

# RULES CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPT. OF INDUSTRY, )  
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skoronicka, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to petitions for variance and private sewage systems  
(Subject)  
were duly approved and adopted by this department on March 29, 1996  
(Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 9:00am  
in the city of Madison, this 29th  
day of March A.D. 1996



Carol Skoronicka  
Secretary

# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

101.02 (1), 101.02 (6)(e) and 145.02 (2)

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;

repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):

ILHR 83

(Number)

Private Sewage Systems

(Title)

The attached rules shall take effect on the first day of the month following publication in the


Wisconsin Administrative Register pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

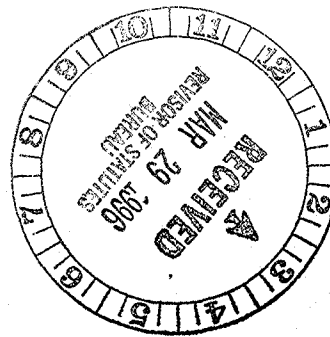
date: March 29, 1996

DEPARTMENT OF INDUSTRY, LABOR AND  
HUMAN RELATIONS

  
Secretary



# RULES in FINAL DRAFT FORM



**Rule No.:** ILHR 83.035

**Relating to:** Petitions for Variance and Private Sewage Systems

**Clearinghouse Rule No.:** 93-32

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to create ILHR 83.035, relating to petitions for variance and private sewage systems.

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ANALYSIS OF RULES

Statutory authority: ss. 101.02 (1), 101.02 (6) (e), and 145.02 (2), Stats.  
Statutes interpreted: s. 145.02 (1) and 145.13, Stats.

Currently the rules of chapter ILHR 3 delineate the procedures for petitions of variance to rules administered and enforced by the Division of Safety and Buildings, Department of Industry, Labor and Human Relations. In light of a recent court action, the Division of Safety and Buildings has determined to specifically indicate that the rules of ch. ILHR 83 pertaining to the design, installation and maintenance of private sewage systems may be petitioned in accordance with ch. ILHR 3. The proposed rule is intended to clarify that petitions for variance may be requested for the design or installation of new private sewage systems.

SECTION 1. ILHR 83.035 is create to read:

ILHR 83.035 PETITIONS FOR VARIANCE. The department shall consider a petition for a variance to a rule of this chapter in accordance with ch. ILHR 3. The department shall grant a variance provided an equivalency to the intent of the specific rule can be established.

Note: The department cannot grant a petition for an issue which is also specifically covered by the statutes; for example, a petition to waive the requirement to obtain a sanitary permit to install a new private sewage system.

(END)

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

\*\*\*\*\*

Tommy G. Thompson  
Governor

Carol Skornicka  
Secretary



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Telephone (608) 266-7552

## State of Wisconsin Department of Industry, Labor and Human Relations

March 29, 1996

Gary Poulson  
Assistant Revisor of Statutes  
Suite 800  
131 West Wilson Street  
Madison, Wisconsin 53703-3233

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

### TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 93-32

RULE NO.: ILHR 83.035

RELATING TO: Petitions for Variance and Private Sewage Systems

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol Skornicka".

Carol Skornicka  
Secretary

