



POWTS CODE ADVISORY COMMITTEE MEETING
Room 121C, 1400 East Washington Avenue, Madison
Contact: Mindy Allen (608) 266-2112
June 6, 2017

9:00 A.M.

The following agenda describes the issues that the Advisory Committee plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Advisory Committee.

AGENDA

CALL TO ORDER – ROLL CALL

A. Adoption of Agenda (1)

B. Approval of Minutes of March 28, 2017 (2-3)

C. Department Update

D. Review and Discussion of Department Changes to Committee's Recommendations for SPS 381 to 387 and 391 Relating to POWTS (5-29)

E. Public Comments

F. Adjournment

**POWTS CODE ADVISORY COMMITTEE
MEETING MINUTES
March 28, 2017**

PRESENT: Thomas Birrittieri (*arrived at 9:41 a.m.*;) Steven Crosby (*arrived at 9:08 a.m.*;) Dale Dimond; Alan Kaddatz; Robert Schmidt

EXCUSED: Bryon Wooten

STAFF: Jim Bouillon, Division Administrator; Brittany Lewin, Executive Director; Dale Kleven, Administrative Rules Coordinator; Bradley Johnson, Section Chief; Nifty Lynn Dio, Bureau Assistant

Dale Dimond, Vice Chair, called the meeting to order at 9:05 a.m. A quorum of three (3) members was present.

ADOPTION OF AGENDA

MOTION: Robert Schmidt moved, seconded by Alan Kaddatz, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Robert Schmidt moved, seconded by Alan Kaddatz, to approve the minutes from September 23, 2016 as published. Motion carried unanimously.

(Steven Crosby arrived at the meeting at 9:08 a.m.)

(Thomas Birrittieri arrived at the meeting at 9:41 a.m.)

**REVIEW DEPARTMENT CHANGES AND RECOMMENDATIONS TO SPS 381 TO 387M 391
PROPOSED RULES**

MOTION: Dale Dimond moved, seconded by Alan Kaddatz, to request the department review the need to renumber SPS 383.54(2)(b). Motion carried unanimously.

MOTION: Dale Dimond moved, seconded by Steven Crosby, to not change the reference in SPS 384.10(3)(d)2 to paragraph (a). Motion carried unanimously.

MOTION: Dale Dimond moved, seconded by Thomas Birrittieri, to change SPS 384.10(3)(d)2.b to read "A governmental unit responsible for the regulation of POWTS." Motion carried unanimously.

MOTION: Dale Dimond moved, seconded by Robert Schmidt, to revise the heading in the far right column SPS Table 387.30-3 to read "601+ GPD." Motion carried unanimously.

MOTION: Steven Crosby moved, seconded by Robert Schmidt, to revise the fourth column and fourth line in SPS Table 387.30-3 to read "\$7,000" rather than \$7,200. Motion carried unanimously.

MOTION: Dale Dimond moved, seconded by Thomas Birrittieri, to change "meet" to "comply with" in SPS 384.25(7)(h). Motion carried unanimously.

MOTION: Steven Crosby moved, to strike “and with a secondary safety apparatus” from SPS 384.25(7)(h)(2). Motion fails for lack of a second.

MOTION: Alan Kaddatz moved, seconded by Steven Crosby, to accept the proposed draft language of SPS 384.25 (7)(h) 1 and 2 included in today’s agenda packet, with the revision above. Motion failed. Opposed: Schmidt, Birrittieri, Dimond,

MOTION: Steven Crosby moved, seconded by Alan Kaddatz, to keep the current language of SPS 384.25(7)(h). Motion carried. Opposed: Schmidt, Abstained: Birrittieri

MOTION: Thomas Birrittieri moved, seconded by Alan Kaddatz, to request that within 60 days, the committee is provided with a comprehensive list which includes the committee’s recommended code revisions, all of the departments proposed code revisions and language, along with explanation as to why the department did not agree with any of the committee’s proposed code language. Motion carried unanimously.

MOTION: Thomas Birrittieri moved, seconded by Robert Schmidt, to record that the committee has discussed Subchapter VII and has no changes in response to the State’s statement that they plan to actively administer Subchapter VII. Motion carried unanimously.

MOTION: Robert Schmidt moved, seconded by Steven Crosby, to request another meeting after the committee has received the requested documentation from the department. Motion carried unanimously.

COMMITTEE TRAINING REVIEW – PUBLIC RECORDS AND ETHICS AND LOBBYING – DISCUSSION AND CONSIDERATION

The Committee reviewed training information relating to Public Records and Ethic and Lobbying requirements at this meeting.

