

**Wisconsin Department of Safety and Professional Services
Private Onsite Wastewater Treatment Systems Code Advisory Council
Administrative Rule Recommendations**

Completed items/resulting in changes = Green, Completed items/resulting in no changes=grey, Need further review=yellow

SPS 381 DEFINITIONS AND STANDARDS					
NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
1	381.01 (154r)	Definition for “Moh’s Scale of Hardness” proposed for use in 384.30(6)(j)2.	Create definition for MOH Scale of Hardness. <u>(154r) “Moh’s Scale of Hardness” means a test for a mineral’s hardness based on a mineral’s resistance to visible scratching by another mineral. The scale classifies a mineral from 1 to 10, with the softest mineral having a value of 1 and the hardest mineral having a value of 10.</u>	No cost. Clarify meaning.	<i>See draft language. Reviewed 2-10-16 and 4-12-16.</i> <i>Definition added.</i>
2	381.01 (13m)	Definition of “At Risk” proposed for use in 383.44(2) (d).	Create definition for “at risk”. Clarify meaning. Add “consisting in part of in situ soil” <u>(13m) “At-risk” means a POWTS serving a new public or commercial facility that may produce influent to a POWTS treatment or dispersal component, consisting in part of in situ soil in excess of the quantities specified in s. SPS 383.44 (2). This definition does not include existing facilities where the influent has been tested and determined to produce influent below the quantities specified in s. SPS 383.44 (2) or facilities which are known to produce influent exceeding the influent quantities.</u>	No cost.	<i>Definition added.</i>
3	381.03 (93m)	Definition for FOG	<u>(93m) “Fats, Oil and Grease” or “FOG” means organic polar compounds derived from vegetable, plant, or animal sources that are composed of long chain triglycerides that are insoluble in water. Fats are generally solid particles, oils are usually liquid at room temperature, and grease is usually solid at room temperature.</u>		<i>Definition added.</i>

SPS 382 DESIGN, CONSTRUCTION, INSTALLATION, SUPERVISION, MAINTENANCE AND INSPECTION OF PLUMBING

NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
20	382.30 (10) <i>Council Addition</i> 382.34 (f)?	Exterior ejector pits	More specification about exterior ejector pits may be needed. Does the department want to make jurisdictional lines-right now? This would be a plumbing issue. Clarification of what should be looked at for ejector pits. <ul style="list-style-type: none"> - Anchoring 83 - Locks 84 - Set backs 83 		Medium Discussed 4-12-2016. Department will develop some language for review. 6/29/2016: Motion to make recommendation to plumbing committee.
21	382.30 (11) <i>Council Addition</i>	Clarification of building sewer insulation requirements	Possibly simplify insulation requirements to specify none, 4 foot sheet, or box the pipe. Code only talks about width and doesn't make sense.		Medium Discussed at 2/10/2016 meeting. Motion to make recommendation to plumbing council.
22	382.35 (5) <i>Council Addition</i>	Need for frost sleeves on shallow building sewers?	No change.		Medium Reviewed 2/10/2016. No change needed.

SPS 383 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
25	383.21 <i>Council Addition</i>	Clarify sanitary permit requirements for replacement of defective components in recently installed POWTS (<i>i.e. Replacement of a cracked tank after the installation has been approved, including changing pumps</i>)	Under what circumstances is a permit needed if a POWTS fails or needs repair soon after the permit ceases (<i>i.e. after final inspection.</i>) Statutes and/or Attorney General Opinion may dictate when a permit is needed. Are there cases where a reinspection may be conducted rather than requiring a whole new permit?	Rule reflects statutes.	Medium Discussed at 2/10/2016, 3/12/2016 and 4-12-2016. No change needed.
26	383.22 (2) (c) <i>Council Addition</i>	Are changes to signature requirements needed to accommodate electronic submittal of plans?	Need to find all references to "original signatures" and may need to add something regarding responsibility for a signature. Some counties require notarized signatures. Create note: <u>Nothing in this chapter is intended to prohibit the submission and acceptance of planning documents in an electronic or digital media.</u>	Allows flexibility. Potential cost-savings for users.	Low Draft language reviewed at 2/10/16. Note added.

