NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

TITLE 124

ONSITE WASTEWATER TREATMENT SYSTEMS

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NEBRASKA ADMINISTRATIVE CODE

TITLE 124 – ONSITE WASTEWATER TREATMENT SYSTEMS

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TITLE 124 – Onsite Wastewater Treatment Systems

Chapter 1 – DEFINITIONS

001 “Authorized representative” means:

001.01 In the case of a corporation, a principal executive officer in charge of a principal business function and of at least the level of vice president;

001.02 In the case of a limited liability company, a manager, or a person as described in Neb. Rev. Stat. § 21-2606 (1)(g), or a principal executive officer;

001.03 In the case of a partnership, a general partner;

001.04 In the case of a sole proprietorship, the proprietor; or

001.05 In the case of a municipal, state or other public entity, a principal executive officer or ranking elected official.

002 "Baffle" means a partition installed in a septic tank for proper operation of the tank and to provide maximum retention of solids, and includes sanitary tees.

003 "Bed or seepage bed" means an excavated or below-grade soil absorption system containing treatment media and an effluent distribution system where the treatment media is wider than 36 inches where pipes are used for distribution or wider than five feet where chambers are used for distribution. The maximum width of a bed is limited to 20 feet.

004 "Bedrock" means solid rock exposed at the surface of the earth or overlain by unconsolidated material.

005 "Bedroom" means any room within a dwelling that might reasonably be used as a sleeping room.

006 "Bentonite" means high swelling clay derived from a chemically altered volcanic ash.

007 "Blackwater" means wastes carried off by toilets, urinals, and kitchen drains. Blackwater is wastewater for the purposes of these regulations.

008 "Building drain" means that portion of the lowest horizontal piping of a drainage system which receives the wastewater discharge from within the walls of the building and conveys it to the building sewer beginning 30 inches outside the building footings.

009 "Building sewer" means that part of the drainage system extending from the end of the building drain to a treatment system or other approved point of disposal.

010 "Cesspool" means an underground pit into which raw household wastewater has or can discharge and from which the liquid has or can seep into the surrounding soil. A cesspool is a prohibited system for the purposes of these regulations.

011 "Chamber or chambers" means a pre-formed manufactured conduit with an open-bottom configuration used to distribute effluent in a soil absorption system.

012 "Closure or close" means the proper cleanup and decommissioning of an onsite wastewater treatment system after its use has been discontinued.

013 "Community water supply system" means a public water supply system that (a) serves at least 15 service connections used by year-round residents of the area served by the system or (b) regularly serves at least 25 year-round residents.

014 "Construction" means the installation of an onsite wastewater treatment system or the replacement, reconstruction, alteration, modification, expansion, or closure of an existing system including the installation of required wastewater lagoon fencing. Construction includes excavation or similar activity related to the installation, replacement, reconstruction, alteration, modification, or expansion of an onsite system, or closure of an onsite system. For the purposes of subdivision review and approval, “construction” means physical activity on a development area including the building of roads, cut and fill, grading, installation of utilities, construction of any foundations, buildings or structures for the development, and construction work on drainage, piping, trenching, lighting, foundations, or other site activities. Construction does not include siting, soil percolation testing, or soil boring.

015 "Depth marker" or “depth gauge” means a device used to measure the liquid level present in a septic tank, wastewater lagoon, or other onsite wastewater treatment system.

016 "Design flow" means the maximum volume of wastewater estimated to be generated by a dwelling or non-dwelling facility in a twenty-four-hour period. It includes both a typical operating capacity and a surge capacity for the system during periodic heavy use events. The sizing and design of the onsite wastewater treatment system components are based on the design flow.

017 "Development Area" means an area of land in the State of Nebraska subdivided into lots where onsite wastewater treatment systems will be used. Such subdivision will include the dividing of an area of land into smaller areas to be sold, transferred, leased, rented, or allowed to be used for the purpose of constructing or locating a dwelling or non-dwelling facility that generates wastewater.

018 "Direct supervision" means the person overseeing the work of others is physically present on the site where the work is being done and has control over, responsibility for, and professional knowledge of the work being done.

019 "Distribution box" means a watertight box that receives effluent from a wastewater treatment component and distributes the flow by gravity to each individual section of a soil absorption system at a rate proportional to the bottom surface area of that section.

020 "Distribution system, distribution piping, or distribution line" means piping or other devices which distribute effluent within a soil absorption system either by gravity (gravity distribution system) or pressure (pressure distribution system).

021 "Domestic septage or septage" means the liquid or solid material removed from a septic tank, holding tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic wastewater. Domestic septage does not include liquid or solid material removed from a septic tank, holding tank, cesspool, portable toilet, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant. Domestic septage does not include wastewater containing high strength disinfectants, biological inhibitors, or deodorants or similar chemicals such as those used in camper waste tanks, laboratories, medical or veterinary facilities, or industrial facilities.

022 "Domestic waste or domestic wastewater" means human body waste and household type wastes including bath and toilet wastes, household laundry wastes, household kitchen wastes, and other similar wastes from a dwelling or a non-dwelling facility. Domestic waste or wastewater does not include drainage from roofs; footing or foundation drains; process waste from any industrial, agricultural, or commercial establishment; automotive or industrial chemicals or petroleum products; kitchen waste or wastewater from a restaurant or food preparation facility; water carrying animal waste or commercial process water or wastewater; or similar waste.

023 "Dose or dosing" means the use of a pump or siphon device to convey intermittent discharges of effluent by gravity or pressure distribution to a soil absorption system. Dosing is characterized by brief periods of high flow followed by long periods of no flow.

024 "Dosing chamber or dosing tank" means a watertight receptacle containing a pump or siphon device and that retains effluent until it is intermittently pumped or siphoned to the distribution system or soil absorption system.

025 "Drop box" means a watertight box that receives the discharge of effluent from a septic tank and provides serial or sequential distribution of effluent by gravity to each soil absorption system trench where such trenches are installed at progressively lower elevations.

026 "Dry well" means an excavation or structure (other than a soil absorption system meeting these regulations) constructed above the water table that has or can receive waste or wastewater, and from which the waste or wastewater has or can seep or discharge into the surrounding soil. A dry well is a prohibited system for the purposes of these regulations.

027 "Dwelling" means a building, structure, or place used or intended to be used for human occupancy as a single family or multi-family residence and which generates domestic

wastewater. If any portion of the wastewater generated at such a building, structure or place is a non-domestic wastewater, the facility will be considered a non-dwelling facility.

028 "Effluent" means the liquid flowing out of a septic tank or other treatment component of an onsite wastewater treatment system.

029 "Encroachment" means an intrusion on a required setback distance.

030 "Endorsement" means a qualification added to a certificate that authorizes the certificate holder to perform special procedures that require advanced levels of skills or training.

031 "Failed or Failing" means an unauthorized discharge of effluent or wastewater: on the surface of the ground; or to a cesspool, seepage pit, dry well, or leaching pit; or to a soil absorption system with less than four feet to groundwater or other limiting soil characteristics; or which threatens to cause pollution of any air, water, or land of the State; or which threatens public health.

032 "Fill" means soil, rock, gravel, or waste material which has been placed over the original soil or bedrock and is characterized by a lack of distinct horizons or color patterns as found in naturally developed, undisturbed soils.

033 "Filter material or filter media or treatment media" means washed-gravel, rock, crushed stone, slag, clean gravel, or tire chips, any of which that range in size from one-quarter inch to 2½ inches. The filter media will be free of clay, silt, rubber crumbs, and other fine material. Flat slabs of tire are not acceptable for use as tire chips. Crushed stone will be durable and non-calcareous.

