

**PUBLIC HEARING COMMENT AND AGENCY RESPONSE  
DEPARTMENT OF COMMERCE  
DIVISION OF SAFETY AND BUILDINGS**

Rule Number: Chs. Comm 83, 85, 91

Relating To: POWTS

Hearing Location: N/A

Hearing Date: Mailed in Comments

Supp.	Commenting		Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
	In Opp.	For Info.				
	X		80	E.J. Nordby, M.D. Self Madison, WI	<ul style="list-style-type: none"> <li>Concern that the code will open up almost 9 million acres in Wisconsin to new development.</li> <li>362 towns and 15 counties have no zoning, no land use plans; thus little in place to prevent haphazard land use.</li> <li>Suggest putting the rules on hold until planning and zoning in place.</li> <li>Holding tanks should continue to be system of last resort.</li> <li>Suggest holding rules (in abeyance) until Commerce complies with WEPA.</li> </ul>	<ul style="list-style-type: none"> <li>The number of acres mentioned reflects the theoretical installation of POWTS's which may be sited on 6 inches of in situ soil and does not take into account whether development is allowed to occur under local zoning powers.</li> <li>No response necessary.</li> </ul>
X			81	Carl D. Forther Town of Vernon Big Bend, WI	<ul style="list-style-type: none"> <li>A major overhaul of code is needed.</li> <li>New systems and new technology should be permitted in Wisconsin.</li> <li>Homeowners should be allowed to select system that suits their home and lot.</li> <li>Rules should allow mounds that rely less on natural soil and proven technology should be utilized.</li> </ul>	<ul style="list-style-type: none"> <li>The decision to develop and/or exercise zoning or land use powers currently is the sole discretion of local municipalities. The Department still has the responsibility to enact a plumbing code in order to protect public health and the waters of the state.</li> <li>The proposed rules recognize that municipalities have the ability to enact such ordinances.</li> <li>The Department will have completed the environmental disclosure responsibilities under s. 1.11, Stats., before forwarding the final draft of rules to the Legislature for standing committee review.</li> <li>No response necessary.</li> <li>No response necessary.</li> <li>No response necessary.</li> <li>No response necessary.</li> <li>No response necessary.</li> </ul>

25. 49d.1

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X			82	Dennis G. Russell Stonepine Wauwatosa, WI	Rule provides for a new "performance based" septic code that will protect the public health and environment. Current rules only recognize a few old-technology systems. New rule allows modern environmentally sound, proven technologies to be used in Wisconsin. The EIS proves that land use decisions should be made by local elected officials, not by a plumbing code.	No response necessary.
X			83	Robert W. Henderson Henderson Group, Inc. Mequon, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			84	Dean Stoller Valley Cabinet Inc. DePere, WI and Neenah, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			85	David A. Rodrigues, Jr. David & Goliath Builders Inc. Pewaukee, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			86	Al Schmitz Schmitz Ready Mix, Inc. Milwaukee, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			87	Joseph Chudnow Chudnow Construction Corp. Milwaukee, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			88	Bill Baesemann Kings Way Homes & Reality, Inc. Elm Grove, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			89	John G. Lewis Lewis Builders Inc. Wind Lake, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.

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X			90	Mary L. Schroeder Miller Homes Brookfield, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			91	Owen Purvis Gas Light Homes, Inc. New Berlin, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			92	William W. Carity Carity Land Corp. Brookfield, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			93	Pamela L. Gross Self Sussex, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			94	Greg Walsh Kettle Creek Homes Waukesha, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			95	Michael Schmitz Eich Coat & Glaze, Inc. New Berlin, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			96	Doc's Sewer and Water Co., Inc. East Troy, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			97	Rob Gerbitz Intrepid Development Oconomowoc, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			98	John O. Shaline Total Service Development, LLC Green Bay, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			99	William Binn Wynntree Construction Lake Geneva, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.

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X		100	Rosie Anderson Central WI Home Builders Assoc. WI Rapids, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		101	Fred Chart Fred Chart Construction	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		102	Cindy Knutson-Lycholat Knutson Bros. II, LLC East Troy, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		103	Pat Managan Stock Lumber Delavan, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		104	Rodney Cook R&R Construction Port Edwards, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		105	Phillip H. Domask Alby Materials Inc. Burlington, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		106	Catherine L. Stepp First Stepp Builders, Inc. Racine, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		107	Gilbert E. Russo Russo Construction, Inc. Brookfield, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		108	Michael R. Gustavson Gustavson Homes Pleasant Prairie, WI 53158	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		109	Edward J. Christman Christman Contractors Inc. Union Grove, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.

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X			110	James R. Walter Harvest Homes Kenosha, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			111	John M. Bakken Geneva Homes Lake Geneva, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			112	Robert Kolarik Construction Management Assoc., Inc. Kenosha, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			113	Linda R. Dykstra Dykstra Bros. Excavating, Inc. Franksville, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			114	Ray Shelton Truss Worthy Builders, Inc. Germantown, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			115	Matt Moroney Metropolitan Builders Assoc. of Greater Milwaukee, Inc. Milwaukee, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			116	Greg Zibung Consolidated Doors, Inc. Kenosha, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X			117	Donald W. Welch The Stevens Group of WI, Inc. Milwaukee, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.

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X		118	Michael G. Krings Krings Construction WI Rapids, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		119	Robert Clines Prime Development, Inc. Pleasant Prairie, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		120	Ed Altmann Ed Altmann Construction Co., Inc. WI Rapids, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		121	David Bonigh Advanced Communication Services, Inc. New Berlin, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		122	Keith Nissen Master Plumbers, Inc. Lake Geneva, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		123	Chris R. Fisher C&M Fisher Inc. Janesville, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
X		124	Wolf Korndoerfer Korndoerfer Development Racine, WI	Submitted same comments as Exhibit No. 82.	See response under Exhibit No. 82.
	X	125	Ann M. Greendeck Richland County Richland Center, WI	The WCA Board of Directors adopted the following platform positions. <ul style="list-style-type: none"><li>• Support modifications to the private sewage code which enable individual counties to set reasonable schedules for phasing-in of new treatment technologies.</li></ul>	<ul style="list-style-type: none"><li>• No response necessary.</li></ul>

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				Ann Greendeck continued	<ul style="list-style-type: none"> <li>Support modifications to the private sewage code which provide a process for county participation in the selection and approval of new treatment technologies.</li> <li>Support development of a statewide tracking system for maintenance of private sewage systems to be operational prior to the installation of new treatment technologies</li> <li>Oppose changes to the private sewage code which impose increased costs on counties without providing adequate funding mechanisms to offset those costs.</li> </ul>	<ul style="list-style-type: none"> <li>No response necessary. Presently incorporated into the proposed rules under s. Comm 84.10(3)(d).</li> <li>No response necessary.</li> <li>Under current statutory provisions, governmental units have the ability and discretion in how to fund and to what level to fund their oversight activities and services.</li> </ul>
	X		126	Robert L. Smith Self Milwaukee, WI	<ul style="list-style-type: none"> <li>The new rules should be put on hold until every town impacted by the new development pressures has a comprehensive land use plan in place which is enforced by zoning and subdivision ordinances.</li> <li>The rule should be amended to allow local governments to allow only those kinds of systems that they believe are best for their communities.</li> </ul>	<ul style="list-style-type: none"> <li>The decision to develop and /or exercise zoning or land use powers currently is the sole discretion of local municipalities. The Department still has the responsibility to enact a plumbing code in order to protect public health and the waters of the state. The final draft of rules will be clarified to allow an optional local 18 month delay for new design manuals and treatment components approved by the Department under s. Comm 84.10(3). The delay may begin from the date of the Department's approval of the technology.</li> <li>Municipalities have the ability to either delay the implementation of or limit the use of certain technologies under ss. Comm 83.04 and 83.32(2).</li> </ul>

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			Robert L. Smith continued	<ul style="list-style-type: none"> <li>Water quality will be harmed unless the department fully complies with the Environmental Policy Act by considering the full range of options available for wastewater treatment.</li> </ul>	<ul style="list-style-type: none"> <li>The Department will have completed the environmental disclosure responsibilities under s. 1.11, Stats., before forwarding the final draft of rules to the Legislature for standing committee review.</li> </ul>
	X	127	Clarence Natzke Thomas Brunner Shawano County Shawano, WI	Submitted same comments as Exhibit No. 125.	See response under Exhibit No. 125.
	X	128	Jerome M. Viste Door County Environmental Council Fish Creek, WI	<ul style="list-style-type: none"> <li>Duplicate exhibit, see No. 70.</li> </ul>	
X		129	Karen Peplin, Self Helenville, WI (Letter includes signatures from 54 others at various addresses in southern Wisconsin.)	<ul style="list-style-type: none"> <li>It is way past time for approval of this new sewage treatment technology. This new technology will allow feasible clean-up of many failing septic systems and alleviate the strain placed on existing sewer plants by escalating development.</li> <li>The new technology is more affordable, suits most soil conditions, can be placed on smaller lots, is safer for the environment, and insures the water table stability. The only drawback is the technology is not approved.</li> <li>People who find it imperative to use sewerage as the means for controlling land use should financially support sewer implementation, perhaps in conjunction with an agency that is created to be in charge of land use.</li> </ul>	<ul style="list-style-type: none"> <li>No response necessary.</li> <li>No response necessary.</li> <li>Local governmental units have the ability to control development through their current zoning powers.</li> </ul>



