

AMENDING CHAPTER 46 OF THE DANE COUNTY CODE OF ORDINANCES, REVISING LANGUAGE TO REFLECT RECENT UPDATES TO THE ADMINISTRATIVE CODE, AND REVISING FEES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 46.03(2m) is deleted in its entirety, and subsections 46.03(4), (11), and (15) are amended to read as follows:

46.03 DEFINITIONS.

(4) *Division* shall mean the Environmental Health Division of the Department of Public Health for Madison and Dane County.

(4d) *DSPS* means Department of Safety and Professional Services of the State of Wisconsin.

(11) *Private sewage system* shall mean a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. It shall also mean an alternative sewage system approved by the safety and buildings division of the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A system may be owned by the property owner or by special purpose district.

(15) *Public swimming pool* has the meaning set forth in Wis. Admin. Code s. SPS 390.03(23).

ARTICLE 3. Subsection 46.04(4) is amended to read as follows:

46.04 ADMINISTRATION.

(4) Chapters SPS 381-387, SPS 391, SPS 390, DHS 175, ADM 60, DHS 178, DHS 195, DHS 196, DHS 197, DHS 198, ATCP 75, NR 812, NR 113, and NR 845 of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter as if fully set forth herein.

ARTICLE 4. Subsections 46.06 (3), (5)(a)1., (5)(a)2., (5)(c), and (6) are amended to read as follows:

46.06 TYPES OF PRIVATE SEWAGE SYSTEMS.

(3) *Domestic waste*. All water-carried wastes derived from ordinary living uses shall enter the septic or treatment tank unless otherwise specifically exempted by Wis. Admin. Code Ch. SPS 383 or this chapter.

(5) *Holding tanks*.

(a) *Approval*.

1. Holding tanks shall only be allowed when there are no options for any other type of POWTS as permitted under this chapter, sec. SPS 383.61, Wis. Admin. Code or Ch. 145, Wis. Stats. Plans shall be submitted in accordance with the approved package or design for each application to install a holding tank.

2. An application for a holding tank shall not be approved if the property contains an area of soil suitable for any other type of private sewage system as permitted under this chapter or sec. SPS 383.61, Wis. Admin. Code. Soil evaluation data reported to the division that indicates the site is unsuitable for a POWTS or an onsite waste dispersal system other than a holding tank is subject to a division verification inspection to confirm that there is no suitable area for a POWTS or an onsite waste dispersal system on the parcel.

(c) A holding tank shall not be approved for a building or facility that will discharge more than 3,000 gallons of wastewater per day, as determined by Ch. SPS 383, Wis. Admin. Code, until the owner files with the division a statement describing the method of final disposal of the septage and the written approval of the department of natural resources.

(6) *Non-plumbing sanitation systems*.

(a) Non-plumbing sanitation systems are devices regulated under Ch. SPS 391, Wis. Admin. Code, which are alternatives to water carried sanitation systems. These systems are not connected to a water supply and are not connected to a plumbing system. Structures served solely by a privy shall not contain any plumbing and

shall not be connected to a water supply. The property owner must obtain a county sanitary permit before installing any privy or similar device regulated by Ch. SPS 391, Wis. Admin. Code.

(b) In structures intended for human habitation or occupancy that are connected to a water supply and which have plumbing fixtures, at least one water closet shall be provided in addition to sanitary facilities approved under Ch. SPS 391 if such facilities are installed.

ARTICLE 5. Subsections 46.08(6)(a), (6)(b), (6)(c), and (6)(g) are amended to read as follows:

46.08 SANITARY PERMITS.

(6) *Sanitary permits.*

(a) The division shall establish administrative procedures for the approval, disapproval or issuance of state sanitary permits in accord with s. 145.135 and s. 145.19, Wis. Stats. A county sanitary permit shall be required for the connection or reconnection of any structure to any POWTS, any procedure or process that does not require a state sanitary permit that is intended to restore the permeability of the soil absorption or dispersal area, for any device regulated under Ch. SPS 391, Wis. Admin. Code, and for any work done on sewer piping, building sewer, system components or materials of a private on-site waste treatment system not included in the state sanitary permit requirements in s. SPS 383.21, Wis. Admin. Code.

