

Chapter H 64

CERTIFICATION OF SOIL TESTERS

H 64.01	Applicability	H 64.06	Issuance of certificate
H 64.02	Definitions	H 64.07	Renewal of certificate; delinquency and reinstatement
H 64.03	Reports	H 64.08	Revocation or suspension of certificate
H 64.04	Examining committee		
H 64.05	Application and examination		

Note: Chapter H 64 as it existed on September 30, 1980 was repealed and new chapter H 64 was created effective October 1, 1980.

Note: Chapter H 64 released in the June, 1980 administrative register was published in error. The revision represented by that publication is correctly published in the September 1980 administrative register.

H 64.01 Applicability. The provisions of this chapter as authorized by s. 145.045, Stats., shall apply to all persons engaged in the conducting and reporting of percolation tests, other tests required by applicable rules of the Wis. Adm. Code and the evaluation of bore holes or soil exposures for the purpose of determining the suitability of soils on a parcel or parcels of land for the absorption of effluents from sewage treatment tanks into the soil. The tests and soil evaluations and reporting thereof on forms supplied by the department shall apply to individual parcels on which a private sewage disposal system is proposed for installation and to lands proposed for subdivision, not served by public sewers.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.02 Definitions. (1) "Department" means department of health and social services.

(2) "Approved" means acceptable to the department.

(3) "Certified soil tester" means a person satisfactorily passing the examination offered to achieve certification and possessing a current certificate.

(4) "Lands proposed for subdivision" means those land divisions not served by public sewers, as defined in ch. 236, Stats., and in any county land or subdivision control ordinance.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.03 Reports. Reports for individual parcels on which a private sewage disposal system is proposed for installation shall be filed with the department and appropriate local authority on all sites investigated within 30 days of completion of testing.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.04 Examining committee. (1) CREATION. The department shall appoint an examining committee.

(2) MEMBERSHIP. The committee shall consist of 7 members. One member shall be an employe of the department and shall serve as committee secretary. One member shall be a Wisconsin registered engineer, architect or designer; one shall be a Wisconsin registered land surveyor

or sanitarian; one shall be a Wisconsin licensed plumber having experience in the installation of private sewage disposal systems; one shall be a person educated and experienced in the field of soil science; and 2 shall be public members. All members except the 2 public members shall be certified soil testers. The department shall appoint the members for terms of 3 years.

(3) **LIMITATION.** Members, other than the secretary, shall not be appointed for more than 2 successive terms.

(4) **ORGANIZATION.** The committee shall elect from its membership, not including the secretary, a chairperson and vice-chairperson. Such election shall be held at the first meeting of each calendar year.

(5) **DUTIES.** It shall be the duty of the examining committee to select, organize, conduct and grade a written or written-field experience examination designed to determine the applicant's knowledge of soil testing and to advise the department on a continuing basis on program considerations.

(6) **MEETINGS.** At least one meeting of the examining committee shall be held each year. The committee shall hold such other meetings as deemed necessary to fulfill its responsibilities. Meetings shall be called by the committee secretary.

(7) **REIMBURSEMENT.** Members of the examining committee shall be reimbursed by the department for their actual and necessary expenses incurred in the performance of their duties.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.05 Application and examination. (1) **APPLICATION.** Any person seeking certification as a soil tester shall submit a completed application for examination on the form or forms supplied by the department. A non-returnable fee of \$25 shall accompany each application that is submitted to the department.

(2) **EXAMINATION.** All applicants shall be required to pass an examination conducted by the examining committee. Examinations shall be conducted at such frequency as the examining board shall decide.

(3) **NOTICE OF EXAMINATION TO APPLICANTS.** Notice of the time and place of examination shall be sent by the department by first class mail to those who have completed and approved applications on file. At least 2 weeks' notice of examination shall be given to applicants. Such notice shall be mailed to the address given on the application blank and shall be presented by the applicant to gain admittance to the examination room. It shall be the applicant's responsibility to inform the department of a change in address. Failure of an applicant to receive the examination notice due to a change in address shall not be the responsibility of the department.

(4) **NOTICE OF EXAMINATION RESULTS.** Each person taking the examination shall receive notice of his or her examination grade. This notice shall be sent by the department by first class mail to the address given on the application.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

Register, September, 1980, No. 297
Health

H 64.06 Issuance of certificate. (1) **SCORE AND FEE.** A person receiving an examination grade of at least 80 of a possible score of 100 shall upon receipt of the appropriate fee by the department be issued a certificate stating that he or she is a "Certified Soil Tester." Certificates shall expire on June 30 of every other year commencing on July 1, 1980, unless duly renewed.