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		X	130 Craig Thompson Wisconsin Counties Association Monona, WI	<ul style="list-style-type: none"> <li>Counties play a critical role in land-use planning, land and water conservation, and enforcement of statewide policies regarding private onsite sewage systems, and all of these roles are affected by this revised approach to Wisconsin's private onsite wastewater treatment code.</li> <li>The counties support a revised code that will enable installation of innovative, safe, private sewage treatment technologies, but have long been wary of the potential financial and administrative burdens that a revised code could place on county departments</li> <li>Removal of the specific, prescriptive provisions in the current code will likely require all counties to revise their local ordinances to include greater specificity regarding local enforcement procedures. This revision will not only cost county time and resources but also open up the potential for statewide variations.</li> </ul>	<ul style="list-style-type: none"> <li>No response necessary.</li> <li>Under s. 145.20(2), Stats., each governmental unit responsible for regulating POWTS's has a great deal of latitude as to the breadth and degree of oversight activities to provide or exercise. Also, under current statutory provisions, the governmental units have the ability and discretion in how to fund and to what level to fund their oversight activities and services.</li> <li>The only substantial difference between the present code and the proposed draft regarding administrative and enforcement procedures concerns the reissuance of a sanitary permit when there is a change in the installing plumber, otherwise the proposed draft provides greater detail and clarity to local oversight than the present code. Under s. 145.20(2), Stats., each governmental unit responsible for regulating POWTS's has a great deal of latitude as to the breadth and degree of oversight activities to provide or exercise. Presently, many governmental units enact a wide variety of regulatory schemes and strategies in regulating POWTS's.</li> </ul>

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			Craig Thompson continued	<ul style="list-style-type: none"> <li>Many counties with strained resources may find the process burdensome. The flexibility to set permit fees at the local level should relieve the financial burden</li> <li>The counties understand that the latest draft removes the previously proposed authorization for certain systems to discharge partially treated wastes onto the ground and surface water, which is an improvement. Deleting the previously proposed elimination of the counties' current ability to prohibit holding tanks is also an improvement.</li> <li>The proposed creation of an advisory committee for review of new technologies that are not defined within the context of the code addresses one of the frequent criticisms of previous drafts that had not provided for county input in this review. However, the counties continue to have concerns regarding the lack of flexibility for counties to establish reasonable timelines for permitting of new technologies and new system components within their jurisdictions. The proposed timeline of 18 months for counties to revise their ordinances and train their staff in the approved technologies may be adequate in some jurisdictions, but may not provide enough flexibility for some county programs, particularly in the smaller counties. In addition, the draft code does not provide any phase-in period for components and technologies subsequent to the introduction of the code. The counties request that the Department review this approach and provide additional flexibility for counties to retrofit for the new code.</li> </ul>	<ul style="list-style-type: none"> <li>No response necessary.</li> <li>No response necessary.</li> <li>The final draft of rules will be clarified to allow an optional local 18 month delay for new design manuals and treatment components approved by the Department under s. Comm 84.10(3). The delay may begin from the date of the Department's approval of the technology.</li> </ul>

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			Craig Thompson continued	<ul style="list-style-type: none"> <li>The counties continue to have concerns regarding the manner in which these new treatment technologies will be monitored and maintained. While some of the counties have relatively advanced tracking systems, many do not, and the Department's progress in developing a statewide computer tracking system has been too slow. It is critical that the statewide system be available to those counties in need of computerized tracking prior to implementation of the code.</li> <li>The counties continue to have general concerns about the availability of reliable, knowledgeable service providers on the local level to install and maintain these systems. The entities responsible for reviewing and certifying the operation of private sewage systems may not have adequate training and/or knowledge of new "high-tech" systems, especially in more remote areas. Training for both private and public sector inspectors is critical to the success of the new code, and the Department should consider this to be an important mitigating circumstance affecting a county's ability to prepare for permitting the new technologies.</li> </ul>	<ul style="list-style-type: none"> <li>The Department is planning to make reports available to counties upon their request in those cases where a county does not have the ability to "electronically" connect to the Department's maintenance tracking system.</li> <li>Under s. Comm 5.36 the Department has proposed a credentialing program for the maintenance of certain types of POWTS technologies. The renewal of such a credential includes the fulfillment of continuing educational obligations.</li> </ul>



State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM

**Rule No.:** Chapters Comm 83, 85 and 91

**Relating to:** Private Onsite Wastewater Treatment Systems

**Clearinghouse Rule No.:** 98-083

The Wisconsin Department of Commerce proposes an order to repeal Comm 2.63, Comm 20.09 (5) (b) 2. Note, Comm 66.11 Note 2, Comm 82.10 (7), 82.10 (15) and Note, 82.11, Comm 84.60;

to renumber Comm 5.02 Table 5.02 lines 18 to 65, 5.06 Table 5.06 lines 18 to 65, Comm 51.01 (71p), Comm 66.11, Comm 84.20 (5) (j) to (q);

to renumber and amend Comm 2.67 (1), Comm 82.36 (3) (b) 3. a., 82.36 (3) (b) 3. b.;

to amend Comm Table 2.66 line 5, 2.66 (1) (d) 2., 2.67 (2), Comm 52.60 (1) (a) (intro.), 52.62 (1) (b), Comm 82.01 Note, 82.10 (2), 82.10 (8), 82.10 (13), 82.30 (11) (g) 2., 82.32 (4) (b) 1. b., 82.34 (5) (a) 2. (title) and (intro.) and 3. and (b) 2. (intro.), 82.40 (3) (e), 82.40 (8) (b) 1. to 3., Comm 84.10 Table 84.10 line 5, 84.11, 84.30 Table 84.30-5, 84.50 (3) (g) 1. and 7.;

to repeal and recreate Comm 2.52 (5), 2.61 (3), 2.65 and Table 2.65, 2.66 (2) (a), Comm 51.01 (103g), 52.61, 52.62 (1) (a) and Note, 52.63, Comm 82.10 (3), ch. Comm 83, Comm 84.10 (3), 84.30 (2) (d), ch. Comm 85;

and to create Comm 2.67 (1) (b), Comm 5.02 Table 5.02 line 18, 5.06 Table 5.06 line 18, 5.36, Comm 20.07 (19m), (40t) and (59t), 20.09 (5) (b) 3., 25.02, Appendix 20.09, Comm 50.06 (3), 51.01 (19m), 51.01 (71p), 51.01 (103d), 52.60 (1) (c), Comm 52.60 (1) (c), Appendix 50.06 (3), Comm 66.11 (2), Appendix 66.11 (2), ch. Comm 81, Comm 82.37, 82.40 (8) (j), Comm 84.20 (5) (j), 84.20 (5) (q) 1. Note, 84.25, 84.30 (6) (g) to (j) and Table 12, A-84.10 (3) (b), ch. Comm 91, relating to private onsite wastewater treatment systems and sanitation systems and devices.

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ANALYSIS OF RULES

Statutory authority: ss. 101.02 (1), 101.63 (1), 101.73 (1), 101.82 (1) and 145.02 (3) and (4), Stats.

Statutes interpreted: ss. 145.02 (4), 145.045, 145.13, 145.135, 145.19, and 145.20, Stats.

Under s. 145.02, Stats., the Department of Commerce has the responsibility of safeguarding public health and the waters of the state relative to the construction, installation and maintenance of plumbing. One mechanism of the Department to fulfill this responsibility has been the promulgation of the state plumbing code, chapters Comm 81-87.

Currently, chapter Comm 83 of the plumbing code establishes specific and prescriptive minimum standards for the design, installation, inspection, and maintenance of private sewage systems. In some sense, the current rules dictate or prioritize specific solutions or the selection of certain types of private sewage systems. The current chapter Comm 83 has not been fully revised since 1980. In order for the plumbing code to be effective and reasonable, code standards must be updated periodically to address new health and safety concerns, issues and priorities as well as to reflect changing technologies, practices and materials. The proposed revisions represent a complete reevaluation of the private sewage program as well as the code.

The goals guiding the reengineered program and code are to:

- Minimize risk to public health and the water resources of the state, including groundwater;
- Provide measurable performance criteria for private onsite wastewater treatment systems, formerly known as private sewage systems, that ensure flexibility and predictability and facilitate improvements in system design and product development;
- Promote the recycling of constituents to minimize disposal volumes;
- Promote a wide range of treatment options that match users' needs and desires and the varied soil and site conditions in the state;
- Provide clear boundaries, based on system performance standards for the scope of the code;
- Promote competition in the design, installation and maintenance of systems, thereby, providing users with efficient and cost effective services;
- Provide procedures and establish priorities for the responsibilities of the design, installation and maintenance of systems to ensure that the respective responsibilities are clear and consistent and that compliance is occurring;
- Provide and promote active research and development of innovative technologies and solutions in the desired directions;
- Promote public education about treatment options and proper disposal of wastewater;
- Provide timely and efficient administration and enforcement of the regulatory system; and
- Acknowledge the powers and the abilities of municipalities to determine and control development.

The following summarizes by chapter the significant highlights of the rewrite:

**Chapter Comm 2, Fee Schedule;** The revisions involve the fees to be charged by the department for reviewing plans, petitions and products relative to private onsite wastewater treatment systems. The fees for plan review are now to be based upon the design wastewater flow of the system and whether the proposed treatment components of the system have been previously recognized under the product approval process. Overall, the revised fee structure does not increase the cost of these services or increase the department's revenues.

