



Privy, Composting or Incinerating Toilet Guidelines

All premises intended for human occupancy are required to be provided with adequate toilet facilities. (County Ordinance 8.12.230A)

The installation of a privy, composting toilet or incinerating toilet requires a County Sanitary Permit from the Health Department. It also requires an affidavit restricting the installation of indoor plumbing unless the building is connected to an approved private on-site waste treatment system. The signature of the property owner must be notarized or witnessed by the permit-issuing agent. The affidavit will not be recorded but will remain on file with the permit. Applications for permits and affidavits are available from the Health Department. A diagram indicating the location of all buildings including the privy, all wells, property lines, and bodies of water is also required. An application for a privy with an open pit must also have a soil evaluation report.

Privies are to be constructed, maintained and located in accordance with Wisconsin Administrative Code SPS 391 and the County Ordinance requirements as follows:

1. Storage vaults must have a minimum storage capacity of 200 gallons or 1 cubic yard.
2. The bottom of an open pit privy shall be at least 3' above creviced bedrock and the high ground water level to provide treatment and dispersal in accordance with Wisconsin Administrative Code 83.44(4)(b) and Comm 85. The results of at least one boring by a Wisconsin certified soil tester must accompany the sanitary permit application.
3. The storage vault of a sealed vault privy must be anchored to prevent flotation by saturated soil conditions. The storage chamber must be watertight and constructed of monolithic concrete, metal or plastic and extend at least 6" above the natural or finished grade.
4. The pit or sealed vault must be provided with a vent at least 3" in diameter, extending at least 8" above the roof and screened to prevent the entrance of insects.
5. The superstructure framing must be equivalent to 2" x 4" or larger dimensional lumber and be covered with a weather resistant sheathing. The roof must be watertight and sloped. The base must be securely fastened to a foundation that reasonably will prevent tipping. The door must be self-closing and natural or artificial lighting provided. All openings must be screened to prevent the entrance of insects and vermin. The dimensions are at the discretion of the owner but 4' x 4' x 6' in height are the minimum recommended.
6. Privies cannot be located in the floodway or areas where localized flooding may occur. Privies must be located a minimum of 10' from a dwelling, 75' from the high water mark of a lake or stream, and must meet the setback requirements of Table 383.43-1 Wisc. Adm. Code and the EC County Zoning Ordinance.
7. Privies must be serviced by pumping, transporting and disposing of the contents in accordance with Wisconsin Administrative Code NR113 when the storage chamber is 75% full.
8. The owner of a privy shall notify the Health Department when construction of a privy is complete and prior to any use. An inspection will be conducted to determine compliance with applicable rules.

Composting toilets and incinerating toilets shall be installed in compliance with Wisconsin Administrative Code SPS 391. The owner or his agent must notify the Health Department for inspection and approval immediately upon completion of installation and prior to any use.

Privy Installation Requirement

Document Number _____ Document Title _____

Legal Description:

A parcel of land located in the ____ ¼ of the ____ ¼ of Section _____, Township _____ North, Range ____ West, Town of _____, Eau Claire County, Wisconsin, described as follows:

Recording Area

Name and Return Address

1. No plumbing will be installed in the privy.
2. No plumbing will be installed in the premises served by the privy unless a compliant soil absorption system or holding tank exists, or a valid sanitary permit to install such a system has been issued.
3. A privy vault/pit shall maintain minimum setbacks as specified in Table I.