(2) **APPEAL.** Any applicant for certification may appeal from the examination findings of the examining council by appearing in person before the committee. Request for appeal shall be filed in writing with the department within 30 days after the department mailed notification of the results of the examination. Unless appealed, any examination papers may be destroyed after the 30-day appeal period.

(3) **FEE AND ADJUSTMENTS.** The biennial certification fee, commencing on July 1, 1980, shall be \$50. Certification fees may be increased by the department in \$5 increments every other year after fiscal year 1980-81 if necessary to support the program. The maximum fee shall be \$80.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.07 Renewal of certificate; delinquency and reinstatement. Renewal of the certificate is required by July 1 of every other year commencing on July 1, 1980. Notice for the biennial renewal of certificate and the renewal application shall be sent to all certified soil testers whose certificates were in force during the previous applicable certification period. Such notice and application shall be sent by the department by first class mail to the address given on the latest renewal application on file unless written notice of another address has been given. Failure to receive the notice for renewal of certificate shall not be an excuse for failure to renew. If the renewal application and appropriate fee under s. 64.05 (3), Wis. Adm. Code, are not postmarked by July 1 of the appropriate certification period, the certificate shall be revoked automatically. Within 12 months after revocation, the department shall reinstate a revoked certificate upon receipt of a completed certification renewal application and payment of the appropriate renewal fee under s. H 64.05 (3), Wis. Adm. Code, plus a late filing fee of \$5. A certificate which has lapsed for a period of more than 24 months shall be reinstated by the department only after filing a new application, payment of \$25 examination fee, passing an examination and payment of the appropriate certification fee.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 64.08 Revocation or suspension of certificate. (1) **GENERAL.** The department may conduct an investigation of any alleged violation of this chapter or ch. H 65, Wis. Adm. Code or s. H 62.20, Wis. Adm. Code. In accordance with s. 145.045 (2), Stats., the department may invoke or suspend the certificate of any soil tester after a formal hearing under ch. 227, Stats., for the practice of any fraud or deceit in obtaining the certificate or any gross negligence, incompetence or misconduct in the practice of soil testing.

(2) **SUSPENSION.** The period for suspension shall be determined by the hearing examiner and shall not exceed 2 years. A person whose certificate has been suspended shall have their certificate reinstated by filing a

Register, September, 1980, No. 297
Health

new application for certification and payment of the appropriate fee in accord with s. H 64.07, Wis. Adm. Code.

(3) **REVOCATION.** The period for revocation shall be determined by the hearing examiner and shall not exceed 5 years. A person whose certificate has been revoked shall be eligible for recertification only after that time set for revocation by departmental order has passed. A person whose certificate has been revoked shall have their certification reinstated only after submitting a completed application for examination, payment of the examination fee, passing of the examination and payment of the certification fee in accord with ss. H 64.05 and H 64.06, Wis. Adm. Code.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

Chapter H 80

BOAT AND ON-SHORE SEWAGE FACILITIES

H 80.01	Applicability	H 80.07	Overboard discharge inactivation
H 80.02	Definitions	H 80.08	On-shore disposal facilities
H 80.03	Approved comparable construction	H 80.09	Alternate facilities
H 80.04	Contract applicability	H 80.10	Operation and maintenance
H 80.05	Approval required	H 80.11	Prohibited facilities
H 80.06	Holding tank, toilet and appurtenances		

Note: Chapter H 80 as it existed on September 30, 1980 was repealed and a new chapter H 80 was created effective October 1, 1980.

Note: Chapter H 80 released in the June, 1980 administrative register was published in error. The revision represented by that publication is correctly published in the September, 1980 administrative register.

H 80.01 Applicability. This chapter as authorized by s. 30.71, Stats., for the abatement of water pollution through control of the discharge of sewage from boats maintained or operated at any time upon the inland or outlying waters of the state, defined in s. 29.01 (4), Stats., shall be applicable to any boat which is equipped with a toilet.