**Chapter 5, Credentials;** Changes to the chapter established a credentialing program for individuals who are to provide required monitoring and maintenance services for mechanical POWTS components. To qualify for the credential individuals will either have to obtain training or have experience installing mechanical POWTS components.

**Chapters Comm 20-25, One- and 2- Dwelling Code, Chapters Comm 50-64, Commercial Building Code, Chapter Comm 66, Multifamily Dwelling Code;** Revisions to the appendices of these codes are to provide greater clarity as to the issuance of building permits for projects served by private onsite wastewater treatment systems. The other revisions provide a cross reference to newly created ch. Comm 91 for privies, composting toilets and incinerating toilets.

**Chapter Comm 81, Definitions and Standards;** The newly created chapter consolidates into one location the plumbing code definitions and referenced national standards.

**Chapter Comm 82, Design, Construction, Installation, Supervision and Inspection of Plumbing;** The changes:

- Reflect consistent terminology relative to ch. Comm 83;
- Recognize that sanitation needs can also be fulfilled by nonplumbing means such as composting toilets;
- Eliminate from the plumbing code the mandates of connecting to public sewer and/or water in light of the powers and authority held by municipalities and sewer and water districts under chs. 66 and 281.145, Stats., to require such connections;
- Establish requirements for composting toilets and systems that use water or other liquids as a transport medium; and
- Establish requirements for sanitary dump stations that receive the wastes from the holding tanks of travel trailers and such.
- Mandate the use of water softeners that are used primarily for water hardness reduction to be of a demand initiated regeneration type when the brine solution is discharged to a private onsite wastewater treatment system.

**Chapter Comm 83, Private onsite Wastewater Treatment Systems;** The chapter has been completely rewritten; the outline for the new chapter is:

**Ch. Comm 83**

**Subchapter I SCOPE AND APPLICATION**

Comm 83.01 Purpose

Comm 83.02 Scope

Comm 83.03 Application

Comm 83.04 Implementation

Comm 83.05 Installation and Inspection Training

**Subchapter II ADMINISTRATION AND ENFORCEMENT**

Comm 83.20 Purpose

Comm 83.21 Sanitary Permits

Comm 83.22 Plan Review and Approval

Comm 83.23 Review Agent Status

Comm 83.24 Petitions for Variance

Comm 83.25 Governmental Programs

Comm 83.26 Inspections and Testing

Comm 83.27 Experimental POWTS

Comm 83.28 Penalties

Comm 83.29 Range of Responses

**Subchapter III GENERAL REQUIREMENTS**

Comm 83.30 Purpose

Comm 83.31 Principles

Comm 83.32 Prohibitions and Limitations

Comm 83.33 Abandonment

**Subchapter IV DESIGN AND INSTALLATION**

Comm 83.40 Purpose

Comm 83.41 Principles

Comm 83.42 Application

Comm 83.43 General Requirements

Comm 83.44 Parameters for POWTS Components

Consisting of In Situ Soil

Comm 83.45 Installation

**Subchapter V MANAGEMENT**

Comm 83.50 Purpose

Comm 83.51 Principles

Comm 83.52 Responsibilities

Comm 83.53 General

Comm 83.54 Management Requirements

Comm 83.55 Reporting Requirements

**Subchapter VI RECOGNIZED METHODS AND TECHNOLOGIES**

Comm 83.60 Purpose

Comm 83.61 Acceptable Methods and Technologies

Comm 83.62 Parameters for Using Acceptable Methods  
and Technologies



Unlike the current chapter, the revised ch. Comm 83 does not dictate or prioritize specific solutions or the selection of systems; rather, the chapter delineates the critical factors, parameters, options, prohibitions and limitations for the design of private onsite wastewater treatment systems. Under the framework of chapter Comm 83 designers and owners would be allowed to choose the appropriate method for reducing the contaminant loads and dispersing the hydraulic flows by selecting and arranging prerecognized treatment components, single use designs, and other means in conjunction with site limitations for a particular project.

The revisions under chapter Comm 83, include:

- Numerical standards for system design and operation relative to fecal coliform, suspended solids, biological oxygen demand, fats, grease, oil and particle size;
- Requirements to obtain plan approval and a sanitary permit before the installation of a private onsite wastewater treatment system may begin; local governmental units would still be required to review plans employing "conventional" technology for residential projects while plans for commercial projects or projects employing technologies not previously recognized would be reviewed by the department. Plans using other types of "prerecognized" solutions would be reviewed by either the local governmental unit or the department depending upon where the submitter wanted the service to be performed and if the local government unit had opted to provide this service as an agent of the department;
- The testing of components before the system is put into service;
- A reference to the petition for variance process, chapter Comm 3, whereby an equivalent alternative that meets the intent of a rule but not the letter may be recognized - the petition for variance process is not to waive compliance and does not supersede statutory requirements or local ordinances;
- The allowance for local governmental units, by ordinance, to delay the implementation of some technologies upon the adoption of the code and to prohibit or limit the use of holding tanks, or constructed wetlands or evapotranspiration beds as POWTS treatment components;
- The prohibition of cesspools and outfall pipes discharging sewage to the surface, including existing installations;

- Design standards that:
  - Delineate the contaminant loads and hydraulic flows for residential occupancies based on bedrooms and occupants and for other occupancies based upon estimated wastewater flows;
  - Allow for the segregation of graywater and blackwater wastes and designs to deal with each;
  - Specify parameters for subsurface treatment and dispersal;
  - Recognize that treatment components may be installed inside buildings provided the components are gas-tight, and pose no health or safety risk to occupants.
- The establishment of an electronic maintenance tracking scheme that would monitor the required periodic servicing of private onsite wastewater treatment systems depending upon the type of technology employed; the maintenance service parameters would be established during either product review or plan review; the maintenance tracking system would allow regulatory agencies and the department to focus their enforcement activities; the maintenance tracking scheme would be expanded to include existing holding tanks; and
- The recognition that responsibility to operate and maintain a private onsite wastewater treatment system in accordance with its approval is assigned to the owner and the failure to report required maintenance would be considered a violation of the code and a "human health hazard" allowing possible direct intervention to correct the situation.

**Chapter Comm 84 Plumbing Products;** The revisions under this chapter:

- Require department approval of all prefabricated treatment components to be employed in a private onsite wastewater treatment system to recognize the performance capabilities of the components through the department's product approval process; product approvals are valid for 5 years and may be revised and renewed at the option of the submitter and may be rescinded by the department; the department's approval and recognition is determined with respect to the requirements and standards delineated in the plumbing code;
- Establish the voluntary submission and the department's recognition of system design solutions, treatment and dispersal, as private onsite wastewater treatment systems thereby facilitating the design process and the plan review process; the review of such submissions would entail the input of a technical advisory committee comprised of interested parties involved in private onsite wastewater treatment systems;
- Establish performance and specification requirements for treatment and holding components; and
- Establish performance and specification requirements for geotextile fabrics used in private onsite wastewater treatment systems to prevent backfill material from entering absorption areas.

**Chapter Comm 85 Soil and Site Evaluations;** This chapter currently addresses the proposed creation of subdivisions that are not to be served by public sewers and reflects the department's regulatory involvement under ch. 236, Stats. The department's role under ch. 236, Stats., is to facilitate the planning of adequate sewage disposal for new subdivisions. The department proposes to reduce its regulatory involvement in the present plat review process believing that the process is premature and duplicative. Premature in that a type of system is preselected and assigned to a site without knowing the type of building to be served and its wastewater needs or the preferences of the owner; duplicative in that plans for a private onsite wastewater treatment system will still be required to be submitted and approved for each project. Under s. 236.45, Stats., local governmental units will still be able to facilitate and regulate subdivisions relative to a wide variety of land use issues including sewerage.

The rewritten chapter will focus on providing consistent high quality soil and site data which may be used as the basis for selecting and designing a solution to address a project's wastewater management needs. Even though chapter Comm 83 does not dictate or prioritize specific solutions the data gathered from soil and site evaluations must be of such quality as to document the site's limitations or abilities to support the proposed design during the plan review process. The rules of this chapter will no longer require the soil tester to recommend a system type for a site. The selection of the design is the decision of the owner in consultation with the designer, soil tester, installer and other parties involved in the POWTS design process.

**Chapter Comm 91 Sanitation;** The newly created chapter is not part of the plumbing code and establishes minimum standards for the design, installation and maintenance of sanitation systems and devices which are alternatives to traditional plumbing fixtures and systems. The chapter covers composting toilets and systems, incinerating toilets, privies and portable restrooms. Local governmental units would be able to enact more stringent requirements or use limitations for these types of sanitation systems.

Pursuant to s. 160.19 (2) (b), Stats., the department has determined that the proposed rules under ch. Comm 83 and the rules under previous editions of ch. Comm 83 which govern existing private onsite wastewater treatment do not result in compliance with the preventive action limits under ch. NR 140 at a point of standards application for chlorides. The department has concluded that it is not technically or economically feasible to reduce chlorides to the preventive action limits. The principle contributor of chlorides in the wastewater stream of residential occupancies is the use of water softeners. Anion exchange is the only chemical process capable of removing chloride from water. The physical processes of removing chloride, such as evaporation and reverse osmosis, would separate feedwater into two streams, one with a reduced chloride content and the other with an increased chloride content, and results in still having to treat and dispose of chloride contaminated wastewater.

