

## Chapter SPS 391

### SANITATION

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**Note:** Chapter Comm 91 was renumbered chapter SPS 391 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

**SPS 391.01 Purpose.** This chapter has the following purposes:

(1) This chapter establishes minimum standards and criteria for the design, installation and maintenance of sanitation systems and devices which are alternatives to water-carried waste plumbing fixtures and drain systems so that these sanitation systems and devices are safe and will safeguard public health and the waters of the state.

(2) This chapter establishes criteria for equal speed of access to toilets for each gender in restrooms serving an amusement facility and a specialty event center where the public congregates.

**Note:** Chapter SPS 361 to 366 relating to commercial buildings and structures specifies the minimum number of toilet facilities for women and men.

**Note:** Chapter SPS 390 relating to swimming pools and water attractions contains minimum number of toilet facilities for women and men.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: am. Register July 2005 No. 594, eff. 1-1-06.

**SPS 391.02 Scope.** (1) This chapter has the following applications:

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

(b) This chapter applies to separate-gender restrooms serving an amusement facility and a specialty event center where the public congregates that are constructed or altered as specified in s. SPS 391.14.

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

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: am. (1) Register July 2005 No. 594, eff. 1-1-06; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 391.03 Definitions.** In this chapter:

(1) "Amusement facility" has the meaning given in s. 101.128 (1) (a), Stats.

(2) "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.

(3) "Department" means the department of safety and professional services.

(4) "Facility where the public congregates" has the meaning given in s. 101.128 (1) (b), Stats.

(5) "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.

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

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

(8) "Specialty event center" has the meaning given in s. 101.128 (1) (g), Stats.

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

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: renum. (1) to (6) to be (2), (3), (5) to (7) and (9), cr. (1), (4) and (8), Register July 2005 No. 594, eff. 1-1-06; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

**SPS 391.04 Registrations.** The installation of a vault privy or a pit privy to serve a state-owned facility shall be registered with the department prior to installation. The registration of a vault privy shall be accompanied by sufficient information to determine compliance with s. SPS 384.25. The registration of a pit privy shall be accompanied by sufficient soil information to determine compliance with s. SPS 383.44 (4) (b).

**History:** CR 02-129: cr. Register January 2004 No. 577, eff. 2-1-04; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 391.10 Composting toilet systems.** (1) The materials, design, construction and performance of a composting toilet system shall conform to NSF Standard 41.

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

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

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

(b) Ventilation ducts or vents for the composting toilet system shall conform to s. SPS 382.31 (16).

**Note:** See appendix for a reprint of portions of s. SPS 382.31 (16).

(4) (a) The disposal of the compost shall be in accordance with 40 CFR part 503.

(b) The disposal of any liquid from a composting toilet system shall be either to a public sanitary sewer system or a POWTS conforming to ch. SPS 383.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (3) (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17-065: am. (4) (a) Register June 2018 No. 750, eff. 7-1-18.

**SPS 391.11 Incinerating toilets.** (1) The design, construction and installation of a gas-fired incinerating toilet shall conform to ANSI Z21.61.

(2) The materials, design, construction, and performance of an electric-fired incinerating toilet shall conform to NSF Protocol P157.

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

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

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

**Note:** Materials relating to 40 CFR part 503, including, "Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule", are available at [epa.org](http://epa.org).

(b) The disposal of any liquid from an incinerating toilet shall be either to a public sanitary sewer system or a POWTS conforming to ch. SPS 383.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; **CR 17-065: am. (2) Register June 2018 No. 750, eff. 7-1-18.**

**SPS 391.12 Privies.** (1) (a) The storage chamber of a vault privy shall conform with the requirements of s. SPS 384.25 relating to holding tanks, and shall have a minimum storage capacity of 200 gallons or one cubic yard.

(b) 1. The storage chamber of a pit privy shall be sited and located in soil recognized to provide treatment and dispersal in accordance with s. SPS 383.44 (4) (b).

**Note:** Chapter SPS 385 establishes procedures for conducting soil evaluations and preparing soil evaluation reports. Section SPS 305.33 delineates the qualifications and certification procedures for individuals who conduct soil evaluations.

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

3. Privies for public use shall meet the requirements of this section and chs. SPS 361 to 366.

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

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

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

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

1. At least 3 inches in diameter;
2. Installed in accordance with s. SPS 382.31 (16) (a) to (f); and
3. Fabricated or provided with screening to prevent insects from entering the storage chamber.

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

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

- (a) Having the contents of the storage chamber pumped and disposed of in accordance with ch. NR 113;
- (b) Removing the entire top of the chamber; and
- (c) Filling the remaining portion of the emptied storage chamber with soil or other inert material to an elevation equal to or above the surrounding grade.

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

**Note:** The requirements of the commercial building code, chs. SPS 361 to 366, apply to the structures built over those privies serving public buildings and places of employment.

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

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

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

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 01-139: am. (1) (b) 3. Register June 2002 No. 558, eff. 7-1-02; correction in (1) (a), (b) 1., 3., (2) (b) 2. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 391.13 Portable restrooms.** (1) The storage chamber of a portable restroom into which human waste is to be deposited shall be watertight.

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

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

**SPS 391.14 Equal speed of access to toilets.**

(1) APPLICATION. This section applies to the toilet fixtures in separate-gender restrooms serving an amusement facility and a specialty events center where the public congregates that are constructed or renovated on or after January 1, 2006 only if one of the following occurs:

(a) New separate-gender restrooms are constructed or separate-gender toilets are provided, in which case this section applies only to the new restrooms.

(b) More than 50 percent of the square footage of an existing separate-gender restroom is renovated, in which case this section applies only to the renovated portion.

**Note:** Under section 101.128 (1) (d), Stats., “ ‘renovation’ means any structural remodeling, improvement or alteration of an existing facility where the public congregates. ‘Renovation’ does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system.”

(2) NUMBER OF TOILET FACILITIES. When separate public restrooms or other toilet facilities are provided for males and females at an amusement facility and a specialty event center where the public congregates, the number of toilets for the females shall be provided at a ratio of 2 for every toilet and every urinal provided for the males.

**History:** CR 04-072: cr. Register July 2005 No. 594, eff. 1-1-06; **CR 17-065: am. (1) (b) Register June 2018 No. 750, eff. 7-1-18.**

**SPS 391.20 Incorporation of standards by reference.**

(1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general has consented to the incorporation by reference of the standards listed in sub. (3).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department and the legislative reference bureau. Copies of the standards may be purchased through the respective organizations listed in sub. (3).

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

(a) ANSI Z21.61-1983: Gas-Fired Toilets, American National Standard Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036.

(b) NSF 41-2016: Non-Liquid Saturated Treatment Systems, NSF International, 6300 Interfirst Drive, Ann Arbor, MI 48108.

(c) NSF Protocol P157-2014: Electrical Incinerating Toilets – Health and Sanitation, NSF International, 6300 Interfirst Drive, Ann Arbor, MI 48108.

**History:** Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672; **CR 17-065: am. (1), (2), (3) (intro.), r. and recr. (3) (a), (b), cr. (3) (c) Register June 2018 No. 750, eff. 7-1-18; correction in (3) (intro.) made under s. 35.17, Stats., Register June 2018 No. 750.**