

Title 4. Environment and Natural Resources - Chapter 407

ON-SITE WASTE DISPOSAL

Tsi? Yeyakotyetahkwa Olihwa'ke

The matters concerning where the garbage is kept

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407.1. Introduction

401.1-1. *Applicability.* This law shall apply to all Oneida Tribal Entities, the Oneida Nation itself, and members of the Oneida Nation within the exterior boundaries of the Oneida Nation Reservation.

407.1-2. *Purpose.* The purpose of this law 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 law is to support the Oneida belief of taking care of Mother Earth. As unforeseen events may arise which are not specifically addressed in this law, 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 (1) year. The owner shall be required to connect to public sewers sooner than the one (1) 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 (1) year date, and the connection shall be made from the private sewage system and be connected to the public sewers sooner than the one (1) year date if the system meets the definition of a failing system. When funding for the connection sooner than the one (1) 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 Nation 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.

407.2. Adoption, Amendment and Repeal

407.2-1. This law was adopted by the Oneida Business Committee by resolution BC-10-28-88-A and amended by resolution BC-07-26-17-C.

407.2-2. This law may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

407.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

407.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

407.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

407.3. Definitions

407.3-1. For the purposes of this law, the following definitions shall apply. All other words shall be defined according to dictionary reference.

(a) "Approved" means accepted or ratified by the Environmental Health and Safety Division.

(b) "As-Built Plan" means a final plan of any system as installed.

(c) "Availability of Public Sewers" means when a public sewer line either passes in front of a lot line or comes within two hundred feet (200') of a lot line, availability of the public sewers for servicing buildings on the lot is established.

(d) "Bedrock" means 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 2 mm in size, is greater than fifty percent (50%) by volume.

(e) "Building" means -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" means 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"- means 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" means 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” means the moist color of the soil based on Munsell soil color charts.
- (j) “Community On-Site Waste Disposal System” means an on-site waste disposal system servicing more than one (1) building being served. A community sewage system may be owned by the property owners, the Nation, or special purpose district.
- (k) “Conventional Soil Absorption System” means 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” means the Oneida Tribal Environmental Health and Safety Division.
- (m) “Detailed Soil Map” means 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” means 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” means one (1) or more rooms with provisions for living, sanitary and sleeping facilities which are used or intended to be used by one (1) person or by two (2) or more persons maintaining a common household.
- (p) “Effluent” means liquid discharge from a septic or other treatment tank.
- (q) “Existing” means prior to the adoption date of this law.
- (r) “Experimental System” means 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 law. Not all sites are suitable for experimental systems.
- (s) “Failing Private Sewage System” means a failing private sewage system is one (1) 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 Nation 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” means 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” means 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” means an approved watertight receptacle for the collection and holding of sewage, which requires pumping by a licensed sanitary hauler.
- (w) “Indoor Plumbing” means one (1) plumbing fixture constitutes an indoor plumbing

system.

(x) “In-Ground Pressure Distribution System” means a pressurized soil absorption system placed entirely within the natural soil and based on the mound system design.

(y) “Legal Description” means 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 forty (40) acres in 1/4-1/4 sections (ie: NW 1/4 of the NE 1/4, Section 10, T24N-R18E).

(z) “Mobile Home” means 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” means 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 percolation rates of 0 to 120 minutes per inch.

(bb) “Mound System” means a system which utilized pressurized distribution of the effluent and sandy fill conditions are:

(1) Depth to fractured bedrock of twenty-four inches (24”) to fifty-four inches (54”) with percolation rates of zero (0) to sixty (60) minutes per inch

(2) Depth to seasonal high groundwater levels of twenty-four inches (24”) to fifty-four inches (54”) with percolation rates between zero (0) and one hundred twenty (120) minutes per inch.

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

(dd) “Oneida Nation” means Oneida Nation, a federally recognized Indian government and a Treaty Tribe recognized by laws of the United States.

(ee) “On-Site Waste Disposal System” means 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 (1) 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” means 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” means the ease with which liquid move through the soil. One (1) of the soil qualities listed Certified Soil Testers.

(hh) “Plumber” means 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" means 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" means 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" means 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" means a privy with watertight vault consisting of one (1) of the following:

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

(2) a prefabricated concrete tank

(3) an asphalt coated steel tank

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

(mm) "Public Sewers" means a wastewater treatment system which utilizes collection of the sewage through underground sewer pipes, which all flow to one (1) collection station, where the wastewater is then treated. Public sewers provide service to more than one (1) residence, and each residence is charged a fee for wastewater collection and treatment.

(nn) "Seepage Bed" means an excavated area larger than five feet (5') in width which contains a bedding of aggregate and has more than one (1) distribution line.

