

ILHR 81.38 Certification fees. All applicants for certification as a certified inspector or independent inspection agency shall submit, with the application form, fees in accordance with this section.

(1) **CERTIFIED INSPECTORS.** Persons applying for initial certification or recertification as a certified plumbing inspector shall submit a fee of \$25.00.

(a) *Examinations for certification.* Upon determination of eligibility for the examination for certification, fees shall be collected in accordance with the following schedule:

- 1. Initial examination..... \$25.00
- 2. Examination retakes \$25.00

(b) *Educational and training seminars.* Fees shall be assessed on a per seminar basis for educational and training programs sponsored by the department.

(2) **INDEPENDENT INSPECTION AGENCIES.** Fees for the initial certification of independent inspection agencies shall be \$25.00, and for recertification, \$25.00 annually.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.39 Petition for rules or declaratory rulings. Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be in accordance with ch. 227, Stats.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.40 Private sewage system inspections. All inspections of private sewage systems shall be performed by inspectors certified by the department.

(1) **CERTIFICATION.** Inspectors for private sewage systems shall be certified in accordance with the requirements of this subchapter.

(2) **LOCAL GOVERNMENTAL EMPLOYEES.** Pursuant to s. 145.20, Stats., certified plumbing inspectors of private sewage systems shall be employes of the respective local governmental unit responsible for the regulation of private sewage systems.

(3) **INDEPENDENT INSPECTION AGENCIES.** Inspections of private sewage systems may not be delegated to certified independent inspection agencies.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

SUBCHAPTER III — CERTIFICATION OF SOIL TESTERS

ILHR 81.601 Scope. The provisions of this subchapter as authorized by s. 145.045, Stats., apply to all persons engaged in the conducting and reporting of percolation tests, other tests required by applicable rules of the state uniform plumbing code and the evaluation of bore holes or soil exposures for the purpose of determining the suitability of soils on a parcel of land for the installation of private sewage systems. The tests and soil evaluations and reporting thereof on forms supplied by the department shall apply to individual parcels on which a private sewage disposal

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system is proposed for installation and to lands proposed for subdivision not served by public sewers.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.602 Saving and severable clauses. History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. under s. 13.93 (2m) (b) 16, Stats., Register, February, 1985, No. 350.

ILHR 81.603 Certification processing times. Certifications issued under this subchapter shall be granted or denied by the department within 30 business days after passage of examination or receipt of the applicable application and fees.

History: Cr. Register, February, 1985, No. 350, eff. 3-1-85.

ILHR 81.61 Definitions. For the purpose of this subchapter, the following terms are defined:

(1) "Approved" means acceptable to the department.

(2) "Department" means department of industry, labor and human relations.

(3) "Certified soil tester" means a person satisfactorily passing the examination offered to achieve certification and possessing a current certificate.

(4) "Gross negligence" means a high degree of failure to exercise ordinary care of judgement and failure by omission or commission to discharge the duty required to protect the health, safety and welfare of the public.

(5) "Incompetence" means conduct which evidences a lack of competence or ability to discharge the duty required to protect the health, safety and welfare of the public, lack of knowledge of the fundamental principles of plumbing inspection or an inability to apply those principles, or failure to maintain competency in the current practices and methods applicable to inspection services and the state uniform plumbing code.

(6) "Misconduct" means an act performed in the discharge of enforcement duties which jeopardizes the interests of the public, including violation of federal or state laws, local ordinances or administrative rules relating to the position; preparation of deficient or falsified reports; failure to submit information or reports required by law or contract when requested by the municipality or the department; conduct which evidences a lack of trustworthiness; misrepresentation of qualifications such as education, experience or certification; illegal entry of premises; misuse of funds; or misrepresentation of authority.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.62 Reports. Reports for individual parcels on which a private sewage disposal system is proposed for installation shall be received by the department and the appropriate local authority on all sites investigated within 30 days of completion of testing.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

ILHR 81.63 Examining committee. (1) **CREATION.** The secretary of the department or designee shall appoint an examining committee.

Register, February, 1985, No. 350