

**Chapter 46**  
**ON-SITE WASTE DISPOSAL ORDINANCE**  
Tsi? Yeyakotyetáhkwa Olihwá·ke  
The matters concerning where the garbage is kept

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**46.1-1. Introduction.** *Applicability.* This Ordinance shall apply to all Oneida Tribal Entities, the Oneida Tribe itself, and members of the Oneida Tribe of Indians of Wisconsin within the exterior boundaries of the Oneida Tribe of Indians of Wisconsin Reservation.

**46.1-2. Purpose.** The purpose of this Ordinance is to establish regulations to ensure that private on-site sewage treatment systems will fulfill Oneida Tribal goals for improving environmental health and safety. The regulations herein will set forth procedures for administration of the program; general requirements for proper siting, design, installation, inspection, and maintenance of the systems; limitations of private systems; and enforcement mechanisms and procedures. The ultimate intent of this ordinance is to support the Oneida belief of taking care of Mother Earth. As unforeseen events may arise which are not specifically addressed in this ordinance, this stated intent, along with the following basic principles, should define a course of action for unforeseen events.

- (a) **NEED**-Every building intended for human habitation or occupancy shall be provided with a properly functioning system for treatment and disposal of domestic waste.
- (b) **PUBLIC SEWERS**-When public sewers become available to any building intended for human habitation or occupancy, the use of the private sewage system shall be discontinued within that period of time required by order, but not exceed one year. The owner shall be required to connect to public sewers sooner than the one year date if the system meets the definition of a failing system. When funding for the connection is available, the owner shall be required to connect sooner than the one year date, and the connection shall be made from the private sewage system and be connected to the public sewers sooner than the one year date if the system meets the definition of a failing system. When funding for the connection sooner than the one year date, and the connection shall be made according to the contractor's construction schedule. The building sewer shall be disconnected from the private sewage system and be connected to the public sewer. All abandoned treatment tanks and seepage pits shall have the contents pumped and disposed of in accordance with chapter NR 113, Wisconsin Administrative Code. The top or the entire tank shall be removed and the remaining portion of the tank or excavation shall be immediately filled with clean, suitable soil material.
- (c) **DISCHARGES/FAILING SYSTEMS**-Every private sewage system shall be designed, located and constructed to prevent ponding of effluent within the soil absorption system or any discharge or sewage into drain tiles, onto the ground surface, into the structure served, or into the surface waters or groundwater within the exterior boundaries or adjacent to the Oneida Tribe of Indians of Wisconsin Reservation including zones of seasonal soil saturation.

- (d) MAINTENANCE-Every private sewage system shall be adequately maintained.
- (e) NUISANCE-Every private sewage system shall be designed and constructed to adequately dispose of all the wastewater generated in the structure or facility it is serving.

46.1-3. This Ordinance is adopted and implemented through the authority granted the Oneida Tribe of Indians of Wisconsin, pursuant to the Oneida Constitution, Part 4, Section 1.(F).

46.1-4. For the purposes of this ordinance, the following definitions shall apply. All other words shall be defined according to dictionary reference.

- (a) APPROVED-accepted or ratified by the Environmental Health Department.
- (b) AS-BUILT PLAN- a final plan of any system as installed.
- (c) AVAILABILITY OF PUBLIC SEWERS-when a public sewer line either passes in front of a lot line or comes within 200 feet of a lot line, availability of the public sewers for servicing buildings on the lot is established.
- (d) BEDROCK-the rocks that underlie soil materials or are at the earth's surface. Bedrock is encountered when the weathered in-place consolidated material, larger than 2mm in size, is greater than 50% by volume.
- (e) BUILDING-a structure having walls and a roof erected or set upon an individual foundation or slab-constructed base designed or used for the housing, shelter, enclosure or support of any kind, which is intended for human habitation or occupancy. A mobile home is included in this definition. Each structure abutting another structure which does not have an ingress-egress doorway through the basement foundation walls, or structures with separate exterior or exterior abutting walls, or public use structures separated by an unpierced firewall, shall be considered as separate or individual building.
- (f) CESSPOOL-a covered excavation in the ground which receives sewage or other organic matter and solids, permitting the liquids to seep into the soil cavities. Cesspools are prohibited.
- (g) CLEANOUT-a plug or cover made of material approved by the Department, joined by means of a screw thread to an opening in a pipe, which can be removed for the purpose of cleaning or examining the interior of the pipe.
- (h) CLEANWATER WASTES-cooling water and condensate drainage from refrigeration compressors and air-conditioning equipment, water used for impurities have been reduced below a minimum concentration considered harmful, and cooled condensate from steam heating systems or other equipment.
- (i) COLOR-the moist color of the soil based on Munsell soil color charts.
- (j) COMMUNITY ON-SITE WASTE DISPOSAL SYSTEM-an on-site waste disposal system servicing more than one building being served. A community sewage system may be owned by the property owners, the Tribe, or special purpose district.
- (k) CONVENTIONAL SOIL ABSORPTION SYSTEM-a system that employs gravity flow from the septic or other treatment tank and applies effluent to the soil through the use of a seepage trench, bed or pit.
- (l) DEPARTMENT-the Oneida Tribal Environmental Health Department.
- (m) DETAILED SOIL MAP-A map prepared by or for a state or federal agency participating in the national cooperative soil survey showing soil series, type and phases at

a scale of not more than 2,000 feet to the inch and includes related explanatory information.

(n) DOSING TANK-a tank used for the collection of sewage effluent from a septic or solids tank. The effluent is pumped from the dosing tank to a soil absorption field.

(o) DWELLING UNIT-one or more rooms with provisions for living, sanitary and sleeping facilities which are used or intended to be used by one person or by 2 or more persons maintaining a common household.

(p) EFFLUENT-liquid discharge from a septic or other treatment tank.

