



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.

12-022a

December 2016

Construction and Operating Permits Fact Sheet

When an onsite wastewater treatment system requires a permit in accordance with [Title 124 - Rules and Regulations for the Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems](#), the owner must obtain a construction permit from the Nebraska Department of Environmental Quality (NDEQ) prior to start of the work and an operating permit from the Department prior to use of the system. The construction permit and the operating permit for a single system are covered by one application.

Construction Permit

To obtain a construction permit, a completed Application for Onsite Wastewater Treatment System Construction/Operating Permit, a non-refundable permit [application fee](#) of \$450 and three sets of all plans, specifications, reports and technical documents prepared by a Professional Engineer must be submitted to the NDEQ for review. For domestic wastewater flows of 1,000 gallons per day or less for an onsite wastewater treatment system that does not endanger human health or cause pollution and which meets all the provisions for setback distances and reserve area, but that does not meet all the provisions for design prescribed in Title 124 to be covered by "[Authorization by Rule](#)", the plans, specifications, reports, and other technical documents submitted as part of the application may be prepared by a [Master Installer](#).

The Department will review the construction permit application and supporting documentation. Additional information may be required to ensure proper engineering design and operation. A construction permit will be issued in the name of the facility owner for the legal location of the facility and will be valid for one year from the date of issuance. The Department may require as a construction permit condition submittal of an operation and maintenance manual or plan to provide for the proper operation of the onsite wastewater treatment system and/or a groundwater monitoring plan if there is a potential for groundwater pollution.

The onsite wastewater treatment system must be constructed, reconstructed, altered or modified according to the Department approved design. The owner must notify the Department of any changes to the approved design or changes in wastewater characteristics (quality or quantity) and obtain Department approval prior to changes being made in the

system. If the Department determines that any of the changes are significant modifications to the previously approved design, the Department may require submittal of a new application and application fee. If a new construction permit is issued, the previous construction permit will become null and void.

An onsite system construction/operating permit application expires one year from the date the initial application is received by the Department unless the owner submits a written request for reauthorization or extension from the Department prior to the expiration date and the reauthorization or extension is approved by the Department. Such reauthorization or extension shall be subject to requirements in effect at the time the reauthorization or extension is issued, and such reauthorization or extension will be valid for no more than one year from the date of issuance. Additional reauthorization or extension may be requested in writing prior to expiration.

Operating Permit

The Department can issue an operating permit when the following has occurred:

- Construction that complies with the approved construction permit documents has been completed;
- The Professional Engineer who designed the system or the Master Installer for a system designed by the Master Installer as provided in Title 124 submits a construction completion notice to the Department. The submittal of the system registration can be used to satisfy this requirement. The construction completion by the P.E. shall include the following or be submitted on a [form](#) provided by the Director:
 - The words “Notification of Construction Completion of an Onsite System”;
 - The onsite system construction permit number;
 - The owner’s full name as identified on the permit application;
 - A short description of the onsite system;
 - The name of the Master or Journeyman Installer, Professional Engineer or Registered Environmental Health Specialist under whose direct supervision the system was constructed;
 - The statement “I swear or affirm that the information and documentation submitted are true, complete, and accurate and certify that construction agreed with approved construction permit documents or subsequent changes approved by the Department”;
 - The engineer’s name and Nebraska issued Professional Engineering license number or the Master Installer’s name and certification number; and
 - The engineer or installer’s signature and the date signed.
- The [system registration](#) form, system registration fee, and any applicable late fee have been received by the Department.

The Department may require as an operating permit condition groundwater monitoring for any onsite wastewater treatment system if there is a potential for groundwater pollution and/or implementation of a Department approved operation and maintenance plan to ensure proper operation of the onsite wastewater treatment system. The permittee must operate and

maintain the onsite wastewater treatment system in compliance with any permit conditions, Title 124 and all other applicable rules and regulations.

Any transfer of ownership of a permitted or "Authorization by Rule" system shall automatically authorize the new owner to operate under the existing permit or authorization by rule. A subsequent owner is under the same obligations and conditions of the permit or authorization by rule as was the original or previous owner.