(b) *Enforcement.* The division shall administer the private sewage system ordinance in accordance with s. 145.20, Wis. Stats., and Ch. SPS 383, Wis. Admin. Code, and this chapter.

(c) *Application.* The application for a sanitary permit shall be made on forms furnished by DSPS for permits required by Ch. SPS 383, Wis. Admin. Code, and on forms furnished by the division for permits required by this chapter. Before a private sewage system is installed, repaired, altered, enlarged, extended, converted or re-connected, a licensed master plumber or master restricted plumber (sewer) shall sign an application for permit and assume responsibility for the work being done.

(g) *Posting.* The sanitary permit issued by the division, together with any forms furnished by DSPS, shall be displayed conspicuously so as to be visible from the road fronting the lot during construction and must remain in place until after final approval has been given by the division.

ARTICLE 6. Subsections 46.09(2)(a), (3)(a), (3)(c), and (3)(e) are amended to read as follows:

46.09 EXAMINATION OF PLANS AND SPECIFICATIONS.

(2)(a) Plans and specifications for variances or for private sewage systems as set forth in Table 383.22-1 or Table 383.22-2 of Wis. Code sec. SPS 383.22(1), shall be submitted to DSPS, or another authorized review agent and written approval must be received before a sanitary permit is issued.

(3) *Plan submission.*

(a) *Stamping and signing plans.* All plans and specifications shall be sealed or stamped in accordance with Ch. A-E 2, Wis. Admin. Code, by a registered architect, engineer or registered plumbing designer. A master plumber may design and submit for approval plumbing plans and specifications for a private sewage system which the designer/ submitter will install. Each sheet of plans and specifications the master plumber submits shall be signed, dated and include his or her Wisconsin master plumber license number. When more than one sheet is bound together into one volume, only the title sheet or index sheet needs to be signed and dated by the master plumber responsible for the plan preparation, provided the signed sheet clearly itemizes each of the other sheets comprising the bound volume by content and page number.

(c) *Plan details.* All plans shall include the following:

1. Plot plan. Detailed plot plan, dimensioned or drawn to scale, showing the lot size, the location of all septic tanks, holding tanks or other treatment tanks, building sewers, sanitary and storm sewers, wells, water mains or water service, streams and lakes, dosing or pumping chambers, distribution boxes, effluent systems, dual disposal systems, replacement system areas and the location of the building served. Adjoining properties shall be checked to insure that the site location setback distances in Ch. SPS 383, Wis. Admin. Code, are complied with. All separating distances and dimensions shall be shown on the detailed plot plan. For large parcels, the proposed system site must be shown on a small scale diagram that includes all property boundaries and roads in addition to the large scale site plan showing the system details.

2. Reference points. A permanent vertical elevation reference point and a horizontal reference point must be established and shown on the plot plan.

3. Soil data. Soil boring and system elevation data shall be related to the undisturbed and finished grade elevations, vertical and horizontal elevation reference points. Surface elevations shall be given for all soil borings.
4. Occupancy. The type of occupancy the private onsite waste treatment system is designed to accommodate shall be indicated, along with the estimated daily wastewater flow and design wastewater flow.
5. Other specifications.
 - a. Complete specifications for pumps and controls including dose volume, elevation differences (vertical lift), pipe friction loss, pump performance curve, pump model and pump manufacturer.
 - b. Details and configuration layouts depicting how the system is to be constructed. This includes specifications and procedures for testing of all system components in compliance with s. SPS 383.26(5), Wis. Admin. Code.

(e) Revisions. Every installer of a private sewage system who modifies or changes the design of a system must submit a revised plan to DSPS or to the designated approval agency. A copy of the approved revision must be submitted to the division within 5 working days after approval is obtained. All changes or modifications must be approved by the division authority prior to installation. After written approval is granted, plans and specifications of pumping or pressurized systems shall not be changed without written consent of the division.