Also under s. 160.255, Stats., private sewage systems are exempted from meeting the NR 140 nitrate standards by s. 160.255, Stats., because of this legislative direction, nitrate standards were not included as part of the rules under ch. Comm 83.

SECTION 1. Comm 2.52 (5) is repealed and recreated to read:

Comm 2.52 (5) PETITIONS FOR VARIANCE ON RULES UNDER CHS. Comm 81 TO 85, UNIFORM PLUMBING CODE. The fee per petition for processing petitions for variance to rules under chs. Comm 81 to 85 shall be \$225.00.

SECTION 2. Comm 2.61 (3) is repealed and recreated to read:

Comm 2.61 (3) PRIORITY PLAN REVIEW. (a) A submitter of plans for plumbing or private onsite wastewater treatment systems may request and make an appointment with the department to facilitate the review of the plans on a priority basis.

(b) The fee for plan review on a priority basis shall be twice the rate as determined under Tables 2.64-1, 2.64-2 or 2.65.

(c) The scheduling of a plan review on a priority basis shall be contingent upon the department having sufficient time and staff to accommodate the request.

SECTION 3. Comm 2.63 is repealed.

SECTION 4. Comm 2.65 and Table 2.65 are repealed and recreated to read:

Comm 2.65 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS. (1) GENERAL. The plan examination fee as determined under this section shall accompany the plans and specifications for the proposed design of a private onsite wastewater treatment system at a specific site. If the department determines, upon review of the plans, that inadequate fees were provided, the department will not make a final determination on the plans until the appropriate fees are received.

(2) EXAMINATION FEES. The plan examination fee for a private onsite wastewater treatment system submitted to the department for review shall be determined in accordance with Table 2.65, rounded to the nearest dollar.

**Table 2.65**  
**Plan Review**  
**Private Onsite Wastewater Treatment Systems**

Type of Project	Fee
1. All treatment components are previously approved under s. Comm 84.10 (2) or (3): Design wastewater flow of the proposed system:	
1,000 gpd or less	\$175.00
1,001 - 2,000 gpd	\$225.00
2,001 - 5,000 gpd	\$275.00
greater than 5,000 gpd	\$300.00 plus \$0.05/g/d
2. One or more treatment components are not previously approved under s. Comm 84.10 (2) or (3): Design wastewater flow of the proposed system:	
1,000 gpd or less	\$300.00
1,001 - 2,000 gpd	\$400.00
2,001 - 5,000 gpd	\$500.00
greater than 5,000 gpd	\$600.00 plus \$0.05/g/d
3. Holding tanks previously approved under s. Comm 84.10 (2) or (3): Design wastewater flow of the proposed system:	
5,000 gpd or less	\$60.00
5,001 - 10,000 gpd	\$100.00
greater than 10,000 gpd	\$150.00
4. Holding tanks not previously approved under s. Comm 84.10 (2) or (3): Design wastewater flow of the proposed system:	
5,000 gpd or less	\$120.00
5,001 - 10,000 gpd	\$200.00
greater than 10,000 gpd	\$300.00

(3) DATA REVIEW. The fee to review soil saturation monitoring studies or reports in accordance with s. Comm 85.60 (2) or (3) shall be \$100.00 per site.

SECTION 5. Comm 2.66 Table 2.66 line 5 is amended to read:

**Table 2.66**  
(partial table)

Product	Fee			
	Type of Review			
	New Review		Revision or Renewal	
5. Prefabricated <del>exterior grease interceptor, holding or septic tank</del> holding or treatment components for private onsite wastewater treatment systems	\$100	\$200	\$50	\$100

SECTION 6. Comm 2.66 (1) (d) 2. is amended to read:

Comm 2.66 (1) (d) 2. The fee for the request of a revision or renewal of an experimental approval to be issued by the department for a plumbing material or product shall be \$250.00.

SECTION 7. Comm 2.66 (2) (a) is repealed and recreated to read:

Comm 2.66 (2) (a) The fee for the request to have a private onsite wastewater treatment system or site constructed private onsite wastewater treatment system component approved by the department, in accordance with s. Comm 84.10 (3), shall be \$300.00 per system or site constructed component.

SECTION 8. Comm 2.67 (1) is renumbered 2.67 (1) (a) and amended to read:

Comm 2.67 (1) FEE. (a) ~~The Pursuant to s. 145.19 (5), Stats., the fee for a sanitary permit determined in accordance with s. 145.19, Stats., issued by a governmental unit shall be at least \$91.00~~ \$116.00.

Note: The sanitary permit fee includes a \$25.00 groundwater fee, required by s. 145.19 (6), Stats., that is forwarded by the department of commerce to the department of natural resources.

SECTION 9. Comm 2.67 (1) (b) is created to read:

Comm 2.67 (1) (b) The fee for a sanitary permit issued by the department under s. Comm 83.21 shall be \$200.00.

SECTION 10. Comm 2.67 (2) is amended to read:

Comm 2.67 (2) PORTION FORWARDED TO THE DEPARTMENT. The governmental unit responsible for the regulation of private ~~sewage~~ onsite wastewater treatment systems shall forward to the department ~~\$50.00~~ \$75.00 of each sanitary permit fee, determined in accord with s. 145.19, Stats.

Note: The \$75.00 includes the \$25.00 groundwater fee, required by s. 145.19 (6), Stats., that is forwarded to the department of natural resources.

SECTION 11. Comm 5.02 Table 5.02 lines 18 to 65 are renumbered lines 19 to 66.

SECTION 12. Comm 5.02 Table 5.02 line 18 is created to read:

**Table 5.02  
FEES  
(partial table)**

	<b>Credential Category</b>	<b>Type</b>	<b>Application Fee</b>	<b>Examination Fee</b>	<b>Credential Fee</b>
18.	Mechanical POWTS Maintainer	Registration	\$10	NA	\$30

SECTION 13. Comm 5.06 Table 5.06 lines 18 to 65 are renumbered lines 19 to 66.

SECTION 14. Comm 5.06 Table 5.06 line 18 is created to read:

**Table 5.06  
CREDENTIAL EXPIRATIONS  
(partial table)**

	<b>Credential Category</b>	<b>Term</b>	<b>Expiration Date</b>	<b>Continuing Education Cycle</b>
18.	Mechanical POWTS Maintainer	2 years	Date of Issuance	3 Months Prior to Date of Issuance

SECTION 15. Comm 5.36 is created to created:

Comm 5.36 MECHANICAL POWTS MAINTAINERS. (1) GENERAL. Pursuant to s. Comm 83.53 (3) a person who holds a credential issued by the department as a registered mechanical POWTS maintainer may evaluate and monitor mechanical POWTS components for the purpose of providing the management of a POWTS under ch. Comm 83 subch. V.

(2) APPLICATION FOR CREDENTIAL. A person applying for a mechanical POWTS maintainer registration shall submit all of the following:

- (a) An application in accordance with s. Comm 5.01.
- (b) An application and credential fee in accordance with s. Comm 5.02, Table 5.02.
- (c) Information or documentation relating to the qualifications under sub. (3).

(3) QUALIFICATIONS FOR CREDENTIAL. A person applying for a mechanical POWTS maintainer registration shall have completed or obtained at least one of the following:

(a) At least 6 hours in a course or courses approved under s. Comm 5.08 that relate to the theory, operation, maintenance and inspection of mechanical POWTS treatment and dispersal components, including instruction in at least all of following:

1. Sand filters.
2. Effluent pumps and switches.
3. Alarms and floats.
4. Active filtration devices.
5. Valves and solenoids for distributing effluent.
6. Aerobic treatment units.

(b) At least 60 hours of experience as a licensed master plumber, master plumber-restricted service, journeyman plumber or journeyman plumber-restricted service installing mechanical POWTS treatment and dispersal components.

(4) RENEWAL. (a) 1. A person may renew his or her registration as mechanical POWTS maintainer.

2. A mechanical POWTS maintainer registration shall be renewed in accordance with s. Comm 5.07.

(b) 1. The renewal of a registration as a mechanical POWTS maintainer shall be contingent upon the maintainer obtaining at least 6 hours of acceptable continuing education within the time period specified in s. Comm 5.08 and Table 5.06, except as provided in subd. 2.

2. A person who holds a registration as a mechanical POWTS maintainer may apply to the department for waiver of the continuing education requirements under subd. 1 on the grounds of prolonged illness or disability or similar circumstances. Each application for waiver shall be considered individually on its merits by the department.



SECTION 16. Comm 20.07 (19m), (40t) and (59t) are created to read:

Comm 20.07 (19m) "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.

(40t) "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.

(59t) "Privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber.

SECTION 17. Comm 20.09 (5) (b) 2 Note is repealed.

SECTION 18. Comm 20.09 (5) (b) 3 is created to read:

Comm 20.09 (5) (b) 3. Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a Wisconsin uniform building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

Note: See appendix for a reprint of s. Comm 83.25 (2).

SECTION 19. Comm 25.02 is created to read:

Comm 25.02 SANITATION FACILITIES AND DEVICES. The design, construction, installation and maintenance of sanitation facilities and devices such as composting toilets, incinerating toilets and privies to serve one- and 2-family dwellings shall comply with the requirements of ch. Comm 91.