034 "Freeboard" means the vertical distance between the design full liquid level and the level at which liquid will overflow from a lagoon.

035 "Gravelless distribution system" means a distribution pipe, chamber, or other conduit designed for use in a soil absorption system without filter material.

036 “Gravity Distribution or Gravity Dosing” means to intermittently discharge effluent using the force of gravity to distribute effluent to a soil absorption system.

037 "Graywater" means all domestic waste excluding blackwater and including bath, lavatory, laundry, and sink waste except kitchen sink waste. Graywater is wastewater for the purposes of these regulations.

038 "Grease trap or grease trap tank or grease interceptor" means a watertight tank designed for the collection and retention of fats, oils, and grease, and which is accessible for periodic removal of the contents.

039 "Groundwater" means water occurring beneath the surface of the ground that fills available openings in rock or soil materials such that they may be considered saturated.

040 “Header Pipe” means a distribution line that evenly distributes effluent to each infiltration line

041 "Holding tank" means a tank for the storage of wastewater until it can be transported to a point for proper disposal.

042 "Industrial waste" means wastewater not otherwise defined as domestic wastewater, including the runoff and leachate from areas that receive pollutants associated with industrial or commercial storage, handling, or processing.

043 "Influent" means wastewater flowing into an on-site wastewater treatment system component or device.

044 "Inspecting" means the practice of examining the components of an onsite wastewater treatment system, the operational condition of the system, or the site conditions for the purpose of providing verification of compliance with this Title. These practices are not considered inspecting when performed by a Master or Journeyman Pumper for the purpose of pumping an onsite wastewater treatment system or when performed by a Master or Journeyman Installer for the installation, modification, alteration, or repair of an onsite wastewater treatment system or for an evaluation conducted for those purposes.

045 "Inspector" means a certified professional holding a certificate by examination, or a hardship certificate issued by the Department in the category of Inspector.

046 "Journeyman Installer" means a certified professional holding a certificate by examination or a hardship certificate issued by the Department in the category of Journeyman Installer.

047 "Journeyman Pumper" means a certified professional holding a certificate by examination or a hardship certificate issued by the Department in the category of Journeyman Pumper.

048 "Layout" means the practice of determining wastewater design flows and loadings, selecting system type, sizing and selecting system components, or locating system components for the purpose of construction, reconstruction, alteration or modification of an onsite wastewater system.

049 "Leaching pit" means an underground pit into which waste or wastewater has or can discharge and from which the liquid has or can seep into the surrounding soil with little or no treatment. A leaching pit is a prohibited system for the purposes of these regulations.

050 "Liner" means the material or substance used to line the bottom of a wastewater lagoon, sand filter, wetlands cell, or other onsite wastewater treatment system so that percolation of liquids through the soil is controlled.

051 “Loamy sand” means a soil material containing 70 to 85 percent sand, up to 30 percent silt, and up to 15 percent clay.

052 “Lot size” means the area of a lot excluding all area below the normal high water level of any surface water feature and all area within the right-of-way or easement of a street, road, or access easement.

053 "Master Installer" means a certified professional holding a certificate by examination or a hardship certificate issued by the Department in the category of Master Installer.

054 "Master Pumper" means a certified professional holding a certificate by examination or a hardship certificate issued by the Department in the category of Master Pumper.

055 "Mound system" means an onsite wastewater treatment system that includes a septic tank for primary treatment, an effluent pumping system, and a soil absorption system that includes a pressurized effluent distribution system within a prescribed layer of rock or acceptable treatment media that is elevated above the original ground surface by a layer of clean sand. The distribution system is pressure dosed to provide uniform distribution of effluent over the entire layer of treatment media, and treatment media is capped by a protective layer of geotextile fabric (to prevent fine material intrusion from the soil), soil, and grass.

056 “Native soil” means soil that is naturally occurring, formed by normal geologic and biological processes, which is characterized by the distinct soil horizons or color patterns found in naturally developed, undisturbed soil.

057 "Non-community water supply system" means any public water supply system that is not a community water system.

058 “Non-dwelling facility” means a building, structure, place of business, place of gathering, or waste collection system which is not a dwelling and which generates wastewater.

059 "Onsite wastewater treatment system" means any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of domestic or non-domestic wastewater, but not including wastewater from a livestock waste control facility, on the property where it originates, or on nearby property under the control of the user, which system is not connected to a public sewer system. An onsite wastewater treatment system begins at the end of the building drain. A system using a lagoon is limited to a maximum design flow of 1,000 gallons per day to be considered an onsite wastewater treatment system. The word "onsite" used in this Title is equivalent to the word "on-site".

060 "Percolation rate" means the rate, usually expressed in minutes per inch or mpi, which is obtained from soil percolation tests conducted to help determine the amount of soil absorption area required for a soil absorption system.

061 "Percolation test" means the determination of the suitability of an area for subsurface wastewater effluent disposal by a standardized test of the rate at which the undisturbed soil in an excavated pit or hole of standard size will absorb liquid per unit of surface area.

062 "Plastic limit" means the water content where soil transitions between brittle and plastic behavior characterized by the point at which a thread of soil begins to crumble when rolled between hands to a diameter of one-eighth inch.

063 "Pollution" means the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of water of the State.

064 "Private well" means a well which provides water supply to less than 15 service connections and regularly serves less than 25 individuals.

065 “Pressure distribution or pressure dosing” means the use of a pump to intermittently discharge effluent under positive pressure through a network of piping designed to evenly distribute the effluent throughout a soil absorption system.

066 "Professional Engineer or P.E." means a person who is licensed as a professional engineer by the Nebraska Board of Engineers and Architects.

067 “Professional development hour or PDH” means at least 60 minutes spent in Department approved educational activity.

068 "Public water supply system" means a water supply system for providing the public with water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. This definition will include:

068.01 Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and

068.02 Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

069 “Pump tank” means a watertight container with a capacity over 50 gallons which houses a pump or pump unit and associated appurtenances used to convey effluent or sewage. The capacity of a pump tank is measured at the normal high (pump start) operating level. The capacity of a tank housing a pump or used as a pump tank is not considered part of the treatment volume required for a septic tank for the purposes of these regulations.

070 “Pump chamber or pump basin” means a watertight container with a capacity of 50 gallons or less and which houses a float or liquid level activated pump and associated appurtenances used to convey sewage or effluent. The capacity of a pump chamber is measured at the normal high (pump start) operating level. The capacity of a chamber housing a pump or used as a pump basin is not considered part of the treatment volume required for a septic tank and is not subject to tank setbacks for the purposes of these regulations.

071 "Pumping" means the practice of maintaining septic tanks, grease trap tanks, holding tanks, and any other components of onsite wastewater systems through the removal, transportation, and disposal of accumulated liquid and solid wastes.

072 "Registered Environmental Health Specialist or REHS" means a person who has the educational requirements and has had experience in the field of environmental sanitation required by Nebraska Revised Statutes §71-3703 and is registered with the Nebraska Board of Registration for Environmental Health Specialists in accordance with Nebraska Revised Statutes §71-3702 through §71-3715.

073 "Repair" means the correction of a mechanical, electrical, or minor structural defect in an existing onsite wastewater system component such as, but not limited to, sealing a crack in a tank lid, repairing or replacing a tank baffle or access manhole riser, repairing or replacing a pump or electrical switch, leveling a distribution box, replacing a building sewer pipe, or replacing a cracked pipe between the septic tank and soil absorption system. Repair does not include replacement, reconstruction or modification of a tank or soil absorption system; extension or enlargement of a soil absorption component and system; replacement of a distribution pipe; or repair or replacement of a metal or concrete block tank.

074 "Sand" means a soil material composed by weight of at least 90 percent of soil particles ranging in size between 0.05 and 2.0 mm or 0.002 inches and 0.08 inches.