Note: s. 29.01 (4), Stats., provides: "All waters within the jurisdiction of the state are classified as follows: Lakes Superior and Michigan, Green Bay, Sturgeon Bay, Sawyer's harbor and the Fox river from its mouth up to the dam at De Pere are 'outlying waters.' All other waters, including the bays, bayous, and sloughs of the Mississippi river bottoms, are 'inland waters.'"

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.02 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter.

(1) "Department" means the department of health and social services.

(2) "Approved" means written approval from the department.

(3) "Boat" means every description of watercraft, other than a sea-plane, on the water, used or capable of being used as a means of transportation on water, s. 30.50 (1), Stats.

(4) "Deodorant" means a substance or process which masks or destroys offensive odor.

(5) "Holding tank" means a permanently installed container which receives the discharge from one toilet or more and retains the sewage for shore disposal.

(6) "Maintain and operate" means to moor and occupy or to navigate, steer, sail, row or otherwise to exercise physical control over the use or movement of a boat.

(7) "Owner" means the person who has lawful possession of a boat by virtue of legal title or equitable interest therein which entitles that person to such possession.

H 80

(8) "Portable toilet" means a self-contained unit with a flushing device which retains sewage in a holding tank for disposal to a sewage system acceptable to the department.

(9) "Recirculating system" means a holding tank with all necessary appurtenances to provide for the recirculation of flushing liquid and for the receiving, venting and shore removal of sewage.

(10) "Sealed" means making a toilet incapable of discharging sewage into the waters upon which a boat is operated or moored.

(11) "Sewage" means human body wastes.

(12) "Toilet" means any device, facility or installation designed or constructed for use as a place for receiving sewage directly from the human body.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.03 Approved comparable construction. When compliance with this regulation, without modification, appears impracticable, the department shall be so informed in writing, giving reason therefor and any suggested modifications that would reasonably comply with the intent of the law and this regulation, and be requested to approve suggested modifications or to give advice as to acceptable alternate installations or devices.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.04 Contract applicability. Applicable provisions of this regulation shall be construed to be a part of any order or agreement, written or verbal, for the installation of a holding tank, recirculating system, provisions of a portable toilet or shore disposal facility or appurtenances thereto.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.05 Approval required. (1) **GENERAL.** Any prefabricated tank, portable toilet or toilet proposed for installation in boats used upon the inland or outlying waters of the state shall receive the approval of the department. The manufacturer of any prefabricated tank, portable toilet or toilet shall submit, in duplicate, plans and specifications showing construction details for such facility. The owner of a custom built tank or toilet shall similarly submit such details in duplicate for approval prior to installation. The department may require the submission of other information or the unit itself, in the case of a portable toilet, to complete its review.

(2) **APPROVED UNIT LISTING.** The department shall keep a current list of approved prefabricated tanks, portable toilets and toilets for installation on boats and shall provide a copy of such current list to the bureau of law enforcement, department of natural resources.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.06 Holding tank, toilet and appurtenances. (1) **MATERIAL.** Each holding tank and toilet shall be constructed of a plastic which is resistant to acid, alkali and water; stainless steel with comparable resistance or other approved material. Metal combinations shall be galvanically compatible.

Register, September, 1980, No. 297
Health

(2) **HOLDING TANK STRENGTH.** A holding tank, with all openings sealed, shall show no signs of deformation, cracking or leakage when subjected to a combined suction and external pressure head of 5 pounds per square inch. It shall be designed and installed so as not to become permanently distorted with a static top load of 200 pounds.

(3) **TEMPERATURE RESISTANCE.** All materials used shall be capable of withstanding a temperature range of from -22° F. (winter storage) to the maximum operating temperature obtainable when operating in an ambient temperature of 140° F.

(4) **MOUNTING.** The tank and toilet shall be rigidly and permanently secured in place in such manner that the tank, toilet and piping will not fall.

(5) **CAPACITY.** The capacity shall be sufficient to receive the waste from the maximum number of persons that may be on board during an 8-hour period. The passenger rating shall be that indicated on the boat's capacity plate or that of a boat of similar size should the plate be illegible or missing.

(a) *Holding tank.* The capacity shall be determined on the basis of contribution of $4\frac{1}{2}$ gallons per person per 8-hour day for a toilet of the hand pump type. If standard waterflush toilets are installed, the minimum capacity shall be at $13\frac{1}{2}$ gallons per person per 8-hour day.

(b) *Recirculating toilet.* The capacity of the tank of a recirculating type unit shall be determined on the basis of a contribution of one-quarter gallon per person per 8-hour day.

