



# Private On-Site Wastewater Treatment Systems

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In many rural areas, where connections to municipal wastewater treatment systems or other collective wastewater treatment systems are unavailable, wastewater and sewage from each home or other facility must be treated by a private on-site wastewater treatment system (POWTS).<sup>1</sup>

The Department of Safety and Professional Services (DSPS) and local governments – typically counties – share responsibilities for regulating POWTS. State law includes standards and criteria for the design, installation, inspection, and management of a POWTS so that the system is safe and will protect public health and the waters of the state. Participating counties enact ordinances to administer POWTS programs according to these requirements, except as specifically allowed by rule.<sup>2</sup>

This issue brief provides an overview of POWTS sanitary permits; inventory, maintenance, and inspection requirements; and a state grant program for certain owners of failing POWTS.

## SANITARY PERMITS

A sanitary permit and a plan approval are required before installing or constructing a POWTS. For most POWTS, sanitary permit applications are submitted to the county. An application must include POWTS design, management, and installation information; any additional information specified by local ordinance; and a fee. Depending upon the type of POWTS, either DSPS or the county reviews a POWTS plan. A plan must include sufficient data and information to determine whether the POWTS will conform with requirements in state law, such as minimum and maximum wastewater flow, a soil and site evaluation report for certain POWTS, and a contingency plan if the proposed POWTS fails and cannot be repaired. Additional information is required for higher volume POWTS.<sup>3</sup>

A sanitary permit is issued based on regulations in force on the date of approval, may be renewed for a specified period, and is transferable. After a county issues a sanitary permit, a copy is forwarded to DSPS, as well as a portion of the permit fee. The portion of the fee retained by the county must be used for the administration of POWTS programs.<sup>4</sup>

As described in more detail below, counties that regulate POWTS must, among other responsibilities, adopt and enforce a POWTS inventory and maintenance program that conforms with state law.<sup>5</sup>

## INVENTORY, MAINTENANCE, AND INSPECTION

Since 2017, state law has required every county to maintain an inventory of POWTS within the county. A POWTS inventory must, at a minimum, consist of a legal description of all properties including the tax parcel number where a POWTS is located, and the name and address of the owner of each POWTS. To establish an inventory, a county is not required to perform site visits, identify the type of POWTS, or evaluate the POWTS. The inventory must be updated as existing POWTS are identified and new POWTS are installed or constructed.<sup>6</sup>

State law also directed DSPS to establish a maintenance program for POWTS and required counties to begin to administer that program by October 2019. In administering a POWTS maintenance program, a county must have a process that includes measures meant to ensure that required inspection, evaluation, maintenance, and servicing is performed and the results are reported to the county.<sup>7</sup>

The requirements for maintaining and inspecting a POWTS are different, depending on when a POWTS was installed and whether a POWTS has a management plan. If a POWTS does not have a management plan, the statutes require inspection at least every three years. This requirement is reflected in DSPS rules, which specify that certain types of POWTS installed before July 1, 2000 must be visually inspected

at least once every three years. A county may extend that timeline to every five years. DSPS rules also specify when a pre-2000 POWTS treatment tank must be serviced.<sup>8</sup>

For more recently installed or replaced POWTS, the timeline for monitoring is instead specified in a management plan for a particular POWTS. DSPS rules also allow local governments to impose more restrictive maintenance requirements in some cases.<sup>9</sup>

POWTS owners must report all inspections and servicing to the relevant county. DSPS also conducts a performance monitoring program to evaluate various POWTS methods and technologies.<sup>10</sup>

Both DSPS and counties are authorized to inspect the operation and maintenance of POWTS and to issue orders to enforce POWTS requirements. For example, DSPS or a county may issue orders to abate human health hazards caused by a POWTS, and DSPS may issue an order directing the modification of a POWTS or directing an owner to comply with DSPS rules. Such orders can be enforced in the relevant circuit court. A county ordinance may also have its own enforcement mechanism for failure to comply with inspection or maintenance requirements, such as a fine for noncompliance with an inspection requirement or a county enforcement order.<sup>11</sup>

## WISCONSIN FUND

The POWTS replacement or rehabilitation financial assistance program, referred to as the “Wisconsin Fund,” provides grants for the rehabilitation or replacement of failing POWTS. A county may participate in the program by satisfying several conditions, including compliance with both of the prescribed POWTS inventory and maintenance program deadlines.<sup>12</sup>

An owner of a failing POWTS at a principal residence or small commercial establishment in a participating county must satisfy income and system eligibility requirements. The annual family income of the owner of the principal residence may not exceed \$45,000, and the annual gross revenue of the small commercial establishment may not exceed \$362,500. Additionally, the failing POWTS must be causing discharge of sewage into surface water or groundwater, drain tile, zones of bedrock, or to the ground; or introducing sewage to zones of saturation which adversely affect POWTS operation. The county assists owners with grant applications and conducts the initial eligibility review. After DSPS determines final eligibility, it distributes grant funds to counties, which then disburse the funds to individual POWTS owners. The 2023-25 biennial budget act delayed the sunset of this program to June 2025.<sup>13</sup>

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<sup>1</sup> [s. 145.01 \(12\), Stats.](#)

<sup>2</sup> ss. 145.01 (5) and [59.70 \(5\), Stats.](#), [s. SPS 383.03 \(5\) \(a\), Wis. Adm. Code.](#) In Milwaukee County, the city, village, or town may be responsible for regulating POWTS.

<sup>3</sup> [s. 145.19, Stats.](#); ss. [SPS 383.21](#), [383.22](#), and [383.23, Wis. Adm. Code.](#)

<sup>4</sup> s. 145.19, Stats.

<sup>5</sup> [s. 145.20 \(2\) and \(5\) \(a\), Stats.](#)

<sup>6</sup> s. 145.20 (5) (am), Stats.; [s. SPS 383.255 \(1\), Wis. Adm. Code.](#)

<sup>7</sup> DSPS established that program by rule in [s. SPS 383.255 \(2\), Wis. Adm. Code.](#)

<sup>8</sup> [s. 145.20 \(5\) \(b\), Stats.](#), [s. SPS 383.54 \(4\), Wis. Adm. Code.](#)

<sup>9</sup> ss. [SPS 383.54](#) and [SPS 383.53 \(2\), Wis. Adm. Code.](#)

<sup>10</sup> [s. SPS 383.55, Wis. Adm. Code.](#)

<sup>11</sup> [s. 145.02 \(3\) \(f\), Stats.](#); [s. SPS 383.26, Wis. Adm. Code.](#)

<sup>12</sup> ss. 145.20 (5) (am) and [145.245 Stats.](#); [ch. SPS 387, Wis. Adm. Code.](#)

<sup>13</sup> [2023 Wisconsin Act 19](#) s. 472g, 472r, and 9438 (2).