(q) EXISTING-prior to the adoption date of this ordinance

(r) EXPERIMENTAL SYSTEM-an on-site wastewater treatment system designed to overcome site limitation which would preclude the installation of any of the standard soil absorption systems defined in this ordinance. Not all sites are suitable for experimental systems.

(s) FAILING PRIVATE SEWAGE SYSTEM-a failing private sewage system is one which causes or results in any or the following conditions:

(1). The failure to accept sewage discharges resulting in the back up of sewage into the structure served by the private sewage system.

(2). The discharge of sewage to the surface of the group or to a drain tile.

(3). The discharge of sewage to any waters within the exterior boundaries or adjacent to the Oneida Tribe of Indians of Wisconsin Reservation.

(4) The introduction of effluent into zones of saturation which adversely affects the operation of a private sewage system.

(5). The ponding of effluent within the soil absorption system.

(t) GREASE INTERCEPTOR-a watertight tank which is installed underground for the collection and retention of grease from cooking of food processing and which is accessible for periodic removal of the contents.

(u) HIGH GROUNDWATER- Zones of soil saturation which include: Perched water tables, shallow regional groundwater tables or aquifers, or zones that are seasonally, periodically or permanently saturated. Unless otherwise proven, the presence of soil mottles indicates the level of seasonal saturation.

(v) HOLDING TANK-an approved watertight receptacle for the collection and holding of sewage, which requires pumping by a licensed sanitary hauler.

(w) INDOOR PLUMBING-one plumbing fixture constitutes an indoor plumbing system.

(x) IN-GROUND PRESSURE DISTRIBUTION SYSTEM-a pressurized soil absorption system placed entirely within the natural soil and based on the mound system design.

(y) LEGAL DESCRIPTION-inaccurate Metes and Bounds description, a claim number, a lot and block number in a recorded subdivision, a recorded assessor's plat or public land survey description to the nearest 40 acres in 1/4-1/4 sections (ie: NW 1/4 of the NE 1/4, Section 10, T24N-R18E).

(z) MOBILE HOME-a transportable structure mounted on a chassis and designed to be used with or without a permanent foundation as a dwelling as a dwelling unit. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home thereon may be moved from time to time at the convenience of the owner.

(aa) MODIFIED MOUND SYSTEM-a soil absorption system which utilized pressured distribution of the effluent and sandy fill materials to overcome sites with specific limiting conditions. The limiting conditions are:

(1) Depth to seasonal high groundwater of 24 to 54 inches with percolation rates of 0 to 180 minutes per inch.

(2). Depth to seasonal high groundwater of 12 to 54 inches with percolatin rates of 0 to 120 minutes per inch.

(bb) MOUND SYSTEM-a system which utilized pressurized distribution of the effluent and sandy fill conditions are:

(1) Depth to fractured bedrock of 24 to 54 inches with percolation rates of 0 to 60 minutes per inch

(2) Depth to seasonal high groundwater levels of 24 to 54 inches with percolation rates between 0 to 120 minutes per inch.

(cc) NUISANCE-any source of filth, odor or probable cause of sickness, as is described in Wisconsin Statue 146.14

(dd) ONEIDA TRIBE-Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by laws of the United States.

(ee) ON-SITE WASTE DISPOSAL SYSTEM-a sewage treatment disposal system serving a single building with a septic tank and soil absorption field located on the same parcel as the building. This term also means an alternative substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one building, or a system located on a different parcel than the building, or a system located on a different parcel than the building. A private sewage system may be owned by the property owner or by a special purpose district.

(ff) PERCOLATION TEST-the method used for testing soil absorption qualities, as described in ILHR 83,09(5), Wisconsin Administrative Code. All soil Wisconsin-licensed Certified Soil Testers.

(gg)PERMEABILITY-the ease with which liquid move through the soil. One of the soil qualities listed Certified Soil Testers.

(hh) PLUMBER-a person licensed by the State of Wisconsin as a Master Plumber or Master Plumber Restricted Sewer Services , as described in Wisconsin State Statute 145.01

(ii) PRESSURE DISTRIBUTION SYSTEM- a soil absorption system that employs a pump or automatic siphon and small diameter distribution pipping with small diameter perforations to introduce effluent into the soil. Plan review and departmental approval is required for each system of this type. Approval will only be given on a case by case basis. Approval shall only be given on an individual basis.

(jj) PRIVY-a structure that is not connected to a plumbing system, which is used by persons for the deposition of human body wastes.

(kk) PRIVY-PIT- a privy with earthen sidewalls and/or bottom. The privy shall be so constructed as to be insect and rodent proof as described in ILHR 53.63, Wisconsin Administrative Code

(ll) PRIVY-VAULT-a privy with watertight vault consisting of one of the following:

(a) concrete sidewalls and bottom(poured in place)

- (b) a prefabricated concrete tank
- (c) an asphalt coated steel tank

The tank shall be constructed insect and rodent proof per ILHR 52.63 Wisconsin administrative Code.