(6) **CONTROLS.** Each holding tank shall contain a sewage level device which actuates a warning light or other visible gauge when the tank becomes three-fourths full. The light or other device shall be located so that it can be readily observed. The sewage level device shall be in operable condition at any time the boat is used. Such water level indicator shall be installed so as to be removable and be of such design and of such size as to make a watertight seal with a tank opening that is sufficiently large to accommodate the sewage level device.

(7) **MAINTENANCE.** (a) A separate manhole shall be provided in the top of the tank for maintenance purposes. A plate or cap capable of making a watertight seal shall be provided on the opening which shall be of sufficient size to readily permit cleaning and maintenance.

(b) *Deodorant.* Any deodorant used in a holding tank, approved portable toilet or recirculating toilet shall be easily obtainable and constitute a minimum hazard when handled, stored and used according to the manufacturer's recommendations and form no dangerous concentration of gases nor react dangerously with other chemicals used for the same purpose.

(8) **OPENINGS FOR PIPING.** Openings shall be provided in each holding tank for inlet, outlet and vent piping. The openings and pipe fittings shall be so designed as to provide watertight joints between the tank and the piping. Plastic opening fittings shall be of the rigid serrated type. Inlet openings should preferably be such that they could accommodate fittings that would be connected to piping of a minimum nominal inside diameter (I.D.) of $1\frac{1}{2}$ inches. Outlet openings shall be such as to accom-

moderate at least 1-½-inch I.D. piping. Vent pipe openings shall be able to accommodate fittings for at least a one-half inch I.D. pipe, and should preferably be located at the top of a conical frustum or cylindrical vertical extension of the tank which is at least 2 inches in diameter at the base and 2 inches or more in height.

(9) **PIPING AND FITTINGS.** (a) *Size.* The piping from a toilet to the holding tank shall be at least as large as the trap of the toilet fixture. The piping from the holding tank or toilet to the pumpout connection shall have a nominal inside diameter of at least one and one-half inches.

(b) *Material.* All waste and venting piping shall be made of galvanized steel, wrought iron or yaloy pipe; lead; brass; type M copper; or flexible or rigid plastic pipe. Assembly shall be made with threaded fittings in the case of ferrous or brass pipe; lead or solder type fittings in the case of lead and copper pipe; and with threaded fittings, insertible clamp type fittings or weldable fittings in the case of plastic pipe. Clamps, usable only with plastic pipe, shall be made of stainless steel. All piping materials and fittings shall be capable of withstanding a pressure of at least 75 pounds per square inch and a combined maximum suction and external pressure head equivalent to 50 feet of water.

(c) *Location.* No piping, other than that for venting, associated with the boat sewage system shall pass through the hull. The vent pipe shall terminate with an inverted U-bend, the opening of which shall be above the maximum water level in the toilet or holding tank. At least one vent terminal shall be constantly open to the atmosphere. The terminal of the outlet pipe shall be of the female connection type and be located above the holding tank in a manner that makes gravity discharge of the contents impractical. It shall have an airtight capping device marked "WASTE" and the cap and flange shall be embossed with the word "WASTE".

(10) **ELECTRICAL SYSTEM.** The electrical system associated with the boat holding tank or toilet system shall conform to accepted practice and create no hazards.

(11) **PORTABLE TOILET.** Each portable toilet shall meet the material requirements and temperature resistance requirements of subs. (1) and (3). Exposed surfaces shall be of reasonably smooth and cleanable material. Capacity of the flush tank and holding tank shall be adequate for the intended use. Portable toilets shall be designed to prevent spillage of contents of the holding tank when the toilet is tipped or portable toilets shall be secured on board.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.07 Overboard discharge inactivation. No boat equipped with a means of discharging sewage directly from a toilet or holding tank into the water upon which the boat is moored or is moved shall enter inland or outlying waters of the state until such means of discharge is inactivated. An owner or operator of a boat equipped with such means of discharge shall contact a representative of the department of natural resources or a local law enforcement official with respect to inactivation before entering state waters. Overboard discharge inactivation shall include as a minimum either disconnection of the toilet piping, removal of the pumping device, securely plugging the discharge outlet, sealing of

the toilet bowl with wax or other method approved by the official contacted. The inspecting official shall provide the boat owner or operator with a signed written statement as to the method of inactivation accepted. The owner or operator shall give information as to the inland or outlying waters he plans to navigate and as to the time of stay on such waters.

