b)** The municipal sewage system shall approve applications for septage disposal, or reject those applications which are within the exceptions in sub. [\(3\)](#), no later than October 1 of each year.

**(c)** The municipal sewage system may impose reasonable terms and conditions for septage disposal including:

1. Specific quantities, locations, times and methods for discharge of septage into the sewage system.

2. Requirements to report the source and amount of septage placed in the sewage system.

3. Requirements to analyze septage characteristics under sub. [\(6\)](#).

4. Reasonable disposal fees that meet the requirements in sub. [\(10\)](#).

**(d)** The municipal sewage system shall prepare a disposal plan for each licensed disposer whose application for septage disposal is approved. The disposal plan shall consist of the approved application and all terms and conditions imposed on the licensed disposer.

**(6) ANALYSIS OF SEPTAGE.** The municipal sewage system may require the licensed disposer to analyze representative samples of septage placed in the sewage system in order to determine the characteristics of the septage and the compatibility of the septage with the municipal sewage system. The municipal sewage system may not require the analysis of septage from exclusively residential sources.

**(7) DISPOSAL FACILITIES.** A municipal sewage system which is required to accept and treat septage shall provide adequate facilities for the introduction of septage into the sewage system.

**(8) MODEL REGULATION.** The department shall prepare a model septage disposal regulation which may be used by municipal sewage systems in the implementation of this section.

**(9) LAND DISPOSAL NOT PROHIBITED.** This section shall not be construed as a prohibition of the land disposal of septage. The land disposal of septage is governed by s. 281.48.

**(10) SEPTAGE DISPOSAL FEES.**

**(a)** Disposal fees established by a municipal sewage system under sub. (5) (c) 4. for the disposal of septage introduced into the system by a licensed disposer may be based on only the following actual costs related to the disposal of the septage, as determined in accordance with a uniform cost accounting system applicable to all services provided by the system:

1. The cost of facilities at the system that receive and store septage.
2. The cost of any testing of septage conducted by the system.
3. The cost of treating septage by the system. This cost may vary based on the quantity and type of the septage.
4. The portion of the system's additional administrative and personnel costs for accepting the septage not reflected in the costs identified in subds. 2. and 3.

**(b)** In determining its actual costs under par. (a) 1. to 4., a municipal sewage system may include any associated cost of capital, debt service, operation, and maintenance, and any other type of cost used by a municipal sewage system in establishing fees for the treatment and disposal of sewage by its customers connected to the system.

**(11) REVIEW OF SEPTAGE DISPOSAL FEES.**

**(a)** Each municipal sewage system shall establish a procedure to review a septage disposal fee charged by the system that is disputed by a licensed disposer.

**(b)** Upon the request of a licensed disposer, a municipal sewage system shall use the procedure established by the system under par. (a) to review whether a septage disposal fee charged by the system for the quantity and type of septage specified by the licensed disposer conforms with sub. (5) (c) 4.

**(c)** After pursuing the review of a septage disposal fee under par. (b), a licensed disposer may request the staff of the public service commission to informally review the disputed septage disposal fee. If the staff determine that there is sufficient basis for a dispute regarding the fee and that use of the procedure under par. (b) is not likely to resolve the dispute, the staff may agree to review the disputed septage disposal fee. Based on its review, the staff may recommend a reasonable septage disposal fee that conforms with sub. (5) (c) 4.

**(d)** If the use of the procedure under par. (c) does not lead to resolution of the dispute, the licensed disposer requesting the review under par. (c) may make a written request to the public service commission for review of the disputed septage disposal fee under s. 66.0821 (5) or 200.59 (5).

**(e)** Upon the request of a licensed disposer, or the public service commission or its staff, a municipal sewage system shall provide information to the requester concerning the basis of its septage disposal fees. A municipal sewage system shall provide to the public service commission or its staff any other information that the commission or its staff requests related to a review under par. (c) or (d).

**(12) NOTICE OF SEPTAGE DISPOSAL INCREASES.** Each municipal sewage system shall notify each licensed disposer currently approved under sub. (5) (b) to dispose of septage in the system of any increase in a disposal fee applicable to the licensed disposer at least 60 days prior to imposing the increased disposal fee. The notice shall include a description of how the system calculated the new disposal fee.

**History:** 1983 a. 410; 1989 a. 31, 359; 1995 a. 227 s. 409; Stats. 1995 s. 281.49; 2005 a. 347; 2009 a. 180.

**NOTE:** 2005 Wis. Act 347, which affected this section, contains extensive explanatory notes.