ADJOURNMENT

MOTION: Steven Crosby moved, seconded by Alan Kaddatz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:09 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Mindy Allen, Administrative Rule Coordinator		2) Date When Request Submitted: May 09, 2017 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: POWTS Code Advisory Committee			
4) Meeting Date: June 6, 2017	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? A. Review and Discussion of Department Changes to Committee's Recommendations for SPS 381 to 387 and 391 Relating to POWTS	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (<u>Fill out Board Appearance Request</u>) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed: Kirsten Reader, Asst. Deputy Secretary, will discuss the Department's decisions relating to the advisory committee's proposed revisions to the POWTS administrative rules.			
11) Signature of person making this request Melinda R. Allen		Authorization Date 06/06/2017	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date			
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			

**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**, Updates since last meeting = **Red**.

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. (154r) <u>“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” (13m) <u>“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	(93m) <u>“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.

SPS 383 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS					
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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. 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>

SPS 383 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
			<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>

SPS 383 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS					
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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 <u>located at or above the original grade</u> shall be oriented along <u>within 1% of the surface contour of the component site location</u> 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>

SPS 383 PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS

NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION/STATUS
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> 1. The cover shall be a minimum of 59 pounds. 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.	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> <i>03-28-2017 Meeting: Motion to maintain current language for SPS 384.24 (7) (h).</i> (i.e. reject committee's modifications accepted at 9/23 mtg.) <i>No changes needed.</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>
	383.70 Subch. VII <i>Council Addition</i>	Discuss administration of Subchapter VII relating to Department Performance Monitoring		N/A	<i>03-28-2017: Motion for purposes of recording that the committee discussed subch. VII and has no changes in response to the Dept's statement that they plan to actively administer Subchapter VII.</i> <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> <p><i>03-28-2017: Consensus to accept draft language.</i></p>
52	384.10 (3)	<p>Review makeup committee and how referenced in code.</p> <p>Responsibilities of that committee 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. 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. par. a 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. The department of natural resources <u>familiar with large scale POWTS systems to serve as a non-voting member.</u> b. Local <u>A representative of a local governmental unit responsible for the regulation of POWTS.</u> c. POWTS designer. d. Academic or scientific community. e. <u>Plumber 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</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, 9-23-2016, and 3-28-2017 meetings.</i></p> <p><i>Motion (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</i></p>

SPS 384 PLUMBING PRODUCTS					
NO.	SPS SECTION	ISSUE	POTENTIAL CHANGES	POTENTIAL COSTS/BENEFITS	CLASSIFICATION
			<u>safety and professional services familiar with POWTS approval to serve as a non-voting member.</u>		<p><i>manuals and products go through TAC review, TAC recommendation, and public comment period only for new products and component manuals.</i></p> <p>Department decision not to revise 384.10 (3) (a) and expand responsibilities of TAC.</p> <p><i>03-28-2017: Motion to request the Dept. provide the committee with a comprehensive list within 60 days that includes the AC's proposed code revisions, the dept's proposed code revisions & language, & explanation of Dept's decision not to accept the AC's proposed language.</i></p> <p><i>03-28-2017: Motion to amend SPS 384.10 (3) (d) 2. b. (as indicated)</i></p>
53	Ch. 384	Renewal documentation	Recommend DIS notify manufacturers when they are 270 days from the product approval expiration date and require them to submit renewal documentation 180 days prior to expiration.		<p><i>9-23-2016: Motion to recommend DIS to notify manufacturer as discussed. (No rule changes - DIS internal procedure)</i></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><i>Draft language discussed at 2-10-16 meeting.</i></p> <p><i>Language modified.</i></p>
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 current conditions of periodic soil saturation and assess their effect 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	Wisconsin Fund Grant program Tables 387.30-1 to 30-6	Update table as statutorily required.	Fix types of mounds. Change tables from bedrooms to gallons per day. 0-300, 301-450, 451 to 600, 601+. Makes it easier to determine amount for commercial (10%) of fund. See draft rule for revisions.				Paid for least costly alternative-should exempt holding tank as least costly alternative.	<i>Motion to change format and delete 4.</i> <i>Tables updated with revised figures per Brad.</i> <i>03-28-2017: Motion to amend Table 387.30-3 (as indicated).</i> <i>Table modified.</i>
			Table 387.30-3					
			Design Loading Rate in Gallons Per Square Foot Per Day	≤300 gpd	301-450 gpd	451-600 gpd	Per 150 gpd over 600 601+ gpd	
			0.7 or more	\$3,300	\$3,900	\$5,100	\$6,300	
			0.60 to 0.69	\$3,600	\$4,200	\$5,400	\$6,600	
			0.50 to 0.59	\$3,900	\$5,100	\$5,700	\$6,900	
			0.49 or less	\$4,200	\$5,400	\$6,000	\$7,2000 \$7,000	

