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ceded by a conventional septic tank. Credit will be given for the capacity of the septic tank in meeting the required capacity as listed in sub. (3).

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.15, Register, June, 1983, No. 330, eff. 7-1-83; am. (4) (e), Register, February, 1985, No. 350, eff. 3-1-85.

**ILHR 83.16 Maintenance and sludge disposal.** (1) **MAINTENANCE.** Septic tanks and other treatment tanks shall be cleaned whenever the sludge and scum occupies  $\frac{1}{3}$  of the tank's liquid capacity. All sludge, scum, liquid and any other material removed from a private domestic sewage treatment and disposal system is hereafter referred to as sludge.

(2) **SLUDGE DISPOSAL.** See ch. NR 113, Wis. Adm. Code.

(3) **COUNTY OPTION.** Counties may establish a mandatory maintenance program to insure continuing maintenance of private sewage systems.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.16, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.17 Chemical restoration.** No products for chemical restoration or chemical restoration procedures for private sewage systems may be used unless approved by the department.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.17, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.18 Holding tanks.** (1) **APPROVAL.** The use of holding tank installations will be considered on an individual basis. Plans and appropriate fees must be submitted as required in s. ILHR 83.08 to the department for review of each request to install a holding tank. The department shall have the responsibility for the review and approval of holding tanks when the tanks are located on private property. Where holding tanks are connected to a public collection system and located in the public right-of-way or are owned and pumped by a governmental entity with an easement for access, the bureau of water quality of the department of natural resources shall be responsible for plan review and approval.

(2) **PROHIBITING HOLDING TANKS.** Holding tanks for new construction may be prohibited by county ordinance. If the county allows the use of holding tanks for new construction, then such use may be prohibited by city, village, or town ordinance. If a governmental unit prohibits holding tanks for new construction, then the governmental unit shall provide an appeal procedure to this prohibition. The county board, city council, village board or town board or the designated committee of such governmental unit, may grant variances to their holding tank prohibition. The county, city, village or town shall inform the department in writing of each variance.

(3) **HOLDING TANKS ON PROPERTIES WITH EXISTING BUILDINGS.** When the use of a holding tank becomes the only available alternative for the disposal of sanitary liquid waste for an existing building, local government shall allow the use of a holding tank or condemn the property. The requirements established for use of holding tanks for newly developed properties in this section shall also apply to replacement system uses.

(4) **NEWLY DEVELOPED PROPERTIES.** (a) *General.* A signed agreement between the appropriate city, village or town and the owner guaranteeing the pumping and transporting of the holding tank contents to a

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disposal site meeting the requirements of ch. NR 113, Wis. Adm. Code, shall be submitted to the department. The agreement shall specify that if the owner does not cause to have the holding tank properly maintained in response to orders from local government or the department, and it becomes necessary to prevent or abate a nuisance as described in ss. 146.13 and 146.14, Stats., local government shall provide for pumping and transporting of the holding tank contents. The agreement shall also include the requirement that a quarterly pumping report be submitted by the owner or their agent to the local government and the county which shall state the owner's name, location of the property on which the holding tank is located, the pumper's name, the dates, volumes pumped and the disposal site. An annual pumping report or the fourth quarter report including a summary of the pumping history of the previous year shall be submitted to the department by local or county government. The agreement shall be binding on the owners, their heirs and assignees and recorded in cognizant with the deed.

(b) **HOLDING TANKS IN SUBDIVISIONS.** The following procedures shall be followed when creating lots by subdividing and using holding tanks and the hauling of waste as the means of liquid waste disposal.

1. A local governmental entity shall be responsible for proper waste hauling. In the case of a township, a sanitary district shall be in existence.

2. The properties to be served shall be described in detail—including plat name.

3. When a private waste hauler is to be used, a contract between local government and the liquid waste hauler shall be submitted to the department. In the case of townships, the sanitary district shall have a contract with the liquid waste hauler.

4. If hauling of the waste is to be performed by local government or a sanitary district, a copy of the action purchasing the hauling equipment and authorization of employees to perform the work shall be submitted to the department.

5. A copy of the contract between the sanitary district or private haulers and a local governmental entity operating the sewage treatment facility receiving the hauled waste shall be submitted to the department if final disposal is accomplished in that manner.

6. A letter from the department of natural resources authorizing disposal into a public treatment facility shall be supplied to the department if final disposal is accomplished in that manner. If disposal is to the ground surface, the department of natural resources shall indicate that the disposal site meets the requirements of NR 113, Wis. Adm. Code.

7. If the subdivision is given clearance under ch. 236, Stats., as a sewerage subdivision, the department of natural resources shall be the approving authority for the holding tank installation.

