

**Chapter NR 124**  
**INDIVIDUAL SEPTIC TANK REPLACEMENT OR**  
**REHABILITATION GRANT PROGRAM**

NR 124.01 Purpose (p. 491)	NR 124.06 Individual application (p. 495)
NR 124.02 Applicability (p. 491)	NR 124.07 Application (p. 496)
NR 124.03 Definitions (p. 491)	NR 124.08 Allocation of funds and grant awards (p. 498)
NR 124.035 Categories of failing private sewage systems (p. 492)	NR 124.09 Payments (p. 498)
NR 124.04 Eligibility of owners (p. 493)	NR 124.10 Enforcement (p. 499)
NR 124.05 Maximum state share (p. 493)	NR 124.11 Variances (p. 499)

**NR 124.01 Purpose.** The purpose of this chapter is to establish rules under s. 144.245, Stats., for the implementation and administration of a financial assistance program to replace or rehabilitate failing private sewage systems under enforcement orders.

**History:** Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**NR 124.02 Applicability.** (1) This chapter applies to applications received by the department on or after July 1, 1985.

(2) Section NR 128.30 applies to applications received by the department prior to July 1, 1984, except that the maximum state share under s. NR 124.05 shall apply to grants awarded after July 1, 1986.

(3) Section 144.245, 1983-84, Stats., except subs. (9) (g) and (11) (b) and (c) and ch. NR 124 as it existed on December 1, 1985 apply to applications received by the department between July 1, 1984 and June 30, 1985.

(4) The allocation and proration procedures under s. 144.245 (11) and (11m), Stats., and s. NR 128.08 apply to grants awarded after July 1, 1985.

**History:** Cr. Register, May, 1985, No. 353, eff. 6-1-85; am. (1), r. (2) (intro.), renum. (2) (a) and (b) to be (4) and (2) and am. (4), cr. (3), Register, June, 1986, No. 366, eff. 7-1-86.

**NR 124.03 Definitions.** The following definitions apply to this chapter.

(1) "Department" means the department of natural resources.

(2) "Failing private sewage system" means a private sewage system which causes or results in any of the following conditions:

(a) The discharge of sewage into surface water or groundwater.

(b) The introduction of sewage into zones of saturation which adversely affects the operation of a private sewage system.

(c) The discharge of sewage to a drain tile or into zones of bedrock.

(d) The discharge of sewage to the surface of the ground.

(e) The failure to accept sewage discharges and backup of sewage into the structure served by the private sewage system.

(3) "Governmental unit" means the local governmental unit responsible for the regulation of private sewage systems. This unit is the county, except that towns, cities and villages are the responsible unit of govern-

ment in any county with a population of 500,000 or more. "Governmental unit" also includes a federally recognized American Indian tribe or band.

(4) "Indian lands" means lands owned by the United States and held for the use or benefit of Indian tribes or bands or individual Indians, and lands within the boundaries of a federally recognized reservation that are owned by Indian tribes or bands or individual Indians.

(5) "Participating governmental unit" means a governmental unit which applies to the department for financial assistance under s. NR 124.07, and which meets the conditions specified under s. 144.245 (9), Stats.

(6) "Person" means:

- (a) Any individual including the estate of an individual; or
- (b) Two or more individuals having a joint or common interest in a principal residence which uses a private sewage system; or
- (c) A nonprofit corporation as defined in s. 181.02 (4), Stats.

(7) "Principal residence" means a residence which is occupied at least 51% of the year by the owner.

Note: For the purpose of this chapter, an individual family or household cannot claim more than one "principal residence." Normally, in cases where an individual, family or household occupies more than one residence, the "principal residence" will be the legal domicile for income tax, school or voting purposes and does not include a second home, vacation or recreational residence.

(8) "Private sewage system" means a sewage treatment and disposal system serving a principal residence or small commercial establishment with a septic tank and soil absorption field located on the same parcel of land as the structure. This term also means an alternative sewage system approved by the department of industry, labor and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel of land than the structure. A private sewage system may be owned by a property owner or by a special purpose district.

(9) "Small commercial establishment" means a commercial establishment or business place with a maximum daily wastewater flow rate of less than 2,100 gallons per day as determined from the design criteria of the state plumbing code.

(10) "State plumbing code" means rules promulgated under ss. 145.02 and 145.13, Stats., by the department of industry, labor and human relations.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85; renum. (2) (a) to (d) and (4) to (9) to be (2) (e), (d), (a), (b) and (5) to (10) and am. (2) (a), (d), (e) and (7), cr. (2) (c) and (4), am. (3), Register, June, 1986, No. 366, eff. 7-1-86.