075 "Sandy soil" means the soil having the following textures: sands, fine sands, loamy fine sands, and loamy very fine sands.

076 "Seepage pit" means an excavation or structure constructed below or partially below the water table into which waste or wastewater has or can discharge and from which the waste or wastewater has or can seep into the surrounding saturated soil. A seepage pit is a prohibited system for the purposes of these regulations.

077 "Septic system" means an onsite wastewater treatment system that has a septic tank for primary treatment and a trench or bed soil absorption system for secondary treatment of wastewater.

078 "Septic tank" means a watertight covered receptacle designed and constructed to receive wastewater from a building sewer, attenuate flows, store digested solids through a period of detention to allow settleable and floating solids to separate from liquids, allow digestion of organic matter by anaerobic bacteria, and allow the clarified liquid to discharge for additional treatment and final dispersal to a soil absorption system.

079 "Sewage" means any water carrying domestic waste exclusive of footing and roof drainage, from any industrial, agricultural, or commercial establishment or any dwelling or any other structures. Domestic waste includes but is not limited to liquid waste produced by bathing, laundry, cooking operations, and liquid waste from toilets and floor drains and specifically excludes animal waste and commercial process water.

080 "Site" means the area bounded by the dimensions required for the proper location of the soil absorption system.

081 "Siting" means the practice of the investigation, examination, and reporting of design-controlling physical characteristics of an area at which an onsite wastewater system is to be constructed, reconstructed, altered, or modified; including, but not limited to topography, drainage, landscape position, soil evaluation, location and type of wells, water lines, property lines, foundations, and surface water features.

082 "Slope" means the ratio of vertical rise or fall to horizontal distance.

083 "Sludge" means the accumulated settled solids deposited from wastewater and containing water to form a semi-liquid mass.

084 "Soil absorption system" means a drainfield, leaching area, or seepage bed, including the effluent application or distribution system used for the soil based dispersal and treatment of wastewater or effluent. The soil absorption system includes the infiltrative soil surface in the absorption trench, the undisturbed soil between and around the trenches, and a final cover of suitable soil to stabilize the completed installation, support vegetative growth and shed runoff. The soil absorption system is the part of the onsite wastewater treatment system that uses the soil to further treat and dispose of effluent from the onsite wastewater treatment system in a manner that does not result in a point source discharge and does not create a nuisance, health hazard, or ground or surface water pollution.

085 "Soil Evaluation" means the practice of the investigation, examination, testing, and reporting of design-controlling characteristics of the soil and subsurface features at an area at which an onsite wastewater soil absorption system is to be constructed, reconstructed, altered, or modified; including, but not limited to soil type, structure, permeability, absorption capacity, and percolation rate, and the depth to seasonal high groundwater, bedrock, or other subsurface barrier layers.

086 "Soil Evaluator" means a certified professional holding a certificate by examination or a hardship certificate issued by the Department in the category of Soil Evaluator.

087 "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, sites, or other divisions of land for the purpose, whether immediate or future, of ownership or building development, except that the division of land will not be considered to be a subdivision when the smallest parcel created is more than 10 acres in area. For the purposes of this regulation, the term “subdivision” includes the dividing of an area of land into smaller areas to be sold, transferred, leased, rented, or allowed to be used for the purpose of constructing or locating a dwelling or non-dwelling facility that generates wastewater.

088 "Surface waters" means all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Impounded waters in this definition do not include areas designated by the Department as wastewater treatment or wastewater retention facilities or irrigation reuse pits.

089 "Tank" means a watertight structure or container used to hold wastewater for such purposes as aeration, dilution, disinfection, equalization, mixing, sedimentation, storage, collection for transport, treatment, or addition of chemicals.

090 "Trench or absorption trench" means an excavation containing filter material and an effluent distribution system used for the distribution of effluent in a soil absorption system.

091 "Wastewater" means liquid and water borne wastes from a dwelling or non-dwelling facility. Wastewater includes both blackwater and graywater.

092 "Wastewater lagoon" means a shallow body of water where organic wastes are decomposed by bacteria in the presence of free oxygen.

093 "Wastewater works" means facilities for collecting, transporting, pumping and treating wastewater and the disposal of treated effluent and sludge.

094 "Waters of the state" is defined at Neb. Rev. Stat. § 81-1502(21).

095 Additional definitions can be found in Neb. Rev. Stat. § 81-15,239 – 244.

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Title 124 - Onsite Wastewater Treatment Systems

Chapter 2 - APPLICATION OF REGULATIONS; GENERAL PROVISIONS

001 A dwelling or non-dwelling facility that generates wastewater is to have an onsite wastewater treatment system in accordance with these regulations or be connected to a wastewater works. For the purposes of these regulations, a wastewater treatment system with a design flow greater than 1,000 gallons per day and that does not use a soil absorption system is not considered an onsite wastewater treatment system but is considered a wastewater works subject to the requirements in Nebraska Administrative Code Title 123 - Rules and Regulations for the Design, Operation and Maintenance of Wastewater Works.

002 Private onsite wastewater treatment systems installed at an electric generation facility site owned by a district organized under Nebraska Revised Statutes, Chapter 70, article 6 are not subject to registration of the onsite systems or required to have installation of the system by a certified Onsite Professional.

003 Cesspools, dry wells, leeching pits, and seepage pits are prohibited systems and will not accept wastewater. A prohibited system will not satisfy the requirement to have an onsite wastewater system.

004 An existing onsite wastewater treatment system must obtain a new construction and/or operating permit or coverage under a general permit in accordance with this title if:

004.01 It endangers public health or environment, fails, or discharges a prohibited or unauthorized discharge.

004.02 It is being replaced, reconstructed, altered, repaired or modified, and the repairs are not exempted under 005 below;

004.03 There is an adverse change in use such as an increase in the number of bedrooms, design flow, or waste strength;

004.04 It begins to receive wastewater from a different dwelling or non-dwelling facility than it was originally constructed to serve;

004.05 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

004.06 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.

005 Repairs and maintenance can be performed on an onsite wastewater treatment system that functions properly without being subject to the requirement to obtain a construction permit if:

005.01 The repair is to fix a minor structural defect of the existing system such as: to seal a crack in a tank lid; level a distribution box; or to repair or replace a manhole riser, inspection pipe, tank baffle, building sewer pipe, or a pipe between the septic tank, sanitary tee and soil absorption system, or

005.02 The repair is to fix a mechanical device, such as repair or replacement of a pump, blower, or electrical equipment.

006 A temporary modification to a failed onsite wastewater treatment system may be performed without obtaining a permit in accordance with these regulations if the modification is to prevent a surface discharge or reduce a threat to public health. The temporary modification must be registered with a written description submitted with the registration which states that a temporary modification was made and which also specifically describes the problem that caused the discharge with the reason the temporary modification was made. A system with a temporary modification is not to be operated for more than four months without Department approval.

007 In implementing these regulations, the Department will consider the following:

007.01 The use classification of the surface water and groundwater (Title 117 - Nebraska Surface Water Quality Standards and Title 118 - Ground Water Quality Standards and Use Classification);

007.02 Vulnerability of surface water and groundwater to pollution;

007.03 The beneficial uses existing or assigned to the surface water and groundwater. Beneficial uses are those uses of surface water and groundwater as determined through Title 117 and Title 118, respectively;

007.04 Characteristics of the onsite wastewater treatment system;

007.05 Technical, socioeconomic, and other appropriate site-specific factors.

008 The owner of any dwelling or non-dwelling facility will establish a reserve area sufficient in size to be used for a replacement onsite wastewater treatment system capable of meeting the requirements of the construction permit or general permit covering the original system and these regulations. The reserve area will be considered a part of the onsite wastewater treatment system and all setback requirements apply to the reserve area.

