

Chapter NR 113

SERVICING SEPTIC TANKS, SEEPAGE PITS, GREASE TRAPS OR PRIVIES

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History: Chapter NR 113, as it existed on June 30, 1975, was repealed and a new chapter NR 113 was created effective July 1, 1975.

NR 113.01 Applicability. These rules shall be applicable to any person servicing septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, or permanent or portable privies. Persons providing the following services shall be exempt from these rules.

(1) The transport of liquid industrial wastes for reprocessing.

(2) The transport of agricultural materials of vegetable origin not mixed with other wastes which are returned to cropland (either in active or inactive status) as manure.

(3) The transport of animal excrement and associated bedding.

(4) The disposal of domestic wastewater from a holding tank, which is regulated under ch. NR 206.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; cr. (4), Register, March, 1985, No. 351, eff. 4-1-85.

NR 113.02 Severability. Should any section, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 113.03 Definitions. In addition to the definitions set forth in s. 144.01 or 146.20, Stats., the following definitions shall apply to terms used in this chapter:

(1) "Department" means the department of natural resources.

(2) "Person" means any individual, partnership, corporation or body politic.

(3) "Licensee" means any person servicing septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, or permanent or portable privies, holding a valid Wisconsin sanitary license.

(4) "Servicing" means the cleaning, removing, hauling or disposing of the scum, liquid, sludge or other wastes from any septic tank, holding

tank, seepage pit, grease trap, mobile public toilet or permanent or portable privy.

(5) "Private pumper" means any person engaged in servicing a septic tank, holding tank, seepage pit, grease trap, mobile public toilet or permanent or portable privy on real estate owned or leased by him.

(6) "Liquid industrial wastes" mean industrial wastes, including suspended solids which are in a nongaseous fluid or semifluid state, and which are biodegradable and of animal or plant origin.

(7) "Mobile public toilets" mean fixtures incorporating holding facilities designed to receive human excrement directly from the user which are transportable and made available to the public.

(8) "Plowing in" or "knifing in" shall mean incorporation into the soils with a plow or equipment specifically designed for injecting a liquid below a soil surface.

(9) "Holding tank" means any facility, designed to be watertight, which is used for the storage and decomposition of human excrement, domestic wastes or liquid industrial wastes.

(10) "Portable privies" mean fixtures incorporating holding facilities designed to receive human excrement directly from the user and which are transportable.

(11) "Wisconsin sanitary license" means a license to service septic tanks, holding tanks, seepage pits, grease traps, mobile public toilets, or permanent or portable privies, issued by the department pursuant to s. 146.20 (3), Stats.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. (4), Register, March, 1985, No. 351, eff. 4-1-85.

NR 113.04 General requirements. (1) **LICENSE REQUIREMENTS.** No person, unless exempted by statute, shall engage in servicing without a license from the department.

Note: Licensed plumbers and private pumpers are exempted from licensure by s. 146.20, Stats.; however, such servicing shall be in conformity with the law and rules of the department.

(2) **EQUIPMENT CERTIFICATION.** No person shall engage in servicing unless his vehicle and equipment have been inspected by the department and certified to be in conformity with all the requirements of this chapter.

(3) **INSPECTION OF EQUIPMENT.** Every person owning a vehicle used for servicing shall notify the department and request inspection within 6 months from the effective date of this chapter or upon purchase of such a vehicle after that date.

(4) **CHANGE OF ADDRESS.** Every licensee shall notify the department within 15 days of any change in address or change of servicing equipment.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 113.05 Licensing. (1) **INITIAL LICENSURE.** Applicants for licensure shall meet the following requirements:

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(a) Every person, with the exception of private pumpers, before engaging in the practice of servicing in this state, shall make application on forms prepared by the department for each vehicle used by him in such

business. Surety bonds and license fees as described below must accompany each application.

(b) Before receiving a license, the applicant shall execute and deposit with the department a surety bond covering the period for which the license is issued, by a surety company authorized to transact business within the state, to indemnify persons for whom faulty work is performed. Such bond shall be in the amount of \$1,000 for residents of the state and \$5,000 for nonresidents; provided that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of the bond. Such bond shall be conditioned on the performance of services in conformity with all applicable health laws and rules. A security deposit in form acceptable to the department and subject to the same condition may be accepted in lieu of a surety bond.

(c) The initial license fee is \$25 for each vehicle for a state resident licensee and \$50 for each vehicle for a nonresident licensee. All licenses shall expire on June 30 and shall be neither transferable nor proratable.

(d) Prior to issuance of a license, the department shall inspect the servicing equipment and operating procedures. The license shall be denied if either the equipment is found to be unsatisfactory or the operations are faulty and not in accordance with the laws or rules.