ARTICLE 7. Sections 46.10(1)(a)1., (1)(c), (4)(a), (4)(b), (5), and (8) are amended to read as follows:

46.10 SITE EVALUATION.

(1) The department shall make on-site verification inspections of soils. Inspections shall be made by staff members certified by the State of Wisconsin. Such inspections shall be made only upon the filing of the appropriate forms, which shall include plan diagrams as required by sub. (a), and also indicate the applying soil tester's opinion of the soil's suitability. The failure to supply said forms or to indicate the soil tester's opinion shall release the department from any obligation whatsoever to make such inspections or to issue a sanitary permit.

(a) Plan diagrams. All plan diagrams submitted along with the soil evaluation report shall be submitted on paper not less than 8 ½ x 11 inches in size nor more than 8 ½ x 14 ½ inches and shall be clear, legible and permanent copies. The plan diagrams shall include:

1. Plot plan. Detailed plot plan, dimensioned or drawn to scale, showing the lot size, the location of the nearest road, the location of the driveway or site access roadway, the location of any septic tanks, holding tanks or treatment tanks, building sewer location (if known), wells, water main or water service, streams and lakes, dosing or pumping chambers, distribution boxes, any existing soil absorption cells, replacement system areas, the location of the building served and other structures on the property. Adjoining properties shall be checked to ensure that the site location setback distances in Ch. SPS 383, Wis. Admin. Code, are complied with. All separating distances and dimensions shall be shown on the detailed plot plan.

(c) Elevation data. Soil boring and system elevation data shall be related to the undisturbed and finished grade elevations and vertical elevation reference points. Surface elevations shall be given for all soil borings. In flood plain areas, site elevations must be related to local flood plain elevation data to ensure compliance with Ch. SPS 383.

(4)(a) General. Site evaluation shall be conducted in accordance with Ch. SPS 385, Wis. Admin. Code, or acts amendatory thereto, by a certified soil tester. The evaluation shall include soil conditions, properties and permeability, depth to zones of soil saturation, depth to bedrock, slope, landscape position, all setback requirements and the potential for flooding. Soil test data shall relate to the undisturbed elevations and a vertical reference point shall be reported on forms provided by the division and signed by the certified soil tester. Reports shall be filed for all sites investigated within 30 days of the completion of the fieldwork for the soil evaluation.

(b) Replacement system area.

1. On each parcel of land initially developed for below grade disposal or dispersal of wastewater discharge, sufficient area of suitable soils for one replacement system shall be established based on the soil evaluation, estimated permeability, system location and site requirements contained in this chapter and Ch. SPS 385, Wis. Admin. Code. A minimum of three soil pits are required to delineate each proposed system area. One pit may be shared in common between adjacent system areas located on the same parcel.

(5) Specific system designs. Where a more restrictive land slope is to be observed for a soil absorption system other than a conventional system, the more restrictive land slope specified in the approved design sections or approved design packages of Ch. SPS 383 or SPS 384, Wis. Admin. Code, shall apply.

(8) Soil permeability. Permeability and infiltration rates used to size private sewage systems shall be derived using procedures specified in Ch. SPS 385, Wis. Admin. Code. Existing sites with division approved percolation tests must utilize the sizing criteria in Table 383.44, Ch. SPS 383, Wis. Admin. Code.

ARTICLE 8. Subsections 46.11(2), (3) and (5) are amended to read as follows:

46.11 INSPECTIONS.

(2) Notification of testing for system components as required by Chs. SPS 382, 383, or 384, Wis. Admin. Code, or as a condition of plan approval, shall be made to the division in the same manner as notification for system inspections. Verification of testing shall be accomplished by means of inspection during the test, written verification of testing and test results from the master plumber or responsible person, or both.

(3) Testing of systems components that is required by s. SPS 383.26(5) and Chs. SPS 382 and 384, Wis. Admin. Code, or as a condition of plan approval shall be performed by a properly licensed individual in accordance with Ch. SPS 305, Wis. Admin. Code.