009 Location of an onsite wastewater treatment system on property not owned by the facility using the system is to have a properly executed and filed property easement which is to include provisions that allow for the operation and maintenance of the onsite wastewater treatment system. A copy of the filed easement is to be submitted with the system registration.

010 Setback distances for all onsite wastewater treatment systems will be established by the Department in either this regulation, a construction permit, general permit, or memorandum of agreement with a local government agency as determined by the Department to be necessary to protect public health, the environment, surface water, and groundwater.

011 A person is not to construct or relocate a foundation, well, water line, surface water feature, or property line within the setback distances listed in Table 2.1 of any onsite wastewater system, except that the Department may approve, at the system owner's request, an encroachment within the minimum setback distance to system components upon submittal of a construction plan and a letter from a professional engineer stating that he or she has evaluated the proposed construction plan and in his or her professional opinion, the encroachment will not have any detrimental effect on the system components, or on the proper function and operation of the system components, or on the ability to maintain or replace any of the system components and does not endanger human health or cause pollution; or if a less stringent distance is in a General Permit that setback distance would apply.

Table 2.1 – Lagoon, Tank and Soil Absorption System Setbacks

	Minimum Setback Distance feet (meters)		
Item	Tanks	Absorption, Infiltrative, and Evaporative Systems	Lagoons
Surface Water	50 ft. (15.2 m)	50 ft. (15.2 m)	50 ft. (15.2 m)
Private Drinking Water Wells	50 ft. (15.2 m)	100 ft. (30.5 m)	100 ft. (30.5 m)
Public Drinking Water Supply Wells:			
Non-Community System*	50 ft. (15.2 m)	100 ft. (30.5 m)	100 ft. (30.5 m)
Community System	500 ft. (152.4 m)	500 ft. (152.4 m)	1000 ft. (304.8 m)
Community System when a septic system or soil absorption system of > 1000 gpd is installed	500 ft. (152.4 m)	1000 ft. (304.8 m)	N/A
Horizontal Closed Loop Geothermal Wells (trenched or dug and above the ground water table)	25 ft. (15.2m)	25 ft. (15.2m)	25 ft. (15.2m)
All Other Water Wells	50 ft. (15.2 m)	100 ft. (30.5 m)	100 ft. (152.4 m)
Water Lines:			
Pressure Main/Service Connection/Suction Lines	10 ft. (3.1 m)	25 ft. (7.6 m)	25 ft. (7.6 m)

Property Lines	5 ft. (1.5 m)	5 ft. (1.5 m)	50 ft. (15.2 m)
Trees	NA	NA	50 ft. (15.2 m)
Parking area, driveway, sidewalk, or other impermeable surface or cover	5 ft. (1.5 m)	5 ft. (1.5 m)	50 ft. (15.2 m)
Foundation:			
Class 1	15 ft. (4.6 m)	30 ft. (9.1 m)	100 ft. (30.5 m)
Class 2	10 ft. (3.1 m)	10 ft. (3.1 m)	100 ft. (30.5 m)
Class 3	7 ft. (2.1 m)	10 ft. (3.1 m)	50 ft. (15.2 m)
Neighbor's Foundation:			
Class 1	25 ft. (7.6 m)	40 ft. (12.2 m)	200 ft. (61.0 m)
Class 2	20 ft. (6.1 m)	30 ft. (9.1 m)	200 ft. (61.0 m)
Class 3	15 ft. (4.6 m)	20 ft. (6.1 m)	100 ft. (30.5 m)
*See NAC Title 179 – Public Water Supply Systems, 7-010, for a complete definition for Non-community systems. It should be noted that some non-community systems may have more stringent setback requirements, per Title 179. * Class 1 means a basement, a non-basement footing, swimming pool, or slab-on-grade living quarters where any portion of the living quarters basement, footing, or slab is lower in elevation than the onsite wastewater treatment system component.			
* Class 2 means a basement, a non-basement footing foundation, trailer house, swimming pool, or slab-on-grade living quarters higher in elevation than the on-site wastewater treatment system. Any other foundation that is not a Class 1 or Class 3 is a Class 2 Foundation			
* Class 3 means slab-on-grade construction that is not used as living quarters.			
* The water well setback does not apply to a monitoring well meeting the requirements of Nebraska Administrative Code Title 178 that is installed and used for monitoring ground water quality.			

012 Soil percolation tests are to be conducted in the area where the soil absorption system will be located and using a testing methodology approved by the Department.

012.01 Soil percolation tests are to be conducted by a professional engineer, registered environmental health specialist, or a certified professional holding a certificate in the category of Inspector, Soil Evaluator, Master Installer, or Journeyman Installer.

012.02 The Department may require verification of percolation rates when submitted results are inconsistent with other known data.

013 Members of the Private Onsite Wastewater Treatment System Advisory Committee, as created by Neb. Rev. Stat. § 81-15,245, who are appointed by the Director, will serve at the pleasure of the Director, but not for more than two four year terms unless a replacement member

cannot be found. The Director will appoint a replacement for any member who resigns or otherwise concludes his or her term on the committee for any position which the Director made the initial appointment.

014 Nothing in this Title will prevent more stringent local requirements from being adopted.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

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Title 124 - Onsite Wastewater Treatment Systems

Chapter 3 - PERMITS

001 Permits issued under these regulations are exempt from financial responsibility requirements contemplated in Neb. Rev. Stat. §81-1505(21).

002 A private onsite wastewater treatment system is to be permitted by the Department before any construction, reconstruction, alteration, modification, or repair not exempted in Chapter 2 is performed or the system is operated. The two procedures designed to cover all onsite wastewater treatment systems under these regulations are as follows:

002.01 General Permits as described in 003 below.

002.02 Construction and Operating Permits as described in 004, 005, and 006 below.

003 General Permits

003.01 If the Director determines that numerous owners of similar dwelling or non-dwelling facilities would be subject to identical design and procedural requirements to construct, reconstruct, alter, modify, or operate an onsite wastewater treatment system, the Director may issue a general permit following the procedures specified in this Chapter. The general permit will specify design, construction, and operation requirements for all applicable systems.

003.02 If the Director, in his or her discretion, determines a general permit is appropriate, he or she will initiate issuance of a general permit by publication of a notice which will contain:

003.02A Department contact information;

003.02B A brief description of the System design parameters, activities, and/or operations addressed by the permit;

003.02C A statement of the criteria for owners of dwelling or non-dwelling facilities that qualify for the permit;

003.02D A brief description of the comment procedures and the time and place of any hearing if already scheduled, and other procedures by which the public may participate in the final general permit decision; and

003.02E The name, address, and telephone number of the person from whom interested persons may obtain further information, and inspect and copy forms and related documents.

003.03 Any interested person will have thirty (30) days from issuance of the public notice to provide the Director with any written comments concerning the draft general permit or request a public hearing in writing. The Director may extend the thirty (30) day period.

003.04 If any written comment received during the public comment period raises substantial issues concerning the draft general permit, the Director may revise the draft general permit and issue a public notice on the revised draft general permit.

003.05 Following the close of the public comment period and any public hearing, the Director may issue a general permit.

003.06 The owner of a dwelling or non-dwelling facility will be authorized to construct, modify, repair, and operate an onsite wastewater treatment facility under a general permit if they meet the conditions of the permit and are in compliance with this title.

003.07 The owner of a dwelling or non-dwelling facility that constructs or operates under general permit coverage may be subject to an enforcement action for constructing without a construction permit or operating without an operating permit if the owner is later determined not to qualify for the general permit.