(e) Licensed plumbers engaged in servicing shall be issued a sanitary license number upon application following vehicle inspection, certification, and examination.

(f) Every licensee shall have sufficient knowledge of sanitation and of the principles underlying the operation and servicing of septic tanks, industrial or domestic waste holding tanks, seepage pits, grease traps, mobile public toilets, and permanent or portable privies to safeguard public health and welfare. The department may require any applicant to take an oral or written examination to demonstrate his qualifications for licensure.

(g) Licensees using more than one vehicle in their business shall be issued the same license number for each vehicle certified.

(2) LICENSE RENEWAL. Existing licensees shall meet the following renewal requirements:

(a) Application for renewal shall be filed on or before July 1 and, if filed after that date, a penalty of \$5 shall be charged in addition to the renewal fee.

(b) A surety bond, or deposit as described in NR 113.05 (1) (b), covering the period for which the renewed license will be issued shall accompany the application.

(c) The renewal fee shall accompany the renewal application. The annual renewal fee is the same as for initial licensure in accordance with NR 113.05 (1) (c).

(d) Prior to renewal, the department shall inspect the servicing equipment and operating procedures. Renewal shall be denied if the equipment is found to be unsatisfactory or the operations are faulty and not in accordance with the laws or rules.

(e) The department may require an existing licensee, upon renewal application, to take an oral or written examination in accordance with NR 113.05 (1) (e).

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 113.06 Vehicle inspections, servicing and certification. (1) **INSPECTION.** Any person engaged in servicing shall permit his equipment to be inspected upon request and at any reasonable time and place, as may be designated by the department.

(2) **CERTIFICATION.** Inspections and certification of all vehicles used in servicing shall be made at least annually by the department. Vehicles and operations conforming to the law and rules of the department shall display a certification sticker in accordance with NR 113.06 (3) (1) 1.

(3) **EQUIPMENT REQUIREMENTS.** All vehicles and equipment used in servicing shall conform to the following:

(a) All vehicles and all equipment shall be maintained in good condition at all times.

(b) The vehicles and implements used in servicing shall be used for no other purpose except the hauling of waste materials. However, use of the vehicle for fire protection service is permissible if flushed, decontaminated and filled with clean water.

(c) Vehicles and equipment must be stored in a manner which will not cause a nuisance.

(d) Beginning July 1, 1980, the minimum allowable tank size shall be 700 gallons, with the following exceptions:

1. Private pumps;
2. Persons engaged in servicing only portable toilets; and
3. A smaller supplemental tank where found necessary by the department.

(e) The approval of any trailer-mounted servicing equipment shall be on an individual basis by the department for specific uses only.

(f) Portable containers other than approved trailer-mounted servicing equipment are prohibited.

(g) Each tank shall be strong enough for all conditions of operation, leakproof, and designed to be kept tightly closed to prevent spillage or escape of odors while in transit or storage. Tanks shall be constructed of suitable metal or materials approved by the department and mounted permanently on a truck chassis (except where trailer-mounted equipment is approved).

(h) Pumps shall be adequate for the required service. The installation shall be designed to prevent backflow or leakage. Connections shall be provided with caps or seals.

(i) Discharge valves on tanks shall be water-tight and shall be located and constructed so as to permit unobstructed discharge into the place of disposal.

(j) Hoses and piping shall be stored so as to prevent leakage or dripping in transit. Ends of hoses and pipes shall be connected or sealed with tightly fitted caps or covers when not in actual use. Hoses and piping carried in closed storage compartments need not be capped or covered.

(k) Any person subject to the requirements of this chapter must provide facilities for washing the vehicles, tanks, implements and tools. Such facilities must be designed to prevent a nuisance.

(1) Proper identification of vehicles used in servicing:

1. It shall be unlawful to operate a vehicle used for servicing after July 1, 1976 unless a valid certification sticker is prominently displayed on the rear of the vehicle.

2. Every sanitary licensee is required to paint on both sides of each vehicle the words "Wisconsin Sanitary Licensee" and immediately under these words "License No. " with the number of his license in the space so provided with letters and numbers at least 2 inches high with 1/2-inch minimum brush strokes and in a color distinct from its background.

3. Licensed plumbers shall display either their sanitary license number or plumber's license number in the manner set forth in paragraph NR 113.06 (3) (1) 2. above.

4. It shall be unlawful for any private pumper to operate any vehicle used for servicing unless he prominently displays on both sides on any vehicle so employed the words "Not For Hire" in letters at least 4 inches high with 1/2-inch minimum brush strokes and in a color distinct from its background.

5. The capacity of the tank in gallons (in lettering and numbers at least 2 inches high) shall be painted in a contrasting color and so as to be readily visible on the rear of any vehicle used in servicing with the exception of private pumps.