(5) **SIZING.** (a) *One and 2 family residences.* The minimum liquid capacity of a holding tank for one and 2 family residences is as follows:

Number of Bedrooms	Holding Tank
1	2,000
2	2,000
3	2,000
4	2,500
5	3,000
6	3,500
7	4,000
8	4,500

(b) *Public buildings.* Public buildings shall have a minimum 5-day holding capacity, but not less 2,000 gallons. Sizing shall be based in accord with s. ILHR 83.15 (3) (c) 2. The 750 gallon minimum referred to in s. ILHR 83.15 (3) does not apply to holding tanks. No more than 4 holding tanks installed in series will be permitted.

(6) **CONSTRUCTION.** Holding tanks shall be constructed of welded steel, monolithic concrete, glass-fibre reinforced polyester or other materials approved by the department.

(7) **INSTALLATION.** (a) *Location.* Tanks shall be located in accord with s. ILHR 83.15 (4) (a), except the tanks shall be at least 20 feet from any part of a building. Holding tanks shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within 10 feet of the servicing manhole.

(b) *Warning device.* A high water warning device shall be installed so that it activates 1 foot below the inlet pipe. This device shall be either an audible or illuminated alarm. If the latter, it shall be conspicuously mounted. Electrical junction box, including warning equipment junctions, shall be located outside the holding tank unless they are housed in waterproof, explosion-proof enclosures. Electrical relays or controls shall be located outside the holding tank.

(c) *Manholes.* Each tank shall be provided with a manhole opening no less than 24 inches square or 24 inches inside diameter extending to a minimum of 4 inches above ground. Finish grade must be sloped away from the manhole to divert surface water from the manhole. Each manhole cover shall have an effective locking device. Manhole covers may have a service port reduced in size to 8 inch inside diameter 4 inches above finish grade level. The reduced opening must have an effective locking cover or a brass cleanout plug. Reduced locking devices or cleanouts must be approved by the department.

(d) *Septic tank.* If an approved septic tank is installed to serve as a holding tank, the inlet and outlet baffle may be removed and the outlet shall be sealed.

(e) *Vent.* Each tank shall be provided with a minimum 2-inch cast iron fresh air inlet extending 12 inches above final grade, terminating with a return bend fitting and 25 feet from a door, window or fresh air inlet. When a 4-inch cast iron vent is used, the above requirements shall apply except it may terminate with an approved vent cap.

(f) *Servicing.* Holding tanks shall be serviced in accord with ch. 146, Stats., and ch. NR 113, Wis. Adm. Code.

(8) **FLOOD PLAIN CONSTRUCTION.** (a) *Vent.* Two feet of freeboard between the top of the vent of the holding tanks and the regional flood elevation is required.

(b) *Manhole.* Two feet of freeboard is required between the top of the service manhole of a holding tank and the regional flood elevation.

(c) *Anchoring.* Adequate anchoring of a holding tank must be provided to counter the buoyant forces in the event of a regional flood.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.18, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.19 Inspection and tests. (1) INITIAL INSPECTION PROCEDURES.**

(a) *General.* All private sewage systems shall be inspected after construction but before backfilling no later than the end of the next workday excluding Saturdays, Sundays and holidays after receiving notice from the licensed plumber responsible for the installation, i.e., the plumber in charge.

(b) *Notice for inspection.* The plumber in charge shall notify the county in person, by telephone or in writing when the private sewage system is ready for inspection.

(c) *Preparation for inspection.* When a private sewage system is ready for inspection, the plumber in charge shall make such arrangements as will enable the county or department inspector to inspect all parts of the system. The plumber shall have present the proper apparatus and equipment for conducting the inspection and shall furnish such assistance as may be necessary in making proper inspection.

(2) **COVERING OF WORK.** No part of the private sewage system may be backfilled until has been inspected and approved. If any part is covered before being inspected and approved it shall be uncovered at the discretion of the county or department inspector.

(3) **OTHER INSPECTIONS.** The county or department may require additional inspections other than the inspection prior to backfilling. Inspections may be required during the construction phase and after backfilling.

(4) **INSPECTIONS FOR ADDITIONS, ALTERATIONS OR MODIFICATIONS.** When a private sewage system is modified, altered or additions constructed, the inspection criteria required in this section shall apply.

(5) **DEFECTS IN MATERIALS AND WORKMANSHIP.** If inspection discloses defective material, design, siting or unworkmanlike construction which does not conform to the requirements of this chapter, the nonconforming parts shall be removed, replaced and reinspected.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.19, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.20 Materials. (1) MINIMUM STANDARDS.** (a) *Approval.* Unless otherwise provided for in this chapter, all materials, fixtures or devices sold, used or entering into the construction of a private sewage system or parts thereof, shall be submitted to the department for approval and shall conform to approved applicable standards or to other equivalent standards acceptable to the department and shall be free from defects.