- (mm) PUBLIC SEWERS-a wastewater treatment system which utilizes collection of the sewage through underground sewer pipes, which all flow to one collection station, where the wastewater is then treated. Public sewers provide service to more than one residence, and each residence is charged a fee for wastewater collection and treatment.
- (nn) SEEPAGE BED-an excavated area larger than 5 feet in width which contains a bedding of aggregate and has more than one distribution line.
- (oo) SEEPAGE PIT- an underground receptacle so constructed as to permit disposal of effluent or clear wastes by soil absorption through its floor and walls.
- (pp) SEPTIC TANK-a tank which receives and partially treats sewage, through processes of sedimentation, oxygenation, flotation and bacterial action so as to separate solids from liquid in the sewage, and discharges and public buildings.
- (qq) SEWAGE-the liquid and water carried wastes created in and conducted away from residences, industrial establishments and public buildings.
- (rr) SOIL-the unconsolidated material over bedrock
- (ss) SOIL ABSORPTION-any sewage treatment system which has a solid separation tank and utilizes distribution of the sewage effluent to unsaturated soil for treatment. Systems included in this definitions are: conventional septic's, mounds, in-ground pressure distribution, at-grade, etc.
- (tt) SOIL BORING-an observation pit dug by hand or backbone, a hole dug by auguring or a soil core taken intact and undisturbed with a probe.
- (uu) SOIL MOTTLES-spots or streaks of contrasting soil colors usually caused by soil saturation for some period of a normal year. Soil mottles are used as indicators of the seasonal high groundwater level.
- (vv) SOIL SATURATION-the state when all the pores in a soil are filled with water. Water will flow from saturated soil into a bore hole.
- (ww) TOPSOIL-the undisturbed surface horizon of a soil often characterized by a clack or dark grayish brown color due to a higher content of organic matter.
- (xx) TRIBAL VENDOR'S PERMIT-a permit issued by the Environmental Health Department for the installation of a private sewage system.
- (yy) VENT CAP- an approved appurtenance used for covering the vent terminal of a soil absorption system, to avoid closure by mischief or debris, and still permit circulation of air within the system.
- (zz) WORKMANSHIP-work of such character that will fully secure the results sought in all the sections of this ordinance as intended for the safety, welfare and health protection of all individuals.

#### **46.2-1. General requirements.**

- (a) Every building or structure intended for human habitation or occupancy, within the scope of applicability of this ordinance, shall have a Tribally-approved on-site private sewage treatment system or be connected to a public sewer system. Such systems shall be

approved on-site private sewage treatment system or be connected to a public sewer system. Such systems shall be approved only if no public sewers are available to service said buildings. Unless specifically approved by the Tribe, the private sewage system to each building. A private sewage system may be owned by the property owner or by a special purpose district. The use of a community on-site waste disposal system or a system on a different parcel than the structure shall be subject to the same permit requirements and procedures as for systems serving public buildings. The private sewage system for newly constructed buildings shall be installed, inspected and approved before the building can be occupied.

(b) The type of on-site waste disposal system approved for use on a site shall be dependent upon site conditions. Approveable types of on-site waste disposal systems are:

- (1) Conventional soil absorption systems
- (2) In ground pressure distribution systems
- (3) Mound systems
- (4) Modified mound systems
- (5) At-grade systems
- (6) Holding tanks
- (7) Privies (pit and vault)

Approveable systems are not limited to this list, but systems not included on this list may only be approved by the Environmental Health Department on an individual basis.

(c) Additional restrictions

- (1) Domestic waste-all water carried wastes derived from ordinary living uses shall enter the septic or treatment tank or be discharged to a public or municipal treatment system.
- (2) Water supply-all new buildings intended for human habitation or occupancy shall be provided with a well and water supply system.
- (3) Cesspools-cesspools are prohibited.
- (4) Clear water-The discharge of surface, rain and other clear water into a private sewage system is prohibited.
- (5) Water shortener and iron filter backwash-Water softener or iron filter discharge may be directed to the private sewage system, a separate below ground surface soil absorption system or to the ground surface if a nuisance is not created.
- (6) Floodplain-On-site waste disposal systems for new buildings will not be approved for construction within the floodplain. Existing buildings may have a system approved in the flood fringe subject to Departmental approval on an individual basis. All systems shall be flood-proofed to a height of at least two (2) feet above the 100 year flood elevation.

(d) Holding Tanks

(1) Holding tanks will not be approved to service any new residential construction.

Holding tanks shall only be approved under the following circumstances:

- (A) As a temporary method of waste containment until public sewers are available, not to exceed two years from the date of installation. Extended use of the holding tanks beyond the 2 year period will require a permit for

the Environmental Health Department. The holding tanks shall be disconnected and a connection shall be made upon availability of the public sewer system, and the tanks properly abandoned in the manner as is described in ILHR 83, Wisconsin Administrative Code.

(B) As a replacement system for existing filing soil absorption systems. Holding tanks shall be approved only if no other soil absorption system can be approved for the site.

(C) As an interim measure when there are delays in funding from outside funding agencies. The site must have received written approval for an on-site soil absorption system, and funding must have been appropriated to cover all installation costs. The system must be completed as soon as the funding is made available.

(D) As an interim measure for construction reason. If an approved soil absorption system is being constructed, and progress on construction is halted severe weather (ie, winter frost conditions), then holding tanks may be installed and used only until construction of the soil absorption system can be permitted. The existing residence must be constructed and occupied prior to adoption of this ordinance.

(E) For an existing residence where no other soil absorption system can be permitted. The existing residence must be constructed and occupied prior to adoption of this ordinance.

(F) For new construction of commercial buildings only where no other soil absorption system can be permitted.

(e) Privies

(1) Privies are prohibited for all new residential construction.

(2) Privies may be permitted only when the existing building served by the privy is not provided with an indoor plumbing system. One plumbing fixture constituted indoor plumbing.

(3) All privies must meet the site requirements as described in IRHR 83.10, Wisconsin Administrative Code.

(4) When system upgrade becomes available or indoor plumbing is installed, then privy must be properly abandoned, and the building must be connected to an approved on-site waste disposal system or a public sewer system.

(5) All chemical, gas electrical, composting and other non-water using toilets must comply with all requirements of privies.

(f) Public Sewer Connection

(1) When public sewers become available to any buildings intended for human habitation or occupancy, the use of the private sewage system shall be discontinued within that period of time required by order, but not to exceed one year. The building sewer shall be disconnected from the private sewage systems and be connected to the public sewer.

(2) The owner shall be required to connect to public sewers sooner than the one year date if the existing private sewage system meets the definition of a failing system.

(3) When funding for the connection is available, the owner shall be required to connect to the public sewer sooner than the one year date. The connection shall be made according of the contractor's construction schedule.

