

## President's Message: Aaron Ausen

Dear WOWRA Members,

It has been awhile and like many I'm sure you are wondering what has happened with WOWRA. Yes, we are still an organization, but we've again had some transition in our staff. Upon the completion of the conference, the Board of Directors made the decision to do the following. We decided not to re-sign our contract with MDS for association management and went with a different management group.



Jeff Beiriger and his group at Association Management Services will be our new association management staff. Jeff comes highly recommended having already worked with groups like the PHCC and the Wisconsin Water Well Association so he is very versed in what we do. I know this may be surprising but we are confident in our decision that this the best route for WOWRA and its members. We are keeping George and KPAS on staff for lobbying concerns, but George will not play a major role in association management anymore. This, I believe, is best for all parties concerned.

Now, with change comes some growing pains. There have been some bumps, phone calls missed, emails missed, lines crossed, etc., etc. This being my third time switching groups, I'm very used to this as not everyone does things the way others do. Please do not get upset as we are trying to diligently transfer lines, update files, and all the other behind the scenes work to get back on pace. Sooner than later we should be able to back to all things WOWRA.

I hope like most you can look forward to an exciting and busy year. I hope like hell we can find enough help to get all the work done. This seems to be a growing problem in many industries. The jobs are there, but there is no one left to do the work. Yet we continue to graduate all time high liberal arts degrees. Depressing to say the least. Something you may want to consider. If you have time, call your local high school, talk to the tech ed department see if they would allow you to come talk to their class. See if they would schedule a field trip to come to an install. See if they would allow you to mentor or apprentice a student.

There are a lot of opportunities out there, but there is a major dysfunction between industry and student. I spoke recently to a counselor who shared with me the fact that 80% of graduates go to school now based on where their parents

Summer 2017

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went, where their friends are going, or how close it is to home. Which tells me they do not really even now what they want to do. I feel if someone can step in their way and say, "Look, you can start work now, don't go to school, and make as much money as you would after 4 years of debt. 5 years, sorry."

So like I said it starts with a call. The students don't know what's out there and it's up to us to change that.

Sincerely,



Aaron J Ausen  
WOWRA President

## Dues Renewals

First, to our members who have renewed already, we want to thank you for your continued membership in WOWRA. For those who have not yet renewed, the transition in association management companies has slowed the process of following up with your renewals. By now, you have likely received a follow-up invoice and we'll also be following up with phone calls in the days ahead. We apologize for the inconvenience and look forward to your continued membership in WOWRA.

## Rejuvenate a Family Project

The Board of Directors recently reviewed and approved a proposed site for this year's Rejuvenate a Family project. Details regarding the project build and materials and labor needed to complete the project will be coming soon! WOWRA supports these projects to give back to the community and also to bring attention to the value of the work members are doing around the state to promote public health and safety.

## SepticSmart Week - September 18-22, 2017

SepticSmart week is an annual event sponsored by the EPA to educate homeowners and communities on the proper care and maintenance of their septic systems. There are five core messages to SepticSmart Week:

Think at the Sink  
Don't Overload the Commode  
Don't Strain your Drain  
Shield Your Field  
Test Your Drinking Water Well

For more information, visit [www.epa.gov/septic](http://www.epa.gov/septic)



# Executive Director's Report

## Looking Forward

Let me start by letting you know that it's a pleasure to have the opportunity to provide services to WOWRA and its members.

By way of introduction, my name is Jeff Beiriger and I am the President of Association/Management Services, Inc. (AMS). AMS was started in 2011, but there's a long history of work with associations prior to that.

I'd like to tell you that I'd always dreamed of becoming an association professional, but like most people, I didn't even know there were jobs in the association field and my first job, way back in 1987, came out of the blue based on a reference from a professor in my Master's Degree program. Some 30 years later, I'm glad that opportunity found me.