(oo) "Seepage Pit" means an underground receptacle so constructed as to permit disposal of effluent or clear wastes by soil absorption through its flood and walls.

(pp) "Septic Tank" means 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" means the liquid and water carried wastes created in and conducted away from residences, industrial establishments and public buildings.

(rr) "Soil" means the unconsolidated material over bedrock.

(ss) "Soil Absorption" means 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 definition are: conventional septic's, mounds, in-ground pressure distribution, at-grade, etc.

(tt) "Soil Boring" means 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" means 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" means 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" means 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" means a permit issued by the Environmental Health and Safety Division for the installation of a private sewage system.

(yy) "Vent Cap" means 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" means work of such character that will fully secure the results sought in all the sections of this law as intended for the safety, welfare and health protection of all individuals.

407.4. General Requirements

407.4-1.

(a) Every building or structure intended for human habitation or occupancy, within the scope of applicability of this law, 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 Nation, 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. Approvable 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)

Approvable systems are not limited to this list, but systems not included on this list may only be approved by the Environmental Health and Safety Division 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 of 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 feet (2') above the one hundred (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 (2) years from the date of installation. Extended use of the holding tanks beyond the two (2) year period will require a permit for the Environmental Health and Safety Division. 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 law.

(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 law.

(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 (1) 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 (1) 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 (1) 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 (1) 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 (1) year. A failing system is identified when one (1) 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 and Safety Division.

(3) These rules, regulations, and laws shall be used for purposes of this law 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 Nation" and to the "Oneida Environmental Health and Safety Division".

(i) Administration

(1) The Oneida Tribal Environmental Specialist shall be responsible for the administration of this law. 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 law, 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 law.

(B) Provide assistance to applicants preparing permit applications, and advise said applicants regarding provisions of this law.

(C) Review and approve plans for private on-site sewage treatment systems.

(D) Issue permits and perform site inspections for compliance with this law.

(E) Keep records of all permits issued, inspections made, work approved and other official actions.

(F) Report violations of this law 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 law, 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 law, until compliance with this law 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 law. 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 law which occur on leased land will be reported to 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 and Safety Division. 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 law 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 and Safety Division.

(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 law.

(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 law. 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.

407.5. Permits and Applications

407.5-1.

(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 law.

(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 and Safety Division, 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 forty (40) acres (i.e.: 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 and Safety Division.

(2) Pit privy permit applications shall be accompanied by soil data provided by a State of Wisconsin-license certified tester to a depth of three feet (3') 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 and Safety Division 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 two (2) years after the date of issuance. Permits may be renewed following written application to the Environmental Health and Safety Division 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 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 law shall expire two (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 requirements, 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 and Safety Division. The land owner shall submit a written request, along with the permit replacement fee, to the Environmental Health and Safety Division, 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 and Safety Division 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 and Safety Division.

(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 three feet (3') 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 (1) which meets the requirements of this law. 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 ensure 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 Nation Register of Deeds 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 and Safety Division 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 law. 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 three feet (3') 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 received by existing holding tanks will require an updated Holding Tank Agreement, one (1) which meets their requirements of this law. 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 Nation Register of Deeds 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 and Safety Division 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 and Safety Division, along with the applicable fees.

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

(h) 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 and Safety Division 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 and Safety Division. Additional information may include, but is not limited to: more frequent inspections, additional soil borings, groundwater monitoring or contour maps.

(i) 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 ten (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 (1) 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 law.

(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 (5) days of the date of inspection.

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

(j) 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 law, the permit application shall be approved. Written justification of the denial must be supplied to the owner of the Environmental Health and Safety Division within five (5) working days of the decision.

(k) 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 Nation 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 and 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 and Safety Division by the 15th 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 of the Nation's

disposal requirements.

(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 and Safety Division by the 15th 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) 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 and Safety Division, shall constitute a violation of this law. Such violations which occur on Tribally-leased land shall constitute a violation of the Tribal land lease.

(1) Maintenance Program

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

(2) All private sewage systems installed after the date of adoption of this law shall be inspected once every two (2) years for system compliance and tank integrity. Additional inspections, or inspections of systems installed prior to the date of law 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 Nation. Re-certification of the authorized tribal employees shall be required on a yearly basis, and shall be provided by the Environmental Health and Safety Division. 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 and Safety Division within ten (10) days of the date of inspection of the tank is made by an authorized Tribal employee.

(5) The owner of a holding tank shall sign and register a Holding Tank Agreement, as specified in section 407.5-1(i) of this law, and shall be subject to all requirements stated in section 407.4-1(d)(1).

(6) Non-tribal Septic Tank Pumpers who are approved by the Environmental Health and Safety Division 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 of the Nation's disposal and reporting requirements.

