

## Chapter ILHR 83

## PRIVATE SEWAGE SYSTEMS

ILHR 83.01	Purpose (p. 259)	ILHR 83.13	Installation—conventional soil absorption systems (p. 286)
ILHR 83.02	Definitions (p. 260)	ILHR 83.14	Pressure distribution systems (p. 288)
ILHR 83.03	Approvals and limitations (p. 266)	ILHR 83.15	Septic tanks and other treatment tanks (p. 298)
ILHR 83.04	Specific limitations (p. 266)	ILHR 83.16	Maintenance and sludge disposal (p. 303)
ILHR 83.05	Local filing requirements (p. 268)	ILHR 83.17	Chemical restoration (p. 303)
ILHR 83.06	County administration (p. 269)	ILHR 83.18	Holding tanks (p. 303)
ILHR 83.07	Plan review—department (p. 271)	ILHR 83.19	Inspection and tests (p. 306)
ILHR 83.08	Examination of plans and specifications (p. 272)	ILHR 83.20	Materials (p. 306)
ILHR 83.09	Site evaluation (p. 273)	ILHR 83.21	Building sewers and drains (p. 312)
ILHR 83.10	Site requirements (p. 280)	ILHR 83.22	Alternative private sewage systems (p. 312)
ILHR 83.11	Initial adverse determination (p. 283)	ILHR 83.23	Mound systems (p. 315)
ILHR 83.12	Sizing soil absorption systems (p. 284)		Appendix (p. 340)

Note: Chapter H 63 was created as an emergency rule effective 6-21-80; chapter H 63 as it existed on June 30, 1983 was renumbered to chapter ILHR 83.

**ILHR 83.01 Purpose.** (1) **GENERAL.** The underlying principles of this chapter as authorized in s. 145.02 (2), Stats., are basic goals in environmental health and safety accomplished by proper siting, design, installation, inspection, and maintenance of private sewage systems. The prerequisites necessary for the essential protection of the health of the public and the environment are the same everywhere. As unforeseen situations arise which are not specifically covered in this chapter the basic principles enumerated in this section shall serve to define intent.

(2) **BASIC PRINCIPLES.** (a) *Need.* Every building intended for human habitation or occupancy shall be provided with a properly functioning system for treatment and disposal of domestic waste.

(b) *Public sewers.* Every building intended for human habitation or occupancy on land abutting a street, right-of-way, or easement in which there is a public sewer, or on land deemed accessible to public sewer, shall have an individual connection to the public sewer and the private sewage system serving such building shall be properly abandoned.

(c) *Discharges prohibited.* Every private sewage system shall be designed, located and constructed to prevent any discharge of sewage or partially treated sewage into drain tiles, onto the ground surface, into the structure served, into the surface waters of the state or into the groundwater of the state including zones of seasonal soil saturation.

(d) *Maintenance.* Every private sewage system shall be adequately maintained.

(e) *Nuisance.* Every private sewage system shall be designed, located and constructed so as not to create a nuisance.

(f) *Sizing*. Every private sewage system shall be designed and constructed to adequately dispose of all the wastewater generated in the structure or facility it is serving.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.01, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.02 Definitions.** For the purpose of this chapter, the following definitions shall apply. The dictionary meaning shall apply for all other words.

(1) "Aggregate" means washed graded hard rock that has been washed with water under pressure over a screen during or after grading to remove fine material and with a hardness value of 3 or greater on Moh's Scale of Hardness. Aggregate that can scratch a copper penny without leaving any residual rock material on the coin would have a harness of 3 or more on Moh's Scale of Hardness.

(2) "Alternative private sewage system" means a system as defined in s. 145.022 (1) (a), Stats. The alternative private sewage systems included in this chapter, but not limited by enumeration, are mound systems and shallow sub-surface pressure distribution systems used on sites not meeting the soil criteria for conventional private sewage systems.

(3) "Approved" means approved or accepted by the department.

(4) "Bedrock" means the rocks that underly soil material or are at the earth's surface. Bedrock is encountered when the weathered in-place consolidated material, larger than 2 mm in size, is greater than 50% by volume.

(5) "Building" means a structure having walls and a roof erected or set upon an individual foundation or slab-constructed base designed or used for the housing, shelter, enclosure or support of persons, animals or property of any kind. A mobile home is included in this definition. Each structure abutting another structure which does not have an ingress-egress doorway through the basement foundation walls, or structures with separate exterior or exterior abutting walls, or public use structures separated by an unpierced firewall, shall be considered as a separate or individual building.

(6) "Cesspool" means a covered excavation in the ground which receives sewage or other organic wastes from a drainage system, and so designed as to retain the organic matter and solids, permitting the liquids to seep into the soil cavities.

(7) "Cleanout" means a plug or cover made of material approved by the department joined by means of a screw thread to an opening in a pipe, which can be removed for the purpose of cleaning or examining the interior of the pipe.