(4) All abandoned treatment tanks and seepage pits shall have the contents pumped and disposed of in the same manner as is designated in Chapter NR 113, Wisconsin Administrative Code. The top or entire tank shall be removed and the remaining portion of the tank or excavation shall be immediately filled with clean, suitable soil material.

(g) Failing systems

(1) When a failing or malfunctioning private sewage system is encountered, the sewage disposal system shall be corrected or its use discontinued within that period of time required by departmental order, with a maximum time limit of one year. A failing system is identified when one or more of the following conditions apply:

(A)The failure of the private sewage system to accept sewage discharges and or there is back-up of the sewage to the structure the system services.

(B)The discharge of sewage to the surface of the ground or to a drain tile.

(C)The discharge of sewage to any waters within the exterior boundaries or adjacent to the operation of private sewage system.

(D)The introduction of effluent into zones of saturation which adversely affects the operation of private sewage system.

(E)The ponding of effluent within the soil absorption system.

(h) Incorporation of provisions by reference

(1) This chapter incorporates by reference the following rules, regulations and laws, as set forth in the Wisconsin Statutes and the Wisconsin Administrative Code governing the location, construction and use of the private sewage systems.

(A) State Statutes:59.065, 59.07(51), 144, 145, 146.13, 146.14, and 968.10

(B) Wisconsin Administrative Codes: NR 113;ILHR 82 and ILHR 83.

(2) These rules, regulations and laws shall be available upon request from the Environmental Health Department.

(3) These rules, regulations, and laws shall be used for purposes of this ordinance only, and shall apply until amended or renumbered and then shall apply as amended or renumbered.

(4) References in these codes as to the responsibilities of the "State", "Department", "Department of Natural Resources", and "County" shall be directed to the "Oneida Tribe" and to the "Oneida Tribal Environmental Health Department".

(i) Administration

(1) The Oneida Tribal Environmental Specialist shall be responsible for the administration of this ordinance. The Environmental Specialist may delegate responsibilities to personnel employed by or assigned to assist the Environmental Specialist.

(j) Powers and Duties

(1) In administering this ordinance, the Environmental Specialist shall have the

following powers and duties:

- (A) Perform duties, and delegate duties as may be required, to personnel assigned to or employed to assist the Environmental Specialist, to assure full and complete compliance with this ordinance.
- (B) Provide assistance to applicants preparing permit applications, and advise said applicants regarding provisions of this ordinance.
- (C) Review and approve plans for private on-site sewage treatment systems.
- (D) Issue permits and perform site inspections for compliance with this ordinance.
- (E) Keep records of all permits issued, inspections made, work approved and other official actions.
- (F) Report violations of this ordinance or other land use regulations to the Tribal office designated by the Oneida Business Committee, as provided for in the Administrative Procedures Act.
- (G) Have access to any premises for the purposes of performing said duties between 8:00 a.m. and 8:00 p.m. or at other times set by mutual agreement between the property owner or their agent and the Environmental Specialist. Application for permit is considered, for the purposes of this ordinance, as the owner's consent to enter the premises.
- (H) Upon reasonable cause or question as to proper compliance, revoke any Tribal sanitary permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of this ordinance, until compliance with this ordinance is obtained.
- (I) Issue and enforce orders to plumbers, property owners, their agents or contractors of the responsible party, to assure proper owners, their agents or contractors of the responsible party, to assure proper compliance with all provisions of this ordinance. The Environmental Specialist may delegate this authority to the Tribal office designated by the Oneida Business committee, as provided for in the Administrative Procedures Act.

(2) Violations of this ordinance which occur on leased land will be reported to the Oneida Land Office and the Oneida Land Office and the Oneida Law Office because said violations may constitute violations of the Tribal Land Lease.

(k) Repeal and effective date

- (1) Tribal sanitary permits are obtained through the Oneida Environmental Health Department. Completed application shall be submitted for review to the Oneida tribal environmental Specialist. The permit shall be reviewed and processed with two 2 weeks of receiving the completed application package, except in the case of modified mound an experimental systems which may take longer to review.
- (2) Every on-site waste disposal system installed, expanded, modified, or enlarged after the adoption date of this ordinance shall require a Tribal Sanitary Permit.
- (3) When a change of ownership occurs, the owner of system shall have the system inspected by a State of Wisconsin Licensed Plumber, Registered Sanitarian or

other person accepted by the Environmental Health Department.

(4) A Tribal sanitary permit shall be obtained by the property owner, his/her agent or contractor, in the name of the property owner, prior to the construction of any building which requires a private sewage system. Any property owner, his/her agent or contractor, who starts construction on a building, prior to obtaining a Tribal sanitary permit, is in violations and may be subject to the penalties provided in this ordinance.

(5) Before any private sewage system may be installed, enlarged, altered, modified or additions constructed, a Tribal sanitary permit must first be obtained by the property owner, his/her agent or contractor. Failure to comply with this requirement constitutes a violation of this ordinance. Violations which occur on leased land may also constitute violations of the Tribal land lease.

(6) A Tribal sanitary permit shall be obtained prior to constructing or erecting a privy.

(7) If any part of a system has failed, the entire system shall be evaluated for compliance with existing codes.

#### **46.3-1. Permits and Applications.**

##### **(a) Permit Codes**

(1) The permit card issued by the Environmental Specialist to the property owner or his/her agent shall serve as the Tribal sanitary permit.

(2) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all construction phases.

(3) The permit card may not be removed until the private sewage system has been installed, inspected and approved by the Environmental Specialist or a Tribally-authorized inspector.

(4) Failure to display the permit card shall be considered a violation of this section and may subject the property owner, his/her agent or contractor, to penalty provisions of this ordinance.