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : NOTICE OF TIME PERIOD
PROCEEDINGS BEFORE THE : FOR COMMENTS FOR THE
DEPARTMENT OF SAFETY : ECONOMIC IMPACT ANALYSIS
AND PROFESSIONAL :
SERVICES :

NOTICE IS HEREBY GIVEN of the time period for public comment on the economic impact of this proposed rule of the Department of Safety and Professional Services relating to Wisconsin Private Onsite Wastewater Treatment Systems and the Wisconsin Fund. The comments will be considered when the Department of Safety and Professional Services prepares the Economic Impact Analysis pursuant to § 227.137. Written comments may be submitted to:

Mindy Allen, Administrative Rules Coordinator
Division of Policy Development
Department of Safety and Professional Services
PO Box 8366
Madison, WI 53708
DSPSAdminRules@wisconsin.gov

The deadline for submitting economic impact comments is *

PROPOSED ORDER

An order of the department of safety and professional services *to repeal* SPS 383.44 (4) (a) 1. f., Table 383.44-1, 384.10 (3) (e) 2. b., and 387.30 (4); *to renumber and amend* SPS 384.10 (3) (e) 2. a., and 384.30 (6) (j); *to amend* SPS 381.01 (111) (Note), Table 381.20-11, 383.44 (6) (a) 2., 383.45 (2) and (6) (b), 383.54 (2) (a), Table A-383.43-1, 384.10 (3) (d) 2., 385.40 (2) (b) 1. a., 385.60 (2) (a), 391.10 (4) (a), 391.11 (4) (a) (Note), and 391.20 (1) and (2) and (3) (intro.); *to repeal and recreate* SPS 384.10 (3) (e) 2. a. (Note), and Tables 387.30-1 and 387.30-2 and 387.30-3 and 387.30-4 and 387.30-5 and 387.30-6, and 391.20 (3) (a) and (b); *to create* SPS 381.01 (13m) and (93m) and (154r), 383.21 (Note), 383.22 (Note), 383.44 (2) (d), 383.45 (7), 384.10 (3) (d) 2. h. and i., 384.30 (6) (j) 1. and 2. and 3., and 385.40 (2) (b) 2. (Note), relating to Private Onsite Wastewater Treatment Systems and the Wisconsin Fund.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: s. 145.20, Stats.

Statutory authority: Sections 145.02, 145.23, and 145.245 (7), Stats.

Explanation of agency authority:

Section 145.02, Stats. - Provides the department with general authority to establish standards and rules to ensure that buildings and facilities in the state shall be safe, sanitary and safeguard the public health.

Section 145.23, Stats. - Authorizes the department to make and enforce rules relating to lot size and lot elevation necessary for proper sanitary conditions in the development and maintenance of subdivisions not served by a public sewer, where provision for such service has not been made.

Section 145.245 (7), Stats. - The department shall prepare and publish private on-site wastewater treatment system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private on-site wastewater treatment system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02, Stats. The maximum state share limitations shall be designed to pay approximately 60 percent of the average allowable cost of private on-site wastewater treatment system rehabilitation or replacement based upon estimated or actual costs of that rehabilitation or replacement. The department shall revise the grant funding tables when it determines that 60 percent of current costs of private on-site wastewater treatment system rehabilitation or replacement exceed the amounts in the grant funding tables by more than 10 percent, except that the department may not revise the grant funding tables more often than once every 2 years.

Related statute or rule: Not applicable.

Plain language analysis: The objective of this rule revision was to review and update administrative rules related to private onsite wastewater treatment systems (POWTS) and the POWTS replacement and rehabilitation financial assistant fund, otherwise known as the Wisconsin Fund. These administrative rules were last reviewed in their entirety in April 2000. The rule was reviewed to identify and update outdated provisions, to improve language clarity and to update references and notes as needed.

This rule revision also updates funding tables for the Wisconsin Fund. The Wisconsin Fund is a program that provides grants to offset a portion of the cost for the repair, rehabilitation of existing or failing POWTS. Sixty-seven counties, the City of Franklin, and the Oneida Tribe of Wisconsin participate in the program. The department is required under s. 145.245 (7) (c), Stats., to review and update funding tables for the Wisconsin Fund if it is determined that 60 percent of costs for rehabilitating or replacing private sewage systems exceeds the amounts in the grant funding tables by more than 10 percent. The funding tables were last revised in February 1999.

The rule does the following:

- SPS 381.01 (13m), (93m), and (154r) create definitions for an “at-risk” POWTS; “Fats, Oil, and Grease” or “FOG”; and “Moh’s Scale of Hardness.”