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27	383.44 Combine these concepts.	Short of a petition for variance, many commercial facilities have been pushed towards unreliable pretreatment devices which fail to perform.	Allow 3rd soil column or alternative sizing method for High Strength Wastewater which would allow the same loading rate of BOD, FOG and TSS per square foot as system receiving "normal" strength effluent. An alternative is to entirely eliminate the limitation in SPS 383.44(2)(a) and size based upon effluent loading.	No change in costs. This revision would allow another simple low-technology option for owners and installers.	High <i>No change needed.</i>
28	Table 383.44-1 Maximum Soil Application Rates Based Upon Percolation Rates	The rule references out of date percolation rates.	Remove all references to percolation rates.	Costs are expected to be minimal. New morphological soil tests would be needed to replace old soil tests showing percolation rates which are no longer used.	Low <i>Draft language reviewed at 2/10/16 meeting.</i> <i>6-29-2016 and 8-16-2016: Motion to accept changes to Table A 383.43-1 and footnotes a, b, and c.</i>
29	Table 383.44-2 Maximum Soil Application Rates Based Upon Morphological Soil Evaluation	High strength waste (>220 BOD and >150 TSS) have limited treatment options.	Additional loading rate column for moderately high strength wastes.	No costs increases are expected from this proposal. This proposal would provide more flexibility for dealing with high strength wastes.	High <i>Need more information to complete. Discuss at 4-12-2016 meeting.</i> <i>No change needed.</i>
30	383.44 (2) Influent quality.	Various commercial buildings produce influent quality greater than those listed, but still may be best served by a POWTS.	Add (d), "New facilities potentially generating waste greater than the parameters listed in (a) may be designated as 'At-Risk'. At-Risk facilities shall submit testing data, according to section (b), within one year of installation. Those facilities shown to produce parameters above the limits in (a) shall make the necessary changes to reduce wastewater strength according to the management plan." s. SPS 383.44(2) (d) is created to read: <u>The department may designate a new facility as "at-risk" if the department determines that the facility may generate waste with influent quality in excess of the parameters under par.(a). A facility designated as "at-risk" shall submit additional testing data as specified in par. (b) to</u>	The cost of this proposal expected to be minimal. This proposal is expected to provide better management of 'at-risk' systems and reduce violation of the code. Discussion over the need for enforcement. Until we monitor subchapter VII.	High <i>Review draft language on 4-12-2016 and 6-24-2016.</i> <i>06-29-2016 Motion: Add a definition of "at-risk" assumed to generate less parameters for high strength waste.</i> <i>May tie to tables, suspected high strength.</i>

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			<p><u>the department and the governmental unit within one year of installation of the POWTS components. A facility that continues to produce influent with parameters above the limits in par. (a) or the approved design shall reduce wastewater strength according to the facility's management plan required under s. SPS 383.54 (1).</u></p>		
31	383.44 (2) (a)	<p>Currently, the department exclusively allows some form of aerobic treatment component to meet the parameters specified in 383.44(2)(a) in situations where those parameters would be exceeded without the aerobic treatment. Often, the aerobic components are incorporated into a POWTS design without consideration of relevant hydraulic flow and organic loading data. The hydraulic flow and organic loading must be within the performance limits of the proposed aerobic component model in order for it to operate properly. Furthermore, once these components are in operation, many are not maintained in a timely manner resulting in prematurely failing drain fields. Other design techniques are available that would eliminate these inherent problems with aerobic components. These techniques were effectively applied in Wisconsin for "high-strength" wastewater application to soil dispersal areas prior to the pervasive use of aerobic components which did not begin until the mid- to late 1990's.</p>	<p>Revise s. SPS 383.44(2)(a) to read:</p> <p>"Unless otherwise permitted under s. SPS 383.46," (remainder as currently worded).</p> <p>Then add a new code section, s. SPS 383.46, which would read:</p> <p>"Design techniques for in situ soil dispersal components receiving high-strength wastewater. (1) Definition. Influent to an in situ soil dispersal component shall be considered high-strength if it exceeds the parameters specified under s. SPS 383.44 (2)(a)&(b). (2) Permitted design techniques. Permitted techniques for designing in situ soil dispersal components receiving high strength wastewater include one or a combination of the following: (a) Determine the minimum required dispersal area based on organic loading rates. (b) Provide three separate dispersal components each having fifty percent of the minimum required area based on hydraulic loading rates. In an annual rotation scheme employing a diverter valve, two units would be on-line while one unit would be off-line."</p>	<p>The cost of this proposal is unknown.</p> <p>The proposed language would provide alternatives to the use of aerobic components to reduce organic load concentrations and to the inherent and intensive ATU maintenance requirements.</p>	<p>High</p> <p><i>Review draft language on 4-1-2016.</i></p> <p><i>No change needed.</i></p>