##### **(b) Application Requirements**

(1) The Tribal sanitary permit application shall include the following information which shall be furnished by the applicant on forms provided by the Tribal Environmental Health Department, along with all applicable fees:

(A) Names and address of the applicant (owner of the site) and the plumber employed (when applicable).

(B) Legal description of the subject site by claim number, lot block and recorded subdivision or by metes and bounds. All legal descriptions must also include a plot 1/4-1/4 section description to the nearest 40 acres (ie: NW 1/4 of the SE 1/4, Section 12, T23N-R19E).

(C) All lot dimensions.

(D) Driving directions to the site

(E) Building use (single, family, duplex, multi-family, commercial, industrial, and Tribal roll number).

(F) Plot plan. Detailed plot plan dimensions are drawn to scale showing the lot size; the location of all septic tanks; holding tanks or other treatment tanks; building sewers—sanitary and storm; 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 distances and dimensions shall be shown on the detailed plot plan.

(G) Reference points. A vertical elevation reference point and a horizontal reference point.

(H) Soil boring and percolation test data related to the undisturbed and finished grade elevations, vertical elevation reference point and horizontal reference point. Surface elevations, vertical elevation reference point and horizontal point. Surface elevations shall be given for all soil borings. All soil borings and percolation tests shall be performed by a State of Wisconsin Certified Soil Tester.

(I) Occupancy. The maximum number of bedrooms in the residence shall be indicated. The number of employees( full time and part time on an 8-hour shift), estimated number of customers in an 8-hour shift, number of washing machines and disposition of commercial/retail buildings.

(J) Other specifications. Complete specifications for pumps and controls including dose volume, elevation differences (vertical lift), pipe frictionless, pump performance curve, pump model manufacturer, and all piping information.

(K) Any other information deemed necessary by the Environmental Health Department.

(2) Pit privy permit applications shall be accompanied by soil data provided by a State of Wisconsin-licence Certified tester to a depth of 3 feet below the proposed pit bottom. Soil data is not required when making application for a vault privy. The property owner shall be furnished with a copy of the Tribal privy construction requirements when the permit for a privy is issued.

(3) The Tribal Environmental Health Department reserves the right to refuse incomplete or incorrect permit applications or to delay issuance until corrected or completed applications are received.

(c) Permit Expiration

(1) Sanitary permits for private sewage systems, which have not been installed, shall expire 2 years after the date of issuance. Permits may be renewed following written application to the Environmental Health Department by the proper owner, his/her agent or contractor, prior to the expiration date of the original permit.

(2) There shall be a fee for the renewal of a permit.

(3) The renewal shall be based on Oneida Sanitary Ordinance requirements in effect to the time of renewal.

(4) Changed ordinance requirements may impede the renewal.

(5) The property owner, his/her agent, or contractor, shall return the original permit card and receive a new card when the permit is renewed.

(6) All permits issued prior to the effective date of this ordinance shall expire 2 years from issue date unless renewed.

(7) If a permit has expired and the owner wants to build on the site, a new sanitary permit must be obtained, and the site shall be subject to the currently existing ordinance, including any revisions made during the elapsed time period.

(d) Permit Replacement/Transfer

(1) If a sanitary permit is lost or destroyed, a replacement permit may be obtained from the Environmental Health Department. The land owner shall submit a written request, along with the permit replacement fee, to the Environmental Health Department, and a new sanitary permit shall be issued prior to installation of the system shall be subject to the following:

(A) The new property owner shall submit a written request to the Environmental Health Department to transfer the permit.

(B) The sanitary permit card shall be returned to the Department so that a new permit card may be issued.

(C) Transfer of ownership shall not affect the expiration date or renewal requirements. Any changes other than transfer of ownership shall require a new permit.

(D) The new property owner shall submit the permit transfer fee to the Environmental Health Department.

(e) Building alteration permits

(1) A tribal building alteration permit shall be required when an existing private sewage system is intended to serve a building which is to be remodeled such that there will be an increase in the wastewater load from that building or where the building is to be rebuilt or replaced with a new or different use or building.

(2) Prior to issuing a building alteration permit, the existing private sewage system shall be examined. No permits will be issued unless the following conditions are met:

(A) The system is functioning properly regarding the condition of the system shall be provided.

(B) The systems will be capable of handling the proposed wastewater load from the building to be served.

(C) The system will meet all minimum setback requirements of ILHR 83.

(3) Soil boring data to a depth of 3 feet below the bottom of the existing system shall be reported by a State of Wisconsin Certified Soil Tester. For all soil absorption systems, a replacement system site shall be located for future use.

(4) Alteration of a building serviced by existing holding tanks will require an updated Holding tank Agreement, one which meets there requirements of this ordinance. A copy of this completed agreement shall be attached to the permit.

(5) All systems shall be inspected by the Tribal inspector at the time of system and/or building alteration to insure that proper materials and methods are being used.

(6) Reconnecting to an undersized system shall be allowed only if an affidavit for the use of the undersized system is recorded in the Oneida Land Office and an adequate area exists for a replacement system.

(7) When a change in the use of a building or premises is contemplated, the Environmental

Health Department shall be contacted as to whether it shall be necessary to obtain a sanitary permit or a building alteration permit.

(f) Change of plumbers

(1) A Tribal building alteration permit shall be required when an existing private sewage system is intended to serve a building which is to be remodeled such that there will be an increase in the wastewater load from the that building or where the building which is to be remodeled such that there will be an increase in the wastewater load from that building or where the building is to be rebuilt or replaced with a new or different use or building.

(2) Prior to issuing a building alteration permit, the existing private sewage system shall be examined. No permits will be issued unless the following conditions are met:

(A) The system is functioning properly, pursuant to this ordinance. A State of Wisconsin Licensed Plumber's statement regarding the condition of the system shall be provided.

(B) The system will be capable of handling the proposed wastewater load from the building to be served.

(C) The systems will be capable of handling the proposed wastewater load from the building to be served.

