

## Chapter Comm 91

### SANITATION

Comm 91.01 Purpose.  
Comm 91.02 Scope.  
Comm 91.03 Definitions.  
Comm 91.04 Registrations.  
Comm 91.10 Composting toilet systems.

Comm 91.11 Incinerating toilets.  
Comm 91.12 Privies.  
Comm 91.13 Portable restrooms.  
Comm 91.20 Incorporation of standards by reference.

**Comm 91.01 Purpose.** The purpose of this chapter is to establish minimum standards and criteria for the design, installation and maintenance of sanitation systems and devices which are alternatives to water-carried waste plumbing fixtures and drain systems so that these sanitation systems and devices are safe and will safeguard public health and the waters of the state.

**Note:** Municipalities may restrict or place more stringent limitations or requirements relative to the design, installation, maintenance or use of the sanitation systems within the scope of this chapter.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.02 Scope. (1)** This chapter applies to all composting toilet systems, incinerating toilets, pit privies and vault privies installed or constructed on or after the effective date of this chapter.

**(2)** The provisions of this chapter are not retroactively applied to existing installations unless specifically stated in the administrative rule.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.03 Definitions.** In this chapter:

**(1)** "Composting toilet system" means a method that collects, stores and converts by bacterial digestion nonliquid-carried human wastes or organic kitchen wastes, or both, into humus.

**(2)** "Department" means the department of commerce.

**(3)** "Incinerating toilet" means a self-contained device for the treatment of nonliquid carried wastes that deposits the wastes directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

**(4)** "Pit privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is not watertight.

**(5)** "Portable restroom" means a self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

**(6)** "Vault privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is watertight.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.04 Registrations.** The installation of a vault privy or a pit privy to serve a state-owned facility shall be registered with the department prior to installation. The registration of a vault privy shall be accompanied by sufficient information to determine compliance with s. Comm 84.25. The registration of a pit privy shall be accompanied by sufficient soil information to determine compliance with s. Comm 83.44 (4) (b).

**History:** CR 02-129; cr. Register January 2004 No. 577, eff. 2-1-04.

**Comm 91.10 Composting toilet systems. (1)** The materials, design, construction and performance of a composting toilet system shall conform to NSF Standard 41.

**(2)** All composting toilet systems shall be listed by a testing agency acceptable to the department.

**Note:** Listing agencies acceptable to the department include the American Gas Association; Canadian Standards Association; NSF International; Underwriter's Laboratories; and Warnock Hersey.

**(3) (a)** Components for the storage or treatment of wastes shall be continuously ventilated.

**(b)** Ventilation ducts or vents for the composting toilet system shall conform to s. Comm 82.31 (16).

**Note:** See appendix for a reprint of portions of s. Comm 82.31 (16).

**(4) (a)** The disposal of the compost shall be in accordance with EPA part 503.

**(b)** The disposal of any liquid from a composting toilet system shall be either to a public sanitary sewer system or a POWTS conforming to ch. Comm 83.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.11 Incinerating toilets. (1)** The design, construction and installation of a gas-fired incinerating toilet shall conform to ANSI Z21.61.

**(2)** The materials, design, construction and performance of an electric-fired incinerating toilet shall conform to NSF Standard 41.

**(3)** All electric and gas-fired incinerating toilets shall be listed by a testing agency acceptable to the department.

**Note:** Listing agencies acceptable to the department include the American Gas Association, Canadian Standards Association, NSF International, Underwriter's Laboratories, and Warnock Hersey.

**(4) (a)** The disposal of the end product shall be of in accordance with 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge.

**Note:** EPA materials relating to EPA 503, including, "Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule", are available from the Office of Water Resource, US EPA, 401 M Street SW, Washington D.C. 20460.

**(b)** The disposal of any liquid from an incinerating toilet shall be either to a public sanitary sewer system or a POWTS conforming to ch. Comm 83.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.12 Privies. (1) (a)** The storage chamber of a vault privy shall conform with the requirements of s. Comm 84.25 relating to holding tanks, and shall have a minimum storage capacity of 200 gallons or one cubic yard.

**(b) 1.** The storage chamber of a pit privy shall be sited and located in soil recognized to provide treatment and dispersal in accordance with s. Comm 83.44 (4) (b).

**Note:** Chapter Comm 85 establishes procedures for conducting soil evaluations and preparing soil evaluation reports. Section Comm 5.33 delineates the qualifications and certification procedures for individuals who conduct soil evaluations.

**2.** Governmental units may set standards for the structure above the vault or pit for one- and two-family dwellings.

**3.** Privies for public use shall meet the requirements of this section and chs. Comm 61 to 65.

**Note:** Chapters NR 811 and 812 establish minimum separation distances between a pit or vault privy and a potable well. Chapters NR 811 and 812 are administered by the department of natural resources.

**(c)** The storage chamber of a vault privy shall be anchored to prevent flotation caused by saturated soil conditions.

**(2) (a)** The storage chamber of a pit or vault privy shall be provided with a vent for the purpose of relieving explosive gases.

**(b)** The vent serving the storage chamber of a privy shall be:

**1.** At least 3 inches in diameter;

2. Installed in accordance with s. Comm 82.31 (16) (a) to (f); and

3. Fabricated or provided with screening to prevent insects from entering the storage chamber.

(3) The servicing of a vault privy relative to the pumping, transporting and disposal of the contents shall be in accordance with ch. NR 113.

(4) The abandonment of a vault privy shall be accomplished by:

(a) Having the contents of the storage chamber pumped and disposed of in accordance with ch. NR 113;

(b) Removing the entire top of the chamber; and

(c) Filling the remaining portion of the emptied storage chamber with soil or other inert material to an elevation equal to or above the surrounding grade.

(5) The abandonment of a pit privy shall be accomplished by filling the storage chamber with soil or other inert material to an elevation equal to the surrounding grade.

**Note:** The requirements of the commercial building code, chs. Comm 61 to 65, apply to the structures built over those privies serving public buildings and places of employment.

(6) (a) A privy may not be installed in a floodway.

(b) A privy may be installed in the floodfringe provided that the area is filled to remove it from the floodfringe designation or the vault is flood-proofed.

**Note:** The department of natural resources determines if filling or flood-proofing is in accordance with current rules in effect for development in a floodfringe area.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 01-139: am. (1) (b) 3. Register June 2002 No. 558, eff. 7-1-02.

**Comm 91.13 Portable restrooms.** (1) The storage chamber of a portable restroom into which human waste is to be deposited shall be watertight.

(2) The entire floor and the side walls to a height of not less than 4 inches of a portable restroom shall be of a material impervious to water.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.

**Comm 91.20 Incorporation of standards by reference.** (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (3).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the respective organizations listed in sub. (3).

(3) ADOPTION OF STANDARDS. The standards referenced in pars. (a) and (b) are hereby incorporated by reference into this chapter.

(a) American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, GAS-FIRED TOILETS, Z21.61-1983.

(b) NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan 48113-0140, NON-LIQUID SATURATED TREATMENT SYSTEMS, NSF 41-1998.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00.