

ceded by a conventional septic tank. Credit will be given for the capacity of the septic tank in meeting the required capacity as listed in sub. (3).

*History:* Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.15, Register, June, 1983, No. 330, eff. 7-1-83; am. (4) (e), Register, February, 1985, No. 350, eff. 3-1-85.

**ILHR 83.16 Maintenance and sludge disposal.** (1) **MAINTENANCE.** Septic tanks and other treatment tanks shall be cleaned whenever the sludge and scum occupies  $\frac{1}{2}$  of the tank's liquid capacity. All sludge, scum, liquid and any other material removed from a private domestic sewage treatment and disposal system is hereafter referred to as sludge.

(2) **SLUDGE DISPOSAL.** See ch. NR 113, Wis. Adm. Code.

(3) **COUNTY OPTION.** Counties may establish a mandatory maintenance program to insure continuing maintenance of private sewage systems.

*History:* Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.16, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.17 Chemical restoration.** No products for chemical restoration or chemical restoration procedures for private sewage systems may be used unless approved by the department.

*History:* Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.17, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.18 Holding tanks.** (1) **APPROVAL.** Plans shall be submitted to the department for review, in accordance with ss. ILHR 83.07 and 83.08, for each application to install a holding tank. The installation and use of a holding tank shall be considered by the department on an individual basis. An application for a holding tank shall not be approved by the department, if:

(a) Any other type of private sewage system may be utilized as permitted under this chapter or ch. 145, Stats.; and

(b) The property contains an area of soil suitable for any other type of private sewage system as permitted under this chapter.

(2) **PROHIBITION OF HOLDING TANKS.** (a) *Department.* 1. The department may prohibit the installation and use of holding tanks for new construction in areas where:

a. The methods of final disposal of septage from existing holding tanks are not in compliance with the rules adopted under s. 146.20 (4g), Stats.;

b. There is insufficient disposal capacity for the septage at wastewater treatment facilities or land disposal sites;

c. Previously installed holding tanks have been found not to be watertight by the department or county due to geological conditions;

d. The county has failed to provide to the department accurate annual pumping reports required under sub. (4) (a) 3.; or

e. The results of the department's audits under s. 145.20 (3), Stats., indicate that sanitary permits have been issued for holding tanks in violation of sub. (1).

2. A departmental prohibition for the installation and use of holding tanks shall be established by departmental orders in accordance with s.

145.02 (3) (f), Stats. The order shall specify the conditions which must be corrected before the order will be lifted.

(b) *Local*. 1. A county may prohibit by ordinance the installation and use of holding tanks for new construction. If a county does not prohibit the installation and use of a holding tank for new construction, then any city, village or town within that county may prohibit by ordinance the installation and use of holding tanks for new construction.

2. An ordinance adopted under subd. 1. may prohibit the installation and use of holding tanks for specific building occupancies or specific geographical areas.

3. Before adopting an ordinance prohibiting the installation and use of holding tanks for new construction the local governmental unit shall submit a copy of the proposed ordinance to the department for review.

4. If a local governmental unit prohibits the installation and use of holding tanks for new construction, the local governmental unit shall establish an appeal procedure to the prohibition. Under the appeal procedure the local governmental unit may grant variances to the prohibition. The local governmental unit shall inform the department in writing of each variance granted.

(3) **HOLDING TANKS ON PROPERTIES WITH EXISTING BUILDINGS.** When the use of a holding tank becomes the only available alternative for the disposal of sanitary liquid waste for an existing building, local government shall allow the use of a holding tank or condemn the property. The requirements established for use of holding tanks for newly developed properties in this section shall also apply to replacement system uses.

(4) **SERVICING CONTRACTS, AGREEMENTS AND STATEMENTS.** (a) 1. Prior to the issuance of a sanitary permit for the installation of a holding tank the owner of the holding tank shall, except as provided by s. 146.20 (3) (d), Stats., contract with a person who is licensed under ch. NR 113 to have the holding tank serviced. The owner shall file a copy of the contract or their registration with the local governmental unit which has signed the pumping agreement under par. (b) and with the county. The owner shall file a copy of any changes to the service contract or a copy of a new service contract with the local governmental unit within 10 business days from the date of change to the service contract.