Parcel Identification No. (PIN)

Computer Number

Table I	Well	Building	OHWL of navigable waters	Lot Line
Open Pit	50 Feet	10 Feet	Min. 75 Feet	≥ 5 Feet in Residential Zoning District or ≥ 20 feet in Agricultural Zoning Districts
Sealed Vault	25 Feet	10 Feet	Min. 75 Feet	

4. Privies for public buildings shall comply with Wisconsin Administrative Code.
5. Privies used for one-and two-family purposes shall be constructed in such a manner so as to exclude flies, rats, and other vermin. Doors should be self-closing and vault ventilators should terminate at least one foot above the roof.
6. A privy vault shall be constructed of watertight plastic, fiberglass, coated steel or monolithic concrete.
7. The privy shall be kept clean and sanitary. The contents of the pit or vault shall be disposed in accordance with NR 113, Wisconsin Administrative Code.
8. This agreement shall be binding on the owner, their heirs and assignees. This document shall be recorded by the register of deeds in a manner which allows its existence to be determined by reference to the property where the privy is installed.
9. Portable, temporary toilets are prohibited as the only means of human waste disposal for permanently constructed buildings.
10. The storage chamber shall have a minimum capacity of 200 gallons or 1 cubic yard.

Printed Owner(s) Name(s):

Owner(s) Signature:

Witnessed by: _____
 Eau Claire City-County Health Department

Drafted by: _____

County Sanitary Permit No. _____

Eau Claire City/County Health Department
720 Second Avenue
Eau Claire, WI 54703

Application for Eau Claire County Sanitary Permit

I. APPLICATION INFORMATION – PLEASE PRINT ALL INFORMATION

Property Owner Name			Property Location ¼ ¼ S T , N, R ,E (or) W		
Property Owner's Mailing Address			Subdivision Name:	Lot Number	Block Number
City, State	Zip Code	Phone No. ()	Parcel Address:		
II. TYPE OF BUILDING (check one) <input type="checkbox"/> Public <input type="checkbox"/> 1 or 2 Family Dwelling No. of Bedrooms _____			<input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town of _____		
III. BUILDING USE: If Public Describe Use: _____			Parcel Identification Number: _____		
IV. TYPE OF PERMIT: (Check only one box on line A. Check box on line B, if applicable)					
A) 1. <input type="checkbox"/> New System 2. <input type="checkbox"/> Replacement System 3. <input type="checkbox"/> Reconnection of Existing System 4. <input type="checkbox"/> Repair of an Existing System					
B) <input type="checkbox"/> Permit Renewal Before Expiration: _____ Previous County Permit Number _____ Date Issued _____					
V. TYPE OF SYSTEM: (Check only one)					
<input type="checkbox"/> Pit Privy <input type="checkbox"/> Vault Privy <input type="checkbox"/> Reconnection of existing system – Type of System: _____ Previous ID #: _____					
VI. RESPONSIBILITY STATEMENT I, the undersigned, assume responsibility for the installation shown on the attached plans.					
Name: (Print)		Signature: (No Stamps)		MP/MPSRW No.	Business Phone #
Address (Street, City, State, Zip Code)					
VII. COUNTY USE ONLY					
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	Sanitary Permit Fee	Date Issued	Signature	
VIII. CONDITIONS OF APPROVAL/REASONS FOR DISAPPROVAL:					

Chapter SPS 391

SANITATION

SPS 391.01	Purpose.
SPS 391.02	Scope.
SPS 391.03	Definitions.
SPS 391.04	Registrations.
SPS 391.10	Composting toilet systems.

SPS 391.11	Incinerating toilets.
SPS 391.12	Privies.
SPS 391.13	Portable restrooms.
SPS 391.14	Equal speed of access to toilets.
SPS 391.20	Incorporation of standards by reference.

requirements

Note: Chapter Comm 91 was renumbered chapter SPS 391 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

SPS 391.01 Purpose. This chapter has the following purposes:

(1) This chapter establishes minimum standards and criteria for the design, installation and maintenance of sanitation systems and devices which are alternatives to water-carried waste plumbing fixtures and drain systems so that these sanitation systems and devices are safe and will safeguard public health and the waters of the state.

(2) This chapter establishes criteria for equal speed of access to toilets for each gender in restrooms serving an amusement facility and a specialty event center where the public congregates.

Note: Chapter SPS 361 to 366 relating to commercial buildings and structures specifies the minimum number of toilet facilities for women and men.