(4) **SERVICING REQUIREMENTS.** Every person engaged in servicing shall conform to the following:

(a) The vehicles, implements and containers shall be operated in such a manner as not to become a health hazard or a nuisance.

(b) Any accidental spillage shall be cleaned up and area disinfected so as to render it harmless to humans and animals.

Note: Discharge, accidental or otherwise, of wastes from servicing vehicles may violate ss. 346.94 (5), (6) and (7), and 146.13, Stats., and may subject the violator to the penalties imposed by s. 346.95 (2) and (3), Stats. In addition the transport of certain materials may violate ss. 347.49 (2), 348.10 (2), Stats., and Wis. Adm. Code MVD 4.01 (3) and (4).

(c) The property served shall be left in a sanitary condition.

(d) Water used for flushing servicing tanks or containers shall be disposed of in the same manner as the wastes. The discharge of wastes or flushing water into a stream or lake shall be cause for immediate suspension of the license.

(5) **DEFECTS AND VIOLATIONS.** Defects or violations in servicing vehicles and/or equipment and/or operating procedures may be cause for immediate suspension of a sanitary license or, in the case of a private

pumper, the department may prohibit the use of such vehicles and/or equipment until the effects or violations are corrected.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75.

NR 113.07 Disposal of domestic wastes. Every person engaged in servicing shall comply with the following requirements for the disposal of domestic wastes:

(1) **PUBLIC SEWERAGE SYSTEM.** Disposal shall be by discharge into a public sewerage system if at all practical. The discharge point and method of discharge into the system shall be subject to the requirements of the municipality accepting the waste.

(2) **SANITARY LANDFILL.** If disposal at a public sewerage system is not practical, disposal may be by discharge to a sanitary landfill licensed for such wastes by the department and with the written approval of the owner.

(3) **OTHER.** If disposal cannot be accomplished in accordance with subsections (1) or (2) above, disposal shall be by discharge at a liquid waste disposal site conforming to the following minimum restrictions:

(a) By burial with the following limitations:

1. Burial shall be under 36 inches of earth.
2. At least 36 inches of soil must exist between the buried sludge and the high groundwater level and/or bedrock.
3. Burial is not permitted on land used for pasturing livestock during the current growing season, on any cropland used for growing vegetables intended for human consumption during the current crop year, or on any land used for growing forage crops during the period 8 weeks prior to harvest.
4. Burial shall not be permitted on land with greater than 12% slope.
5. A distance of at least 50 feet upgrade from any ditch, dry run, pond, lake, stream, flowage or floodplain and at least 10 feet downgrade from any ditch or pond shall be maintained.
6. A distance of at least 200 feet from any well or water reservoir, with the exception of test or monitoring wells, shall be maintained. The disposal site shall not be located directly upgrade from any well or water reservoir.
7. A distance of at least 50 feet from any property line shall be maintained.
8. A distance of at least 500 feet from any place of habitation or business or area used for recreational purposes shall be maintained.

9. Wastes shall be covered at the end of the day's operations.

(b) By plowing in or knifing in with the following limitations:

1. At least 36 inches of soil must exist between the wastes and the high groundwater level and/or bedrock.

2. Disposal is not permitted on land used for pasturing livestock during the current growing season, on any cropland used for growing vegetables intended for human consumption during the current crop year, or on any land used for growing forage crops during the period 8 weeks prior to harvest.

3. Disposal shall not be allowed on land with greater than 12% slope. On land with a slope from 6 to 12%, a distance of at least 500 feet upgrade from any ditch, dry run, pond, lake, stream, flowage or floodplain shall be maintained. On land with a slope from 0 to 6%, a distance of at least 100 feet upgrade from any ditch, dry run, pond, lake, stream, flowage or floodplain shall be maintained. Regardless of slope, a separation of at least 10 feet shall be maintained when the disposal area is downgrade from any ditch or dry run.

4. Disposal shall be made in contour with the slope of the land.

5. A distance of at least 200 feet from any well or water reservoir, with the exception of test or monitoring wells, shall be maintained. The disposal site shall not be located directly upgrade from any well or water reservoir.

6. A distance of at least 50 feet from any property line shall be maintained.

7. A distance of at least 500 feet from any place of habitation or business or area used for recreational purposes shall be maintained.

8. The rate of disposal shall not exceed 30 gallons per each 100 square feet of area per day. In no event shall pools of wastes be allowed to accumulate.

Note: Disposal on soils with very low or high permeability may be prohibited by the department.