(5) 1. The department shall place all septic tanks on a periodic maintenance program. Private sewage systems including aerobic treatment units or other technology intended to treat wastewater shall be placed on an inspection program cycle appropriate to the component per Ch. SPS 383.54(4), Wisconsin Administrative Code. Pumping reports for holding tanks shall be submitted semi-annually per s. 46.06(5)(b). All other private sewage systems shall be placed on a three-year inspection program in conformance with Wis. Admin. Code s. SPS 383.54(4). Notices of the maintenance due shall be sent by the department to the system owner at least 30 days prior to the due date. All such owners, or their successors or assigns, shall demonstrate compliance with this chapter by returning report forms prepared by the department, or certifications approved by the department, prior to the due date identified in the notice, duly signed by a person authorized in s. 145.245(3), Wis. Stats., or Ch., SPS 305, Wis. Admin. Code.

2. Final reports. When a private sewage system that is subject to the requirements of this section is abandoned, the property owner shall file a final report that includes verification that the contents of the septic tank were removed by a properly licensed septic waste hauler, that the tank was crushed and filled or was removed in accordance with Ch. SPS 383, Wis. Admin. Code, along with the fee required by sec. 46.23(12).

ARTICLE 9. Subsections 46.14(3)(b)2., (4)(b)3., (4)(d)2., (4)(e)1., (4)(f), (5)(c), and (5)(f)1. are amended, and 46.14(4)(c)1.a. is created to read as follows:

46.14 ISSUANCE OF BUILDING PERMITS.

(3) Reconnections.

(b) Documentation shall be provided to verify:

1. That the existing private sewage system is not a failing system and has sufficient size and soil conditions to accommodate the wastewater flow or contaminant load as specified in s. 46.175(4)(c); and
2. That the structure meets the set back requirements as specified in Ch. SPS 383, Wis. Admin. Code.

(4) Construction affecting wastewater flow or contaminant load.

(b) Determination of modified wastewater flow or contaminant load. For the purpose of this section:

1. Modified wastewater flow or contaminant load in public buildings and places of employment results from any change in use of the structure from the original use that results in a change in the volume of wastewater above or below that for which the system was originally designed.
2. Modified wastewater flow or contaminant load in dwellings results from a change in the number of bedrooms or from any addition, alteration or remodeling that exceeds 25% of the total gross area of the existing dwelling unit. Modified wastewater load in dwellings does not result from construction of decks, patios, garages, porches, re-roofing, painting, wiring, re-siding, window replacement or replacement of equipment or appliances.
3. Additional criteria for determining modified wastewater flow or contaminant load are as set forth in the Appendix to Ch. SPS 383, Wis. Admin. Code.

(c) Documentation. Documentation to verify whether the size and condition of the existing private sewage system can accommodate the modified wastewater flow or contaminant load and to verify whether the system is installed in suitable soils shall include all of the following:

1. Information on the soil conditions of the soil absorption system. The information may consist of a valid existing soil report or new soil evaluation report for the system, prepared by a certified soil tester showing conformance with the applicable vertical separation above bedrock and groundwater for the POWTS;
 - a. At least one soil pit is required to verify the existing distribution system is in suitable soils if no valid soil report for the system exists. Soil evaluation of pits dug for this purpose will conform with sec. 46.10 of the Dane County Ordinances.

(d) Determination on soil conditions.

1. If the existing private sewage system is a failing system, the division shall order the system to be replaced.
2. If the existing private sewage system is installed in mottled soils, the owner may request a variance to use the existing system and perform groundwater monitoring to verify seasonal saturation conditions under Ch. SPS 385, Wis. Admin. Code.

(e) Determination on tanks.

1. If the existing treatment tank(s) have no manhole opening, are cracked, deteriorated or constructed of materials that are not watertight or are not approved materials listed in Ch. SPS 384, then the tanks shall be ordered replaced.

(f) Setback determinations. All determinations on setbacks involving an increase in wastewater loads shall conform to Ch. SPS 383, Wis. Admin. Code.

(5) Construction not affecting wastewater loads.

(c) The completed construction of structures referred to in sub. (a) shall conform to the setback requirements of Ch. SPS 383, Wis. Admin. Code.

(f) No building permit may be issued where setback requirements cannot be met unless:

1. A petition for variance is obtained from the Department of Safety and Professional Services after review and approval by the division; or
2. The owner agrees in writing to correct any deficiencies discovered during construction for a system that cannot be located before construction begins.

