

AMENDMENTS TO LB 333

Introduced by Natural Resources

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 81-15,236, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5           81-15,236 Sections 81-15,236 to 81-15,253 and sections 5  
6 and 7 of this act shall be known and may be cited as the Private  
7 Onsite Wastewater Treatment System Contractors Certification and  
8 System Registration Act.

9           Sec. 2. Section 81-15,237, Revised Statutes Cumulative  
10 Supplement, 2006, is amended to read:

11           81-15,237 The purposes of the Private Onsite Wastewater  
12 Treatment System Contractors Certification and System Registration  
13 Act are to:

14           (1) Protect the air, water, and land of the state through  
15 the certification and regulation of private onsite wastewater  
16 treatment system professionals in Nebraska;

17           (2) Require certified professionals for siting, layout,  
18 construction, closure, reconstruction, alteration, modification,  
19 repair, inspection, and pumping of private onsite wastewater  
20 treatment systems and require that all siting, layout,  
21 construction, closure, reconstruction, alteration, modification,  
22 repair, inspection, or pumping of any private onsite wastewater  
23 treatment system ~~after August 31, 2003,~~ be done by certified

1 professionals in accordance with the act and rules and regulations  
2 adopted under the act;

3 (3) Provide for the registration of all private onsite  
4 wastewater treatment systems constructed, reconstructed, altered,  
5 or modified after August 31, 2003;

6 (4) Provide for review of plans and specifications,  
7 issuance of permits and approvals, construction standards, and  
8 requirements necessary for proper operation and maintenance of all  
9 private onsite wastewater treatment systems;

10 ~~(4)~~ (5) Protect the health and general welfare of the  
11 citizens of Nebraska; and

12 ~~(5)~~ (6) Protect the air, water, and land of the state  
13 from potential pollution by providing for proper siting, layout,  
14 construction, closure, reconstruction, alteration, modification,  
15 repair, and pumping of private onsite wastewater treatment systems.

16 Sec. 3. Section 81-15,247, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 81-15,247 The council shall adopt and promulgate rules  
19 and regulations to carry out the Private Onsite Wastewater  
20 Treatment System Contractors Certification and System Registration  
21 Act. Such rules and regulations shall provide for, but not be  
22 limited to:

23 (1) Certification of private onsite wastewater treatment  
24 system professionals;

25 (2) Establishing categories for such professionals to be  
26 certified under the act;

27 (3) ~~Temporary, provisional, and hardship~~ Hardship

1 certifications;

2 (4) Examination requirements for certification;

3 (5) Continuing education requirements for certification;

4 (6) A fee schedule which ~~shall cover~~ covers direct and  
5 indirect costs to administer the act. Such costs include (a) ~~including, but not limited to,~~ system registration, late fees for  
6 system registration, application for certification, examination,  
7 and renewal, late fees for renewal, ~~temporary, provisional, and~~  
8 hardship certifications, and fees for continuing education classes  
9 offered or approved by the department, and administration and  
10 enforcement and (b) development and enforcement of standards;

12 (7) Requirements for the registration of private onsite  
13 wastewater treatment systems to be constructed, reconstructed,  
14 altered, modified, or inspected by professionals certified under  
15 the act; and

16 (8) Requiring that all private onsite wastewater  
17 treatment system siting, layout, construction, closure,  
18 reconstruction, alteration, modification, repair, inspection,  
19 or pumping be performed by certified professionals in accordance  
20 with the act, rules and regulations adopted under the act, and  
21 other rules and regulations adopted and promulgated by the council.

22 Sec. 4. Section 81-15,248, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 81-15,248 (1) ~~Beginning January 1, 2004,~~ a A private  
25 onsite wastewater treatment system shall not be sited, laid out,  
26 constructed, closed, reconstructed, altered, modified, repaired,  
27 inspected, or pumped unless the siting, layout, construction,

1 closure, reconstruction, alteration, modification, repair,  
2 inspection, or pumping is carried out or supervised by either a  
3 certified professional as required by the Private Onsite Wastewater  
4 Treatment System Contractors Certification and System Registration  
5 Act, a professional engineer licensed in Nebraska, or a registered  
6 environmental health specialist registered in Nebraska.

7           (2) ~~Beginning January 1, 2004, any~~ Any private onsite  
8 wastewater treatment system constructed, reconstructed, altered,  
9 or modified by a certified professional, professional engineer  
10 licensed in Nebraska, or registered environmental health specialist  
11 registered in Nebraska shall be registered with the department by  
12 the certified professional, professional engineer, or registered  
13 environmental health specialist within forty-five days of  
14 completion of the construction, reconstruction, alteration, or  
15 modification. The certified professional, professional engineer,  
16 or registered environmental health specialist shall submit the  
17 registration on forms provided by the department and shall include  
18 the registration fee. The registration fee shall be fifty dollars  
19 until rules and regulations adopted and promulgated under the act  
20 provide a schedule of system registration fees adequate to cover  
21 direct and indirect program costs.

