

Title 124 – Regulatory Review

Proposed Amendments to

Title 124 – Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems

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Housekeeping

- All participants are muted.
- This event will be recorded and available on <http://dee.ne.gov/>
 - Type in “Video Events” (without quotes) in the search bar.
- If you are having audio issues when connecting via computer, please call in via phone at: 1-415-655-0003
access code: 145 857 5987

Questions

- Please feel free to submit questions in chat throughout the presentation. They will be answered (in order received) during specified breaks and following the presentation.
- We can stay on longer than the originally scheduled end time to answer questions.
- An FAQ document will be uploaded to the video events page.

Presentation Overview

- Professional Development Hours
- Regulatory Review Process
- Description of Proposed Changes

Professional Development Hours

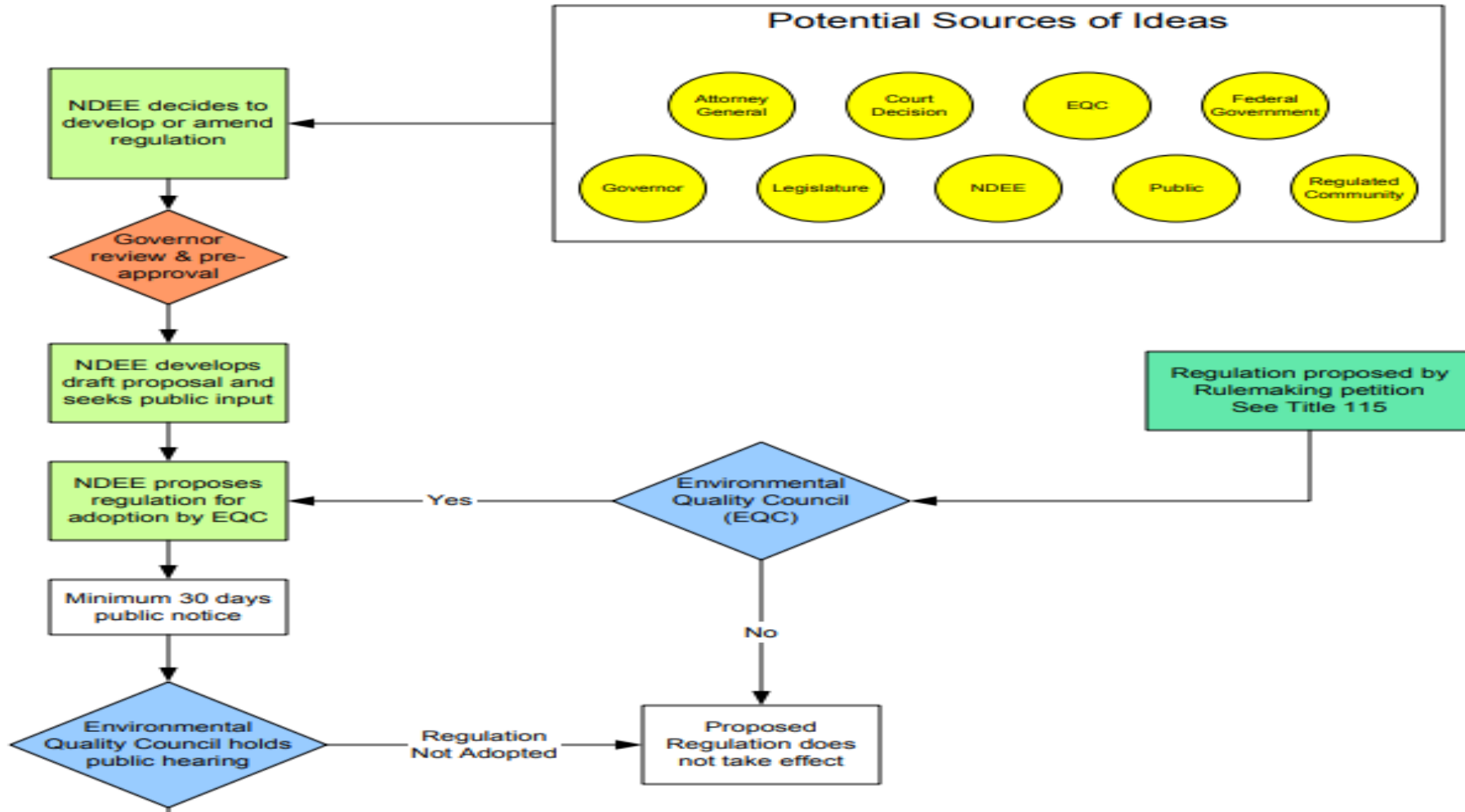
This webinar is good for PDHs!