Most of my employers and clients over the years have been involved in the trades so I have a profound respect for the value of the work that all of you do. I started with general contractors, moved to mechanical contractors, and then, when I came to Wisconsin, I started working with both plumbing and mechanical contractors.

In time, I worked at a law firm doing association and government relations work and my clients grew to include roofing contractors, drywall and plastering contractors, and, more generally, specialty contractors. Next came the well drillers, geothermal contractors, well and pump suppliers, and most recently, the Wisconsin Liquid Waste Carriers Association and WOWRA. It's my hope that my background not only with association work but with the industry will be an asset.

Generally, I'm the face you'll see at WOWRA events, but you should also know Jane Wucherer who is my right hand. Jane works primarily with membership services, so if you have a question about dues, a registration, or something similar, she'll either have the answer or know where to find it. In a world of emails and text message, please don't forget that we're a phone call away. It may sound "old school," but sometimes, there's nothing better than a conversation to help solve a problem.

As we begin our work together, please note that some things have changed, including our address and phone number. You'll find that below.

We're looking forward to our work together!



**Jeffrey J Beiriger, WOWRA Executive Director**



## New Contact Information for WOWRA

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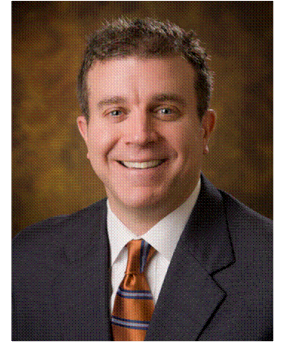
**[jane@assocmgmtservices.com](mailto:jane@assocmgmtservices.com)**

## Legislative Update

### Legislative Joint Finance Committee Continues Budget Debate

After several weeks of smooth sailing, JFC's action abruptly halted discussions in early June, as the Senate and Assembly remain at odds on education, taxes and transportation. Over the past few weeks, JFC has cancelled a majority of their meetings, leaving little time for the legislature to pass a budget before the June 30 deadline.

Regardless of what remains, there were provisions affecting the septic industry that have been debated and successfully passed by the Joint Finance Committee. The following are items of interest to the WOWRA membership.



WI POWTS Fund Grant Program – As reported in the last Legislative Update, Governor Walker proposed funding \$1.68 million for the POWTS Fund Grant Program (which results in \$840,000 for each year of the biennium). This is the same amount that was passed into law for the 2015-17 biennium.

The Governor's proposal for the \$1.68 million shifted it from an on-going appropriation to a one-time appropriation. This would mean that the POWTS Fund Grant Program would no longer be funded following the 2017-19 biennium.

On a 12-4 vote, the JFC partially rejected the Governor's proposal by continuing to invest in the WI POWTS Fund Grant Program by funding the program an additional two years (2019-2021) at a level of \$1.68 million over the biennium. This would allow the grant program to exist through the completion of both the statewide POWTS inventory and maintenance county requirements.

DSPS Occupational Licenses – The JFC also partially rejected the Governor's proposal to create a DSPS Occupational Licensing Review Council that would review all POWTS-related licenses by December 31, 2018.

On a 14-2 vote, the JFC included language to "study" occupational licenses and submit a report of the Department's findings to the Legislature and Governor. This report would require the DSPS report to include recommendations for the elimination of occupational licenses based on the following criteria:

- If unregulated does the practice of the profession harm or endanger public health and safety
- Does the public benefit from the occupational licensing requirement
- Can the public be effectively protected by means other than requiring a license
- Are other states requiring licenses for the same profession
- Estimate the number of individuals/entities that are affected by the occupational licensing requirement
- The financial burden on those that are required to obtain the license
- Statements or analysis by agency or board administering the occupational license
- Evaluating the barriers individuals have in obtaining the license



George Klaetsch  
WOWRA Lobbyist



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## POWTS Advisory Code Committee Completes Its Work

The POWTS Advisory Code Committee recently completed its work on revisions to SPS 383. The Committee has been meeting for more than a year to review proposals from the DSPS and the industry. Many thanks to the Committee that worked diligently on the code update project:

Bryon Wooten  
Dale Dimond  
Robert Schmidt, Jr.  
Anthony Birrittieri  
Steven Crosby  
Alan Kaddatz

The Committee's final recommendations will soon be posted on the DSPS website and a public comment period will begin. The rules will also be reviewed by the legislature and governor's office before the process concludes, probably later this year or early next year.

