



**Hundredth Legislature - First Session - 2007**  
**Committee Statement**  
**LB 333**

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**Hearing Date:** January 24, 2007  
**Committee On:** Natural Resources

**Introducer(s):** (Johnson, 37)

**Title:** Change the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

- 8 Yes                      Senators Carlson, Christensen, Dubas, Fischer, Hudkins, Kopplin, Louden, Wallman
  - 0 No
  - 0 Present, not voting
  - 0 Absent
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**Proponents:**

Senator Joel Johnson  
Lee Orton

**Representing:**

Introducer  
Nebraska Onsite Wastewater Association

**Opponents:**

None

**Representing:**

**Neutral:**

Pat Rice

**Representing:**

Department of Environmental Quality

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LB 333 does the following:

- Section 1      (2)      Adds the word “abandonment” to the list of activities that must have a certified professional perform.
  - (5)      Adds the word “abandonment” as one of the activities to be regulated for protection of the air, water and land from potential pollution; and adds “issuance of permits and requirements necessary for proper operation and maintenance” as additional activities that would protect the environment.
  - Section 2      (6)      Clarifies that the fee schedule is for the administration and
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enforcement of system registration, and allows for late fees for system registration.

- (7) Requires a fee schedule for direct and indirect costs for administration and enforcement of review of special project permits, subdivision and development area approvals, permits and other requirements under the Environmental Protection Act.
- (10) Allows the Environmental Quality Council to adopt other requirements relating to the private onsite wastewater treatment systems authorized by the Environmental Protection Act.

Section 3 Allows the director of the Department of Environmental Quality to waive certification and examination fees for inspectors employed by a governmental agency or subdivision which has adopted and has the authority to enforce an inspection and compliance program at least as stringent as those adopted by the council.

Section 4 Repealer.

**Explanation of amendments, if any:**

The committee amendment to LB 333 becomes the bill.

Section 1 Adds a statutory reference change.

- Section 2
- (2) Adds the word “closure” to the list of activities that must have a certified professional perform.
  - (4) Provides for review of plans and specifications, issuance of permits and approvals, construction standards, and requirements necessary for proper operation and maintenance of all private onsite wastewater treatment facilities.
  - (5) Adds the word “closure” as one of the activities to be regulated for protection of the air, water and land from potential pollution.

- Section 3
- (3) Strikes temporary, provisional and hardship certifications; and adds Hardship certifications.
  - (6) Clarifies that the fee schedule is for costs, which includes (a) system registration, adds late fees for system registration, application for certification, examination and renewal, late fees for renewal, hardship certifications, and fees for continuing education classes offered or approved by the department, administration and enforcement; and (b) development and enforcement of standards.

- Section 4
- (1) Strikes obsolete language, and adds the requirement that closure of a site requires a certified professional.
  - (2) Strikes obsolete language.
  - (3) All of this section is stricken since it was date sensitive and the date has passed.

- (4) All of this section is stricken since it was date sensitive and the date has passed.
  - (5) All of this section is stricken since it was date sensitive and the date has passed.
- New
- (4) Allows the director to waive certification and examination fees for inspectors employed by a governmental agency or subdivision which has adopted and has the authority to enforce an inspection and compliance program at least as stringent as those adopted by the Environmental Quality Council.
- Section 5
- Requires the council to adopt rules and regulations to develop a fee schedule which covers direct and indirect costs to administer requirements related to private onsite wastewater treatment systems authorized by the Environmental Protection Act. Such costs include costs related to review of submitted plans and specifications, issuance of permits and approvals, proper operation and maintenance, development and enforcement of standards, closure, and necessary administration and enforcement.
- Section 6
- Renames the Private Onsite Wastewater Treatment System Cash Fund to the Private Onsite Wastewater Treatment System Permit and Approval Cash Fund. Fees collected under section 5 of this act are required to be deposited into this fund.
- Any money in the existing fund is to be transferred to the newly created Private Onsite Wastewater Treatment System Certification and Registration Cash Fund on the effective date of this act.
- Section 7
- Creates the Private Onsite Wastewater Treatment System Certification and Registration Cash Fund. Fees collected under current provisions of the act are to be deposited into this fund.
- Section 8
- Repealer.
- Section 9
- Emergency clause.

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**Senator LeRoy Loudon, Chairperson**