

MAINTENANCE INSPECTIONS *versus* EXISTING SYSTEM EVALUATIONS

The following discussion is an attempt to clarify the distinction between a code-prescribed, routine maintenance inspection of a septic system and an existing system evaluation for a real estate transaction. These contrasting procedures differ markedly in intent, scope, and application.

A. Maintenance Inspection

SPS 383.255, Wisconsin Administrative Code, specifies that a governmental unit (county) shall implement a maintenance program to monitor the scheduled servicing of septic systems in their jurisdiction. SPS 383.54 (4), Wisconsin Administrative Code, designates only two minimum requirements for these mandated maintenance inspections:

- 1) The septic tank shall be pumped when the combined sludge and scum volume equals 1/3 of the tank volume.
- 2) The soil dispersal area of the septic system shall be inspected by a properly licensed individual once every 3 years for effluent ponding on the ground surface. If this condition is reported, then corrective action would have to be implemented.

A mandated maintenance inspection provides little, if any, useful information regarding the operational and code-compliant status of a septic system that should be considered for a real estate transaction. Its intent is a limited regulatory objective to ensure that septic tanks are pumped as needed and to discover systems that are discharging septic tank effluent to the ground surface so that the problem can be corrected.

B. Existing System Evaluation

Existing system evaluations for real estate transactions, unlike maintenance inspections, are not mandated and neither are they regulated by the state administrative code.

Important questions that should be answered by a thorough existing system evaluation include:

- Has the system been properly maintained in a timely manner?
- Do components of the system meet required setback distances from well(s), surface water, property lines, building(s), *etc.*?
- Are blockages in the system plumbing interfering with its operation?
- Is the design capacity of the system sufficient to accommodate anticipated water use and contaminant loads?
- Are treatment/pump tanks watertight?

- Are the baffles/effluent filter in the septic tank in working order?
- If the system is dosed or pressurized, are the pump and the pump controls operating properly?
- If the system is pressurized, are the laterals/force main plugged?
- Do components of the system have adequate frost protection?
- Is there evidence that the system has discharged sewage to the ground surface?
- Is there excessive ponding in the observation pipes of the soil dispersal area which could lead to eventual surface discharge?
- Is the infiltration surface of the dispersal area three feet above high groundwater or a seasonally-saturated zone as indicated by soil mottling?

It is also crucial to understand that existing system evaluations are much more nuanced than simply assigning a “pass” or “fail” designation. A “failing private sewage system” as defined by state statute definition may or may not have any correspondence with the answers to the previous questions. An individual who performs an existing system evaluation assumes the responsibility for disclosing and assessing design, construction, operation, and maintenance risks associated with the system in question. This is a much more detailed and comprehensive task than conducting a routine, regulatory maintenance inspection.