22           (3) ~~The department may issue a temporary provisional~~  
23 ~~certificate which shall satisfy the requirements of subsection (1)~~  
24 ~~of this section until December 31, 2005, to an individual who~~  
25 ~~applies to the department and includes with the application (a) a~~  
26 ~~fee of three hundred dollars and (b) a properly executed and sworn~~  
27 ~~affidavit stating that the applicant was engaged in activity~~

1 relating to the siting, layout, construction, reconstruction,  
2 alteration, modification, repair, inspection, or pumping of a  
3 private onsite wastewater treatment system for at least twelve  
4 months preceding August 31, 2003. The affidavit shall specify the  
5 activity or activities listed in this subsection in which the  
6 applicant was engaged during such time.

7           (4) All temporary provisional certificates issued  
8 pursuant to subsection (3) of this section shall be subject to all  
9 administrative and enforcement authority of the department under  
10 the act and any rules and regulations relating to private onsite  
11 wastewater treatment systems adopted and promulgated by the council  
12 under the Environmental Protection Act.

13           (5) All temporary provisional certificates issued under  
14 subsection (3) of this section shall expire on December 31,  
15 2005. Any individual holding a temporary provisional certificate  
16 wishing to become a certified professional under the Private Onsite  
17 Wastewater Treatment System Contractors Certification and System  
18 Registration Act shall before such date meet the requirements for  
19 such certification contained in the rules and regulations of the  
20 council adopted and promulgated pursuant to section 81-15,247.

21           (6) (3) The director by contract may delegate onsite  
22 wastewater treatment system inspection and registration to a  
23 governmental subdivision which has adopted a program at least  
24 as stringent as the requirements provided by the Private Onsite  
25 Wastewater Treatment System Contractors Certification and System  
26 Registration Act and which has demonstrated authority to administer  
27 and enforce its onsite wastewater treatment system inspection and

1 registration program.

2 (4) The director may waive certification and examination  
3 fees for inspectors employed by a governmental agency or  
4 subdivision which has adopted and has the authority to enforce  
5 an inspection and compliance program at least as stringent  
6 as the standards for siting, layout, construction, closure,  
7 reconstruction, alteration, modification, repair, inspection, and  
8 pumping provided by the Private Onsite Wastewater Treatment System  
9 Contractors Certification and System Registration Act and rules and  
10 regulations under the act adopted and promulgated by the council.

11 Sec. 5. The council shall adopt and promulgate rules  
12 and regulations to develop a fee schedule which covers direct  
13 and indirect costs to administer requirements related to private  
14 onsite wastewater treatment systems authorized by the Environmental  
15 Protection Act. Such costs include costs related to review of  
16 submitted plans and specifications, issuance of permits and  
17 approvals, proper operation and maintenance, development and  
18 enforcement of standards, closure, and necessary administration and  
19 enforcement.

20 Sec. 6. Section 81-15,250, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 81-15,250 The Private Onsite Wastewater Treatment System  
23 Permit and Approval Cash Fund is created. Fees collected pursuant  
24 to the Private Onsite Wastewater Treatment System Contractors  
25 Certification and System Registration Act section 5 of this act  
26 shall be remitted to the State Treasurer for credit to the fund.  
27 The fund shall be administered by the department. Any money in

1 the fund available for investment shall be invested by the state  
2 investment officer pursuant to the Nebraska Capital Expansion Act  
3 and the Nebraska State Funds Investment Act.

4 Any money remaining in the Private Onsite Wastewater  
5 Treatment System Cash Fund on the effective date of this act shall  
6 be transferred to the Private Onsite Wastewater Treatment System  
7 Certification and Registration Cash Fund created under section 7 of  
8 this act on such date.

9 Sec. 7. The Private Onsite Wastewater Treatment System  
10 Certification and Registration Cash Fund is created. Fees collected  
11 pursuant to sections 81-15,247 and 81-15,248 shall be remitted to  
12 the State Treasurer for credit to the fund. The fund shall be  
13 administered by the department. Any money in the fund available  
14 for investment shall be invested by the state investment officer  
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
16 State Funds Investment Act.

17 Sec. 8. Original sections 81-15,236, 81-15,237,  
18 81-15,247, 81-15,248, and 81-15,250, Revised Statutes Cumulative  
19 Supplement, 2006, are repealed.

20 Sec. 9. Since an emergency exists, this act takes effect  
21 when passed and approved according to law.