(3) Soil boring data to a depth of 3 feet below the bottom of the exiting system shall be reported by a State of Wisconsin Certified Soil Tester. For all soil absorption systems, a replacement system site shall be located for future use.

(4) Alteration of a building received by existing holding tanks will require an updated Holding Tank Agreement, one which meets their requirements of this ordinance. A copy or this completed agreement shall be attached to the permit.

(5) All systems shall be inspected by the Tribal inspector at the time of system and/or building alteration to insure that proper materials and methods are being used.

(6) Reconnecting to an undersized system shall be allowed on ly if an affidavit for the use of the undersized system is recorded in the Oneida Land Office and an adequate area exists for a replacement system.

(7) When a change in the use of a building or premises is contemplated, the Environmental Health department shall be contacted as to whether it shall be necessary to obtain a sanitary permit or a building alteration permit

(g) Change of Plumbers

(1) When an owner wishes to change plumbers, the owner must complete a Tribal Change of Plumbers Form, signed by the new plumber. The form must be submitted to the Environmental Health Department, along with the applicable fees.

(2) The change of plumbers shall take place prior to the installation of the private sewage system.

(e) Modified Mound and Experimental System Permits

(1) Sanitary permits of modified mounds and experimental systems shall only be approved for existing buildings. Not all sites are suitable for modified mounds and experimental systems.

(2) Sanitary permits for modified mounds and experimental systems shall be approved by the Environmental Health Department only on an individual basis.

(3) Modified mounds and experimental system sanitary permit applications are subject to all requirements of a regular sanitary permit, in addition to any additional requirements deemed necessary by the Environmental Health Department. Additional information may include but is not limited to: more frequent inspections, additional soil borings, groundwater monitoring or contour maps.

(g) Site Evaluation

(1) A site evaluation may be necessary to determine the suitability of a lot for a private sewage system. Site evaluations will be made at the discretion of the Environmental Specialist. The evaluation shall take place within 10 working days of becoming aware of question of suitability and will be made prior to the issuance of the sanitary permit. The site evaluation will result in one of the following:

(A) Issuance of the permit, provided all information on the application is correct and complete.

(B) Holding the application pending clarification of information or new information by the owner, the plumber or the certified Soil Tester.

(C) Denial of the permit if the site does not meet all the provisions of this ordinance.

(2) Soil test pits shall be constructed which allow adequate visual observations of the soil provide in place. This is best accomplished by the construction of backhoe pits. The test pits shall be left in such a manner that will permit access to them for the evaluation of the soil protection were provided. Bore holes shall be either fenced or closed within five days of the date of inspection.

(3) Site evaluations shall be done prior to issuance of permits for a mound system.

(h) Permit Denial

(1) When an on-site evaluation of a proposed private sewage system or pit privy reveals that the site is compliance with the requirements of this ordinance, the permit application shall be denied. Written justification of the denial must be supplied to the owner of the Environmental Health Department within five working days of the decision.

(i) Holding Tank Agreements

(1) Prior to the issuance of a sanitary permit for the installation of a holding tank, the owner of the holding tank, or his/her agent, shall sign and register a Holding Tank Agreement with the Oneida tribe or a State of Wisconsin Licensed Plumber. The purpose of the agreement is to ensure that the holding tank wastewater will be properly disposed of.

(2) Holding tank owner shall sign a servicing Contract with the Oneida Utilities for sewage disposal must comply with the following requirements:

(A) The holding tank owner shall sign a Servicing contract with the Oneida Utilities for regularly scheduled servicing of the holding tank by the Tribally-licensed septic tank pumper. Copies of the servicing contract shall be attached to

the holding tank agreement.

(B) The holding tanks shall be chained and locked at all times, and the chain, lock and lock keys shall be the property of the Oneida Utilities, to prevent unauthorized removal of the holding tank wastewater.

(C) The Oneida Utilities shall keep a log of the holding tank servicing dates, owner's names and servicing locations, gallons serviced, and disposal locations for all owner's names and servicing locations, gallons serviced, and disposal locations for all holding tanks on registered Servicing Contracts. This log shall be sent to the Environmental Health Department by the 15<sup>th</sup> of every month, for the previous month's activities.

(3) Holding tanks owners who contract with a Non-tribal Septic Tank Pumping Service must comply with the following requirements:

(A) The holding tank owner shall sign a Servicing Contract with the Non-tribal Septic Tank Pumping Service for regularly scheduled servicing of the holding tanks copies of the Servicing contract shall be attached to the Holding Tank Agreement.

(B) The holding tanks shall be chained and locked at all times.

(C) All Non-Tribal Septic Tank Pumping Services must meet the following requirements:

(i) The Septic Tank Pumper must have a valid State of Wisconsin license, and must meet all requirements of NR 113, Wisconsin Administrative Code.

(ii) The Septic Tank Pumper must follow all disposal requirements of the tribal ordinances.

(D) The Non-tribal Septic Tank Plumber shall keep a log of the holding servicing dates, owners names, and servicing locations, gallons serviced, an disposal locations of all holding tanks on registered servicing contacts. This log shall be sent to the Environmental Health Department by the 15<sup>th</sup> of every month, for the previous month's activities.

(4) The signed Holding Tank Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner, or the authorized agent.

(5) The Holding Tank Agreement shall be binding upon the owner, the heirs of the owner and assignees of the owner, or the authorized agent.

(6) Removal of the holding tank wastewater by persons other than those employed by the Oneida Utilities, or those State of Wisconsin-licensed Septic Tank Plumbers approved by the Environmental Health Department, shall constitute a violation of this ordinance. Such violations which occur on Tribally-leased land shall constitute a violation of the Tribal land lease.

(j) Maintenance Program

(1) All soil absorption system tanks shall be pumped by a Tribally-licensed or State of Wisconsin-licensed septic tank pumper within 2 years of the date of installation and at least once every 2 years thereafter, unless upon inspection the tank is found to have less than 1/3 of the volume occupied by sludge and scum.