- SPS 381.01 (111) (Note) updates the definition for “governmental unit” in accordance with s. 145.01 (5), Stats., and 2013 Act 124.
- Table SPS 381.20-11 is updated to include more recent editions of POWTS-related standards.
- Creates notes throughout the rule clarifying that nothing in the chapter prohibits the submission and acceptance of planning documents in an electronic or digital media. To further facilitate the submission of planning documents electronically, SPS 385.40 (2) (b) 1. a. is revised to remove the requirement that an original signature is needed on soil evaluation reports.
- SPS 383.44 (2) (d) allows the department to require facilities determined to be “at-risk” to submit additional testing data to the department and local governmental unit within one year of installation of the POWTS component to determine whether the facility is producing influent in excess of the quantities specified. If the facility exceeds the specified parameters, then the owner will be required to reduce wastewater strength in accordance with the facility’s management plan.
- Revisions within s. SPS 383.44 remove references to percolation rates. Previously, percolation testing was used to determine the suitability of soil for a POWTS. Since this approach is no longer used, the rule removes these outdated references to percolation rates.
- SPS 383.44 (6) (a) 2. allows systems to be constructed *within 1 percent* of the surface contour. This rule revision clarifies requirements to provide a basis for more consistent interpretation of the rule.
- SPS 383.45 (2) revises the installation requirement relating to frozen soil to include *below* the infiltrative surface of the component.
- SPS 383.45 (6) (b) removes the requirement for observation pipes to terminate at least 2 feet above regional flood levels when located in floodplain areas.
- SPS 383.45 (7) requires the top of effluent lines and forcemains to be covered by *a minimum of 12 inches* of soil to prevent freezing and provide protection from damage.
- Amends the Table A383.43-1 in SPS 383 Appendix and updates the footnotes regarding public facility wastewater flows.
- SPS 383.10 (3) (d) 2. revises the composition of the technical advisory committee.
- SPS 383.10 (3) (e) 2. modernizes and clarifies the process for soliciting public input on POWTS components and clarifies that public comment will be solicited *for a minimum of 14 days*. The proposed rule removes the requirement that solicitations for public comment be published in the official state newspaper and allows the department to post requests for public comment on the department’s website. This change will decrease associated costs and provide the public with improved access to information about POWTS components.

- SPS 384.30 (6) (j) clarifies the standards for sand used as a treatment medium.
- SPS 385.60 (2) is revised to adequately reflect the current use of Interpretative Determination Reports (IDR).
- The rule revises the format and updates the financial tables (Tables 387.30-1 to 387.30-6) used for the Wisconsin Fund.
- Additional revisions were made throughout the rule to update references and clarify rule language.

Summary of, and comparison with, existing or proposed federal regulation:

Under 7 CFR 1924.107, utilities, all development under this subpart must have adequate, economic, safe, energy efficient, dependable utilities with sufficient easements for installation and maintenance. (Utilities include POWTS.)

Under 40 CFR 35.918, individual systems and the requirements for discharge of effluents, the U.S. EPA has the authority to prescribe requirements for individual on-site wastewater treatment systems, as well as the provisions of financial assistance. In addition, best practicable waste treatment criteria published by EPA under section 304 (d) (2) of this Act shall be met for disposal of effluent on or into the soil from individual POWTS systems.

Under 40 CFR, subch. B, part 31, this rule establishes uniform criteria for POWTS where financial assistance is available on the state and local levels.

Comparison with rules in adjacent states:

Illinois: The Illinois Department of Public Health (IDPH) regulates the installation of all private sewage disposal systems that have no surface discharge. There are approximately 90 local health agencies in Illinois that review plans, either by authority of a local ordinance or as an *agent* of the Department. IDPH also licenses or certifies Private Sewage Disposal Installation Contractors, Private Sewage Disposal Pumping Contractors, Portable Sanitation Businesses, Portable Sanitation Technicians and Portable Sanitation Technician Trainees. Effective January 1, 2014, the State of Illinois enacted new changes to the Private Sewage Disposal Code. The new changes included new approval, inspection, maintenance, and record-keeping requirements. No state funding program or mechanism exists in Illinois to assist homeowners replacing failing systems or installing new systems.

Iowa: Requirements relating to the design, location, installation, use and maintenance of installation private sewage systems can be found in Chapters 64 and 69 of the Iowa Administrative Code. IAC 567-Chapter 69, Private Sewage Disposal Systems of the Iowa Department of Natural Resources, regulates domestic wastewater from 4 homes or less or non-residential wastewater with a flow of less than 1,500 gallons per day. Private sewer systems are regulated by local boards of health in conjunction with the Iowa Department of Natural Resources. The DNR standards are primarily a prescriptive code giving design criteria for each alternative type of secondary treatment

system permitted. Counties have the authority to allow alternative or innovative performance based systems and are required to enter basic information about the systems into the state onsite wastewater database system. An estimated 100,000 septic systems in Iowa are at substandard levels. Funding assistance is available to individuals to replace inadequate onsite sewer systems.