004 Construction and Operating Permit Application

004.01 The construction permit and the operating permit for a single system are covered by one application.

004.02 The owner of a dwelling or non-dwelling facility will submit a complete permit application on a form provided by the Department and include any supporting documents or reports requested.

004.03 The plans, specifications, reports, and other technical documents submitted as part of the application will be prepared and properly stamped and signed by a Professional Engineer.

004.04 The Department may require additional information to ensure proper engineering design and operation.

0040.05 The permit application fee (see Appendix A) is to be submitted to the Department with the application. For subdivisions, a fee will be due for each lot subject to approval.

005 Construction Permit

005.01 The owner of a dwelling or non-dwelling facility or the owner's designee, proposing to construct, reconstruct, alter, modify, or make a repair not exempted in Chapter 2 to an onsite wastewater treatment system not covered by a general permit will

apply for and obtain a construction permit from the Department prior to construction of the system.

005.02 The design of all onsite wastewater treatment systems not covered by a general permit will be approved by the Department prior to issuance of a construction permit.

005.03 Onsite wastewater treatment systems will be designed in a manner and using engineering standards, as determined by the Department, necessary to protect public health, the environment, surface water, and groundwater.

005.03A Tank Design. Considerations the Department will use when approving tank design will include, but not be limited to, the type of facility that the system will serve, the character of the wastewater the system will receive, and the capacity required for proper operation.

005.03A3 Concrete block and metal are not acceptable materials for new tank construction. When an existing system is being replaced, reconstructed, altered, or modified and there is an existing concrete block or metal tank that is part of the system, the tank is to be inspected. The existing tank is to be replaced with a tank which has been permitted by the Department unless the existing tank is determined to be structurally sound and watertight.

005.03A4 The tank will be designed to withstand soil pressures when empty and not collapse or undergo excessive deflection which would prevent the proper operation of the system, crack or distort components of the system such as the baffles, prevent proper sealing of lids over manholes and inspection ports, reduce capacity below the required minimum tank design capacity, or reduce the design working volume of the system.

005.03A7 An existing restaurant or non-dwelling facility involved in food preparation that is replacing or modifying its onsite wastewater treatment system may install an additional septic tank in the waste line in lieu of a grease trap tank provided the following conditions are met:

005.03A7a The restaurant or non-dwelling facility was constructed before August 11, 2012;

005.03A7b The current kitchen and non-kitchen waste streams are not separated;

005.03A7c The additional septic tank is sized following Section 005.03A8 below; and

005.03A7d The additional tank is placed in series with other tanks and all tanks comply with all other requirements of this Title.

005.03A8 The minimum capacity of any grease trap tank is to be 750 gallons. A grease trap tank is to provide twenty four hours of detention time for the average daily flow.

005.04 A construction permit will be issued in the name of the facility owner for the legal location of the facility.

005.05 A construction permit is valid for two years from date of issuance. Prior to expiration, the owner may submit a written request for reauthorization or extension from the Department. If approved, the reauthorization or extension will be subject to requirements of regulations 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 date of reissuance. Additional reauthorization or extension may be requested in writing prior to expiration.

005.06 The onsite wastewater treatment system will be constructed, reconstructed, altered, or modified according to the Department approved design and standards contained in the construction permit.

005.07 The owner is to 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 such 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.

005.08 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.

005.09 The Department may require, as a construction permit condition, submittal of a groundwater monitoring plan for an onsite wastewater treatment system if there is a potential for groundwater pollution.

006 Operating Permit

006.01 An operating permit may be issued when construction that complies with the approved construction permit documents has been completed and:

006.01A The Professional Engineer who designed the system submits a completed form provided by the Department which notifies the Department of construction completion

006.01B The system registration form, system registration fee, and any applicable late fee have been received by the Department.

006.02 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.

006.03 The Department may require, as an operating permit condition, implementation of a Department approved operation and maintenance plan to ensure proper operation of the onsite wastewater treatment system.

006.04 The permittee will operate and maintain the onsite wastewater treatment system in compliance with any permit conditions, these regulations and the Nebraska Environmental Protection Act §§81-1501 et seq.

007 Any permit or coverage under a general permit may be denied, suspended, or revoked, after notice and opportunity for public hearing according to NAC Title 115, for cause, including, but not limited to:

007.01 Violation of any term or condition of a permit or general permit.

007.02 Obtaining or attempting to obtain a permit by misrepresentation of any relevant facts or failure to disclose fully all relevant facts.

007.03 Information indicating that the onsite wastewater treatment system is likely, in the Department's judgment, to adversely affect human health or that a potential for ground or surface water pollution exists.

007.04 The existence of factors arising after permit or general permit issuance which would have required limitations or a denial of permit application or coverage under a general permit.

007.05 Adverse changes in use, such as flow greater than design, or type of wastewater.

007.06 Adverse changes in site conditions created or caused by the system owner such as an encroachment on setback distances, placement of fill or an impermeable surface over the soil absorption system, vehicular traffic or other soil compacting activities over the soil absorption system, or reduction in the size of a lot where a lagoon is installed to an area less than three acres.

007.07 The performance of any siting, layout, construction, reconstruction, alteration, modification, repair, or pumping of the onsite wastewater system, on or after January 1, 2004, by any person who is not a professional engineer, a registered environmental health specialist, or certified professional holding a valid certificate in accordance with this Title in the category of work performed.

007.08 Failure to have registered with the Department an onsite wastewater system that was constructed, reconstructed, altered, or modified on or after January 1, 2004.

008 Transferability of Permits and Coverage under General Permits

008.01 Any transfer of ownership of a permitted system or system covered under a general permit will automatically authorize the new owner to operate under the existing permit or general permit.

008.02 A subsequent owner is under the same obligations and conditions of the permit or general permit as was the original or previous owner.

009 Operating an onsite wastewater system is prohibited if:

009.01 The system was constructed, reconstructed, altered, or modified under a construction permit and there is no operating permit or the operating permit has been denied, suspended, or revoked;

009.02 The system was constructed, reconstructed, altered, or modified under general permit and the general permit has been suspended or revoked;

009.03 The system was constructed, reconstructed, altered, or modified without a construction permit and did not obtain coverage under a general permit; or

009.04 The system endangers public health, has failed, or if operation of the system results in a prohibited discharge.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8), §81-1506, §81-15,237, §81-15,247, §81-15,248.

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Chapter 4 - SUBDIVISIONS

001 Subdivision Review and Approval Application

001.01 Prior to construction of a development area where an onsite wastewater treatment system is proposed on any lot less than three acres in size, the owner of the development area will submit an application for subdivision review and receive Department approval for the use of onsite wastewater treatment systems for the development area on a form provided by the Director and include any additional information as requested. The Department will review the application and determine the acceptability of onsite wastewater treatment systems for the development area. The Department will either approve or deny the use of onsite wastewater treatment systems for the development area. Approval will be based upon an evaluation of the submitted information to meet design requirements of this Title.

001.02 Once the Department has issued a subdivision approval, any subsequent change may be considered a new application and subject to the subdivision review and approval application and fee requirements.

001.03 A subdivision approval expires ten years from the date the approval is issued 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 will 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.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8), §81-15,237, §81-15,247, §81-15,248.

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Chapter 5 - MAINTENANCE OF SEPTIC SYSTEMS AND LAGOONS

001 The owner of a septic tank will have a Master or Journeyman Pumper, a professional engineer, or a registered environmental health specialist periodically inspect the septic tank and remove septage from the tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffle or whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle.

002 Pumping and disposal of domestic septage will be in accordance with this Title.

003 The owner of a lagoon will operate and maintain the lagoon in the following manner:

003.01 The liquid level in a lagoon will be maintained at a minimum depth of two feet. Additional water will be added as necessary to maintain the two foot minimum depth.