Note: Chapter SPS 390 relating to swimming pools and water attractions contains minimum number of toilet facilities for women and men.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: am. Register July 2005 No. 594, eff. 1-1-06.

SPS 391.02 Scope. (1) This chapter has the following applications:

(a) This chapter applies to all composting toilet systems, incinerating toilets, pit privies and vault privies installed or constructed on or after the effective date of this chapter.

(b) This chapter applies to separate-gender restrooms serving an amusement facility and a specialty event center where the public congregates that are constructed or altered as specified in s. SPS 391.14.

(2) The provisions of this chapter are not retroactively applied to existing installations unless specifically stated in the administrative rule.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: am. (1) Register July 2005 No. 594, eff. 1-1-06; correction in (1) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 391.03 Definitions. In this chapter:

(1) "Amusement facility" has the meaning given in s. 101.128 (1) (a), Stats.

Note: Section 101.128 (1) (a), Stats., reads as follows:

"Amusement facility" means any zoo, state or local park, amusement or theme park, state fair park, county or other local fairgrounds, or any similar facility, as determined by department rule.

(2) "Composting toilet system" means a method that collects, stores and converts by bacterial digestion nonliquid-carried human wastes or organic kitchen wastes, or both, into humus.

(3) "Department" means the department of safety and professional services.

(4) "Facility where the public congregates" has the meaning given in s. 101.128 (1) (b), Stats.

Note: The relevant portions of section 101.128 (1) (b), Stats., read as follows:

"Facility where the public congregates" means any of the following that has a general capacity or a seating capacity of 500 or more persons:

1. An amusement facility
3. A specialty event center.

(5) "Incinerating toilet" means a self-contained device for the treatment of nonliquid carried wastes that deposits the wastes

directly into a combustion chamber, reduces the solid portion to ash and evaporates the liquid portion.

(6) "Pit privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is not watertight.

(7) "Portable restroom" means a self-contained portable unit that includes fixtures, incorporating holding tank facilities, designed to receive human excrement.

(8) "Specialty event center" has the meaning given in s. 101.128 (1) (g), Stats.

Note: Section 101.128 (1) (g), Stats., reads as follows:

"Specialty event center" means an open arena used for rallies, concerts, exhibits or other assemblies, with no permanent structure for such assembly.

(9) "Vault privy" means an enclosed nonportable toilet into which nonwater-carried human wastes are deposited to a subsurface storage chamber that is watertight.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 04-072: renum. (1) to (6) to be (2), (3), (5) to (7) and (9), cr. (1), (4) and (8), Register July 2005 No. 594, eff. 1-1-06; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

SPS 391.04 Registrations. The installation of a vault privy or a pit privy to serve a state-owned facility shall be registered with the department prior to installation. The registration of a vault privy shall be accompanied by sufficient information to determine compliance with s. SPS 384.25. The registration of a pit privy shall be accompanied by sufficient soil information to determine compliance with s. SPS 383.44 (4) (b).

History: CR 02-129: cr. Register January 2004 No. 577, eff. 2-1-04; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 391.10 Composting toilet systems. (1) The materials, design, construction and performance of a composting toilet system shall conform to NSF Standard 41.

(2) All composting toilet systems shall be listed by a testing agency acceptable to the department.

Note: Listing agencies acceptable to the department include the American Gas Association; Canadian Standards Association; NSF International; Underwriter's Laboratories; and Warnock Hersey.

(3) (a) Components for the storage or treatment of wastes shall be continuously ventilated.

(b) Ventilation ducts or vents for the composting toilet system shall conform to s. SPS 382.31 (16).

Note: See appendix for a reprint of portions of s. SPS 382.31 (16).

(4) (a) The disposal of the compost shall be in accordance with EPA part 503.

(b) The disposal of any liquid from a composting toilet system shall be either to a public sanitary sewer system or a POWTS conforming to ch. SPS 383.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (3) (b), (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 391.11 Incinerating toilets. (1) The design, construction and installation of a gas-fired incinerating toilet shall conform to ANSI Z21.61.