Michigan: Michigan is the only state in the nation without uniform standards governing how onsite sewage treatment systems are designed, built, installed, and maintained. Eleven counties exercise some oversight of septic systems, including regular inspections, but they are unregulated in the remaining 72 counties. Michigan also does not have a statewide licensing/certification program for individual onsite wastewater systems. Standardized criteria is used by the Michigan Department of Environmental Quality and by 44 local health departments, which develop their own local rules to regulate single- and two-family systems. Reports conservatively estimate that nearly 10 percent of the state's septic systems – about 130,000 systems – are failing. There is no funding assistance program available to homeowners replacing failing systems or installing new systems.

Minnesota: Onsite wastewater regulations are split between one or more agencies in Minnesota. Statute, Chapter 115, relating to water pollution control and sanitary districts, establishes rules for “Individual and Alternative Discharging Sewage Treatment Systems.” The rules require counties to adopt local ordinances *containing minimum standards and criteria for the design, location, installation, use, maintenance, and closure of subsurface sewage treatment systems (SSTS)*. These regulations detail: Minimum technical standards for individual and mid-size SSTS (Chapter 7080 and 7081); A framework for local administration of SSTS programs (Chapter 7082) and; Statewide licensing and certification of SSTS professionals, SSTS product review and registration, and establishment of the SSTS Advisory Committee (Chapter 7083). The Minnesota Pollution Control Agency (MPCA) administers MN Rule 7080, the statewide rule regarding onsite sewage treatment systems and licensing program for onsite professionals. In 2004, 39 percent of all Minnesota septic systems were failing. In 2015, the legislature passed regulations requiring permits and regular inspections to be conducted once every three years for existing systems. Permit fees cover the program costs. A funding program is available to assist low-income homeowners to replace failing systems or install new systems.

Summary of factual data and analytical methodologies:

The department established an advisory committee to comprehensively review administrative rules related to POWTS. The committee members represent stakeholders involved in the private sewage system industry including designers, contractors, regulators, academics, and manufacturers. The committee met periodically from November 2015 to March 2017 to review rule provisions and best practice standards and made recommendations to revise the department's rules related to POWTS.

The department solicited financial information from private onsite wastewater treatment system installers and used financial information collected as part of the replacement and rehabilitation program to estimate the maximum state share of support for rehabilitation or replacement of private onsite wastewater treatments as authorized under s. 145.245, Stats.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules will be posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect small businesses, local government units, and individuals.

Fiscal Estimate and Economic Impact Analysis:

The department is currently soliciting information on the potential fiscal and economic impact of the proposed rule.

Effect on small business:

These proposed rules are not expected to have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator may be contacted by email at Kirsten.Reader @wisconsin.gov, or by calling (608) 267-2435.

Agency contact person:

Mindy Allen, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-261-4463; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Mindy Allen, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received on or before * to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 381.01 (13m) and (93m) are created to read:

SPS 381.01 (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 that are known to produce influent exceeding the influent quantities.

(93m) “Fats, oil, and grease” and “FOG” mean 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.

SECTION 2. SPS 381.01 (111) (Note) is amended to read:

SPS 381.01 (111) (Note) Note: Section 145.01 (5), Stats., reads:

“Governmental unit responsible for the regulation of private sewage systems” or “governmental unit”, unless otherwise qualified, means the county, except that in a county with a population of ~~500,000~~ 750,000 or more these terms mean the city, village, or town where the private sewage system is located.

SECTION 3. SPS 381.01 (154r) is created to read:

SPS 381.01 (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.

SECTION 4. Table SPS 381.20-11 is amended to read:

Table 381.20-11		
NSF	NSF International 789 Dixboro Road 6300 Interfirst Dr. P.O. Box 130140 Ann Arbor, Michigan 48113-0140 48108 Phone: (800) 673-6275 699-9277 Web page: www.nsf.org	
Standard Reference Number	Title	
1.	Standard 14-2007	Plastic Piping System Components and Related Materials
2.	Standard 40-2005 <u>40-2013</u>	Residential Wastewater Treatment Systems
3.	Standard 41-2005 <u>41-2016</u>	Non-liquid Saturated Treatment Systems
3m.	Standard 41-2005 Addendum 1	Non-liquid Saturated Treatment Systems
4.	Standard 44-2004	Residential Cation Exchange Water Softeners
5.	Standard 51-2007	Food Equipment Materials
6.	Standard 61-2012	Drinking Water System Components — Health Effects
7.	Standard 372-2011	Drinking Water System Components — Lead Content

SECTION 5. SPS 383.21 (Note) and 383.22 (Note) are created to read:

SPS 383.21 (Note) Note: Nothing in this chapter is intended to prohibit the submission and acceptance of planning documents in an electronic or digital media.