003.02 The lagoon area will be mowed to keep grass and other plants at six inches or less in height on the lagoon slopes and top of dike.

003.03 The lagoon will be operated to prevent the liquid level from encroaching on the one foot freeboard requirement of the lagoon.

003.04 Solids will be removed from the lagoon if needed through the services of a Master or Journeyman Pumper, a professional engineer, or a registered environmental health specialist and disposed of in accordance with this Title.

004 All dike surface areas from the design high operating waterline to the outside toe of the dike and all other areas which were disturbed during construction will be seeded or sodded, and a grass cover maintained to prevent soil erosion. Short grasses, such as blue grass are preferred and will be mowed frequently to prevent overhanging vegetation. Alfalfa and long rooted grasses which might damage the integrity of the lagoon will not be used. Weeds, cattails, reeds, and other wetland plants will be removed by physical or chemical treatment as they emerge. Trees will not be allowed to grow within a horizontal distance of at least 50 feet as measured from the high water mark for the maximum operating depth of the lagoon, but not less than 10 feet horizontal distance from the outer dike toe of the lagoon.

005 The integrity of fencing around lagoons will be maintained. The lagoon will be fenced with a four foot high woven wire, welded wire, or seven strand barbed wire with the first strand starting three inches from the ground and the following strands spaced evenly. The fence will be equipped with a standard main gate that is kept locked. The fence will be placed on the outside edge of the top of the dike or four feet outside the toe of the dike. A sign no less than 12 inches by 24 inches bearing the clearly-readable words "NO TRESPASSING - WASTEWATER LAGOON" will be located on the gate.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Chapter 6 - WASTE PROHIBITIONS

001 The type of waste that can be directed to an on-site wastewater treatment system is limited to domestic wastewater. The following wastes are prohibited from entering an onsite wastewater treatment system unless approved in an operating permit issued for the system.

001.01 Cooling water, groundwater infiltration, discharge from roof drains, discharge from foundation tile drains, swimming pool wastewater, or other clear water discharges.

001.02 Hazardous waste: Any chemical substance or material, gas, solid, or liquid designated as hazardous in accordance with NAC Title 128.

001.03 Those pollutants or combination of pollutants or disease causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will on the basis of information available to the Department cause either death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunction in reproduction), or physical deformations on such organism or its offspring.

002 The discharge of motor vehicle wastes to a septic system is prohibited. For the purposes of these regulations, “motor vehicle” means mechanized equipment used in agriculture, construction, industrial activities, maintenance, recreation, or transportation.

003 The discharge to a septic system of wastewater containing high strength disinfectants, biological inhibitors, or deodorants or similar chemicals (such as those used in camper waste tanks, laboratories, medical or veterinary facilities, or industrial facilities) is prohibited unless approved in an operating permit issued for the system.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

NEBRASKA ADMINISTRATIVE CODE

Title 124 - On-site Wastewater Treatment Systems

Chapter 7 - CLOSURE OF SEPTIC TANK AND LAGOON SYSTEMS

001 Whenever the use of an onsite wastewater treatment system is discontinued following the connection to a sanitary sewer or following condemnation or demolition of a building or property or due to the construction of another onsite wastewater treatment system, the onsite wastewater treatment system will be properly closed and any further use of the system for any purpose will be prohibited.

002 One of the following two methods will be used for closure of a septic tank or holding tank:

002.01 Pump and Fill Method: The tank will be pumped of all liquids and solids and then filled with soil or sand. If soil is used it will be tamped completely so as to prevent voids which would occur as the result of settling; or

002.02 Pump and Remove Method: The tank will be removed after being pumped of all liquids and solids and the void left from the tank removal will be filled in with soil. The soil or sand will be mounded to provide for future settling.

003 The following method will be used for closure of a wastewater lagoon:

003.01 The lagoon will be pumped or allowed to evaporate until there is no liquid remaining;

003.02 The fence will be removed and the settled solids and liner material at the bottom of the lagoon will be scraped out and properly disposed;

003.03 If a lagoon has received only domestic wastewater, a sludge layer less than six-inches thick may be buried on-site during the regrading of lagoon dikes and the surrounding area. The sludge will be incorporated into the soil or receive at least one foot of cover material; and

003.04 The lagoon area will be leveled and filled with clean soil. The soil will be mounded over the lagoon area to provide for future settling and to prevent water from ponding.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Chapter 8 - FLOOR DRAINS

001 A floor drain in a dwelling garage may be connected to an onsite wastewater treatment system provided the drain does not receive petroleum products, paint, organic solvents, antifreeze, or hazardous materials and meets design requirements of Section 002. These drains are designed to handle snow and ice melt along with occasional exterior vehicle washing.

002 A floor drain in a dwelling garage that is connected to an onsite wastewater treatment will meet the following design requirements:

002.01 The drain will have an integral mud trap and oil separator; and

002.02 The drain will be equipped with a watertight cap or a valve will be located immediately following the drain. The cap will normally be left secured on the drain or the valve will normally be left closed.

003 The design flow of the onsite wastewater treatment system will be increased at least 100 gallons to account for a dwelling garage floor drain connection to the system.

004 A permanent sign will be placed within view of the drain. The sign will remind current and future owners that the garage drain leads to an on-site wastewater treatment system and should only accept water.

005 The discharge of motor vehicle wastes or maintenance shop wastes to a septic system or to a soil absorption system is prohibited. The connection of a floor drain from a maintenance shop or a non-dwelling garage to a septic system or soil absorption system is prohibited.

Enabling Legislation: Neb. Rev. Stat. §81-1505(8).

NEBRASKA ADMINISTRATIVE CODE

TITLE 124 – Onsite Wastewater Treatment Systems

Chapter 9 - CERTIFICATION REQUIREMENTS

001 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. For the purposes of these regulations, "direct supervision" means the person overseeing the work is physically present on the site where the work is being done and has control over, responsibility for, and professional knowledge of the work being done. The certification requirement does not apply to a private onsite wastewater treatment system at an electric generation facility site owned by a district organized under Nebraska Revised Statutes, Chapter 70, article 6.

002 Certified professionals must hold a valid certificate by examination in accordance with this Title or a hardship certificate in one or more of the following categories:

002.01 Master Installer
002.02 Journeyman Installer
002.03 Soil Evaluator
002.04 Inspector
002.05 Master Pumper
002.06 Journeyman Pumper

003 Authorization to Practice

003.01 Authorization to Practice under Certificates by Examination:

003.01A A Master Installer or Journeyman Installer is authorized to engage in the siting, layout, construction, reconstruction, alteration, modification, repair, inspection, or closure of onsite wastewater systems, except that a Journeyman Installer is only authorized to engage in any of these activities in accordance with the following restrictions:

003.01A.1 The Journeyman Installer is employed by a Master Installer, a professional engineer, or a registered environmental health specialist who is responsible for the work, or

003.01A.2 The Journeyman Installer is employed by a business or government entity that has a Master Installer, a professional engineer, or a registered environmental health specialist as an owner, officer, or employee of the business or of a government entity who is responsible for the work.

003.01B A Soil Evaluator is authorized to engage in the soil evaluation of onsite wastewater systems.

003.01C An Inspector is authorized to engage in the inspecting or soil evaluation of onsite wastewater systems.

003.01D A Master Pumper or Journeyman Pumper is authorized to engage in the pumping or repair of onsite wastewater systems, except that a Journeyman Pumper is only authorized to engage in this activity in accordance with the following restrictions:

003.01D.1 The Journeyman Pumper is employed by a Master Pumper, a professional engineer, or a registered environmental health specialist who is responsible for the work; or

003.01D.2 The Journeyman Pumper is employed by a business or government entity that has a Master Pumper, a professional engineer, or a registered environmental health specialist who is an owner, officer, or employee of the business or government entity and responsible for the work.

