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3 **2023 OA-07**

4 AMENDING CHAPTER 46 OF THE DANE COUNTY CODE OF ORDINANCES,
5 REGARDING PRIVATE ONSITE WASTEWATER TREATMENT SYSTEMS
6 (POWTS)

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

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

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12 ARTICLE 2. Section 46.03(3) is amended to read as follows:

13 **(3)** *Department* shall mean the ~~Dane County Department of Human Services or~~
14 Department of Public Health for Madison and Dane County, ~~if created pursuant~~
15 ~~to statute.~~

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17 ARTICLE 3. Section 46.03(11m) and 11 (n) are amended to read as follows:

18 **(11m)** *POWTS* means a “private onsite waste~~water~~ treatment system”.

19 **(11n)** *Private onsite waste~~water~~ treatment system* shall have the same meaning
20 as “private sewage system”.

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22 ARTICLE 4. Section 46.06(5)(b)2 is amended to read as follows:

23 **2.** The person responsible for servicing a holding tank under sub. 1. shall submit
24 to the local government unit which has signed the service agreement under sub.
25 (c), and to the division, a report of servicing ~~on a semiannual basis following each~~
26 ~~service event.~~ The service report shall include:

- 27 a. The name and address of the person responsible for servicing the holding
28 tank;
- 29 b. The name of the owner of the property;
- 30 c. The location of the property on which the holding tank is installed;
- 31 d. The sanitary permit number issued for the holding tank;
- 32 e. The dates on which the holding tank was serviced;
- 33 f. The volumes in gallons of the contents pumped from the holding tank for
34 each servicing; and
- 35 g. The disposal site(s) to which the contents from the holding tank were
36 delivered.

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38 ARTICLE 5. Section 46.06(7) is amended to read as follows:

39 **(7)** *Accessibility.* Septic tanks and other treatment tanks shall be located so as
40 to not exceed ~~2~~15 feet of vertical separation ~~and 150 feet of horizontal separation~~
41 between the bottom of any treatment tank and the access point for the septage
42 hauling vehicle. If the system design cannot accommodate this requirement, the
43 applicant must submit an alternative plan that shows how servicing, as may be
44 necessary due to anticipated as well as unanticipated causes, can be achieved
45 at any time of year.

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ARTICLE 6. Section 46.09(1) is amended to read as follows:

(1) Complete plans and specifications shall be submitted to the division with the application for a sanitary permit. Plans shall be submitted ~~in triplicate~~, on paper or electronic format not less than 8½ by 11 inches in size and shall be clear, legible and permanent copies.

ARTICLE 7. Section 46.09(3)(b) & (c) are amended to read as follows:

(b) Submitting data. ~~All plans, preliminary or complete, shall be submitted in triplicate.~~ Work shall not commence until written approval for the preliminary or complete plans is received from the approving agency and the sanitary permit is issued by the division. The plans submitted shall be prints or electronic copies that are clear, legible and permanent. All pertinent data shall be a part of or shall accompany all plans submitted for review. Plans will be examined in the order of receipt.

(c) *Plan details.* All plans shall include the following when applicable to the parcel(s) where the proposed POWTS is to be constructed:

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.

ARTICLE 8. Section 46.10(1)(a) is amended to read as follows:

(a) *Plan diagrams.* All plan diagrams submitted along with the soil evaluation report shall be submitted on paper or electronic copy not less than 8 ½ x 11

93 inches in size nor more than 8 ½ x 14 ½ inches and shall be clear, legible and
94 permanent copies. The plan diagrams shall include the following when
95 applicable to the parcel(s) where the proposed POWTS is to be constructed:

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

106 2. For any parcel with boundaries that cannot be completely shown on a
107 diagram on a sheet of paper not larger than 8 ½ x 11 inches at a scale not
108 smaller than 1 inch to 100 feet, the proposed system site must be shown on a
109 small scale diagram that includes all property boundaries and roads in addition to
110 the large scale site plan showing the test site details.

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112 ARTICLE 9. Section 46.10(4)(b) is amended to read as follows:

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

121 ~~2. The replacement system area shall not be disturbed to the extent that it is~~
122 ~~no longer a suitable system area. The replacement system area shall not be~~
123 ~~used for the following:~~

- 124 ~~a. Construction of building;~~
125 ~~b. Parking lots or parking areas;~~
126 ~~c. Below ground swimming pools;~~
127 ~~d. Any other use that may adversely affect the replacement area.~~

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129 ARTICLE 10. Section 46.10(8) is amended to read as follows:

130 ~~(8) Soil permeability. Permeability and infiltration rates used to size private~~
131 ~~sewage systems shall be derived using procedures specified in Ch. SPS 385,~~
132 ~~Wis. Admin. Code. Existing sites with division approved percolation tests must~~
133 ~~utilize the sizing criteria in Table 383.44, Ch. SPS 383, Wis. Admin. Code be re-~~
134 ~~evaluated using current soil evaluation procedures specified in Wis. Admin.~~
135 ~~Code Ch. SPS 385.~~

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137 ARTICLE 11. Section 46.11(5) is amended to read as follows:

138 (5) **4a.** The department shall place all septic tanks on a periodic maintenance
139 program. Private sewage systems including aerobic treatment units or other
140 technology intended to treat wastewater shall be placed on an inspection
141 program cycle appropriate to the component per Ch. SPS 383.54(4), Wisconsin
142 Administrative Code. Pumping reports for holding tanks shall be submitted ~~semi-~~
143 ~~annually~~following service per s. 46.06(5)(b). All other private sewage systems
144 shall be placed on a three-year inspection program in conformance with Wis.
145 Admin. Code s. SPS 383.54(4). Notices of the maintenance due shall be sent by
146 the department to the system owner at least 30 days prior to the due date. All
147 such owners, or their successors or assigns, shall demonstrate compliance with
148 this chapter by returning report forms prepared by the department, or
149 certifications approved by the department, prior to the due date identified in the
150 notice, duly signed by a person authorized in s. 145.245(3), Wis. Stats., or Ch.
151 SPS 305, Wis. Admin. Code.

152 **2b.** *Final reports.* When a private sewage system that is subject to the
153 requirements of this section is abandoned, the property owner shall file a final
154 report that includes verification that the contents of the septic tank were removed
155 by a properly licensed septic waste hauler, that the tank was crushed and filled or
156 was removed in accordance with Ch. SPS 383, Wis. Admin. Code, along with the
157 fee required by sec. 46.23(12).
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159 ARTICLE 12. Section 46.14(4)(d) is amended to read as follows:

160 **(d) Determination on soil conditions.** **1.** If the existing private sewage system is
161 a failing system, the division shall order the system to be replaced.

162 **2.** If the existing private sewage system is installed in mottled soils, the owner
163 may request a variance to use the existing system and perform groundwater
164 monitoring to verify seasonal saturation conditions under Ch. SPS 385, Wis.
165 Admin. Code.

166 ~~**3.** If the construction affects the only available soil replacement area, a notice~~
167 ~~shall be recorded with the county register of deeds notifying any future owner of~~
168 ~~the wastewater disposal options they may have available.~~
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171 *[EXPLANATION: This amendment revises the ordinances regarding POWTS to*
172 *conform with state regulations]*