SECTION 20. Appendix Comm 20.09 is created to read:

Section Comm 20.09 (5) (b) 1. refers to s. Comm 83.25 (2), which reads as follows:

Comm 83.25 (2) ISSUANCE OF BUILDING PERMITS. (a) General. Pursuant to s. 66.036, Stats., the issuance of building permits by a municipality for unsewered properties shall be in accordance with this subsection.

(b) New construction. A municipality may not issue a building permit to commence construction or installation of a structure that necessitates the use of a POWTS to serve the structure, unless:

1. The owner of the property possesses a sanitary permit for the installation of a POWTS in accordance with s. Comm 83.21; or

Note: Section Comm 83.21 outlines the procedures for the issuance of sanitary permits. Sections 145.135 and 145.19, Stats., mandate that no private sewage system may be installed unless the owner of the property holds a valid sanitary permit.

2. A POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure.

Note: See ss. Comm 83.02 and 83.03 concerning the application of current code requirements to existing POWTS.

(c) Construction affecting wastewater flow or contaminant load. 1. A municipality may not issue a building permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both; or

b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load, or both.

2. For the purpose of this paragraph, a modification in wastewater flow or contaminant load shall be considered to occur:

a. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

b. For dwellings, when there is an increase or decrease in the number of bedrooms.

(d) Documentation of existing capabilities. Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow or contaminant load, or both, shall include at least one of the following:

1. A copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and which has been previously approved by the department or the governmental unit.

2. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under ch. Comm 84.

3. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, master plumber, master plumber-restricted service or certified POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.

(e) Setbacks. 1. A municipality may not issue a building permit for construction of any structure or addition to a structure on a site where there exists a POWTS, unless the proposed construction conforms to the applicable setback limitations under s. Comm 83.43 (8) (i).

2. The applicant for a building permit shall provide documentation to the municipality issuing the building permit showing the location and setback distances for the proposed construction relative to all of the following:

- a. Existing POWTS treatment components.
- b. Existing POWTS holding components.
- c. Existing POWTS dispersal components.

Note: A municipality which issues building permits may delegate to the governmental unit responsible for issuing sanitary permits the determination of whether the proposed construction will affect or interfere with an existing POWTS relating to capability or location of the existing POWTS.

SECTION 21. Comm 50.06 (3) is created to read:

Comm 50.06 (3) ISSUANCE OF BUILDING PERMITS. Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a local building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

Note: See appendix for a reprint of s. Comm 83.25 (2).

SECTION 22. Comm 51.01 (19m) is created to read:

Comm 51.01 (19m) "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.

SECTION 23. Comm 51.01 (71p) is renumbered 51.01 (71t).

SECTION 24. Comm 51.01 (71p) is created to read:

Comm 51.01 (71p) "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.

SECTION 25. Comm 51.01 (103d) is created to read:

Comm 51.01 (103d) "Portable restroom" means a self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

SECTION 26. Comm 51.01 (103g) is repealed and recreated to read:

Comm 51.01 (103g) "Privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber.

SECTION 27. Comm 52.60 (1) (a) (intro.) is amended to read:

Comm 52.60 (1) (a) Except as ~~permitted in par. (b)~~ provided in pars. (b) and (c), all water closets required to be provided in public buildings and places of employment shall:

SECTION 28. Comm 52.60 (1) (c) is created to read:

Comm 52.60 (1) (c) A composting toilet system complying with s. Comm 91.10 or an incinerating toilet complying with s. Comm 91.11 may be substituted for any water closet.

SECTION 29. Comm 52.61 is repealed and recreated to read:

Comm 52.61 PROTECTION FROM FREEZING. All portions of plumbing water supply systems shall be protected against freezing in accordance with s. Comm 82.40 (8) (a).

SECTION 30. Comm 52.62 (1) (a) and Note are repealed and recreated to read:

Comm 52.62 (1) (a) A private onsite wastewater treatment system, POWTS; or

Note: For detailed requirements on POWTS see ch. Comm 83.

SECTION 31. Comm 52.62 (1) (b) is amended to read:

Comm 52.62 (1) (b) Where the local conditions or situations make it impractical to install ~~such a system~~ POWTS, permanent or portable outdoor toilets, as described in s. Comm 52.63, or other facilities sanitation systems or devices, such as septic toilets installed in accordance with the provisions of the state plumbing code, chs. Comm 82 to 87 described in ch. Comm 91, may be used; provided that in the case of places of employment for more than 10 persons, schools larger than 2 rooms, and apartment houses, water-flush toilets as herein described shall be provided, unless outdoor toilets or other facilities sanitation systems or devices are permitted in writing by the department.

SECTION 32. Comm 52.63 is repealed and recreated to read:

Comm 52.63 PERMANENT AND PORTABLE OUTDOOR TOILETS. (1)  
PERMANENT OUTDOOR TOILETS. (a) Permanent outdoor toilets consisting of composting toilet systems, incinerating toilets, or privies shall comply with ss. Comm 52.50 to 52.59 and ch. Comm 91.

(b) A permanent outdoor toilet shall be provided with a suitable approach, such as a concrete, gravel or cinder walk.

(c) All windows, ventilators and other openings of permanent outdoor toilets shall be screened to prevent the entrance of flies, and all doors shall be self-closing.

Note: Chapter Comm 91 contains requirements for the design, construction, installation and maintenance of the storage chambers for privies.

(2) PORTABLE RESTROOMS. (a) No portable restroom may be erected or maintained within 50 feet of any well, 10 feet of the line of any street or public thoroughfare, unless vehicular traffic has been temporarily detoured while the portable restroom is in use, 5 feet of the property line between premises or 25 feet of a door, window or other outdoor openings of any building.

(b) A portable restroom shall be stabilized to prevent the unit from tipping over.

(c) A portable restroom shall be located with an approach such that access is unobstructed, and free of brush, debris and standing water.

(d) For specialty event centers without permanent sanitary fixtures in numbers as required under s. Comm 62.992 (2), portable restrooms may be used to meet the number required for the event, using capacity or seating capacity.

Note 1. Chapter Comm 91 contains requirements for the storage chamber of portable restrooms into which human waste is to be deposited.

Note 2. The servicing and disposal of the contents of portable restrooms is addressed under chs. NR 113 and 114.

SECTION 33. Comm A-50.06 (3) in the appendix is created to read:

Comm A-50.06 (3) ISSUANCE OF BUILDING PERMITS. Section Comm 50.06 (3) refers to s. Comm 83.25 (2), which reads as follows:

Comm 83.25 (2) ISSUANCE OF BUILDING PERMITS. (a) General. Pursuant to s. 66.036, Stats., the issuance of building permits by a municipality for unsewered properties shall be in accordance with this subsection.

(b) New construction. A municipality may not issue a building permit to commence construction or installation of a structure that necessitates the use of a POWTS to serve the structure, unless:

1. The owner of the property possesses a sanitary permit for the installation of a POWTS in accordance with s. Comm 83.21; or

Note: Section Comm 83.21 outlines the procedures for the issuance of sanitary permits. Sections 145.135 and 145.19, Stats., mandate that no private sewage system may be installed unless the owner of the property holds a valid sanitary permit.

2. A POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure.

Note: See ss. Comm 83.02 and 83.03 concerning the application of current code requirements to existing POWTS.

(c) Construction affecting wastewater flow or contaminant load. 1. A municipality may not issue a building permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both; or

b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load, or both.

2. For the purpose of this paragraph, a modification in wastewater flow or contaminant load shall be considered to occur:

a. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

b. For dwellings, when there is an increase or decrease in the number of bedrooms.

(d) Documentation of existing capabilities. Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow or contaminant load, or both, shall include at least one of the following:

1. A copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and which has been previously approved by the department or the governmental unit.

2. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under ch. Comm 84.

3. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, master plumber, master plumber-restricted service or certified POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.

(e) **Setbacks.** 1. A municipality may not issue a building permit for construction of any structure or addition to a structure on a site where there exists a POWTS, unless the proposed construction conforms to the applicable setback limitations under s. Comm 83.43 (8) (i).

2. The applicant for a building permit shall provide documentation to the municipality issuing the building permit showing the location and setback distances for the proposed construction relative to all of the following:

- a. Existing POWTS treatment components.
- b. Existing POWTS holding components.
- c. Existing POWTS dispersal components.

Note: A municipality which issues building permits may delegate to the governmental unit responsible for issuing sanitary permits the determination of whether the proposed construction will affect or interfere with an existing POWTS relating to capability or location of the existing POWTS.

SECTION 34. Comm 66.11 Note 2 is repealed.

SECTION 35. Comm 66.11 is renumbered 66.11 (1).

SECTION 36. Comm 66.11 (2) is created to read:

Comm 66.11 (2) Pursuant to s. 66.036, Stats., if the proposed construction requires connection to a private onsite wastewater treatment system, a Wisconsin uniform multifamily building permit may not be issued unless conformance with s. Comm 83.25 (2) has first been determined.

Note: See Appendix A for a reprint of s. Comm 83.25 (2).

SECTION 37. Comm A-66.11 (2) in the appendix is created to read:

Comm A-66.11 (2) BUILDING PERMITS. Section Comm 66.11 (2) refers to s. Comm 83.25 (2), which reads as follows:

Comm 83.25 (2) ISSUANCE OF BUILDING PERMITS. (a) General. Pursuant to s. 66.036, Stats., the issuance of building permits by a municipality for unsewered properties shall be in accordance with this subsection.