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32	383.44 (6) (a) 2 ORIENTATION	Some component manuals allow systems to be constructed <1% off contour.	Codify component manual language by striking “along” and replacing it with “within 1% of”. SPS 383.44 (6) (a) 2. The longest dimension of a POWTS treatment or dispersal component consisting in part of in situ soil located at or above the original grade shall be oriented <u>along within 1% of</u> the surface contour of the component site location unless otherwise approved by the department.	This proposal is not expected to increase costs. This proposal is expected to clarify rule requirements and provide a basis for more consistent interpretation of the rule.	Low <i>Draft language discussed 2-10-2016.</i> <i>06-29-2016: Motion to modify language.</i>
33	383.45 (2), (6) (b), and (7) Council Addition	Specify cover/backfill depth for effluent lines and forcemains. Physical protection for issue. Hit with lawn mower and breaks. When it gets hit by a lawn mower or something then there could be a discharge.	No specifications for the cover over forcemains. No minimum depth. If picking number, it would be one foot. Effluent lines and forcemains need to have 12 inches of cover. SPS 383.45 is amended to read: SPS 383.45 Installation. (2) FROZEN SOIL. POWTS treatment and dispersal components consisting in part of in situ soil may not be installed if the soil is frozen at <u>or below</u> the infiltrative surface of the component. (6) (b) Vent pipes and observation pipes serving POWTS components that are located in floodplain areas shall terminate at least 2 feet above regional flood levels. <u>(7) MINIMUM DEPTH. The top of the effluent lines and forcemains shall be covered by a minimum of 12 inches of soil.</u> Note: See s. SPS 383.43 (8) (g) relative to anchoring provisions.	Common practice for other types of systems to provide frost proofing.	Medium <i>6-29-2016: Motion to accept the amended language for (6) (b) and (7) as created.</i>
34	383.45 (2) Council Addition	Change language to say “...frozen at <u>or below</u> the infiltrative surface...”	383.45 (2) is amended to read: (2) FROZEN SOIL. POWTS treatment and dispersal components consisting in part of in situ soil may not be installed if the soil is frozen at <u>or below</u> the infiltrative surface of the component.	This proposal is not expected to increase costs	Low <i>Draft language discussed 2-10-2016.</i> <i>Language modified.</i>

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35	383.45 (6) <i>Council Addition</i>	Can we clarify requirements for POWTS in a floodplain? Should 383.45(6) allow Observation pipes <2' above RFE, if they have watertight caps.	First, NR 116. This group can't fix that. Question is why do they have to go that high if they are watertight caps? Strike "and observation pipes" only those with watertight caps. 383.45 (6) (b) is amended to read: (b) Vent pipes and observation pipes serving POWTS components that are located in floodplain areas shall terminate at least 2 feet above regional flood levels.	This proposal is not expected to increase costs	Medium <i>Review draft language regarding observation pipes 4-1-2016.</i> <i>06-29-20146: Motion to approve modification.</i>
36	383.52 (1) & 384.25 (7) (h)	Clarify the concept of "locked or secured"	How do you secure objects (like ejector pits) that don't have weight. Can we learn something from city manhole covers? Maintenance is big issue. Safety is a concern. Children falling in and dying- usually because the pit is open, not that they are lifting the cover off. Other states use safety nets. Fall protection for over 12 inches. Would a secondary net replace primary security? ASTMC 1227.7.13 indicates minimum weight of manhole cover should be 59 pounds. National Precast Concrete Association best practices might be another source for standards. <i>384.25 (7) (h) amended to read:</i> Covers located at or above ground for openings larger than 8 inches in diameter shall be provided with locking devices or other effective measures to prevent unauthorized access. <u>meet one of the following:</u> <u>1. The cover shall be a minimum of 59 pounds.</u> <u>2. The cover shall be provided with a locking device or other effective measure to prevent unauthorized access and with a secondary safety apparatus on all inspection service and maintenance openings.</u>	The cost of this proposal expected to be minimal.	Low <i>Discussed at 2-10-2016 and 3-16-2016 meetings.</i> <i>Discussed at 9-23-2016 meeting.</i> <i>Motion to accept draft language and emphasize importance of (1) and (2) being contingent on each other.</i>