003.02 Authorization to Practice under Hardship Certificates - A person holding a valid Hardship Certificate is authorized to practice in those categories listed on the certificate in accordance with Authorizations to Practice under Certificates by Examination of this Section.

004 No person will engage in the siting, layout, construction, reconstruction, alteration, modification, repair, closure, or otherwise changing of a private onsite wastewater system unless a Master Installer, a Journeyman Installer, a professional engineer, or a registered environmental health specialist who is responsible for such work is physically present at the site where such work is being performed and is supervising the work, except that a Soil Evaluator or an Inspector may perform soil evaluation for the purpose of aiding in siting and layout.

005 No person will engage in the pumping of a private onsite wastewater system unless a Master Pumper, a Journeyman Pumper, a professional engineer, or a registered environmental health specialist who is responsible for such work is physically present at the site where such work is being performed and is supervising the work.

006 No person will engage in the inspecting of a private onsite wastewater system unless an Inspector, Master Installer, a professional engineer, or a registered environmental health specialist who is responsible for the work is physically present at the site where such work is being performed and is supervising the work.

007 Hardship Certificate. A Hardship Certificate may be issued to an individual upon submittal of a complete application and an application fee in accordance with the fee schedule in Appendix A. The purpose of a Hardship Certificate is to waive PDH requirements.

007.01 Submittal of a request for certification by hardship will include the words "Application for Onsite Hardship Certification" and state the conditions of the hardship and include evidence supporting competency in the categories in which the individual is seeking certification. The request will include: (1) the applicants name and license number, (2) the number of PDH for which the hardship is sought, (3) a narrative explaining what circumstances beyond the applicants control prevented completion of all or part of the continuing education requirements including but not limited to: pertinent dates and identification of persons by name, address, and telephone number, who have direct knowledge of the grounds claimed for waiver, and (4) documentation of the circumstances which prevented the licensee from fulfilling the PDH requirements.

007.02 A separate hardship application with application fee will be required for each category of certificate that the applicant applies for.

007.03 A hardship certificate expires 180 days after the date of issuance.

008 Certificate by Examination

008.01 To obtain a certificate by examination in any category, an applicant must pass an examination administered by the Department.

008.02 All certificates by examination expire December 31 of every odd-numbered year unless renewed in accordance with this Chapter.

008.03 Application for Certificate by Examination. An applicant for certification by examination is to submit the following to the Department: a certificate application fee and an examination fee in accordance with Appendix A and a complete application on a form provided by the Department

008.03A The Director may waive certification and examination fees pursuant to Neb. Rev. Sta. § 81-15,248(4).

008.03A.1 The application for certification or for certificate renewal for which the fee waiver is requested will include verification of employment as an inspector of onsite wastewater treatment systems by a local governmental agency or subdivision.

008.03A.2 The Department may request additional information as needed to verify employment or to determine that the local inspection program is at least as stringent as the requirements in this Title.

008.03A.3 An Inspector who is granted this fee waiver will be limited to inspecting as a government employee within the jurisdiction and under the authority of that local governmental agency or subdivision.

008.03B All applications received less than five days prior to a scheduled examination date may be held for the next scheduled examination date.

008.03C An individual seeking certification by examination in multiple categories of certification may submit a single application for certification by examination with one application fee for one or more categories, but must submit the examination fee for each examination to be taken. A separate examination is required for each category sought. Where application is made for multiple categories and certification application fees for the categories are different, the applicant will submit the highest fee.

008.03D An applicant who fails an examination will be permitted to be re-examined at a subsequent examination. An applicant who desires to be re-examined will submit an application for certification by examination as identified in 008.03 above and the examination fee in accordance with the fee schedule (Appendix A). The certificate application fee is not required for re-examination within two years of initial application as noted below. An applicant who fails three examinations in succession will obtain a minimum of six hours of approved continuing education prior to re-examination. Failure to pass the examination within two years of the date the initial application for certification by examination was received will result in the rejection of the application. An individual whose application has been so rejected who desires certification will submit a new application for certification by examination and the applicable examination and application fees.

008.03E Adding Categories to Current Certificates

008.03E.1 A certified professional holding a valid certificate by examination in the Master Installer, Master Pumper, Inspector, or Soil Evaluator category may apply for addition of other categories to the certificate by submitting an application for certification by examination as identified in 008.03 above and the examination fee for each additional category and passing the appropriate exam.

008.03E.2 A certified professional holding a valid certificate by examination in the Journeyman Installer category may apply to add the Journeyman Pumper category, and a certified professional holding a valid certificate by examination in the Journeyman Pumper category may apply to add the Journeyman Installer category to the certificate by submitting an application for certification by examination and the examination fee for the additional category and passing the appropriate exam.

008.03E.3 A certified professional holding a valid certificate by examination in the Journeyman Installer category may apply for certification in the category of Master Pumper, Inspector, or Soil Evaluator by submitting a new application for certification by examination

and the examination fee for each additional category, and submit the difference in certificate fees between the Journeyman Installer certificate fee and the Master Pumper, Inspector, or Soil Evaluator certificate fee and passing the appropriate exam.

008.03E.4 A certified professional holding a valid certificate by examination in the Journeyman Pumper category may apply for certification in the category of Master Installer, Inspector, or Soil Evaluator by submitting a new application for certification by examination and the examination fee for each additional category, and submit the difference in certificate fees between the Journeyman Pumper certificate fee and the Master Installer, Inspector, or Soil Evaluator certificate fee and passing the appropriate exam.

008.03E.5 A certified professional holding a valid certificate by examination in the Journeyman Installer category may upgrade to a Master Installer category, and a certified professional holding a valid certificate by examination in the Journeyman Pumper category may upgrade to a Master Pumper category, by submitting a completed application for certification by examination and the difference in certificate fees between the two certificates.

008.04 Renewal of Certificates. To renew a valid certificate, the certified professional will submit to the Department a certificate renewal fee in accordance with the fee schedule (Appendix A) and a complete application for renewal, including the certified professional's record of continuing education, on a form provided by the Department.

008.04A If the Department does not receive the application for renewal, which includes the renewal fee and record of continuing education, prior to the expiration date of the certificate, the certificate will expire.

008.04B The certificate of any certified professional who fails to comply with the continuing education requirements of this Chapter will expire on the expiration date of the certificate.

008.04C Late Renewal of Expired Certificate

008.04C.1 A person may late renew their expired certificate within 60 days after the certificate has expired by submitting to the Department a properly completed application for onsite certificate renewal , record of continuing education, the certificate renewal fee (Appendix A), and a $50 late renewal penalty.

008.04C.2 The late renewal application (which includes the record of continuing education, certificate renewal fee, and late penalty) must be received by the Department no later than 60 days after the certificate has expired.

008.04C.3 Once the 60 day late renewal period has expired, in order to obtain certification the individual is to submit an application for certification by examination, including the application fee along with the examination fee for each category, and pass the examination for each category desired.

008.04D The Department will not renew a certificate or issue a new certificate to an individual whose certificate has been revoked until at least one year has passed since the date of revocation.

005.04E If insufficient PDH are obtained prior to renewal, the person may renew by examination. To renew by examination the person will submit: certification examination fee, certificate of renewal fee, and a completed application form. In addition, the person must pass the appropriate exam administered by the Department.

008.05 Examination Development and Administration

008.05A Examinations for certification will be developed and administered by the Department.

008.05B Examinations for certification will be designed to test the general knowledge of the applicants regarding onsite wastewater construction standards, soils and geology of the state, rules and regulations of this Title, and any other knowledge the Department deems essential to the successful practice of the profession for which certification is requested.