(b) New construction. A municipality may not issue a building permit to commence construction or installation of a structure that necessitates the use of a POWTS to serve the structure, unless:

1. The owner of the property possesses a sanitary permit for the installation of a POWTS in accordance with s. Comm 83.21; or

Note: Section Comm 83.21 outlines the procedures for the issuance of sanitary permits. Sections 145.135 and 145.19, Stats., mandate that no private sewage system may be installed unless the owner of the property holds a valid sanitary permit.

2. A POWTS of adequate capability and capacity to accommodate the wastewater flow and contaminant load already exists to serve the structure.

Note: See ss. Comm 83.02 and 83.03 concerning the application of current code requirements to existing POWTS.

(c) Construction affecting wastewater flow or contaminant load. 1. A municipality may not issue a building permit to commence construction of any addition or alteration to an existing structure when the proposed construction will modify the design wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:

a. Possesses a sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow or contaminant load, or both; or

b. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow or contaminant load, or both.

2. For the purpose of this paragraph, a modification in wastewater flow or contaminant load shall be considered to occur:

a. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the structure; or the proposed modification affects either the type or number of plumbing appliances, fixtures or devices discharging to the system; and

b. For dwellings, when there is an increase or decrease in the number of bedrooms.

(d) Documentation of existing capabilities. Documentation to verify whether an existing POWTS can accommodate a modification in wastewater flow or contaminant load, or both, shall include at least one of the following:



1. A copy of the plan for the existing POWTS that delineates minimum and maximum performance capabilities and which has been previously approved by the department or the governmental unit.

2. Information on the performance capabilities for the existing POWTS that has been recognized through a product approval under ch. Comm 84.

3. A written investigative report prepared by an architect, engineer, designer of plumbing systems, designer of private sewage systems, master plumber, master plumber-restricted service or certified POWTS inspector analyzing the proposed modification and the performance capabilities of the existing POWTS.

(e) **Setbacks.** 1. A municipality may not issue a building permit for construction of any structure or addition to a structure on a site where there exists a POWTS, unless the proposed construction conforms to the applicable setback limitations under s. Comm 83.43 (8) (i).

2. The applicant for a building permit shall provide documentation to the municipality issuing the building permit showing the location and setback distances for the proposed construction relative to all of the following:

- a. Existing POWTS treatment components.
- b. Existing POWTS holding components.
- c. Existing POWTS dispersal components.

Note: A municipality which issues building permits may delegate to the governmental unit responsible for issuing sanitary permits the determination of whether the proposed construction will affect or interfere with an existing POWTS relating to capability or location of the existing POWTS.

SECTION 38. Chapter Comm 81 is created to read:

### Chapter Comm 81

#### DEFINITIONS AND STANDARDS

Comm 81.01 DEFINITIONS. In chs. Comm 81 to 87, except as otherwise specifically defined:

- (1) "Accepted engineering practice" means a specification, standard, guideline or procedure in the field of plumbing or related thereto, generally recognized and accepted as authoritative documented through national standards or specifications.
- (2) "Accessible" when applied to a fixture, appliance, pipe, fitting, valve or equipment, means having access for maintenance, but which first may require the removal of an access panel or similar obstruction.
- (3) "Aerobic treatment component" means a unit for the treatment of wastewater that utilizes the principle of oxidation for biological decomposition.
- (4) "Agent" means an individual or agency recognized by the department to act on the department's behalf relative to a specific activity or function.
- (5) "Air-break" means a piping arrangement for a drain system where the wastes from a fixture, appliance, appurtenance or device discharge by means of indirect or local waste piping terminating in a receptor at a point below the flood level rim of the receptor and above the inlet of the trap serving the receptor.
- (6) "Air-gap, drain system" means the unobstructed vertical distance through the free atmosphere between the outlet of indirect or local waste piping and the flood level rim of the receptor into which it discharges.
- (7) "Air-gap, water supply system" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank or plumbing fixture and the flood level rim or spill level of the receptacle.
- (8) "Anaerobic treatment component" means a unit for the treatment of wastewater which utilizes molecular oxygen in the absence of free oxygen for biological respiration and decomposition.
- (9) "Approved" means acceptance documented in writing by the department.
- (10) "Appurtenance" means a manufactured device or prefabricated assembly of component parts which is an adjunct to a plumbing product or plumbing system.
- (11) "Area drain" means a receptor designed to collect storm waters from an open area.

(12) "Areawide water quality management plan" means those plans prepared by the department of natural resources, including those plans prepared by agencies designated by the governor under the authority of ss. 281.11, 281.12 (1), 281.15, and 283.83, Stats., for the purpose of managing, protecting and enhancing groundwater and surface water of the state.

Note: See ch. Comm 82 Appendix for a list of water quality management agencies and their addresses.

(13) "Aspirator" means a fitting or device supplied with water or other fluid under positive pressure which passes through an integral orifice or constriction causing a vacuum.

(14) "Autopsy table" means a fixture or table used for post-mortem examination.

(15) "Automatic fire sprinkler system" has the meaning specified under s. 145.01 (2), Stats.

Note: Section 145.01 (2), Stats., reads: "Automatic fire sprinkler system," for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

(16) "Backflow" means the unwanted reverse flow of liquids, solids or gases.

(17) "Back pressure" means a pressure greater than the supply pressure that may cause backflow.

(18) "Backflow preventer with intermediate atmospheric vent" means a type of cross connection control device which consists of 2 independently acting check valves, internally force-loaded to a normally closed position and separated by an intermediate chamber with a means for automatically venting to atmosphere where the venting means is internally force-loaded to a normally open position.

(19) "Back siphonage" means the creation of a backflow as a result of negative pressure.

(20) "Back siphonage backflow vacuum breaker" means a type of cross connection control device which contains a check valve force-loaded closed and an air inlet vent valve force-loaded open to atmosphere, positioned downstream of the check valve, and located between and including 2 tightly closing shut-off valves and 2 test cocks.

(21) "Backwater valve" means a device designed to prevent the reverse flow of wastewater in a drain system.

(22) "Ballcock" means a water supply valve opened or closed by means of a float or similar device used to supply water to a tank.

(23) "Bathroom group" means a water closet, lavatory and a bathtub or shower located together on the same floor level.

(24) "Battery of fixtures" means any group of 2 or more fixtures that discharge into the same horizontal branch drain.

(25) "Bedpan sterilizer" means a fixture used for sterilizing bedpans or urinals by direct application of steam, boiling water or chemicals.

(26) "Bedpan washer and sanitizer" means a fixture designed to wash bedpans and to flush the contents into the sanitary drain system and which may also provide for disinfecting utensils by scalding with steam or hot water.

(27) "Bedpan washer hose" means a device supplied with hot or cold water, or both, and located adjacent to a water closet or clinical sink to be used for cleansing bedpans.

(28) "Bedrock" means rock that is exposed at the earth's surface or underlies soil material and includes:

(a) Weathered in-place consolidated material, larger than 2 mm in size and greater than 50% by volume; and

(b) Weakly consolidated sandstone at the point of increased resistance to penetration of a knife blade.

(29) "Bell" means the portion of a pipe that is enlarged to receive the end of another pipe of the same diameter for the purpose of making a joint.

(30) "Bench mark" or "BM" means a permanently established point, the elevation of which is assumed or known, which serves as a vertical reference point, and which may also serve as a horizontal reference point.

(31) "Blackwater" means wastewater contaminated by human body waste, toilet paper and any other material intended to be deposited in a receptor designed to receive urine or feces.

(32) "BOD<sub>5</sub>" or "biochemical oxygen demand 5 day" means a measure of the amount of biodegradable organic matter in water.

(33) "Boiler blow-off basin" means a vessel designed to receive the discharge from a boiler blow-off outlet and to cool the discharge to a temperature that permits safe entry into the drain system.

(34) "Branch" means a part of a piping system other than a riser, main or stack.

(35) "Branch interval" means the vertical distance along a drain stack measured from immediately below a branch drain connection to immediately below the first lower branch drain connection that is 8 feet or more below.

Note: See ch. Comm 82 Appendix for an illustration depicting branch intervals.

(36) "Branch vent" means a vent serving more than one fixture drain.

(37) "B.T.U." means British Thermal Units.

(38) "Building" means a structure for support, shelter or enclosure of persons or property.

(39) "Building drain" means horizontal piping within or under a building, installed below the lowest fixture or the lowest floor level from which fixtures can drain by gravity to the building sewer.

(40) "Building drain branch" means a fixture drain which is individually connected to a building drain and is vented by means of a combination drain and vent system.

(41) "Building drain, sanitary" means a building drain which conveys wastewater consisting in part of domestic wastewater.

(42) "Building drain, storm" means a building drain which conveys storm water wastes or clear water wastes, or both.

(43) "Building permit" means any written permission from a municipality that allows construction to commence on a structure.

(44) "Building sewer" means that part of the drain system not within or under a building which conveys its discharge to a public sewer, private interceptor main sewer, private onsite wastewater treatment system or other point of disposal.

(45) "Building sewer, sanitary" means a building sewer which conveys wastewater consisting in part of domestic wastewater.

(46) "Building sewer, storm" means a building sewer which conveys storm water wastes or clear water wastes, or both.

(47) "Building subdrain" means the horizontal portion of a drain system which does not flow by gravity to the building sewer.