(c) By spreading on the surface of land with the following limitations:

1. At least 36 inches of soil must exist between the surface level and the high groundwater and/or bedrock.

2. Disposal is not permitted on land used for pasturing livestock during the current growing season, on any cropland used for growing vegetables intended for human consumption during the current crop year, or on any land used for growing forage crops during the period of 8 weeks prior to harvest.

3. Disposal shall not be allowed on land with a slope greater than 12%. On land with a slope of 6 to 12%, a distance of at least 500 feet upgrade from any ditch, dry run, pond, lake, stream, flowage or floodplain shall be maintained. On land with a slope from 0 to 6%, a distance of at least 200 feet upgrade from any ditch, dry run, pond, lake, stream, flowage or floodplain shall be maintained. Regardless of slope, a separation of at least 10 feet shall be maintained when the disposal area is downgrade from any ditch or dry run.

4. A distance of at least 50 feet from any property line shall be maintained.

5. A distance of at least 200 feet from any well or water reservoir, with the exception of test or monitoring wells, shall be maintained. The

disposal site shall not be located directly upgrate from any well or water reservoir.

6. A distance of at least 1,000 feet from any place of habitation or business or area used for recreational purposes shall be maintained. This distance may be reduced to 500 feet with the written permission of the owner of place of habitation, employment or recreation area. A copy of such written permission shall be furnished to the department upon request.

7. The rate of disposal shall not exceed 30 gallons per each 100 square feet of area per day. In no event shall pools of wastes be allowed to accumulate.

Note: Disposal on frozen ground or on soils with very low or high permeability may be prohibited by the department.

(4) **PROHIBITED SITES.** Domestic wastes may not be disposed of by discharge into or on any ditch, dry run, pond, lake, stream, flowage, floodplain, cave, sinkhole, mine, gravel pit, or quarry. In addition to all other requirements, domestic wastes may not be disposed of on any land without the owner's permission. Underground injection of domestic waste through a well is prohibited. The definitions of "injection" and "well" contained in s. NR 214.03 shall be applicable to this subsection.

(5) **SOLID WASTES.** Any domestic waste containing solid wastes which may create a public nuisance or interfere with the operation of a wastewater treatment facility shall be screened so as to remove such wastes prior to disposal. Solid wastes, garbage or refuse removed shall be disposed of in accordance with ch. NR 151.

Note: Solids may be expected in wastes from waysides with toilets or pits.

(6) **ADDITIONAL RESTRICTIONS.** The department shall have authority to inspect any liquid waste disposal site at any reasonable time and to impose more restrictive conditions than prescribed in this section upon finding that such conditions are necessary to prevent a nuisance or health hazard or to protect the environment.

(7) **STORAGE.** Lagooning of wastes for storage shall be allowed in facilities for which plans and specifications have been approved by the department. Wastes from such a facility shall be disposed of in the manner set forth in NR 113.07.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; am. (4), Register, December, 1982, No. 324, eff. 1-1-83.

NR 113.08 Disposal of liquid industrial wastes. Every person engaged in servicing shall comply with the following requirements in the disposal of liquid industrial wastes:

(1) **APPROVAL.** The approval of liquid industrial waste disposal by servicing vehicles shall be considered on a case-by-case basis by the department.

Note: Liquid industrial wastes may be required to be disposed of in accordance with NR 200 or 151 or both.

(2) **APPLICATION REQUIREMENTS.** Application for approval shall be made to the department prior to the disposal of liquid industrial wastes. The department may require the submission of a map or aerial photo-

graph of the disposal site. In addition, the department may require the submission of a chemical analysis of the industrial waste liquid, topographic and/or soils map of the proposed disposal site, results of subsurface soil investigations, evidence of permission from the proposed disposal site owner, and any other information necessary for the department to make a determination on the adequacy of the proposed disposal method.

(3) **QUARTERLY REPORT.** Every person engaged in servicing who disposes of liquid industrial wastes as provided under sub. (1) shall submit a quarterly report to the department on the types, quantities, sources and disposal site locations of all liquid industrial wastes handled during the quarter. Quarterly reports are due on January 28, April 28, July 28 and October 28 on forms supplied by the department.

(4) **PROHIBITION.** The underground injection of liquid industrial waste through a well is prohibited. The definitions of "injection" and "well" contained in s. NR 214.03 shall be applicable to this subsection.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; cr. (4), Register, December, 1982, No. 324, eff. 1-1-83.

NR 113.09 Penalties. (1) Any person who engages in the practice of servicing without first securing a license or certification sticker or renewal thereof, or who otherwise violates any provision of this chapter shall be liable for prosecution and penalty as provided in s. 146.20 (6), Stats., or other applicable statutes.

(2) The department may revoke or suspend a Wisconsin sanitary license in accordance with s. 146.20 (5), Stats.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75.