We will take attendance based on the registration information, but if there are others in the room with you or if you registered under another person's name please send an email to: Kelly.Stallworth@nebraska.gov.

Regulatory Review Process

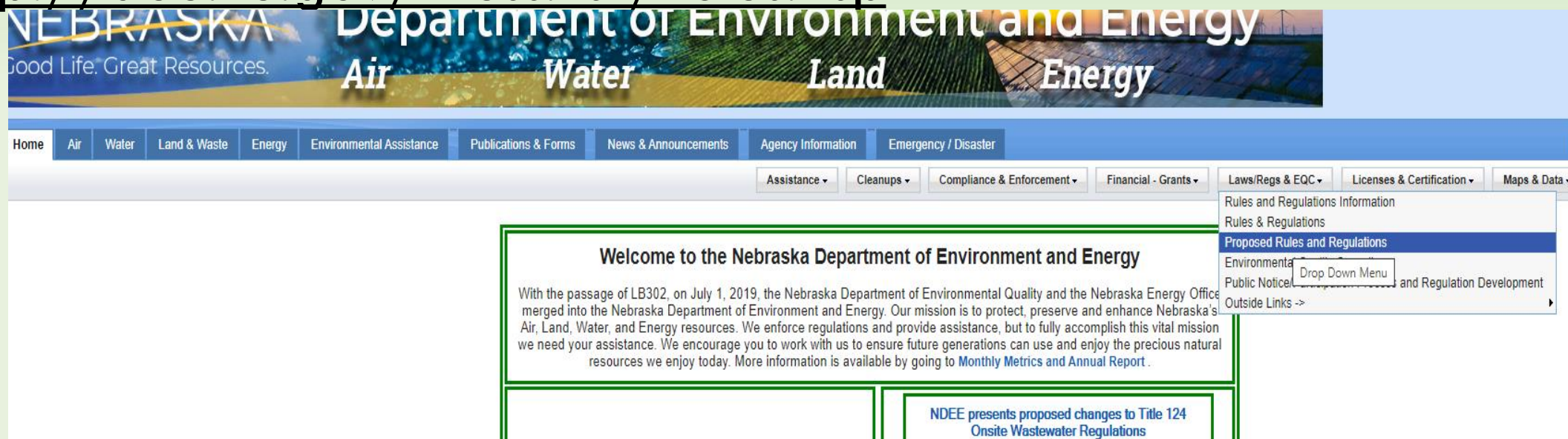
- (1) Meet with Onsite Wastewater Advisory Committee
- (2) Pre-Approval from Governor's Policy Research Office
- (3) Formal Outreach
- (4) Environmental Quality Council
- (5) Attorney General
- (6) Governor's Office
- (7) Secretary of State

NDEE Regulation Development and Approval Process



Where to Find Proposed Regulations

- dee.ne.gov → Laws/Regs & EQC → Proposed Rules and Regulations
- <http://dee.ne.gov/Press.nsf/Rules.xsp>



The screenshot shows the website for the Nebraska Department of Environment and Energy. The header features the Nebraska logo and the text "Department of Environment and Energy" with sub-sections for "Air", "Water", "Land", and "Energy". Below the header is a navigation bar with links for Home, Air, Water, Land & Waste, Energy, Environmental Assistance, Publications & Forms, News & Announcements, Agency Information, and Emergency / Disaster. A secondary navigation bar includes links for Assistance, Cleanups, Compliance & Enforcement, Financial - Grants, Laws/Regs & EQC, Licenses & Certification, and Maps & Data. The "Laws/Regs & EQC" dropdown menu is open, showing options for Rules and Regulations Information, Rules & Regulations, Proposed Rules and Regulations (highlighted), Environmental, Public Notice, and Outside Links. The main content area features a welcome message and a news item titled "NDEE presents proposed changes to Title 124 Onsite Wastewater Regulations".

