

# RULES CERTIFICATE

## Department of Commerce

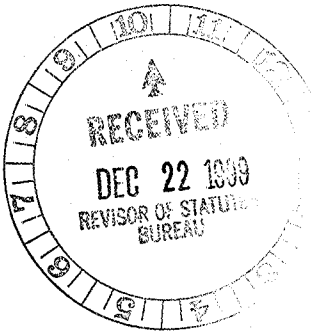
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Brenda J. Blanchard, Secretary of the Department of Commerce,  
and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to  
Private Sewage Systems.

(Subject)

were duly approved and adopted by this department.

I further certify that said copy has been compared by me with the original on file in the department and  
that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set  
my hand at 201 West Washington Avenue  
in the city of Madison, this 21st  
day of December A.D. 1999

Brenda J. Blanchard  
Secretary

# ORDER OF ADOPTION

## Department of Commerce

Pursuant to authority vested in the Department of Commerce by section(s) ss. 101.02 (1), 101.63 (1), 101.73 (1),

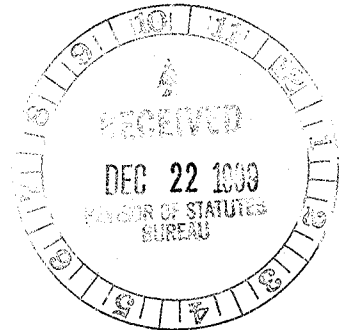
101.82 (1) and 145.02 (3), Stats. Stats., the Department of Commerce  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Comm 83 Private Sewage Systems  
(number) (Title)

The attached rules shall take effect on the first day of the month following publication in the

Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

date: 12/21/99

DEPARTMENT OF COMMERCE

  
Secretary



State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM



**Rule No.:** Chapter Comm 83

**Relating to:** Private Sewage Systems

**Clearinghouse Rule No.:** 99-080

The Wisconsin Department of Commerce proposes an order to repeal s. Comm 82.10 (7) and 83.01(2)(b); renumber ss. Comm 82.10(8) to (15) as Comm 82.10 (7) to (14) and Comm 83.01 (2)(c) to (f) as Comm 83.02 (2)(b) to (e); and repeal and recreate Comm 83.03(2), relating to private sewage systems.

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Analysis of Proposed Rules

Statutory authority: ss. 101.02 (1), 101.63 (1), 101.73 (1), 101.82 (1) and 145.02 (3), Stats.  
Statutes interpreted: ss. 145.02 (2), Stats.

Under s. 145.02, Stats., the Department of Commerce has the responsibility of the proper siting, design, installation, inspection, and maintenance of private sewage systems.

This rule revision relates to an action of JCRAR on December 8, 1998 suspending the first two sentences of s. Comm 83.03 (2) regarding the current mandate to abandon a private sewage system once public sewer service is available to the premises served.

This revision would repeal the portions of the current rules that require owners of private sewage systems to discontinue use of such systems and connect to public sewer when public sewer becomes available. This revision repeals and recreates s. Comm 83.03 (2) to clarify the requirements for abandonment of subsurface tanks or pits no longer in use. In addition, a note containing statutory text has been added to indicate the authority provided to municipalities and sanitary districts in requiring connection to public sewer.

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SECTION 1. Comm 82.10 (7) is repealed.

SECTION 2. Comm 82.10 (8) to (15) are renumbered as Comm 82.10 (7) to (14).

SECTION 3. Comm 83.01 (2) (b) is repealed.

SECTION 4. Comm 83.01 (2) (c) to (f) are renumbered as Comm 83.01 (2) (b) to (e).

SECTION 5. Comm 83.03 (2) is repealed and recreated to read:

**Comm 83.03 (2) ABANDONMENT.** A subsurface tank or pit that is no longer used as part of a private sewage system shall be abandoned by complying with all of the following:

- (a) Disconnecting all piping to the tanks and pits.
- (b) Sealing all disconnected piping to the tanks and pits in accordance with s. Comm 82.21 (2) (h).
- (c) Pumping and disposing of the contents from all tanks and pits.

**Note:** The disposal of the contents from septic tanks, treatment tanks, distribution tanks, seepage pits and holding tanks is addressed in ch. NR 113 which is administered by the department of natural resources.

(d) Removing all tanks or removing the covers of the tanks or pits and filling the tanks and pits with soil, gravel or an inert solid material.

**Note:** Pursuant to s. 281.45, Stats., municipalities and sanitary districts may determine the availability of, and require connection to, public sewers. Section 281.45, Stats., reads in part: "House connections. To assure preservation of public health, comfort and safety, any city, village or town or town sanitary district having a system of waterworks or sewerage, or both, may by ordinance require buildings used for human habitation and located adjacent to a sewer or water main, or in a block through which one or both of these systems extend, to be connected with either or both in the manner prescribed. If any person fails to comply for more than 10 days after notice in writing the municipality may impose a penalty or may cause connection to be made, and the expense thereof shall be assessed as a special tax against the property."

(end)

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**EFFECTIVE DATE**

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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# ADMINISTRATIVE RULE CORRESPONDENCE

## Department of Commerce

**Date:** 12/2/99

**To:** Terry Grosenheider

**From:** Mike Corry *MC*

**Rule No.:** Ch. Comm 83 (Clearinghouse Rule No. 99-080)

**Relating To:** Private Sewage Systems

**Subject:** Adoption of rules

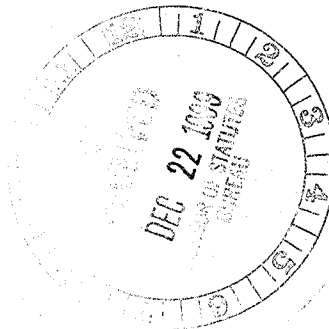
Attached are the required materials for the adoption of proposed rules for chapter Comm 83 relating to private sewage systems.

The proposed changes to this chapter are in response to action taken on December 8, 1998 by the Joint Committee for Review of Administrative Rules (JCRAR).

The proposed rules were assigned to the Assembly Natural Resources and the Senate Business, Economic Development and Urban Affairs committees. On October 21, 1999 the Assembly Committee requested a 30-day extension; this period has lapsed and no comments were received.

If you agree that the proposed rules are ready for adoption, please sign and date the required forms and return this package to Jean MacCubbin (6-0955) for copying and distribution.

**Cc:** Bob DuPont  
Richard Meyer  
Roman Kaminski  
Jean MacCubbin



12/21/99

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

**TRANSMITTAL OF RULE ADOPTION**

CLEARINGHOUSE RULE NO.: 99-080

RULE NO.: Ch. Comm 83

RELATING TO: Private Sewage Systems

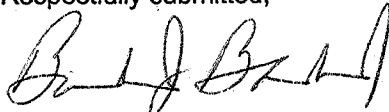
Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Brenda J. Blanchard  
Secretary

