

*This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.*

## Failing Onsite Wastewater Treatment Systems Fact Sheet

Improperly functioning septic systems can cause pollution of surface water, groundwater and may also endanger public health. In 1977, the Nebraska Department of Environment and Energy (NDEE) established specific requirements in [Title 124 – Onsite Wastewater Treatment Systems](#) for regulating septic systems. Subsequent changes to Title 124 require that anyone who works on a septic system be [certified](#) by the NDEE and any onsite wastewater treatment system that is constructed, reconstructed, altered, modified, or otherwise changed be [registered](#) with the Department.

Title 124 requires that an onsite wastewater treatment system installed on or after the effective date of the regulations must meet all applicable requirements. An existing onsite wastewater treatment system becomes subject to the design requirements of Title 124 if:

- It endangers public health, fails, or discharges a prohibited or unauthorized discharge;
- It is being replaced, reconstructed, altered or modified;
- There is an adverse change in use such as an increase in the number of bedrooms, design flow or waste strength;
- It begins to receive wastewater from a different dwelling or non-dwelling facility than it was originally constructed to serve;
- It begins to receive wastewater from a dwelling or non-dwelling facility that is reconstructed or replaced following an event such as fire that renders the structure unsuitable for occupancy; or
- The system owner creates or causes an encroachment on a setback distance by a change in a property line or construction of a new development feature such as a well, water line or foundation.

Based upon these criteria, the working condition of an existing septic system is a critical factor in determining whether the system must be brought up to current standards. Onsite

wastewater treatment systems that are not failing or endangering public health may not need to be upgraded to today's standards.

Common examples of failing septic systems include systems that are discharging wastewater to the ground surface, surface water, or to a cesspool, seepage pit, dry well, or leaching pit. A soil absorption system with less than four feet to groundwater or other limiting soil characteristic is also considered a failed system. Soil conditions, groundwater flow rate and direction, well construction, and setback distances to water wells and surface water are factors to consider when evaluating whether a public health threat is posed by an onsite system.

If a water well is located near a septic system drainfield, you may want to have your water well sampled and tested regularly for nitrate and fecal coliform. Contact your nearest Natural Resources District office, local health department, or University of Nebraska – Lincoln Extension office for assistance.

Whenever the use of an onsite wastewater treatment system is discontinued following connection to a sanitary sewer, condemnation or demolition of a building or property, or construction of another onsite wastewater treatment system, the onsite wastewater treatment system must be closed in accordance with the requirements of [Title 124](#). As a reminder, only a certified professional, a professional engineer, a registered environmental health specialist, or a person under their direct supervision may engage in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, repair, closure, or otherwise changing of an onsite wastewater treatment system.