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Onsite Wastewater Treatment Facilities Program Overview

Onsite wastewater treatment systems include septic tanks, holding tanks, small lagoons, and other decentralized wastewater treatment systems not typically connected to a municipal wastewater treatment system. The majority of onsite systems serve single households, although there are housing subdivisions, churches, campgrounds and other non-dwellings such as restaurants, dog kennels, wineries, butcher shops and RV parks that use onsite systems. The U.S. Environmental Protection Agency (EPA) estimates that nearly one in four households depend on septic systems or other types of onsite systems for wastewater treatment.

Links to Related Documents:

[For Homeowners](#)

[System Design and Installation](#)

[Registration](#)

[Certification](#)

[Permits](#)

[Subdivision](#)

[Title 124](#)

The *Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act* (Act) of 2003 requires anyone doing work associated with onsite wastewater systems be certified by the State of Nebraska. The Act also provides for the registration of all onsite wastewater systems constructed, reconstructed, altered, or modified. Pursuant to the Act, certification and system registration fees support the program. In 2007, the Act was amended by LB333 which provides for application fees for permits and subdivision approvals. LB 333 also established a fee waiver provision for government inspectors. Rules and regulations relating to the Onsite program can be found in [Title 124 –Onsite Wastewater Treatment Systems](#).

Through Title 124, the Onsite program administers regulations designed to protect surface water and groundwater, as well as public health and welfare, through the use of standardized design requirements, the certification of onsite professionals, the review of plans for subdivision development and the permitting of systems that because of their large size, handling of non-domestic wastes, or siting issues require a site-specific evaluation. The certification of onsite professionals addresses design, installation, inspection, maintenance, and pumping of onsite systems. Program staff work to make sure the design, installation, modification, repair, and maintenance of onsite wastewater systems is performed by qualified and certified professionals who understand the requirements of Title 124 and the proper practices of their trade.

Title 124 also sets minimum design standards for all onsite wastewater treatment systems and includes an “Authorization by Rule” provision that allows for the installation of typical onsite systems by a certified professional and subsequent operation by the owner without a site-specific construction or operating permit. These standard conforming systems constitute the vast majority of all new onsite

systems installed in Nebraska. Department staff review permit applications for systems that do not meet the requirements for Authorization by Rule. [Subdivision review](#) and approval requirements apply when onsite systems will be used on any proposed lots that will have less than three acres suitable for building.

The [Private Onsite Wastewater Treatment System Advisory Committee \(OWAC\)](#) advises the Department on administration of the Act and proposed rules and regulations. At the recommendation of the Advisory Committee, Title 124 was amended in 2007, 2012 and most recently, June of 2022. One 2012 change to Title 124, was the addition of a late renewal process for certificates within 60 days of certification expiration and allows for qualified independent study programs for required continuing education.

One of the more significant changes to Title 124 in 2012 pertains to mound systems. Previously, mound design was performed by a Professional Engineer and submitted for Department review and approval under the permit requirements. The 2012 change to Title 124 allows for the design and installation of a mound system, within certain size and site limitations, to be done by a Master Installer with a Mound Endorsement without the need for a department-issued permit. To obtain the Mound Endorsement, a Master Installer needs to submit a completed application for endorsement with a \$300 endorsement application fee and an examination application with a \$50 exam application fee, and then pass the endorsement examination. Only a certified Master Installer will be eligible for the mound endorsement under the proposed regulation.

Further changes to Title 124 occurred in 2022. These changes removed many redundancies and repetitive statutory language in Title 124. The biggest change to Title 124 moved all design elements from the title into General Permits. This transfer of information into general permits allows the Department more flexibility to change design elements to better incorporate advancements in technology and research. It also removes the language for 'Authorization by Rule'. Now, the authorization is through the general permits themselves. Most of the registration processes remain the same in the Title; however, changes to setbacks (specifically setbacks for geothermal wells have decreased) and permissions have occurred. For example, Pumpers can now perform minor repairs on systems; and Master or Journeyman Installers can now perform inspections. All certificates waive PDH requirements if certification was obtained in an odd numbered year. The regulations for signage have been altered to be less restrictive and lagoons can now be closed by burying remaining sludge as long as it is less than 6 inches thick. Construction/Operating permit and Subdivision Review expiration dates have been extended to allow more time to utilize them.

The Nebraska Department of Environment and Energy (NDEE) has cooperative agreements with several local governmental agencies to help implement and coordinate the Onsite program in their jurisdictions. Nebraska Department of Health and Human Services personnel, as well as local health department staff, routinely refer complaints or work in cooperation with the NDEE to resolve health-related onsite wastewater management issues. The NDEE provides information to the public, industry practitioners, and local governments on the regulations for onsite systems through telephone calls, email, direct mail, meetings, and educational seminars. NDEE staff also meet with local government officials and developers to discuss subdivision requirements that are necessary before any construction, and waste management alternatives for subdivisions and housing developments located where municipal sewer systems aren't available.

Program staff also work with many other organizations, including local health offices, county and city planning and zoning officials, the Nebraska Onsite Wastewater Association (NOWWA), the Nebraska Onsite Wastewater Task Force, UNL Cooperative Extension, and the Groundwater Foundation to educate the public about the importance of proper installation and maintenance of onsite wastewater treatment systems and to improve the knowledge and skills of the various practitioners who install and

maintain onsite systems. NOWWA has held annual conferences and produced other training seminars since its inception in March 2001. UNL Cooperative Extension has continued to develop and deliver a variety of training and continuing education programs.