Note: Section 146.20, Stats., relates to the servicing of septic tanks, soil absorption fields, holding tanks, grease traps and privies.

2. The person responsible for servicing a holding tank under subd. 1. shall submit to the local governmental unit which has signed the pumping agreement under par. (b) and to the county a report for the servicing on a semiannual basis. The service report shall include:

- a. The name and address of the person responsible for servicing the holding tank;
- b. The name of the owner of the holding tank;
- c. The location of the property on which the holding tank is installed;
- d. The sanitary permit number issued for the holding tank;
- e. The dates on which the holding tank was serviced;

f. The volumes in gallons of the contents pumped from the holding tank for each servicing; and

g. The disposal sites to which the contents from the holding tank were delivered.

3. The county shall submit to the department an annual report summarizing the seminannual service reports which it is required to receive under subd. 2.

(b) 1. The owner of a holding tank shall enter into agreement with the appropriate county, city, village or town guaranteeing that the county or local governmental unit which signed the agreement will service the holding tank, if the owner fails to have the holding tank properly serviced in response to orders issued by the department, county or local governmental unit to prevent or abate a nuisance as described in ss. 146.13 and 146.14, Stats.

2. The owner or agent shall submit a copy of the pumping agreement required under subd. 1. to the department when plans for the proposed holding tank are submitted to the department for review under s. ILHR 83.08.

3. The pumping agreement required under subd. 1. shall be binding upon the owner, the heirs of the owner and assignees of the owner. The owner shall file the pumping agreement with the register of deeds. Upon receipt of a holding tank agreement, the register of deeds shall record the agreement in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

(c) *Large holding tank systems.* The owner of a building or facility which will discharge more than 3,000 gallons of wastewater per day, as determined under s. ILHR 83.15 (3) (c) 2., to one or more holding tanks shall provide a written statement to the department describing the method of final disposal for the septage from the holding tanks. The department may not approve these types of holding tanks until the department receives written verification that the proposed methods of final disposal are acceptable to the department of natural resources. The department shall notify the department of natural resources when a system of this type is approved.

(5) **SIZING.** (a) *One and 2 family residences.* The minimum liquid capacity of a holding tank for one and 2 family residences is as follows:

Number of Bedrooms	Holding Tank
1	2,000
2	2,000
3	2,000
4	2,500
5	3,000
6	3,500
7	4,000
8	4,500

(b) *Public buildings.* Public buildings shall have a minimum 5-day holding capacity, but not less 2,000 gallons. Sizing shall be based in ac-

cord with s. ILHR 83.15 (3) (c) 2. The 750 gallon minimum referred to in s. ILHR 83.15 (3) does not apply to holding tanks. No more than 4 holding tanks installed in series will be permitted.

(6) **CONSTRUCTION.** Holding tanks shall be constructed of welded steel, monolithic concrete, glass-fibre reinforced polyester or other materials approved by the department.

(7) **INSTALLATION.** (a) *Location.* Tanks shall be located in accord with s. ILHR 83.15 (4) (a), except the tanks shall be at least 20 feet from any part of a building. Holding tanks shall be so located to an all-weather access road or drive so that the pumper may drive pumping equipment to within 10 feet of the servicing manhole.

(b) *Warning device.* A high water warning device shall be installed so that it activates 1 foot below the inlet pipe. This device shall be either an audible or illuminated alarm. If the latter, it shall be conspicuously mounted. Electrical junction box, including warning equipment junctions, shall be located outside the holding tank unless they are housed in waterproof, explosion-proof enclosures. Electrical relays or controls shall be located outside the holding tank.