(48) "Building subdrain branch" means a fixture drain which is individually connected to a building subdrain and is vented by means of a combination drain and vent system.

(49) "Burr" means a roughness or metal protruding from the walls of a pipe usually as the result of cutting the pipe.

(50) "Business establishment" means any industrial or commercial organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(51) "Camping unit transfer container" means a type of stationary holding tank used to collect and hold wastewater discharges generated by an individual camping trailer or recreational vehicle.

(52) "Catch basin" means a watertight receptacle built to arrest sediment of surface, subsoil or other waste drainage, and to retain oily or greasy wastes, so as to prevent their entrance into the building drain or building sewer.

(53) "Cesspool" means an excavation which receives domestic wastewater by means of a drain system without pretreatment of the wastewater and retains the organic matter and solids permitting the liquids to seep from the excavation.

(54) "Circuit vent" means a method of venting 2 to 8 traps or trapped fixtures without providing an individual vent for each trap or fixture.

(55) "Cleanout" means an accessible opening in a drain system used for the removal of obstructions.

(56) "Clear water wastes" means liquids other than storm water, having no impurities or where impurities are below a minimum concentration considered harmful by the department, including but not limited to noncontact cooling water and condensate drainage from refrigeration compressors and air conditioning equipment, drainage of water used for equipment chilling purposes and cooled condensate from steam heating systems or other equipment.

(57) "Cold water" means water at a temperature less than 85°F.

(58) "Combination fixture" means a fixture combining one sink and laundry tray or a 2- or 3-compartment sink or laundry tray in one unit.

(59) "Combination drain and vent system" means a specially designed system of drain piping embodying the wet venting of one or more fixtures by means of a common drain and vent pipe adequately sized to provide free movement of air in the piping.

(60) "Common vent" means a branch vent connecting at or downstream from the junction of 2 fixture drains and serving as a vent for those fixture drains.

(61) "Conductor" means a drain pipe inside the building which conveys storm water from a roof to the storm drain or storm sewer.

(62) "Contaminant load" means the concentrations of substances in a wastewater stream.

(63) "Corporation cock" means a valve:

(a) Installed in a private water main or a water service at or near the connection to a public water main; or

(b) Installed in the side of a forced main sewer to which a forced building sewer is connected.

(64) "Critical level" means the reference point on a vacuum breaker that must be submerged before backflow can occur. When the critical level is not indicated on the vacuum breaker, the bottom of the vacuum breaker shall be considered the critical level.

(65) "Cross connection" means a connection or potential connection between any part of a water supply system and another environment containing substances in a manner that, under any circumstances, would allow the substances to enter the water supply system by means of back siphonage or back pressure.

(66) "Cross connection control device" means any mechanical device which automatically prevents backflow from a contaminated source into a potable water supply system.

(67) "Curb stop" means a valve placed in a water service or a private water main, usually near the lot line.

(68) "Dead end" means a branch leading from a drain pipe, vent pipe, building drain or building sewer and terminating at a developed length of 2 feet or more by means of a plug, cap or other closed fitting.

(69) "Department" means the department of commerce.

(70) "Design wastewater flow" means 150% of the estimated wastewater flow generated by a dwelling, building or facility.

(71) "Determination of failure" has the meaning specified under s. 145.245 (1) (a), Stats.

Note: Section 145.245 (1) (a), Stats., reads: "Determination of failure" means any of the following:

1. A determination that a private sewage system is failing, according to the criteria under sub. (4), based on an inspection of the private sewage system by an employe of the state or a governmental unit who is certified to inspect private sewage systems by the department.

(2) 2. A written enforcement order issued under s. 145.02 (3) (f), 145.20 (2) (f) or 281.19

3. A written enforcement order issued under s. 254.59 (1) by a governmental unit.

(72) "Developed length" means the length of pipe line measured along the centerline of the pipe and fittings.

(73) "Diameter" means in reference to a pipe the nominal inside diameter of the pipe.

(74) "Disinfection unit" means a type of POWTS treatment component, excluding a soil-based POWTS treatment component, that utilizes a chemical or photoelectric process to reduce the wastewater fecal coliform contaminant load.

(75) "Dispersal zone" means a dimensional volume of in situ soil that receives wastewater for treatment or distributes final effluent for dispersal.

(76) "Distribution cell" means a dimensional zone that is part of a POWTS treatment or dispersal component where wastewater is disseminated into in situ soil or engineered soil.

(77) "Documented data" means data which is developed in accordance with scientifically valid analytical protocols including field trials where appropriate, is subjected to peer review, results from more than one study, and consistent with other credible research.

(78) "Domestic wastewater" means the type of wastewater normally discharged from or similar to that discharged from plumbing fixtures, appliances and devices including, but not limited to sanitary, bath, laundry, dishwashing, garbage disposal and cleaning wastewaters.

(79) "Double check backflow prevention assembly" means a type of cross connection control device which is composed of 2 independently acting check valves internally force-loaded to a normally closed position, tightly closing shut-off valves located at each end of the assembly and fitted with test cocks.

(80) "Double check detector assembly backflow preventer" means a type of a double check backflow prevention assembly which includes a parallel flow meter to indicate leakage or unauthorized use of water downstream of the assembly.

Note: Downspout, see "leader".

(81) "Drain" means any pipe that carries wastewater or water-borne wastes.

(82) "Drain system" includes all the piping or any portion of the piping within public or private premises which conveys wastewater to a legal point of disposal, but does not include the mains of public sewer systems or a private onsite wastewater treatment system or public sewage treatment or disposal plant.



(83) " Dwelling " means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(84) "Effluent" means liquid discharged from a POWTS treatment component.

(85) "Ejector" means an automatically operated device to elevate wastewater by the use of air under higher than atmospheric pressure.

(86) "Elevation" or "EL" means the vertical distance from the datum to a point under investigation.

(87) "Enforcement standard" or "ES" has the meaning specified under s. 160.01 (2), Stats.

Note: Section 160.01 (2), Stats., reads: "Enforcement standard" means a numerical value expressing the concentration of a substance in groundwater which is adopted under ss. 160.07 and 160.09.

(88) "Engineered soil" means a mineral product that is equivalent to in situ soil for which treatment capability has been credited under Table 83.44-3, or superior to in situ soil in its ability to treat or disperse domestic wastewater from a POWTS.

(89) "Engineered system" means a system designed to meet the intent of the code but not the enumerated specifications of the state plumbing code.

(90) "Estimated wastewater flow" means the typical quantity of domestic wastewater generated daily by a dwelling, building or facility.

(91) "Experimental system" means a type of plumbing system from which valid and reliable data are being sought to demonstrate compliance with the intent of chs. Comm 82 to 84.

(92) "Failing private onsite wastewater treatment system" has the meaning specified under s. 145.245 (4), Stats.

Note: Section 145.245 (4) reads: "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.

(93) "Farm" means a parcel of 35 or more acres of contiguous land that is devoted primarily to agricultural use, as defined under s. 91.01 (1) and (5), Stats.

Note: Section 91.01 (1) and (5), Stats., reads: (1) "Agricultural use" means beekeeping; commercial feedlots; dairying; egg production; floricultural; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

(5) "Devoted primarily to agricultural use" means under agricultural use for at least 12 consecutive months during the preceding 36-month period.

(94) "Faucet" means a valve end of a water pipe by means of which water can be drawn from or held within the pipe.

(95) "Final effluent" means the effluent from the last POWTS treatment component.

(96) "Fixture drain" means the drain from a fixture to a junction with another drain pipe.

(97) "Fixture supply" means that portion of a water distribution system serving one plumbing fixture, appliance or piece of equipment.

(98) "Fixture supply connector" means that portion of water supply piping which connects a plumbing fixture, appliance or a piece of equipment to the water distribution system.

(99) "Fixture unit, drainage" or "dfu" means a measure of the probable discharge into the drain system by various types of plumbing fixtures. The drainage fixture unit value for a particular fixture depends on its volume rate of drainage discharge, on the time duration of a single drainage operation, and on the average time between successive operations.

(100) "Fixture unit, supply" or "sfu" means a measure of the probable hydraulic demand on the water supply by various types of plumbing fixtures.

Note: The supply fixture unit value for a particular fixture depends on its volume rate of supply, on the time duration of a single supply operation, and on the average time between successive operations.

(101) "Floodfringe" has the meaning specified under s. NR 116.03 (14).

Note: Section NR 116.03 (14) reads: "Floodfringe" means that portion of a floodplain which is outside of the floodway, which is covered by flood water during the regional flood. The term "floodfringe" is generally associated with standing water rather than flowing water.

(102) "Flood level rim" means the edge of the receptacle from which water overflows.

(103) "Floodplain" has the meaning specified under s. NR 116.03 (16).

Note: Section NR 116.03 (16) reads: "Floodplain" means that land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway, floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.

(104) "Floodway" has the meaning specified under s. NR 116.03 (22).

Note: Section NR 116.03 (22) reads: "Floodway" means the channel of a river or stream, and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

(105) "Floor sink" means a receptor for the discharge from indirect or local waste piping installed with its flood level rim even with the surrounding floor.

(106) "Flow" means the volumetric measure of a liquid stream in a specified time.

(107) "Flushometer valve" means a device which discharges a predetermined quantity of water to fixtures for flushing purposes and is closed by direct water pressure.

(108) "Flush valve" means a device located at the bottom of a tank for flushing water closets and similar fixtures.