(2) All private sewage systems installed after the date of adoption of this ordinance shall be inspected once every 2 years for system compliance and tank integrity. Additional inspections, or inspections of systems installed prior to the date of ordinance adoption, may be performed upon request by the system owner.

(3) Inspection of a private sewage shall be conducted by a Registered Sanitarian, the Tribal Environmental Specialist, a Master Plumber, a Journeyman Plumber or a Registered Plumber licensed by the State. Inspections may also be performed by training program and have received authorization from the Tribe. Re-certification of the authorized tribal employees shall be required on a yearly basis, and shall be provided by the Environmental Health Department. The inspections shall be performed at the same time as the tank pumping.

(4) The owner of said soil absorption system shall submit information as to the condition of the system and tank, and the date of pumping, to the Tribal Environmental Health Department within 10 days of the date of inspection.

(5) of the tank is made by an authorized Tribal employee.

(6) The owner of a holding tank shall sign and register a Holding Tank Agreement, as specified in Section .25 of this ordinance, and shall be subject to all requirements stated in Section .25.

(7) Non-tribal Septic Tank Pumpers who are approved by the Environmental Health Department to service on-site waste disposal systems must comply with the following requirements:

(A) The Septic Tank Pumpers must have a valid State of Wisconsin license, and must meet all requirements of NR 113, Wisconsin Administrative Code.

(B) The Septic Tank Pumper must obtain a Tribal Vendor's Permit prior to servicing any tanks.

(C) The Septic Tank Pumper must follow all disposal and reporting requirements of the Tribal ordinances.

(k) Permit Fees shall be set and periodically amended by the Oneida Business Committee. Fees may be reduced by 50 % if the inspections are performed by Indian Health Service agents. All fees must accompany permit application. Fees are payable by check to the "Oneida Tribe of Indians of Wisconsin". No out-of-state checks will be accepted. Failure to pay permit fees constitutes a violation of this ordinance. Applicable fees are as follows:

(1) Private Residential Building Sanitary Permit:

(A) Conventional soil absorption systems: \$20.00

(B) In-ground pressure distribution system: \$20.00

(C) Holding tanks: \$20.00

(D) Mound systems, modified mound systems, at gate systems and experimental systems: \$50.00

(2) Public and Commercial Building Sanitary Permits:

(A) Conventional soil absorption systems: \$45.00

(B) In-ground pressure distribution systems: \$45.00

(C) Holding tanks: \$90.00

(D) Mound systems, modified mound systems, at grade systems an experimental

systems:		\$150.00
(3) Other Fees:		
(A) Sanitary renewal:	\$5.00	
(B) Change of Plumber fee:	\$5.00	
(C) Privy permits:	\$5.00	
(D) Building alteration permit fees:		
Private Residential building	\$20.00	
Public and Commercial buildings	\$45.00	

**46.4-1.Inspections**

(a) General

(1) All private sewage shall be inspected after construction by before back- filing. The inspections shall be performed within the following work day excluding Saturdays, Sundays, and holidays after receiving notice from the licensed plumber responsible for the installation.

(2) A Tribal Site Inspection form shall be completed by the Environmental specialist of Tribal inspector. A copy of the report shall be sent to the system owner.

(b) Notice for inspection

(1) The plumber employed to install the system shall notify the Environmental Specialist in person, by telephone or in writing when the on-site waste disposal system is ready for inspection.

(2) The owner shall be notified of regular inspections within 24 hours of the inspection. If the owner can not be reached within the 24 hour period, the inspection shall continue as scheduled. No prior notification shall be required for compliance inspections for holding tanks.

(c) Preparation for inspection

(1) When an on-site waste disposal system is ready for inspection, the plumber employed to install the system shall make such arrangements as will enable the Environmental Health Department inspector to inspect all parts of the system.

(2) The plumber shall have present the proper apparatus and equipment for conducting the inspection and shall furnish such assistance as may be necessary in making a proper inspection.

(d) Holding Tank Inspections

(1) All site constructed holding tanks shall be inspected after the forms have been set and reinforcing is in place; but before any concrete has been poured. Concrete may be poured only after it has been determined that the tank, as formed, complies with the plans as approved by the Department.

(2) This inspection shall not eliminate the need for an inspection after the installation has been completed.

(e) Privy Inspections

(1) All privies installed shall be inspected for compliance with this ordinance. The home owner or his agent shall notify the Environmental Health Department for inspection immediately after the privy has been constructed.

(2) Privies may be inspected periodically after the initial inspection.

(f) Mound Inspections

(1) All mound systems shall be inspected during construction by an inspector certified by the tribe. The plumber installing the mound shall notify the Environmental Specialist 24 hours in advance of the installation. Four inspections of the system shall be made during the first year of the mound operation in accordance with Tribal guidelines. Annual inspections may be made after the first year of operation, and may be more frequent if deemed necessary by the Environmental Specialist.

(g) Re-inspections

(1) The Environmental Specialist may require additional inspections other than the inspection prior to backfilling, or if the initial inspection disclosed that the installation was incomplete at the time the installer indicated it would be complete, or if the system was not in conformance with the requirements stated in this ordinance.

(h) As-built plans

(1) All on-site waste disposal systems installed, enlarged, modified, or expanded after the adoption date of this ordinance shall require as-built plans to be registered with the Environmental Health Department.

(2) The plumber employed to install the system shall submit the as-built plans to the Environmental Health Department within five days of the installation of the system.

(3) The as-built plans shall include all dimensions described in Section .17 (1)f., of this ordinance. It shall also include the location of all manhole risers installed as part of the system for which the as-built is being developed. The manhole covers and other portions of the system shall be located from two 2 permanent points (ie, corners of the building served).