(2) The materials, design, construction and performance of an electric-fired incinerating toilet shall conform to NSF Standard 41.

(3) All electric and gas-fired incinerating toilets shall be listed by a testing agency acceptable to the department.

Note: Listing agencies acceptable to the department include the American Gas Association, Canadian Standards Association, NSF International, Underwriter's Laboratories, and Warnock Hersey.

(4) (a) The disposal of the end product shall be of in accordance with 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge.

Note: EPA materials relating to EPA 503, including, "Domestic Septage Regulatory Guidance: A Guide to the EPA 503 Rule", are available from the Office of Water Resource, US EPA, 401 M Street SW, Washington D.C. 20460.

(b) The disposal of any liquid from an incinerating toilet shall be either to a public sanitary sewer system or a POWTS conforming to ch. SPS 383.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

→ **SPS 391.12 Privies.** (1) (a) The storage chamber of a vault privy shall conform with the requirements of s. SPS 384.25 relating to holding tanks, and shall have a minimum storage capacity of 200 gallons or one cubic yard.

(b) 1. The storage chamber of a pit privy shall be sited and located in soil recognized to provide treatment and dispersal in accordance with s. SPS 383.44 (4) (b).

Note: Chapter SPS 385 establishes procedures for conducting soil evaluations and preparing soil evaluation reports. Section SPS 305.33 delineates the qualifications and certification procedures for individuals who conduct soil evaluations.

2. Governmental units may set standards for the structure above the vault or pit for one- and two-family dwellings.

3. Privies for public use shall meet the requirements of this section and chs. SPS 361 to 366.

Note: Chapters NR 811 and 812 establish minimum separation distances between a pit or vault privy and a potable well. Chapters NR 811 and 812 are administered by the department of natural resources.

(c) The storage chamber of a vault privy shall be anchored to prevent flotation caused by saturated soil conditions.

(2) (a) The storage chamber of a pit or vault privy shall be provided with a vent for the purpose of relieving explosive gases.

(b) The vent serving the storage chamber of a privy shall be:

1. At least 3 inches in diameter;
2. Installed in accordance with s. SPS 382.31 (16) (a) to (f);

and

3. Fabricated or provided with screening to prevent insects from entering the storage chamber.

(3) The servicing of a vault privy relative to the pumping, transporting and disposal of the contents shall be in accordance with ch. NR 113.

(4) The abandonment of a vault privy shall be accomplished by:

(a) Having the contents of the storage chamber pumped and disposed of in accordance with ch. NR 113;

(b) Removing the entire top of the chamber; and

(c) Filling the remaining portion of the emptied storage chamber with soil or other inert material to an elevation equal to or above the surrounding grade.

(5) The abandonment of a pit privy shall be accomplished by filling the storage chamber with soil or other inert material to an elevation equal to the surrounding grade.

Note: The requirements of the commercial building code, chs. SPS 361 to 366, apply to the structures built over those privies serving public buildings and places of employment.

(6) (a) A privy may not be installed in a floodway.

(b) A privy may be installed in the floodfringe provided that the area is filled to remove it from the floodfringe designation or the vault is flood-proofed.

Note: The department of natural resources determines if filling or flood-proofing is in accordance with current rules in effect for development in a floodfringe area.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; CR 01-139; am. (1) (b) 3, Register June 2002 No. 558, eff. 7-1-02; correction in (1) (a), (b) 1., 3., (2) (b) 2, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 391.13 Portable restrooms. (1) The storage chamber of a portable restroom into which human waste is to be deposited shall be watertight.

(2) The entire floor and the side walls to a height of not less than 4 inches of a portable restroom shall be of a material impervious to water.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00.

SPS 391.14 Equal speed of access to toilets.