SPS 383.22 (Note) Note: Nothing in this chapter is intended to prohibit the submission and acceptance of planning documents in an electronic or digital media.

SECTION 6. SPS 383.44 (2) (d) is created to read:

SPS 383.44 (2) (d) 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 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).

SECTION 7. SPS 383.44 (4) (a) 1. f. and Table 383.44-1 are repealed.

SECTION 8. SPS 383.44 (6) (a) 2. is amended to read:

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 along within 1 percent of the surface contour ~~of the component site location~~ unless otherwise approved by the department.

SECTION 9. SPS 383.45 (2) and (6) (b) are amended to read:

SPS 383.45 (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 or below 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.

SECTION 10. SPS 383.45 (7) is created to read:

SPS 383.45 (7) MINIMUM DEPTH. The top of the effluent lines and forcemains shall be covered by a minimum of 12 inches of soil.

SECTION 11. SPS 383.54 (2) (a) is amended to read:

SPS 383.54 (2) (a) General. The management plan specified in sub. (1) shall include ~~the procedures for~~ metering or monitoring of POWTS influent or effluent as specified in this subsection.

SECTION 12. SPS 383 Appendix Table A-383.43-1 is amended to read:

**Table A-383.43-1
Public Facility Wastewater Flows**

Source	Unit	Estimated Wastewater Flow (gpd)
Apartment or condominium	Bedroom	100
Assembly hall (no kitchen)	Person (10 sq. ft./person)	1.3
Bar or cocktail lounge (no meals served) ^a	Patron (10 sq. ft./patron)	4
Bar or cocktail lounge ^a (w/meals – all paper)	Patron (10 sq. ft./patron)	8

service) ^a	ft./patron)	
Beauty salon	Station	90
Bowling alley	Bowling lane	80
Bowling alley ^a (with bar)	Bowling lane	150
Camp, day and night	Person	25
Camp, day use only (no meals served)	Person	10
Campground or camping resort	Space, with sewer connection and/or service building	30
Campground sanitary dump station ^a	Camping unit or RV served	25
Catch basin	Basin	65
Church (no kitchen)	Person	2
Church ^{a,b} (with kitchen)	Person	5
Dance hall	Person (10 sq. ft./person)	2
Day care facility (no meals prepared)	Child	12
Day care facility ^{a,b} (with meal preparation)	Child	16
Dining hall ^a (kitchen waste only without dishwasher and/or food waste grinder)	Meal served	2
Dining hall ^a (toilet and kitchen waste without dishwasher and/or food waste grinder)	Meal served	5
Dining hall ^a (toilet and kitchen waste with dishwasher and/or food waste grinder)	Meal served	7
Drive-in restaurant ^a (all paper service with inside seating)	Patron seating space	10
Drive-in restaurant ^a (all paper service without inside seating)	Vehicle space	10
Drive-in theater	Vehicle space	3
Employees (total all shifts)	Employee	13
Floor drain (not discharging to catch basin)	Drain	25
Gas station / convenience store ^b	Patron	3
Gas station (with service bay)		
— Patron	Patron	3
— Service bay	Service bay	50
Hospital ^a	Bed space	135
Hotel, motel, or tourist rooming house	Room	65
Manufactured home (served by its own POWTS)	Bedroom	100
Manufactured home community	Manufactured home site	200
Medical office building ^b		
Doctors, nurses, medical staff	Person	50
Office personnel	Person	13
Patients	Person	6.5
Migrant labor camp (central bathhouse)	Employee	20
Nursing, rest home, community-based residential facility ^{a,b}	Bed space	65
Outdoor sport facilities (toilet waste only)	Patron	3.5
Parks (toilets waste only)	Patron (75	3.5