(c) *Manholes.* Each tank shall be provided with a manhole opening no less than 24 inches square or 24 inches inside diameter extending to a minimum of 4 inches above ground. Finish grade must be sloped away from the manhole to divert surface water from the manhole. Each manhole cover shall have an effective locking device. Manhole covers may have a service port reduced in size to 8 inch inside diameter 4 inches above finish grade level. The reduced opening must have an effective locking cover or a brass cleanout plug. Reduced locking devices or cleanouts must be approved by the department.

(d) *Septic tank.* If an approved septic tank is installed to serve as a holding tank, the inlet and outlet baffle may be removed and the outlet shall be sealed.

(e) *Vent.* Each tank shall be provided with a minimum 2-inch cast iron fresh air inlet extending 12 inches above final grade, terminating with a return bend fitting and 25 feet from a door, window or fresh air inlet. When a 4-inch cast iron vent is used, the above requirements shall apply except it may terminate with an approved vent cap.

(f) *Servicing.* Holding tanks shall be serviced in accord with ch. 146, Stats., and ch. NR 113, Wis. Adm. Code.

(8) **FLOOD PLAIN CONSTRUCTION.** (a) *Vent.* Two feet of freeboard between the top of the vent of the holding tanks and the regional flood elevation is required.

(b) *Manhole.* Two feet of freeboard is required between the top of the service manhole of a holding tank and the regional flood elevation.

(c) *Anchoring.* Adequate anchoring of a holding tank must be provided to counter the buoyant forces in the event of a regional flood.

**History:** Cr. Register, December, 1980, No. 300, eff. 1-1-81; renun. from H 63.18, Register, June, 1983, No. 330, eff. 7-1-83; emerg. r. and recr. (1), (2) and (4) eff. 3-6-85; r. and recr. (1), (2) and (4), Register, September, 1985, No. 357, eff. 10-1-85.

Register, September, 1985, No. 357

**ILHR 83.19 Inspection and tests.** (1) **INITIAL INSPECTION PROCEDURES.** (a) *General.* All private sewage systems shall be inspected after construction but before backfilling no later than the end of the next workday excluding Saturdays, Sundays and holidays after receiving notice from the licensed plumber responsible for the installation, i.e., the plumber in charge.

(b) *Notice for inspection.* The plumber in charge shall notify the county in person, by telephone or in writing when the private sewage system is ready for inspection.

(c) *Preparation for inspection.* When a private sewage system is ready for inspection, the plumber in charge shall make such arrangements as will enable the county or department inspector to inspect all parts of the system. The plumber shall have present the proper apparatus and equipment for conducting the inspection and shall furnish such assistance as may be necessary in making proper inspection.

(2) **COVERING OF WORK.** No part of the private sewage system may be backfilled until has been inspected and approved. If any part is covered before being inspected and approved it shall be uncovered at the discretion of the county or department inspector.

(3) **OTHER INSPECTIONS.** The county or department may require additional inspections other than the inspection prior to backfilling. Inspections may be required during the construction phase and after backfilling.

(4) **INSPECTIONS FOR ADDITIONS, ALTERATIONS OR MODIFICATIONS.** When a private sewage system is modified, altered or additions constructed, the inspection criteria required in this section shall apply.

(5) **DEFECTS IN MATERIALS AND WORKMANSHIP.** If inspection discloses defective material, design, siting or unworkmanlike construction which does not conform to the requirements of this chapter, the nonconforming parts shall be removed, replaced and reinspected.

History: Cr. Register, December, 1980, No. 300, eff. 1-1-81; renum. from H 63.19, Register, June, 1983, No. 330, eff. 7-1-83.

**ILHR 83.20 Materials.** (1) **MINIMUM STANDARDS.** (a) *Approval.* Unless otherwise provided for in this chapter, all materials, fixtures or devices sold, used or entering into the construction of a private sewage system or parts thereof, shall be submitted to the department for approval and shall conform to approved applicable standards or to other equivalent standards acceptable to the department and shall be free from defects.

