

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 333

Introduced by Johnson, 37

Read first time January 11, 2007

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Private Onsite Wastewater Treatment
2 System Contractors Certification and System Registration
3 Act; to amend sections 81-15,237, 81-15,247, and
4 81-15,248, Revised Statutes Cumulative Supplement, 2006;
5 to change provisions relating to special and nonstandard
6 private onsite wastewater treatment systems; to provide
7 for fees and waivers of fees as prescribed; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-15,237, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 81-15,237 The purposes of the Private Onsite Wastewater
4 Treatment System Contractors Certification and System Registration
5 Act are to:

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

9 (2) Require certified professionals for siting,
10 layout, construction, abandonment, reconstruction, alteration,
11 modification, repair, inspection, and pumping of private onsite
12 wastewater treatment systems and require that all siting, layout,
13 construction, reconstruction, alteration, modification, repair,
14 inspection, or pumping of any private onsite wastewater treatment
15 system after August 31, 2003, be done by certified professionals
16 in accordance with the act and rules and regulations adopted under
17 the act;

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

21 (4) Protect the health and general welfare of the
22 citizens of Nebraska; and

23 (5) Protect the air, water, and land of the state
24 from potential pollution by providing for proper siting, layout,
25 construction, reconstruction, alteration, modification, repair,

1 abandonment, and pumping of private onsite wastewater treatment
2 systems, including issuance of permits and requirements necessary
3 for proper operation and maintenance.

4 Sec. 2. Section 81-15,247, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 81-15,247 The council shall adopt and promulgate rules
7 and regulations to carry out the Private Onsite Wastewater
8 Treatment System Contractors Certification and System Registration
9 Act. Such rules and regulations shall provide for, but not be
10 limited to:

11 (1) Certification of private onsite wastewater treatment
12 system professionals;

13 (2) Establishing categories for such professionals to be
14 certified under the act;

15 (3) Temporary, provisional, and hardship certifications;

16 (4) Examination requirements for certification;

17 (5) Continuing education requirements for certification;

18 (6) A fee schedule which ~~shall cover~~ covers direct and
19 indirect costs ~~to administer the act, including, but not limited~~
20 ~~to,~~ for administration and enforcement of system registration,
21 late fees for system registration, application for certification,
22 examination, and renewal, late fees for renewal, temporary,
23 provisional, and hardship certifications, and fees for continuing
24 education classes offered or approved by the department;

25 (7) A fee schedule which covers direct and indirect costs

1 for administration and enforcement of review of special project
2 permits, subdivision and development area approvals, permits, and
3 other requirements described in subdivision (10) of this section;

4 ~~(7)~~ (8) Requirements for the registration of
5 private onsite wastewater treatment systems to be constructed,
6 reconstructed, altered, modified, or inspected by professionals
7 certified under the act; ~~and~~

8 ~~(8)~~ (9) Requiring that all private onsite wastewater
9 treatment system siting, layout, construction, reconstruction,
10 alteration, modification, repair, inspection, or pumping be
11 performed by certified professionals in accordance with the act,
12 rules and regulations adopted under the act, and other rules and
13 regulations adopted and promulgated by the council; ~~and -~~

14 (10) Other requirements relating to private onsite
15 wastewater treatment systems authorized by the Environmental
16 Protection Act.

17 Sec. 3. Section 81-15,248, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 81-15,248 (1) Beginning January 1, 2004, a private
20 onsite wastewater treatment system shall not be sited, laid out,
21 constructed, reconstructed, altered, modified, repaired, inspected,
22 or pumped unless the siting, layout, construction, reconstruction,
23 alteration, modification, repair, inspection, or pumping is carried
24 out or supervised by either a certified professional as required
25 by the Private Onsite Wastewater Treatment System Contractors

1 Certification and System Registration Act, a professional engineer
2 licensed in Nebraska, or a registered environmental health
3 specialist registered in Nebraska.

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

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

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

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

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

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

1 and enforce its onsite wastewater treatment system inspection and
2 registration program.

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

12 Sec. 4. Original sections 81-15,237, 81-15,247, and
13 81-15,248, Revised Statutes Cumulative Supplement, 2006, are
14 repealed.