	patrons/acre)	
Parks (toilets and showers)	Patron (75 patrons/acre)	6.5
Public shower facility	Shower taken	10
Restaurant ^a , 24-hr. (dishwasher and/or food waste grinder only)	Patron seating space	4
Restaurant ^a , 24-hr. (kitchen waste only without dishwasher and/or food waste grinder)	Patron seating space	12
Restaurant, 24-hr. (toilet waste)	Patron seating space	28
Restaurant ^a , 24-hr. (toilet and kitchen waste without dishwasher and/or food waste grinder)	Patron seating space	40
Restaurant ^a , 24-hr. (toilet and kitchen waste with dishwasher and/or food waste grinder)	Patron seating space	44
Restaurant ^a (dishwasher and/or food waste grinder only)	Patron seating space	2
Restaurant ^a (kitchen waste only without dishwasher and/or food waste grinder)	Patron seating space	6
Restaurant (toilet waste)	Patron seating space	14
Restaurant ^a (toilet and kitchen waste without dishwasher and/or food waste grinder)	Patron seating space	20
Restaurant ^a (toilet and kitchen waste with dishwasher and/or food waste grinder)	Patron seating space	22
Retail store (<u>no food preparation</u>)	Patron (70% of total retail area / 30 sq. ft. per patron)	1
School ^a (with meals and showers)	Classroom (25 students/classroom)	500
School ^a (with meals or showers)	Classroom (25 students/classroom)	400
School (without meals or showers)	Classroom (25 students/classroom)	300
Self-service laundry ^e (toilet waste only)	Clothes washer	33
Self-service laundry ^e (with only residential clothes washers)	Clothes washer	400
Swimming pool bathhouse	Patron	6.5

^a ~~May~~ Expected to be high in Biochemical Oxygen Demand biological oxygen demand (BOD), and total suspended solids (TSS), or Fats, Oils or Grease fats, oils, and grease (FOG).

^b ~~May be high in medication and personal care products~~ At-risk system (potentially high in biochemical oxygen demand (BOD), total suspended solids (TSS), or fats, oils, and grease (FOG)).

^e ~~May contain a high level of lint.~~

SECTION 13. SPS 384.10 (3) (d) 2. is amended to read:

SPS 384.10 (3) (d) 2. The members on the technical advisory committee under subd. 1. shall be appointed by the department for staggered 3-year terms and shall include representatives of ~~at least~~ all of the following groups or organizations:

a. ~~The~~ A representative of the department of natural resources familiar with large scale POWTS systems to serve as a nonvoting member.

b. ~~Local~~ A representative of a local governmental unit responsible for the regulation of POWTS.

c. A POWTS designer.

d. ~~Academic~~ A member of the academic or scientific community.

e. ~~Plumber~~ A journeyman or master plumber involved in POWTS installation.

f. ~~Environmental group~~ A professional soil scientist or certified soil tester.

g. A POWTS component manufacturer.

SECTION 14. SPS 384.10 (3) (d) 2. h. and i. are created to read:

SPS 384.10 (3) (d) 2. h. An at-large member.

i. A representative from the department of safety and professional services familiar with POWTS approval to serve as a nonvoting member.

SECTION 15. SPS 384.10 (3) (e) 2. a. is renumbered SPS 384.10 (3) (e) 2. and, as renumbered, is amended to read:

SPS 384.10 (3) (e) 2. The department shall ~~place the notice requesting~~ provide an opportunity for public comment under subd. 1. in the official state newspaper for a minimum of 14 days.

SECTION 16. SPS 384.10 (3) (e) 2. a. (Note) is repealed and recreated to read:

SPS 384.10 (3) (e) 2. (Note) Note: Requests for public comment shall be posted on the department of safety and professional services website at: <http://dsps.wi.gov/Programs/Industry-Services/Industry-Services-Programs>.

SECTION 17. SPS 384.10 (3) (e) 2. b. is repealed.

SECTION 18. SPS 384.30 (6) (j) is renumbered (6) (j) (intro.) and, as renumbered, is amended to read:

SPS 384.30 (6) (j) Sand. Sand that is placed as a ~~filtering~~ filtration treatment medium in a stormwater subsurface infiltration system shall ~~conform to ASTM Standard C33 for fine aggregate~~ meet all of the following requirements:

SECTION 19. SPS 384.30 (6) (j) 1. to 3. are created to read:

SPS 384.30 (6) (j) 1. The sand shall conform to ASTM Standard C33 for fine aggregate.

- 2. The sand shall be comprised of an outwash parent material.
- 3. The sand shall have a hardness value of at least 3 on Moh’s scale of hardness.

SECTION 20. SPS 385.40 (2) (b) 1. a. is amended to read:

SPS 385.40 (2) (b) 1. a. The ~~original~~ signature of the certified soil tester who collected the data;

SECTION 21. SPS 385.40 (2) (b) 2. (Note) is created to read:

SPS 385.40 (2) (b) 2. (Note) Note: Nothing in this chapter is intended to prohibit the submission and acceptance of planning documents in an electronic or digital media.

SECTION 22. SPS 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~~ determine current conditions of periodic soil saturation and assess their effect upon the operation of a POWTS.