Note: Discharge of wastes from boats in any form would be contrary to s. 29.29 (3), Stats.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.08 On-shore disposal facilities. (1) **PUMP.** A self-priming pump, suitable for pumping sewage, shall be provided for the on-shore removal of sewage from boat holding tanks and toilets; the installation of which shall be in accord with the appropriate state and local regulations. Head characteristics and capacity shall be based on installation needs for the site. The pump may be either fixed in position or portably mounted.

(2) **SUCTION HOSE.** The suction hose shall be of non-collapsible quality, preferably made with reinforcement. A quick-connect dripproof connector shall be fitted to the end of the hose that is attached to the boat piping outlet.

(3) **DISCHARGE HOSE.** Quality flexible hose, compatible with the pump characteristics, may be used. All permanent piping shall conform to the state plumbing regulations. (Wis. Adm. Code ch. H 62.)

(4) **SEWAGE DISPOSAL REQUIREMENTS.** (a) *Public facilities.* When connection to a public sanitary sewer is economically feasible, the disposal piping shall be designed to discharge thereto. (Wis. Adm. Code s. H 62.05.)

(b) *Private facilities.* When a public sewer is not available, a private sewage disposal system installed in compliance with applicable state plumbing regulations shall be provided unless adequate private treatment and disposal facilities are already available. (Wis. Adm. Code ss. H 62.05 and 62.20.)

(5) **WATER SUPPLY REQUIREMENTS.** The on-shore disposal facility shall be served by a water supply piping system to permit flushing of the facilities serviced. If a potable water supply is the source for flushing, the distribution piping shall be protected from backsiphonage and back-pressure.

(6) **PLAN APPROVAL.** Every owner, personally or through an authorized representative, shall obtain written approval from the department prior to award of any new or modified construction of shore disposal facilities set forth in this section. Three sets of plans and specifications of such new or modified shore disposal facilities to be constructed for the purpose of pumping out boat holding tanks and toilets, receiving sewage from portable toilets, and disposing of the sewage shall be submitted to the department for review as to acceptability. Plans and specifications shall cover in detail the materials to be used, the pump characteristics, the water supply system, and when applicable, the size and construction of the septic or holding tank, results of soil percolation and boring tests and layout of the soil absorption system. Location of all wells within 50 feet of the absorption system, the surface water high water level and the general topography of the area shall be shown on the plans.

(7) **DISPOSAL OF PORTABLE TOILET WASTES.** Sewage from portable toilets shall be discharged into an approved fixture or other approved device designed to receive sewage.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.09 Alternate facilities. (1) **CHEMICAL TYPE TOILETS.** Nonrecirculating chemical toilets may be used in lieu of a toilet flushed by water provided the container is not portable and the use of on-shore pumping facilities is provided for in the design of the unit. The design of the toilet and on-shore disposal adaptation shall be approved.

(2) **INCINERATOR TYPE TOILETS.** An approved incinerator type toilet may be used in lieu of a toilet flushed by water provided it is of adequate capacity to handle the passenger load. Equipment for on-shore removal and disposal of resulting ash shall be kept on board.

(3) **PORTABLE TOILETS.** An approved portable toilet may be used in lieu of a permanently installed toilet provided it is of adequate capacity to handle the passenger load. Sewage in the holding tank shall be properly disposed of on shore. Units shall be temporarily secured on board, if necessary, to prevent spillage of contents.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.10 Operation and maintenance. All facilities controlled by this chapter shall be maintained in good operating condition at all times. All necessary tools for repair and maintenance shall be kept on board or on dock, as the case may be, and shall be properly stored when not in use. Extra fuses for electrical equipment and extra indicator lights shall be on hand. Pump-out suction hoses should be adequately drained through the pump before disconnection and then properly stored or capped. Pumping equipment shall be shut off before the hose is disengaged from the boat outlet pipe. Any equipment on board shall not be used or operated to allow discharge of sewage to surface waters.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

H 80.11 Prohibited facilities. No person shall use or permit to be used as a holding facility for sewage a pail, plastic bag or any other type of portable, semiportable or disposal receptacle aboard boats not specifically permitted by the provisions of this chapter.

History: Cr. Register, September, 1980, No. 297, eff. 10-1-80.

Next page is numbered 315