## WOWRA Supports Journeyman Plumber Licensing

The Governor's budget proposal included language that would have eliminated the journeyman plumber licensing examination and the issue came before the Committee on Joint Finance in early May. A collation of organizations, including WOWRA, opposed the language and asked the Committee to maintain the current statutory language that requires journeyman licensing. By a unanimous vote of the Committee, licensing examinations for plumbers was maintained. The proposed change affected only journeyman licenses and did not affect the restricted licenses categories or the master plumber licensing requirements.

During that same session, the Committee approved revised language regarding journeyman plumber licensing and reciprocity with other states. Specifically, the Committee adopted language requiring a person from another state to have served an apprenticeship, pass a licensing examination in that state, practice for five years, and have a clean record of service before being able to apply for licensure in Wisconsin. A journeyman plumber examination on Wisconsin code would also be required.

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## DSPS Is Recruiting For A Plumbing Plan Reviewer

The following comes from the DSPS:

Under the general supervision of the Section Chief, this position protects the public health, safety, environment and the water resources of Wisconsin relative to plumbing systems in connection with constructed environments. The person holding this position is an expert in plumbing system methods, components and in understanding and applying engineering principles/practices to plumbing systems. The position is a deputy of the Department, is a licensed master plumber in accordance with s. 145.02, Stats. The position performs plumbing plan reviews, audits, plumbing & pool inspections, and consultations. The position is responsible to write and enforce Department orders along with the development and presentation of training, examinations and codes.

Through research and development, this position specializes in areas of drain and vent, drinking water treatment, interceptors and indirect wastes, water reuse, storm, wastewater treatment, water supply, fire protection, cross connection control and the protection of the water supply system. This specialty provides the highest level of working knowledge for the plumbing and public swimming pool construction industries and the State of Wisconsin plumbing and public swimming pool programs.

### **The responsibilities of this position includes:**

- Examination of plans for compliance with Chs. 381-386 and SPS 390, Wis. Adm. Code and national standards as adopted by reference. Provide expert consultation for petitions for variance.

- Conduct field consultations and inspections.

- Provide technical plumbing/public swimming pool system consultation regarding engineering issues embodied in chs. SPS 302, 303, 305, 381-386 and 390 Wis. Adm. Code and national standards as adopted by reference.

- Prepare and provide highly specialized courses of technical training in highly complex plumbing/public swimming pool system issues regarding the administration, interpretation and enforcement of chs. SPS 302, 303, 305, 381-386 and 390, Wis. Adm. Code, and chs. 145 and 101 Wis. Stats.

- On a routine basis, provide monitoring of licensed plumbers and apprentices, and provide investigative services for the Bureau of Field Services.

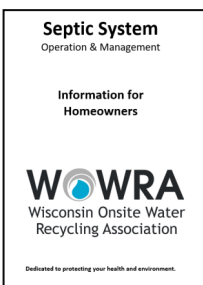
### **Minimum Requirements:**

Master Plumber or Commercial Plumbing Inspector.

This position will report to the Hayward, Holman, Madison, or Waukesha Office. More information is available by searching at Please investigate the following link for further information: <http://wisc.jobs/public>.

For more information, contact Thomas Braun, Section Chief, Plumbing and Public Swimming Pool Programs, Department of Safety and Professional Services at [Thomas.Braun@Wisconsin.gov](mailto:Thomas.Braun@Wisconsin.gov).