(1) APPLICATION. This section applies to the toilet fixtures in separate-gender restrooms serving an amusement facility and a specialty events center where the public congregates that are constructed or renovated on or after January 1, 2006 only if one of the following occurs:

(a) New separate-gender restrooms are constructed or separate-gender toilets are provided, in which case this section applies only to the new restrooms.

(b) More than 50% of the square footage of an existing separate-gender restroom is renovated, in which case this section applies only to the renovated portion.

Note: Under section 101.128 (1) (d), Stats., "renovation" means any structural remodeling, improvement or alteration of an existing facility where the public congregates. "Renovation" does not include any of the following:

1. Reroofing.
2. Cosmetic remodeling, including painting or the installation of wall covering, of paneling, of floor covering or of suspended ceilings.
3. An alteration to an electrical or mechanical system."

(2) NUMBER OF TOILET FACILITIES. When separate public restrooms or other toilet facilities are provided for males and females at an amusement facility and a specialty event center where the public congregates, the number of toilets for the females shall be provided at a ratio of 2 for every toilet and every urinal provided for the males.

History: CR 04-072; cr. Register July 2005 No. 594, eff. 1-1-06.

SPS 391.20 Incorporation of standards by reference.

(1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards listed in sub. (3).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department, the secretary of state and the legislative reference bureau. Copies of the standards may be purchased through the respective organizations listed in sub. (3).

(3) ADOPTION OF STANDARDS. The standards referenced in pars. (a) and (b) are hereby incorporated by reference into this chapter.

(a) American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018, GAS-FIRED TOILETS, Z21.61-1983.

(b) NSF International, 3475 Plymouth Road, P.O. Box 130140, Ann Arbor, Michigan 48113-0140, NON-LIQUID SATURATED TREATMENT SYSTEMS, NSF 41-1998.

History: Cr. Register, April, 2000, No. 532, eff. 7-1-00; correction in (2) made under s. 13.92 (4) (b) 6., Stats., Register December 2011 No. 672.

b. The size of a vent for a sanitary sump located outside with other than a pneumatic ejector shall be determined in accordance with Table 382.31-4, but shall not be less than 2" in diameter.

2. The air pressure relief pipe from a pneumatic ejector shall not be connected to vent or vent system serving a sanitary drain system, storm drain system or chemical waste system.

a. The relief pipe shall be of a size to relieve the air pressure inside the ejector to atmospheric pressure, but shall not be less than 2" in diameter where the ejector is located outside and 1 1/4" in diameter for all other ejector locations.

b. The vent shall terminate in accordance with the provisions of sub. (16).

Table 382.31-4
Size and Length of Vents for Sanitary Sumps

Discharge Capacity of Ejector (gpm)	Maximum Developed Length of Vent ^a (feet)				
	Diameter of Vent (inches)				
	1 1/4 ^d	1 1/2 ^d	2	3	4
10	NL ^b				
20	270	NL			
40	72	160	NL		
60	31	75	270	NL	
80	16	41	150	NL	
100	10	25	97	NL	
150	NP ^c	10	44	370	NL
200		NP	20	210	NL
250		NP	10	132	NL
300		NP	10	88	380
400			NP	44	210
500			NP	24	130

^a The developed length of the vent is measured along the pipe from the connection to the sump, to the point where it connects to a vent pipe of a larger diameter.

^b NL means No Limit.

^c NP means Not Permitted.

^d Diameter not permitted for exterior sumps.

(j) *Vents for chemical basins.* The size of vents serving chemical dilution or neutralizing basins shall be determined in accordance with Table 382.31-3 and based upon the number of drainage fixture units discharging into the basins.

(15) VENT GRADES AND CONNECTIONS. (a) *Vent grade.* All vent and branch vent pipes shall be graded and connected so as to drain back to a drain pipe by means of gravity.

(b) *Installation.* Vents shall be installed in accordance with subds. 1. to 3.

1. Except for wet vent piping, the connection of a vent to horizontal drain piping shall be at a point above the horizontal center line of the drain piping.