ARTICLE 10. Subsections 46.175(1) and (4)(c)1. are amended to read as follows:

46.175 PERFORMANCE STANDARDS.

(1) General. The division shall implement procedures to ensure that discharges from private sewage systems are in compliance with groundwater law contamination limits. The implementation steps will follow the parameters in this section. See s. A-383.43(7) *Estimating contaminant loads* in Ch. SPS 383, Wis. Admin. Code.

(4) Management.

(c) Monitoring influent and effluent loads.

1. The influent loads discharging to a POWTS and/or the effluent loads from a POWTS shall be sampled and evaluated for contaminants as required in the approved package or design. The results of the analysis shall be reported to the division by the POWTS owner or their designated agent as specified in the management plan. Dane County reserves the right to require sampling and evaluation criteria in addition to the criteria in a plan approved by the Wisconsin Department of Safety and Professional Services.

ARTICLE 11. Subsections 46.19(1) and (2) are amended to read as follows:

46.19 WATER SAMPLES.

(1) Upon the request of any person or governmental agency, the department may collect water samples and deliver the same to a laboratory for analysis. A fee as provided for in 46.23(14) may be charged for the collection of water samples under this section.

(2) The department shall forward the results obtained from the laboratory to the requesting person or agency, along with a report indicating the department's observation on the well system when also requested.

ARTICLE 12. Subsection 46.21(1) is amended to read as follows:

46.21 FACILITIES REGULATED.

(1) Restaurants, public swimming pools and water attractions, beaches, campgrounds, hotels, motels, recreational and educational camps, tourist rooming houses, bed and breakfasts; retail food establishments, manufactured home communities; wells; servicing of septic tanks, seepage pits, grease traps or privies; and vending machines shall be constructed, operated, performed and maintained in accordance with chapters DHS 195, DHS 196, DHS 197, DHS 198, DHS 172, DHS 175, DHS 178, ATCP 75, SPS 390, SPS 326, NR 812, NR 113 and NR 845 of the Wis. Admin. Code, as appropriate. Each facility identified herein shall be considered a regulated facility under this chapter.

ARTICLE 13. Subsections 46.23(1)(a), (1)(a)7., (1)(a)8., (1)(b), (3) through (5), (7) through (11), (14), and (16) are amended to read as follows:

46.23 FEES.

(1) (a) The county fee for each inspection block required for the installation of a POWTS shall be \$181. Inspection blocks for POWTS will be assigned according to the following:

7. A system component authorized in Ch. SPS 391, non-plumbing sanitation units (NPSU) or similar technology requires 1 inspection block for installation of the component.

8. A POWTS system that utilizes a technology that is added to the approved system list under s. SPS 383.61 after July 1, 2000 shall require the number of inspection blocks included as part of the approved system design, approved system package or the number of inspection blocks necessary to provide adequate assurance of proper installation as established in procedures approved by the Dane County Board of Health.

(b) The county fee for the review and processing of a sanitary permit application shall be assigned according to the following:

1. The county fee for review and processing of a sanitary permit application for a POWTS system reconnection, septic tank/pump chamber only, repair of existing POWTS system, a holding tank, a gravity fed below grade soil treatment POWTS system that does not include any other treatment or dispersal component, a system component authorized in Ch. SPS 391, non-plumbing sanitation units, or other similar technologies or activities shall be \$128.

2. The county fee for review and processing of a sanitary permit application with a POWTS design incorporating a drip line effluent dispersal component, aerobic treatment unit, dosing apparatus not connected to a pressurized distribution network or similar technology shall be \$150.

3. The county fee for review and processing of a sanitary permit application with a POWTS design incorporating a pressurized distribution network shall be \$172.

4. The county fee for review and processing of a sanitary permit application with a POWTS design incorporating a component claiming nitrate reduction credit, chemical or mechanical sewage treatment credit, sewage discharge disinfection credit or any treatment component that will allow final discharge into soil that is not intended to be part of the final sewage treatment process shall be \$270.