## Homeowner Guides Available



Looking for a way to provide information about septic systems to your customers? Consider purchasing the WOWRA pamphlet "Information for Homeowners" available through the association for \$0.75 each plus shipping.

## POWTS and Plumbing Plan Reviews – Policy Proposal Could Affect YOU!

The time for private sewage plan reviews by DSPS has been fairly steady over the last several months, averaging around a week or two at most. For plumbing, the wait time has gone up and down dramatically, with recent wait times of one week, seven weeks, two weeks, nine weeks and, most recently, three weeks.

In the wake of the news that plumbing reviews were out to nine weeks, the DSPS announced that it had issued a Department Alternate to SPS 382.20(1)(a) and (b). This approval permits, in lieu of requirements specified in SPS 382.20(1), a building owner to request, and the Department or its authorized representative to grant permission to start the installation plumbing upon submission of construction documents under SPS 382.20(4) and application where a scheduled plan review date is greater than ten (10) business days.

The installations covered under this alternate approval are:

1. Water services, private water mains;
2. Sanitary sewer, private sanitary interceptor sewer;
3. Storm sewer, private interceptor storm sewer;
4. Interior underfloor sanitary, clearwater, and storm building drain and associated vents;
5. Interior water service and distribution.

The challenge for contractors is the issue of liability. What if you were to start work during the time you are waiting for final approval only to have the plans rejected or revised.

Attorney Dave Turiciano (Turiciano Law Offices) suggested the following...

If you are facing a scheduled plan review date in excess of ten business days, and you are being asked to utilize the alternate approval method detailed below in order to start your project, you need to Stop Drop and Roll that Contract out to find your Force Majeure Clause!

You, the subcontractor, will be left in the lurch if your work does not eventually pass muster. In order to avoid eating the costs of remobilization, demolition, parts and labor, you must use the force majeure clause in your existing contract to renegotiate some essential terms.

As soon as you become aware that you won't be able to have your approval before commencing work, pull out the contract and make written notice to the owner/general that you won't be able to perform and that your performance is excused under the force majeure clause of your contract.

**Force majeure** (*/fɔːrs/ FORS, /fɔərs maːˈʒɜːr/ mah-ZHUR, or /məˈʒɜːr/ mā-ZHUR*; French pronunciation: [fɔʁs maʒœʁ]) – or **vis major** (Latin) – meaning "superior force", also known as **cas fortuit** (French) or **casus fortuitus** (Latin) "chance occurrence, unavoidable accident",<sup>[1]</sup> is a common clause in contracts that essentially frees both parties from liability or obligation when an extraordinary event or circumstance beyond the control of the parties, such as a war, strike, riot, crime, or an event described by the legal term act of God (hurricane, flood, earthquake, volcanic eruption, etc.), prevents one or both parties from fulfilling their obligations under the contract. In practice, most force majeure clauses do not excuse a party's non-performance entirely, but only suspend it for the duration of the force majeure.<sup>[2][3]</sup>

Explain that if they want you to move ahead with the alternative to permit, they must agree, IN WRITING, to modify the existing contract such that the owner/general will be liable for all costs you might incur if the work is started and is not approved when that process eventually is completed.

If your contract does not include a Force Majeure Clause, you can still make an argument that your performance should be excused under the doctrine of impracticability or impossibility, a more difficult argument.

If you fail to modify the agreement in writing, making the owner or general liable for your costs if the work does not get approved as you have built it, you will end up responsible for making the changes, a potentially devastating impact.



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## Upcoming Dates – Mark your Calendar!

### SepticSmart Week

September 18-22, 2017

### Winter Conference

January 18-20, 2018

Chula Vista Resort

Wisconsin Dells, WI

### Winter Conference

January 24-26, 2019

Chula Vista Resort

Wisconsin Dells, WI



### *Mission Statement:*

*To advance the education of and to protect and promote the profession of onsite wastewater technology in Wisconsin on behalf of our membership.*