(109) "Garage, private" means a building or part of a building used for the storage of vehicles or other purposes, by a family or less than 3 persons not of the same family and which is not available for public use.

(110) "Garage, public" means a building or part of a building which accommodates or houses self-propelled land, air or water vehicles for 3 or more persons not of the same family.

(111) "Governmental unit" has the meaning specified under s. 145.01 (5), Stats.

Note: Section 145.01 (5), Stats., reads: "Governmental unit responsible for the regulation of private sewage systems" or "governmental unit", unless otherwise qualified, means the county, except that in a county with a population of 500,000 or more these terms mean the city, village or town where the private sewage system is located.

(112) "Graywater" means wastewater contaminated by waste materials, exclusive of urine, feces or industrial waste, deposited into plumbing drain systems.

(113) "Grease interceptor" means a receptacle designed to intercept and retain or remove grease or fatty substances.

(114) "Groundwater" has the meaning specified under s. 160.01 (4), Stats.

Note: Section 160.01 (4), Stats., reads: "Groundwater" means any of the waters of the state, as defined under s. 281.01 (18), occurring in a saturated subsurface geological formation of rock or soil.

(115) "Hand-held shower" means a type of plumbing fixture that includes a cross connection control device, a hose and a hand-held discharge piece such as a shower head or spray.

(116) "Health care facility" means any building or part of a building used for purposes such as a hospital, nursing home, and offices and clinics with operatories for dentists or doctors.

(117) "Health care plumbing appliance" means a plumbing appliance, the function of which is unique to health care activities.

(118) "High groundwater" means zones of soil saturation which include perched water tables, shallow regional groundwater tables or aquifers, or zones that are seasonally, periodically or permanently saturated.

(119) "High groundwater elevation" means the higher of either the elevation to which the soil is saturated when observed as a free water surface, or the elevation to which the soil has been seasonally or periodically saturated as indicated by the highest elevation of redoximorphic features in the soil profile.

(120) "High hazard" means a situation where the water supply system could be contaminated with a toxic solution.

(121) "Holding tank" means a watertight receptacle for the collection and holding of wastewater.

(122) "Horizontal pipe" means any pipe or fitting which makes an angle of less than 45° with the horizontal.

(123) "Horizontal reference point" means a stationary, identifiable point to which horizontal dimensions can be related.

(124) "Hose connection backflow preventer" means a type of cross connection control device which consists of 2 independent checks, force-loaded or biased to a closed position, with an atmospheric vent located between the 2 check valves, which is forced-loaded or biased to an open position, and a means for attaching a hose.

(125) "Hose connection vacuum breaker" means a type of cross connection control device which consists of a check valve member force-loaded or biased to a closed position and an atmospheric vent valve or means force-loaded or biased to an open position when the device is not under pressure.

(126) "Hot water" means water at a temperature of 110° F. or more.

(127) "Hot water storage tank" means a tank used to store water that is heated indirectly by a circulating water heater or by steam or hot water circulating through coils or by other heat exchange methods internal or external to the tank.

(128) "Human health hazard" has the meaning specified under s. 254.01 (2), Stats.

Note: Section 254.01 (2), Stats., reads: "Human health hazard" means a substance, activity or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

(129) "Hydrostatic test" means a test performed on a plumbing system or portion thereof in which the system is filled with a liquid, normally water, and raised to a designated pressure.

(130) "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.

(131) "Indirect waste piping" means drain piping which does not connect directly with the drain system, but which discharges into the drain system by means of an air break or air gap into a receptor.

(132) "Individual vent" means a pipe installed to vent a fixture trap.

(133) "Industrial wastewater" means the liquid wastes that result from industrial processes.

(134) "Infiltrative surface" means the plane within a POWTS treatment or dispersal component at which effluent is applied to in situ soil or engineered soil.

(135) "In situ soil" means soil naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

(136) "Interceptor" or "separator" means a device designed and installed so as to separate and retain deleterious, hazardous or undesirable matter from wastes flowing through it.

(137) "Laboratory faucet backflow preventer" means a type of cross connection control device which consists of 2 independently acting check valves force-loaded or biased to a closed position and, between the check valves, a means for automatically venting to atmosphere which is force-loaded or biased to an open position.

(138) "Laboratory plumbing appliance" means a plumbing appliance, the function of which is unique to scientific experimentation or research activities.

(139) "Leaching chamber" means a product designed to support soil and create a cavity for the temporary storage of effluent and to provide an infiltrative surface for the distribution cell POWTS dispersal or treatment component.

(140) "Leader" means a pipe or channel outside a building which conveys storm water from the roof or gutter drains to a storm drain, storm sewer or to grade.

- (141) "Lead-free" means a chemical composition equal to or less than 0.2% of lead.
- (142) "Linear loading rate" means the amount of effluent applied daily along the landscape contour expressed in gallons per day per linear foot along a site contour.
- (143) "Load factor" means the percentage of the total connected fixture unit flow rate which is likely to occur at any point in a drain system.
- (144) "Local station" means a National Weather Service (NWS) precipitation station or other station accepted by the department as collecting precipitation data in accordance with NWS methods.
- (145) "Local waste piping" means a portion of drain piping which receives the wastes discharged from indirect waste piping and which discharges those wastes by means of an air break or air gap into a receptor.
- (146) "Local vent" means a pipe connecting to a fixture and extending to outside air through which vapor or foul air is removed from the fixture.
- (147) "Low hazard" means a situation where the water supply system could be contaminated with a nontoxic substance.
- (148) "Main" means the principal pipe artery to which branches may be connected.
- (149) "Manhole" means an opening constructed to permit access by a person to a sewer or any underground portion of a plumbing system.
- (150) "Manufactured dwelling" has the meaning specified under s. Comm 20.07 (52).

Note: Section Comm 20.07 (52) reads: "Manufactured dwelling" means any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection or assembly and installation at the building site; or
2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer.

(151) "Mechanical joint" means a connection between pipes, fittings or pipes and fittings by means of a device, coupling, fitting or adapter where compression is applied around the center line of the pieces being joined, but which is not caulked, threaded, soldered, solvent cemented, brazed or welded.

(152) "Mobile home" means a vehicle as defined under s. 66.058 (1) (d), Stats.

Note: Section 66.058 (1) (d), Stats., reads: "Mobile home" is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

(153) "Mobile home drain connector" means the pipe that joins the drain piping for a mobile or manufactured home to the building sewer.

(154) "Mobile home park" has the meaning specified under s. 66.058 (1) (e), Stats.

Note: Section 66.058 (1) (e), Stats., reads: "Mobile home park" means any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(155) "Multiple dwelling" means a building containing more than 2 dwelling units.

(156) "Municipality" means any city, village, town or county in this state.

(157) "Munsell soil color" means a color classification that specifies the relative degrees of the color variables in terms of hue, value and chroma.

(158) "Navigable waters" has the meaning specified under s. NR 115.03(5).

Note: Section NR 115.03 (5) reads: "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31 (2) (d), Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.971, Stats., and this chapter do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and

(c) Such lands are maintained in nonstructural agricultural use.

(159) "Negative pressure" means a pressure less than atmospheric.

(160) "Nonpotable water" means water not safe for drinking, personal or culinary use.

(161) "Nonpublic" means, in the classification of plumbing fixtures, those fixtures in residences, apartments, living units of hotels and motels, and other places where the fixtures are intended for the use by a family or an individual to the exclusion of all others.

(162) "Nontoxic" means a probable human oral lethal dose of greater than 15 grams of solution per kilogram of body weight.

(163) "Occupancy" means the purpose for which a building, structure, equipment, materials, or premises, or part thereof, is used or intended to be used.

(164) "Oil interceptor" means a device designed to intercept and retain oil, lubricating grease or other similar materials.

(165) "Offset" means a combination of fittings or bends which brings one section of the pipe out of line but into a line parallel with the other section.

(166) "One or 2-family dwelling" means a building containing not more than 2 dwelling units.

(167) "Open air" means outside the building.

(168) "Ordinary high-water mark" has the meaning specified under s. NR 115.03 (6).

Note: Section NR 115.03 (6), reads: "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

(169) "Participating governmental unit" means a governmental unit which applies to the department for financial assistance under s. Comm 87.60, and which meets the conditions specified under s. 145.245 (9), Stats.

(170) "Peak flow" means the largest anticipated recurrent wastewater discharge to a private onsite wastewater treatment system.

(171) "Pipe applied atmospheric type vacuum breaker" means a type of cross connection control device where the flow of water into the device causes a float to close an air inlet port and when the flow of water stops the float falls and forms a check valve against back siphonage and at the same time opens the air inlet port to allow air to enter and satisfy the vacuum.

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

(173) "Pitch" means the gradient or slope of a line of pipe in reference to a horizontal plane.

(174) "Place of employment" has the meaning specified under s. 101.01 (11), Stats.



Note: Section 101.01 (11), Stats., reads: "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies or equipment directly to the farm by the operator of said farm or employes for the use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer unrelated residents.

(175) "Plumbing" has the meaning specified under s. 145.01 (10), Stats.

Note: Section 145.01 (10), Stats., reads: "Plumbing" means and includes:

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private sewage systems, and the alteration of any such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of, or beneath an area subject to easement for highway purposes and its connections.

(d) The water pressure system other than municipal systems as provided in ch. 281.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems, and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.