5. The county fee for review and processing of a sanitary permit application with a POWTS design incorporating a technology that is added to the approved system list under s. SPS 383.61 after July 1, 2000, shall be \$150 in addition to the fee for the review and processing category closest to the POWTS design the technology is incorporated into.

(3) There shall be a county fee of \$152 for the transfer of permits under section 46.08(5), when such transfers do not involve any site changes relating to the location of the private sewage system, and for the revision of a sanitary permit due to a change in plumber.

(4) There shall be a county fee of \$172 for the preliminary on-site inspections of soils by the department as provided for in sections 46.10, 46.14(4)(c), and 46.45. Fees paid under this subsection shall not be used to reduce or offset the fee for the issuance of any permit under this chapter.

(5) There shall be a county fee of \$181 for any private sewage system inspections or re-inspections which are either not included in the sanitary permit fee or are not specifically required by the plumbing code, or both.

(7) There shall be an additional county fee of \$153 for any inspection performed after normal work hours and at the request of any person for whom performed.

(8) There shall be a county fee of \$112 for an on-site verification of a private sewage system when requested in connection with securing financing of the subject property.

(9) The county fee for the collection of a water sample for bacteriological analysis shall be \$112 plus the current analysis fee charged by the Department laboratory.

(10) The county fee for the collection of a water sample for fluoride and nitrate chemical analysis shall be \$112 plus the current analysis fee charged by the Department laboratory.

(11) The county fee for all services listed in subsections (8) through (10) above, when requested to be performed in one site visit, shall be \$224 plus the current analysis fee charged by the Department laboratory.

(14) (a) There shall be a county fee of \$120 for the revision of an issued sanitary permit that has been reviewed and approved by the department as part of a sanitary permit application. The fee in sub. (3) shall apply when the revision is due to a change of plumber.

(b) There shall be a county fee of \$85 for the review of revisions to a previously approved plan that is submitted to the county pursuant to Wis. Admin. Code s. SPS 383.22(1)(c)

(16) (a) The fee for review and processing of a plan that is submitted to the county pursuant to Wis. Admin. Code sec., SPS 83.22(1)(c) shall be as follows:

<u>Design wastewater flow</u>	<u>Fee</u>
1,000 gpd or less	\$ 250.00
1,001-2,000 gpd	\$ 325.00
2,001-5,000 gpd	\$ 400.00

(b) There shall be a fee of \$80 per hour for review and processing of a plan to replace a septic tank, add effluent filters or other pretreatment devices, or otherwise alter an existing system that was approved under Wis. Admin. Code s. SPS 383.22(1)(c).

ARTICLE 14. Subsection 46.33(5) is amended to read as follows:

46.33 PUBLIC POOLS AND BEACHES, CAMPGROUNDS, MOBILE HOME PARKS AND RECREATIONAL AND EDUCATIONAL CAMPS.

(5) *Revocations.* Whenever any regulated facility or regulated activity fails to meet the standards established by chapters DHS 195, DHS 196, DHS 197, DHS 198, SPS 326, SPS 390, DHS 172, DHS 175, DHS 177, DHS 178, ATCP 75, NR 812, of the Wisconsin Administrative Code or any provision of the Dane County Ordinances, the health officer is authorized to seek revocation of the operator's permit. In addition, the health officer is authorized to initiate legal action against the operator, in conjunction with the corporation counsel's office.

ARTICLE 15. Subsection 46.66(2) is amended to read as follows:

46.66 SEWAGE DISPOSAL.

(2) Private sewage disposal systems as defined in s. 145.01(12), Wis. Stats., are permitted when a public sewer facility is not available to the premises. The system shall be located on the premises and shall be designed, constructed and operated in accordance with s. 144.245, Wis. Stats., and Chs. SPS 382 and 383 of the Wisconsin Administrative Code. Failed on-site private waste disposal systems shall be replaced or rehabilitated. A failed system has the meaning prescribed for "failing private sewage system" in s. 144.245(4), Wis. Stats.

ARTICLE 16. Subsection 46.67(1) is amended to read as follows:

46.67 PLUMBING.

(1) All plumbing shall meet the requirements of Chs. SPS 382 and 383 of the Wisconsin Administrative Code, that are applicable to mobile homes and mobile home parks.