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37	383.54 (2) (b) or fund department monitoring 383.70	Many pretreatment devices are not tested to the environmental conditions present in Wisconsin. Too many pretreatment devices appear not to perform as advertised causing POWTS failures and owners/installers upset with the department for approving these devices. Product approval has become more of a "buyer beware" environment than a real review of pertinent performance testing.	Require annual effluent testing for all devices that install pretreatment devices	The potential cost would need to be determined. It would provide better data on the performance of devices approved for use in this state. Better data will result in ability to make informed decisions on the performance of devices.	High <i>Discussed at 9-23-2016 meeting.</i> <i>Motion to reject suggested language as there are other methods to monitor performance w/o incurring such costs.</i> <i>No changes needed.</i>
38	OTHER <i>Council Addition</i>	Inventory/maintenance of state owned POWTS			Discussion needed <i>No changes needed.</i>
39	Update appendix SPS 383 table		Update footnote to more definitively say they generate high strength waste or potentially may generate high strength waste.	No expected costs.	<i>Footnotes updated.</i>

SPS 384 PLUMBING PRODUCTS					
NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION
50	384.25 <i>Council Addition</i>	Clarify requirements for repair of POWTS tanks <ul style="list-style-type: none"> • When can a tank be repaired vs replaced? • When is DSPS or manufacturer's approval required for a repair? • Sanitary permit? 	Leave it the way it is now.		Medium <i>Discussed at 2-10-2016 meeting.</i> <i>No changes needed.</i>

SPS 384 PLUMBING PRODUCTS					
NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION
51	384.30 (6) (j)	<p>Various natural materials non-conductive to filtering in a POWTS have been proposed.</p> <p>Need to clarify issue regarding stormwater subsurface infiltration system.</p>	<p>Amended to read:</p> <p>SPS 384.30 (6) (j) Sand. Sand that is placed as a <u>filtering treatment</u> medium in a stormwater subsurface infiltration system shall conform to ASTM Standard C33 for fine aggregate <u>meet all of the following requirements:</u></p> <ol style="list-style-type: none"> <u>1. The sand shall conform to ASTM Standard C33 for fine aggregate.</u> <u>2. The sand shall be comprised of an outwash parent material.</u> <u>3. The sand shall have a hardness value of at least 3 on Moh's scale of hardness.</u> 	<p>No expected cost increase.</p> <p>This proposal would clarify the type of material allowed for use in a POWTS.</p>	<p>Low</p> <p><i>Reviewed draft language 2-10-2016.</i></p> <p><i>9-23-2016 Meeting: Motion to recommend DSPS staff to clarify if this requirement applies to POWTS or to include the change in the component manual.</i></p>
52	384.10 (3)	<p>Review makeup committee and how referenced in code.</p> <p>Responsibilities of that committee</p> <p>Makeup of the committee</p> <p>What should be required and what should be optional for review.</p> <p>What specifically will the TAC review.</p> <p>Duties of the TAC.</p> <p>Possible timeframes?</p> <p>Add clarification (definition) of product vs. component.</p>	<p>SPS 384.10 (3) (d) 2. amended to read:</p> <p>SPS 384.10 (3) (d) 2. The members on the technical advisory committee under subd. 1. <u>par. a</u> shall be appointed by the department for staggered 3-year terms and shall include representatives of at least the following groups or organizations:</p> <ol style="list-style-type: none"> a. <u>The department of natural resources familiar with large scale POWTS systems to serve as a non-voting member.</u> b. Local <u>A representative of a local governmental unit.</u> c. POWTS designer. d. Academic or scientific community. e. Plumber <u>Journeyman or master plumber involved in POWTS installation.</u> f. Environmental group <u>Professional soil scientist or certified soil tester.</u> g. POWTS component manufacturer. h. <u>At-large member.</u> i. <u>A representative from the department of safety and professional services familiar with POWTS approval to serve as a non-voting member.</u> 	<p>No expected costs.</p> <p>DIS finds more value in more input in product review. Information varies.</p>	<p><i>Discussed at 3-16-2016, 4-12-2016, 06-28-2016, 8-16-2016 and 9-23-2016 meetings.</i></p> <p><i>Motion propose/failed - to treat all POWTS products as new products for first renewal period and subsequent years as renewals.</i></p> <p><i>Motion: Renewed product approvals shall not be subject to public comment period.</i></p> <p><i>Motion: TAC to review all new product approval submissions.</i></p> <p><i>Motion: All new and renewal component manuals and products go through TAC</i></p>