Break for Questions

Purpose of Title 124

- Protect surface and groundwater and public health by:
 - ensuring standardized design requirements,
 - certification of onsite professionals,
 - review of plans for subdivisions, and
 - permitting systems that are large, handle non-domestic waste, or have siting issues.

Proposed Changes to Title 124

- NDEE is amending Title 124 in an effort to:
 - Streamline regulations
 - Remove redundancies
 - Don't repeat statutory language in regulation
- Move design elements out of regulation and into general permits

Current Process: Authorization by Rule or Construction and Operating Permit

– Authorization by Rule

- P.E., REHS, or Certified Professional required to construct, reconstruct, alter, etc.
- Domestic wastewater
- <1,000 gpd
- Must meet all provisions for design, setbacks distances, and reserve area
- No pre-notification/construction permit required
- After construction is complete, within 45 days, submit registration and fee.

Current Process (cont.)

- Construction and Operating Permit
 - Must be submitted by P.E. (except 003.03B)
 - >1,000 gpd, non-domestic wastewater, perc rate slower than 60 minutes per inch, or other system not covered by “Authorization by Rule”
 - \$450 fee
 - Construction can’t start until permit is issued
 - After construction complete installer or P.E. must register and submit fee, and P.E. must submit construction completion card.

Proposed Changes:

- **General Permits**

- Means a regulatory permit, license or agency authorization that is for facilities, activities or practices in a class that are substantially similar in nature and that is issued or granted by an agency to a qualified applicant to conduct identified operations or activities if the applicant meets the applicable requirements of the general permit, that requires less information than an individual or traditional permit, license or authorization and that does not require a public hearing.
- Have been successfully used in other regulatory programs (i.e. storm water, air construction)
- Allow more flexibility to change or add new types of systems (e.g. alternative technology)

- **Construction and Operating Permit**

- Process unchanged (minor changes to permit duration)

Proposed Changes: General Permits

- General Permit for each type of system: septic tank and laterals, holding tank, lagoon, and mound. Additional permits at a later date.
- All design elements moved out of regulation and into general permit
- Rather than citing Title 124 for compliance/enforcement the Department would cite the general permit (for design elements).

Proposed Changes: General Permits

- Same process for installers (no pre-notification, system registration within 45 days, etc.)
- Singular “book” that includes Statute, Regulation, and General Permits
- General Permits will allow the Department to react more quickly to changes in technology if a design requirements needs to be changed.

Proposed Changes: General Permits

- Process to Issue a New General Permit
 - Public Notice the new General Permit
 - 30 day public comment period
 - Public may comment on the draft General Permit or request a hearing
 - Following the close of the public comment period and any hearing the Director may issue the permit

Break for Questions

Proposed Changes: Construction and Operating Permits

- Required to use Department's form
- Only required to submit one hardcopy (previously was 3 hardcopies)
- Construction permit term extended from one year to two years, and subdivision approval expires after ten years, rather than one year.

Other Proposed Changes:

- Setbacks, Chapter 2, Table 2.1, horizontal closed loop geothermal wells, must be above the water table, setback is 25 feet.
- Lagoon closure, Chapter 7, 003.03: allows for sludge, if less than 6” thick, to be buried on site during lagoon closure
- Floor drain signage, Chapter 8, 004: less prescriptive language

Other Proposed Changes Cont.

- Master or Journeyman Installers can now perform inspections, Chapter 9, 003.01 and 006
- Pumpers can perform repairs, Chapter 9, 003.01D
- Hardship Certificate, Chapter 9, 007, additional language clarifying that a hardship certificate is to waive PDH requirements, and process for submission

Other Proposed Changes Cont.

- Renewal by exam, Chapter 9, 005.04E, clarification on if individuals do not obtain required PDH how they can renew by taking the exam
- PDH requirements, Chapter 9, 009.01B, no PDH requirements for newly certified individuals if certification is obtained in the second (odd numbered) year.

Other Proposed Changes Cont.

- Remove statutory language from regulation
 - Definitions
 - System Registration Requirements (most of the chapter)
 - OWAC (most of chapter; some moved to Chapter 2 013)

Questions??