(i) Covering of Work

(1) No part of the private sewage system may be backfilled until it has been inspected and approved. If any part is covered before being inspected and approved it shall be uncovered at the discretion of the Environmental Health Department inspector or Indian Health Service Inspector.

(j) Defects in materials and workmanship

(1) If inspection discloses defective material, design, siting or unworkmanlike construction which does not conform to the requirements of this ordinance, the unconforming parts shall be removed, replaced and reinspected.

**46.5-1. Administration and Enforcement**

(a) Administrative Procedures Act

(1) The Tribal policies to set forth fines, penalties and appeal procedures are established by the Administrative Procedures Act.

(b) Variances

(1) A request for a variance to the conditions or requirements of this ordinance may be made to the Environmental Specialist. The Environmental Specialist shall not have the authority to approve any variance request. A variance request shall constitute a contested case. Procedural requirements for contested cases shall be followed.

(2) The hearing body, as designated by the Administrative Procedures Act, shall hear the facts of the case and may either approve, deny, or request additional information, by in any

case must act upon the variance request within the time frame set by the Administrative Procedure Act. Considerations relating to effect on public health, and tribal goals may be considered during the variance hearing.

(c) Violations

(1) Any person who violates any provision of this ordinance is subject to penalties and forfeitures provided for by this ordinance and the Administrative Procedure Act. Actions which constitute a violation are described in, but not limited to, the following:

(A) Installing a new on-site waste disposal system without first obtaining a Tribal Sanitary Permit.

(B) Modifying, altering, enlarging or constructing additions to an existing on-site waste disposal system without first obtaining a Tribal Sanitary Permit or a Building Alteration Permit.

(C) Servicing or removing sewage from an on-site waste disposal system tank without a valid State of Wisconsin or Tribal license.

(D) Failing to obey any requirement of an Administrative Enforcement Order.

(E) Failing to properly display the Sanitary Permit card.

(F) Failing to disconnect a failing private on-site waste disposal system within the Order. Building served by disconnected failing on-site systems shall be reconnected to public sewer systems.

(G) Failing to connect a building served by a private on-site waste disposal system to a public sewer system within the time allotted by Section .09 of this ordinance, or the date stated in the Order.

(H) Installing, modifying, altering, enlarging or making additions to any part of an on-site waste disposal system without a valid State Plumbing License. Privies are exempt from this requirement.

(I) Failing to pay Tribal permit fees

(J) Failure to correct a failing on-site waste disposal system within three months of an Administrative Order. A failing on-site waste disposal system constitutes a threat to public health.

(K) Failure to maintain a system through regularly scheduled pumping, pursuant to holding tank agreement and maintenance program of this ordinance. Failing to maintain a holding tank through regularly scheduled pumping constitutes a threat to public health.

(2) Any violation that results in a contested case shall comply with the procedures designated in the Administrative Procedures Act.

(d) Administrative Orders

(1) The Environmental Specialist may issue an Administrative Enforcement Order when a violation of any provision of this ordinance occurs, to provide the owner or agent the opportunity to bring their action into compliance with the provisions of this ordinance.

(2) The Order shall be given to the party responsible for the violation and shall state the nature of the violation, possible penalties for failure to correct, and shall state the rights to file a contested case.

(e) Penalties

(1) All penalties will be determined by the Tribal entity charged with enforcement of tribal requirements for fines, penalties and appeals, as provided by the Administrative Procedures Act. Forfeitures for violations shall amount to not less than \$10.00 and not greater than \$50.00 per violation. Each day such violation continues constitutes a separate offense.

(2) Forfeitures for violations which constitute a threat to public health shall not be less than \$50.00 and not more than \$200.00 per violation. Each day such violation continues constitutes a separate offense.

(f) Appeals

(1) Appeals shall be pursuant to the Administrative Procedures Act

(g) Severability

(1) Should a provision of this ordinance or the application thereof to any person or circumstance be held as invalid, such invalidity shall not affect other provisions.

(2) Repeal. All other Oneida Tribal laws, rules or regulations which are consistent with this ordinance and are held subject to this ordinance are hereby repealed, but such shall not affect pending proceedings.

(3) Effective Date. This ordinance shall take effect 10 days after the date of formal approval by the Oneida Business Committee.

(4) Conflict with Federal Law. Should any part of this ordinance be found to be in conflict with federal requirements which are required in order that the Oneida Tribe receive federal funds, the conflicting section of this ordinance is to be considered inoperative only for purposes of that particular funding and that inoperative only for purposes of that particular funding and that particular conflict. Such conflict shall not affect the operation of the remainder of this ordinance in its application to those agencies or departments directly affected.

(5) Compliance with Ordinance. Nothing in this ordinance shall be held to diminish constitutional right of any person or to limit or repeal additional requirements imposed by or otherwise recognized by law. All requirements or privileges relating to evidence or procedures shall apply equally to agencies and persons. Every agency or commission is granted authority to comply with the requirements of this ordinance. Subsequent tribal law shall not supersede or modify this ordinance or its applicability to any agency unless it is done so expressly by tribal law.

(h) Amendments

(1) Any interested person may petition an agency and request that said agency propose that the Oneida business committee adopt, amend, or repeal this ordinance. Should this occur, the following shall apply. In addition to the following, the requirements of the Tribal Administrative Procedures Act shall apply:

(A) Within sixty (60) days thereafter, the agency shall either deny the petition in writing, (stating reason for denial) or initiate ordinance/rule making proceedings in accordance with the Administrative Procedures Act.

(i) Waiver of liability

(1) This ordinance shall not create a liability on the part of or a cause of action against the Tribe, or any employee thereof, for any private on-site sewage treatment system which may not function as designed. There shall be no liability of warranty for any site which is approved or denied. The issuance of a sanitary permit and the formal inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply with the requirements of this ordinance.

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Adopted - BC-10-28-88-A