2. Except as provided in subs. (12) and (17), vent piping serving a wall-outlet fixture may not offset horizontally less than 36" above the floor, but in no case lower than the elevation of the highest flood level rim of any fixture served by the vent.

3. Vent piping may not connect to a branch vent less than 38" above the floor, but in no case lower than 2" above the elevation of the highest flood level rim of any fixture served by the vent.

Note: See Appendix for further explanatory material.

(16) VENT TERMINALS. All vents and vent systems shall terminate in the open air in accordance with this subsection.

(a) *Extension above roofs.* Extensions of vents through a roof shall terminate at least 8" above the roof. Where the roof is to be used for any purpose other than weather protection, the vents shall extend at least 7 feet above the roof.

(b) *Waterproof flashings.* The penetration of a roof system by a vent shall be made watertight with an approved flashing.

(c) *Prohibited uses.* Vent terminals shall not be used as flag poles, support for antennas or other similar purposes.

(d) *Location of vent terminals.* 1. A vent shall not terminate under the overhang of a building.

2. All vent terminals shall be located:

a. At least 10 feet from an air intake;

b. At least 5 feet from a power exhaust vent;

c. At least 10 feet horizontally from or 2 feet above roof scuttles, doors and openable windows; and

d. At least 5 feet from or 2 inches above parapet walls.

3. Where a structure has an earth covered roof extending from surrounding grade, the vent extension shall run at least 7 feet above grade and terminate with an approved vent cap. The portion of vent pipe outside the structure shall be without joints, except one fitting may be installed where the pipe leaves the top or side of the structure.

(e) *Extension through wall.* Where approved by the department, a vent may terminate through an exterior wall. Such a vent shall terminate at least 10 feet horizontally from any lot line and shall terminate downward. The vent shall be screened and shall comply with par. (d).

(f) *Extensions outside buildings.* Drain or vent pipe extensions shall not be located or placed on the outside of an exterior wall of any new building, but shall be located inside the building.

(g) *Frost closure.* For protection against frost closure, each vent terminal shall be at least 2" in diameter. Where it is necessary to increase the diameter of the vent, the change in diameter shall be made at least 6" inside the building.

Note: See Appendix for further explanatory material.

(h) *Penetrations through grade.* Except when installation is in accordance with par. (d) 3., penetrations through grade shall terminate at least 12" above finished grade and terminate with a vent cap or return bend.

(17) COMBINATION DRAIN AND VENT SYSTEMS. In lieu of providing individual vents, fixtures may be vented in accordance with pars. (a) to (c).

(a) *Stacks.* 1. A drain stack may serve as a combination drain and vent system for fixtures in accordance with subd. 1. a. to e.

a. The drain stack shall not serve more than 3 fixtures. Each fixture shall be located on a separate floor level.

b. The drain stack shall be limited to serving fixtures with a drainage fixture unit value of no greater than 2.0. A urinal may not discharge into the combination drain and vent portion of the stack. The largest drainage fixture unit value served by the stack shall determine the stack size as specified in Table 382.31-5.

c. The drain stack shall not be offset horizontally above the lowest fixture drain connection.

d. The developed length of any fixture drain from the trap weir to the drain stack shall not exceed the limits specified in Table 382.31-1.

e. The drain stack and its attendant vent shall be sized in accordance with Table 382.31-5.

Note: See Appendix for further explanatory material.

Table 382.31-5
Stack Sizing by DFU Value

Drainage Fixture Unit (dfu) Value	Size of Stack (inches)
0.5	1 1/2
1.0	2
2.0	3

2. A drain stack may serve as a combination drain and vent system for a kitchen sink and a wall outlet fixture with a drainage fixture unit value of 2 or less in accordance with subd. 2. a. to d.

a. One kitchen sink within a dwelling unit, with or without a food waste grinder or dishwasher connection, shall connect to the

SPS
382.31(16)