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					<p><i>review, TAC recommendation, and public comment period only for new products and component manuals.</i></p> <p><i>Department decision not to revise 384.10 (3) (a) and expand responsibilities of TAC.</i></p>
53	Ch. 384	Renewal documentation	Recommend DIS notify manufacturer when they are 270 days from the product approval expiration date and require them to submit renewal documentation 180 days prior to expiration.		<p>9-23-2016: Motion to recommend DIS to notify manufacturer as discussed.</p> <p>(No rule changes - DIS internal procedure)</p>

SPS 385 SOIL AND SITE EVALUATIONS					
NO	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
60	385.60 (2) (a)	Wording does not adequately reflect the current use of Interpretative Determination Reports (IDR).	<p>Revise second sentence. The written report shall conclusively determine current conditions of periodic soil saturation and assess their effect upon the operation of a POWTS.</p> <p>SPS 385.60 (2) (a) amended to read: INTERPRETIVE DETERMINATIONS. (a) A written report by a certified soil tester evaluating and interpreting redoximorphic soil features, or other soil color patterns, may be submitted to the department in lieu of high groundwater determination data. The written report shall conclusively demonstrate that the existing soil morphological features or color patterns are not indicative of <u>determine current conditions of periodic soil saturation and assess their effect upon the operation of a POWTS.</u></p>	<p>No expected costs.</p> <p>Clarifies the use and intent of IDRs.</p>	<p>Low</p> <p>Draft language discussed at 2-10-16 meeting.</p> <p>Language modified.</p>

SPS 385 SOIL AND SITE EVALUATIONS					
NO	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
61	385.60 (2) (a)	Delays in approval of Interpretative Determinations (IDR) due to scheduling onsite with Wastewater Specialists.	<p>Revise to exempt IDRs written by licensed Professional Soil Scientists from Departmental review.</p> <p>385.60 (2) (a) is amended to read: SPS 385.60 (2) INTERPRETIVE DETERMINATIONS. (a) A written report by a certified soil tester evaluating and interpreting redoximorphic soil features, or other soil color patterns, may be submitted to the department in lieu of high groundwater determination data. The written report shall conclusively demonstrate that the existing soil morphological features or color patterns are not indicative of <u>determine</u> current conditions of periodic soil saturation and assess their effect <u>upon the operation of a POWTS.</u></p>	<p>May reduce review fees.</p> <p>Reduce delay in time to receive plan approval, especially during peak submittal times.</p>	<p>Low</p> <p><i>Draft language reviewed 2-10-2016, but group identified concerns with topic.</i></p> <p><i>385.60 (2) amended.</i></p>

SPS 387 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM REPLACEMENT OR REHABILITATION FINANCIAL ASSISTANCE PROGRAM					
NO	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
62	<p>Wisconsin Fund Grant program</p> <p>Tables 387.30-1 to 30-6</p>	Update table as statutorily required.	<p>Fix types of mounds.</p> <p>Change tables from bedrooms to gallons per day. 0-300, 301-450, 451 to 600, 601+.</p> <p>Makes it easier to determine amount for commercial (10%) of fund.</p> <p>See draft rule for revisions.</p>	<p>Paid for least costly alternative-should exempt holding tank as least costly alternative.</p>	<p><i>Motion to change format and delete 4.</i></p> <p><i>Tables updated with revised figures per Brad.</i></p>