SECTION 23. SPS Tables 387.30-1 to 387.30-6 are repealed and recreated to read:

**Table 387.30-1
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF A REPLACEMENT
POWTS ANAEROBIC TREATMENT COMPONENT
Installation of a Replacement POWTS Anaerobic Treatment Component by Design Flow**

Design Flow in Gallons per Day	Financial Assistance Amount
≤ 300 gpd	\$2,280
301-450 gpd	\$2,400
451-600 gpd	\$3,000
601+ gpd	\$4,200

Table 387.30-2
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF A REPLACEMENT COMPONENT AND LIFT PUMP OR SIPHON
Installation of a POWTS Dosing Component and Lift Pump or Siphon

Design Flow in Gallons per Day	Financial Assistance Amount
≤ 300 gpd	\$2,400
301-450 gpd	\$2,700
451-600 gpd	\$3,000
601+ gpd	\$3,600

Table 387.30-3
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF NON-PRESSURIZED AND IN-GROUND PRESSURE POWTS TREATMENT OR DISPERSAL COMPONENT
Installation of a Non-Pressurized and In-Ground Pressure POWTS Treatment or Dispersal Component

Design Loading Rate in Gallons Per Square Foot Per Day	≤300 gpd	301-450 gpd	451-600 gpd	601+ gpd
0.7 or more	\$3,300	\$3,900	\$5,100	\$6,300
0.60 to 0.69	\$3,600	\$4,200	\$5,400	\$6,600
0.50 to 0.59	\$3,900	\$5,100	\$5,700	\$6,900
0.49 or less	\$4,200	\$5,400	\$6,000	\$7,000

Table 387.30-4
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF AT-GRADE OR MOUND POWTS TREATMENT OR DISPERSAL COMPONENT
Installation of an At-Grade or Mound POWTS Treatment or Dispersal Component

Type of Design	≤300 gpd	301-450 gpd	451-600 gpd	601+ gpd
At-Grade	\$5,400	\$6,000	\$6,600	\$7,000
Greater than 24" of Suitable Soil Mound	\$7,000	\$7,000	\$7,000	\$7,000
Less than 24" of Suitable Soil Mound	\$7,000	\$7,000	\$7,000	\$7,000

Table 387.30-5
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF A POWTS HOLDING TANK COMPONENT
Installation of a POWTS Holding Tank Component

Estimated Flow of Gallons Per Day	Financial Assistance Amount
≤400	\$3,900
401-600	\$4,200
601+	\$4,500

Table 387.30-6
MAXIMUM ALLOWABLE FINANCIAL ASSISTANCE AMOUNT FOR INSTALLATION OF REPLACEMENT EXTERIOR GREASE INTERCEPTOR
Installation of Replacement Exterior Grease Interceptor by Capacity

Capacity (in gallons)	Financial Assistance Amount	Capacity (in gallons)	Financial Assistance Amount
Up to 1,249	\$3,000	1,750 to 1,999	\$3,900
1,250 to 1,499	\$3,300	2,000 or more	\$4,500
1,500 to 1,749	\$3,600		

SECTION 24. SPS 387.30 (4) is repealed.

SECTION 25. SPS 391.10 (4) (a) and 391.11 (4) (a) (Note) are amended to read:

SPS 391.10 (4) (a) The disposal of the compost shall be in accordance with ~~EPA~~ 40 CFR part 503.

SPS 391.11 (4) (a) (Note) Note: ~~EPA materials~~ Materials relating to EPA 40 CFR part 503, including, “Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule”, are available ~~from the Office of Water Resource, US EPA, 401 M Street SW, Washington D. C. 20460~~ on the EPA’s website at epa.org.

SECTION 26. SPS 391.20 (1), (2), and (3) (intro.) are amended to read:

SPS 391.20 (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general ~~and the revisor of statutes have~~ has consented to the incorporation by reference of the standards listed in sub. (3).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department, ~~the secretary of state~~ and the legislative reference bureau. Copies of the standards may be purchased through the respective organizations listed in sub. (3).

(3) ADOPTION OF STANDARDS. The standards referenced in pars. (a) and (b) are ~~hereby~~ incorporated by reference into this chapter.

SECTION 27. SPS 391.20 (3) (a) and (b) are repealed and recreated to read:

SPS 391.20 (3) (a) ANSI Z21.61-1983: Gas-Fired Toilets, American National Standard Institute, 25 West 43rd Street, 4th Floor, New York, NY 10036.

(b) NSF 41-2016: Non-Liquid Saturated Treatment Systems, NSF International, 6300 Interfirst Drive, Ann Arbor, MI 48108.

SECTION 28. **EFFECTIVE DATE.** The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)