**NR 124.035 Categories of failing private sewage systems.** The department and the participating governmental unit shall use the following categories of failing private sewage systems to determine grant eligibility under s. 144.245 (5), Stats., and s. NR 124.04 and to prorate grant funds under s. 144.245 (11m), Stats., and s. NR 124.08.

Register, June, 1986, No. 366

(1) Category 1: Failing private sewage systems defined in s. NR 124.03 (2) (a) to (c).

(2) Category 2: Failing private sewage systems defined in s. NR 124.03 (2) (d).

(3) Category 3: Failing private sewage systems defined in s. NR 124.03 (2) (e).

Note: Under s. 144.245 (5), Stats., only category 1 or category 2 failing private sewage systems are eligible for grant funding. Category 3 systems, those that fail only as a result of back up of sewage into the structure served, are not grant eligible.

History: Cr. Register, June, 1986, No. 366, eff. 7-1-86.

**NR 124.04 Eligibility of owners.** (1) **GENERAL.** A person who owns a principal residence which was constructed prior to and inhabited on July 1, 1978 or a business which owns a small commercial establishment which was constructed prior to July 1, 1978 is eligible for grant assistance under this chapter if the person or business:

(a) Meets the eligibility requirements set forth in s. 144.245, Stats., and this chapter.

(b) Submits an application to the participating governmental unit in which the failing private sewage system is located;

(c) Has completed all rehabilitation or replacement work in accordance with the enforcement order and the state plumbing code. Any variances or petitions to modify specific state plumbing code requirements shall be approved in writing by the department of industry, labor and human relations prior to the installation of the system.

(2) **PRIVATE NONPROFIT ENTITIES.** For the purposes of this chapter a small commercial establishment may be owned by a private nonprofit corporation as defined in s. 181.02 (4), Stats.

(3) **INELIGIBLE ENTITIES.** Structures owned by the following entities are not eligible for grant assistance:

(a) The state;

(b) An office, department, independent agency, institution of higher education, association, society or other body in state government;

(c) An authority created under ch. 231 or 234, Stats.;

(d) A city, village, town, or county;

(e) A federal agency, department or instrumentality;

(f) An interstate agency.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**NR 124.05 Maximum state share.** (1) **ELIGIBLE REHABILITATION OR REPLACEMENT WORK.** Except as provided under sub. (4) (a), private sewage system work eligible for grant funding shall be limited to those activities listed in the grant funding tables under sub. (3).

(2) **LEAST COSTLY METHODS.** Only eligible work necessary to meet the minimum requirements of the state plumbing code by the least costly

Register, June, 1986, No. 366

methods may be allowable in determining grant funding under this chapter.

(3) GRANT FUNDING TABLES. The following tables shall be used to determine the maximum state grant share for eligible work involved in the rehabilitation or replacement of a private sewage system. The maximum state grant share for each principal residence or small commercial establishment to be served by the private sewage system may not exceed the sum of the grant amounts for eligible work or \$3,000, whichever is less.

(a) Site evaluation and soil testing.

Grant Amount  
\$150

(b) Installation of a replacement or additional septic tank.

Minimum Gallons Required	Grant Amount
750	\$ 325
975	350
1,200	400
1,425	450
1,650	500
1,875	550
2,100 or more	600

(c) Installation of a pump chamber and lift pump or siphon.

Number of Bedrooms	Grant Amount
1 or 2	\$ 700
3 or 4	750
5 or more	800

(d) Installation of a soil absorption area for a conventional or in-ground pressure system.

Grant Amount by Number of Bedrooms

Class	Percolation Rate Minutes for Water to Fall One Inch	Grant Amount					For Each Additional Bedroom
		1	2	3	4	5	
1	0 to less than 10	\$ 300	\$ 475	\$ 650	\$ 825	\$ 925	\$ 100
2	10 to less than 30	450	700	950	1,150	1,325	175
3	30 to less than 45	475	725	1,000	1,200	1,400	200
4	45 to 60	500	750	1,100	1,300	1,475	200

(e) Installation of a soil absorption area for a mound system.

Grant Amount by Number of Bedrooms

Type of Design	1	2	3	4	5 or more
High Groundwater	\$ 1,300	\$ 1,500	\$ 1,750	\$ 1,850	\$ 2,150
Crevice Bedrock	1,500	1,700	1,950	2,050	2,250
Slowly Permeable Soil	1,700	1,900	2,050	2,150	2,300

(f) Installation of a holding tank.

Number of Bedrooms	Grant Amount
1,2, or 3	\$ 1,000
4	1,250
5	1,500
6	1,700
7	1,850
8	2,000
9	2,150
10	2,300
11	2,450
12	2,600
13	2,750
14	2,900