(m) Permit fees shall be set and periodically amended by the Oneida Business Committee. Fees may be reduced by fifty percent (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 Nation". No out-of-state checks will be accepted. Failure to pay permit fees constitutes a violation of this law. 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 and 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

407.6-1. Inspections

407.6-1. General

(a) All private sewage shall be inspected after construction and before backfilling. 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.

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

407.6-2. Notice for inspection.

(a) 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.

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

407.6-3. Preparation for inspection

(a) 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 and Safety Division inspector to inspect all parts of the system.

(b) 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.

407.6-4. Holding Tank Inspections

(a) 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.

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

407.6-5. Privy Inspections

(a) All privies installed shall be inspected for compliance with this law. The home owner or his agent shall notify the Environmental Health and Safety Division for inspection immediately after the privy has been constructed.

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

407.6-6. Mound Inspections

(a) All mound systems shall be inspected during construction by an inspector certified by the Nation. The plumber installing the mound shall notify the Environmental Specialist twenty-four (24) hours in advance of the installation. Four (4) 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.

407.6-7. Re-inspections

(a) 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 law.

407.6-8. As-built Plans

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

(b) The plumber employed to install the system shall submit the as-built plans to the Environmental Health and Safety Division within five (5) days of the installation of the system.

(c) The as-built plans shall include all dimensions described in Section 407.5-1(b)(1)(F), of this law. 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 (i.e., corners of the building served).

407.6-9. Covering of Work

(a) 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 and Safety Division inspector or Indian Health Service Inspector.

407.6-10. Defects in Materials and Workmanship

(a) If inspection discloses defective material, design, siting or unworkmanlike construction which does not conform to the requirements of this law, the nonconforming parts shall be removed, replaced and re-inspected.

407.7. Administration and Enforcement

407.7-1 . Variances

(a) A request for a variance to the conditions or requirements of this law may be made to the Environmental Specialist. The Environmental Specialist shall not have the authority to approve any variance request. The Environmental Resource Board shall issue written approval or denial of any variances requested.

(b) Parties disagreeing with the determination of the Environmental Resource Board may contest the decision by filing a complaint to the Judiciary in accordance with section 407.7-5.

407.7-2. Violations

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

- (1) Installing a new on-site waste disposal system without first obtaining a Tribal Sanitary Permit.
- (2) 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.
- (3) Servicing or removing sewage from an on-site waste disposal system tank without a valid State of Wisconsin or Tribal license.
- (4) Failing to obey any requirement of an Administrative Enforcement Order.
- (5) Failing to properly display the Sanitary Permit card.
- (6) 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.
- (7) 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 407-4.1(f) of this law, or the date stated in the Order.
- (8) 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.
- (9) Failing to pay Tribal permit fees
- (10) Failure to correct a failing on-site waste disposal system within three (3) months of an Administrative Order. A failing on-site waste disposal system constitutes a threat to public health.
- (11) Failure to maintain a system through regularly scheduled pumping, pursuant to holding tank agreement and maintenance program of this law. Failing to

maintain a holding tank through regularly scheduled pumping constitutes a threat to public health.

407.7-3. Administrative Orders

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

(b) 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 right to contested the matter with the Oneida Judiciary.

407.7-4. Penalties

(a) The Environmental Resource Board is hereby granted administrative rulemaking authority to establish penalties for violations of this law. Except as provided in section 407.5-5(b), forfeitures for violations shall amount to not less than ten dollars (\$10) and not greater than fifty dollars (\$50) per violation. Each day such violation continues constitutes a separate offense.

(b) Forfeitures for violations which constitute a threat to public health shall not be less than fifty dollars (\$50) and not more than two hundred dollars (\$200) per violation. Each day such violation continues constitutes a separate offense.

407.7-5. Appeal Permit Decision. Any person wishing to contest a decision of the Department related to a permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

407.7-6. Contested Action Hearings. All citations, penalties, forfeitures, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.

(a) *Community Service.* Community service may be substituted for fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.

(b) *Allocation of Citation Revenue.* All fines and penalties issued by citations are payable to the Environmental Resource Board or its designee, the proceeds of which the Environmental Resource Board shall contribute to the Nation's general fund.

(c) *Appealing the Decision of the Judiciary Trial Court.* Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals in accordance with the Rules of Appellate Procedure.

(d) *Pursuing Payment of a Citation.* The Environmental Resource Board may pursue payment from parties who have failed to make the required payments through the garnishment process contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law.

407.7-7. Severability

(d) 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 Nation receive federal funds, the conflicting section of this law 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 law in its application to those agencies or departments directly affected.

407.7-8. Waiver of liability

(a) This law shall not create a liability on the part of or a cause of action against the Nation, 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.

Adopted - BC-10-28-88-A
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