(8) "Clear water wastes" means cooling water and condensate drainage from refrigeration compressors and air-conditioning equipment, water used for equipment chilling purposes, liquid having no impurities or where impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam heating systems or other equipment.

(9) "Color" means the moist color of the soil based on Munsell soil color charts.

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(5) **ACCEPTANCE.** No private sewage system shall be used until the proper sanitary permit, inspection and a revised plan, if required, has been accepted and filed by the county authority.

(6) **PLAN FILING.** The county shall establish a filing system which provides a system of retrieval of sanitary permits and plans and may set by ordinance a filing fee. The county may require that additional information be included on the plan to aid in filing, indexing or retrieving permits and plans.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.05, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.06 County administration.** (1) **PRIVATE SEWAGE SYSTEM ORDINANCE.** (a) *Adoption of ordinance.* Every county shall adopt an ordinance governing private sewage systems which conforms with this chapter. The ordinance shall apply to the entire area of the county. (Ref. s. 59.065 (1), Stats.)

(b) *Enforcement.* The county shall administer the private sewage system ordinance in accordance with s. 145.20, Stats., and this chapter.

(2) **SANITARY PERMITS.** (a) *General.* The county shall establish administrative procedures for the approval, disapproval or issuance of state sanitary permits in accord with s. 145.135, and s. 145.19, Stats., and this chapter.

(b) *Application.* The application for a sanitary permit shall be made on forms furnished by the department. Before a private sewage system is installed a licensed master plumber or master restricted plumber (sewer) shall sign the application for permit and assume responsibility for installation of the system. (Ref. ss. 145.06 and 145.135, Stats.)

(c) *Permit transfer.* When there is a change of ownership, building use or master plumber, a permit transfer form furnished by the department shall be submitted to the county for approval prior to the installation of a private sewage system. Failure to submit transfer forms to the county shall invalidate the sanitary permit in accord with s. 145.135 (1), Stats. The county may charge a fee for the transfer of a sanitary permit.

(d) *Posting.* The sanitary permit shall be issued by the county on forms furnished by the department. The sanitary permit shall be displayed conspicuously so as to be visible from the road fronting the lot during construction.

(3) **COUNTY ORGANIZATION AND PERSONNEL.** (a) *Assignment of duties.* The county board may assign the duties of administering the private sewage system program to any county office, department, committee, board, commission, position or employe.

(b) *Certified soil tester.* The county shall obtain the services of a certified soil tester, either as a county employe or under contract, to review and verify certified soil tester reports.

(4) **COUNTY RESPONSIBILITIES.** (a) *Review of soil test reports.* The county shall review certified soil tester reports for proposed private sewage systems and verify the report at the proposed site, if necessary.

(b) *Review of applications for sanitary permits.* The county shall approve or disapprove applications for sanitary permits and assist applicants in preparing an approvable application. (See s. ILHR 83.11.)

(c) *Written notice.* The county shall issue written notice to each applicant whose sanitary permit application is disapproved. Each notice shall state the specific reasons for disapproval and amendments to the application, if any, which render the application approvable. Each notice shall also give notice of the applicant's right to appeal and the procedures for conducting an appeal under ch. 68, Stats.

(d) *Inspections.* The county shall inspect all private sewage systems after construction but before backfilling no later than the end of the next workday, excluding Saturdays, Sundays and holidays, after receiving notice from the plumber in charge. Inspections shall be reported on forms furnished by the department.

(e) *Reports and surveys.* The county shall file reports and conduct surveys and inspections as required by the county or the department.

(f) *Investigate violations.* The county shall investigate violations of the private sewage system ordinance and s. 146.13, Stats., issue orders to abate the violations and submit orders to the district attorney, corporation counsel or attorney general for enforcement.

(g) *Other duties.* The county shall perform other duties regarding private sewage systems as considered appropriate by the county or as required by the rules of the department.

(5) DEPARTMENT RESPONSIBILITIES. (a) *Department approval.* The department may specify categories of private sewage systems for which approval by the department is required prior to issuance of sanitary permits by the county.

(b) *Department audit.* The department shall review the private sewage system program in each county to ascertain compliance with s. 145.20 (2), Stats., and with rules promulgated by the department. This review shall include a random audit of sanitary permits, including verification by on-site inspection.

(c) *Compliance.* If a county board does not adopt a private sewage system ordinance meeting the requirements of s. 59.065, Stats., or if the county does not appoint personnel meeting the requirements of s. 145.20 (1), Stats., or if the county does not comply with the requirements of s. 145.20 (2), Stats., the department may conduct hearings in the county seat upon 30 days notice to the county clerk. As soon as practicable after the public hearing, the department shall issue a written decision regarding compliance with s. 59.065 or 145.20 (1) and (2), Stats. If the department determines that there is a violation of these provisions, the county may not issue a sanitary permit for the installation of a private sewage system until the violation is corrected.

(d) TRAINING. The department shall conduct training and informational programs for county officials and employees and persons licensed under this chapter and s. 146.20, Stats., to improve the delivery of service under the county private sewage system program. The department