008.05C The examinations will be by open book testing. The Department will make available to each examinee at the test site a copy of this Title and other documents which cover the subject matter tested in the exam. Any materials brought by examinees to the examination site for use in completing the examination may be subject to inspection by examination proctors and subject to confiscation or exclusion from the examination area for the duration of the exam without advance notice to examinees.

008.05D The Department may provide for special arrangements in administering the examinations to accommodate special circumstances without compromising the examination purposes or integrity. Such special circumstances may include but not be limited to reading difficulties, physical skills limitations or absence from the state during regular examination dates. Accommodations may include special proctors or readers, oral examination, dictation of answers or use of non-resident proctors.

008.05E Applicants must show photographic identification at the examination site to be admitted for examination.

008.05F All applicants will be notified in writing regarding examination results. Results will be reported as either pass or fail.

008.05G Applicants who pass an examination in any category will be issued a certificate in that category. A passing grade of 80 percent will be required for certification in any category.

009 Professional Development Hours (PDH)

009.01 Required PDHs for Certificate Renewal. A certified professional will successfully complete a minimum of 12 PDHs of continuing education during every two-year certificate period.

009.01A For a certificate issued in the first or even numbered year of the two-year certificate period a certified professional will successfully complete a minimum of 12 PDHs of continuing education during the first certificate period.

009.01B For certificates issued in the second or odd numbered year of the two-year certificate period there are no PDH requirements until the next 2-year cycle.

009.01C PDHs completed within 30 days prior to obtaining initial certification by examination will be accepted for the purposes of complying with the PDH requirement for certificate renewal.

009.02 A PDH is to be recorded to the nearest quarter-hour (15 minutes).

009.03 A maximum of six PDHs acquired in excess of the minimum hours required during any certificate cycle may be carried over into the next two-year certificate cycle. If a certificate has expired and the late renewal period has lapsed there can be no carryover of PDHs.

009.04 All PDHs for certificate renewal will be from courses or programs approved by the Department. These courses or programs must be appropriate, directly associated with the onsite wastewater industry or related workplace safety, cover topics related to the responsibilities carried on by the certified professional, and provide information or training that serves to enhance a certified professional's knowledge of and ability to perform activities that protect the public health and the environment.

009.04A Any person may submit to the Department a proposed program or course for approval to be counted as PDHs. The submission of a proposed course or program is to be at least 60 days prior to the date the proposed program or course is offered for presentation. The Department may request additional information as determined necessary to fully evaluate the proposed course or program. The Department will evaluate and determine the number of professional development hours that a certified professional can claim for successful, documented completion of the course or program.

009.04B A maximum of two professional development hours in each two-year certification cycle may be from pre-approved courses peripheral to the actual activity of the onsite wastewater industry such as business tax law, accounting, insurance, or first aid training. For the purposes of PDHs, work place safety and protection of work activities will be considered directly related to the actual activity of the onsite wastewater industry.

009.05 Continuing education records are to be maintained by the certified professional and submitted to the Department as part of application for certificate renewal. Continuing education records including evidence of participation are to be retained by the certified professional for a minimum of three years and are to be submitted to the Department upon request.

009.06 The Department may waive or exempt a certified professional from continuing education requirements or extend the period for completion of the required continuing education, in whole or in part, for any period for which the certified professional submits documentation supporting an exemption for circumstances beyond his or her control which prevented completion of such requirements.

010 Certification Endorsement

010.01 An endorsement may be issued, upon successful completion of examination, authorizing the certified professional so endorsed to engage in special activities or procedures that require advanced training or skills identified in this Title as requiring an endorsement to perform.

010.02 An endorsement to engage in a special activity or procedure will only be issued to a person holding a valid certificate in the appropriate category.

010.03 Application and Examination for Endorsement. Application for endorsement is to include submittal of a completed form provided by the Department and submittal of the endorsement application fee and the examination fee in accordance with the fee schedule (Appendix A). A separate application and examination fee will be required for each endorsement examination.

010.03A Any application received less than five days prior to a scheduled examination date may be held for the next scheduled examination date.

010.03B Applicants will be required to show photographic identification at the examination site to be admitted for examination.

010.03C Applicants will be notified in writing regarding examination results. Results will be reported as either pass or fail.

010.03D Applicants who pass an examination for endorsement will be issued an endorsement to their certificate.

010.03E Applicants who fail and desire to be re-examined for endorsement are to submit an application and the examination fee as specified in 010.03 above.

010.04 An endorsement will automatically renew upon the renewal of the certificate to which it is attached.

010.05 An endorsement expires upon the expiration, suspension, or revocation of the certificate to which it is attached, except that an endorsement may be late renewed in conjunction with late renewal of the certificate to which it is attached. An individual whose endorsement has expired who desires to obtain a new endorsement is to re-apply and meet all requirements for endorsement by examination in accordance with requirements of this section.

011 All fees are nonrefundable.

0012 A certified professional may only practice in the categories in which they hold a valid certificate.

013 Notice of a disciplinary action taken in accordance with Neb. Rev. Stat. § 81-15,249 will be issued by the director through certified mail to the affected certificate holder at that individual's last known address. That notice will state the reason(s) for the action, the effective date of the action, and the steps the certificate holder may take to contest the action.

Enabling Legislation: Neb. Rev. Stat. §81-15,244; 81-15,247; 81-15,248; & 81-15,252.

NEBRASKA ADMINISTRATIVE CODE

TITLE 124 – Onsite Wastewater Treatment Systems

Chapter 10 - REGISTRATION OF ONSITE WASTEWATER TREATMENT SYSTEMS

001 On or after January 1, 2004, any onsite wastewater treatment system constructed, reconstructed, altered, modified, or otherwise changed by a certified professional, professional engineer, or registered environmental health specialist will be registered in accordance with Neb. Rev. Stat, § 81-15,248(2).

002 The registration fee will be as prescribed in the fee schedule of Appendix A.

003 Onsite wastewater treatment systems not registered within 45 days will be subject to the initial late registration fee or final late registration fee if registered 91 or more days after completion of the system. Late registration fees will be in addition to the system registration fee as prescribed in the fee schedule of Appendix A.

004 The certified professional, professional engineer, or registered environmental health specialist will provide a copy of the system registration form to the system owner.

005 A certified professional, professional engineer, or registered environmental health specialist is to keep records of all onsite wastewater treatment systems constructed, reconstructed, altered, modified, or otherwise changed and make the records available to the Department upon request.

Enabling Legislation: Neb. Rev. Stat. §81-15,244; 81-15,247; 81-15,248; & 81-15,252.

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Chapter 11 – TANK PUMPING AND DOMESTIC SEPTAGE DISPOSAL

001 Domestic septage will be removed from a septic tank whenever the top of the sludge layer is less than 12 inches below the bottom of the outlet baffles, whenever the bottom of the scum layer is less than three inches above the bottom of the outlet baffle, or whenever the top of the scum layer is within one inch of the top of the outlet baffle.

002 Domestic septage will be removed from a holding tank whenever the liquid level reaches 90 percent of effective tank capacity.

003 Tank contents will be stirred, mixed, or agitated to suspend all solids in the liquid prior to removing the contents for disposal.

004 The entire contents of the tank, liquids and solids, will be removed. If tank is refilled after pumping, it will be filled with clear water.

005 Tank contents will be pumped through the access manhole. Pumping of tank through baffle inspection ports is prohibited unless no other access port or manhole exists and the integrity of the baffle is maintained.

006 Disinfectant or anti-bacterial products will not be used to clean the tank except as an optional step in preparing the tank for closure.

007 The allowable methods for disposal of domestic septage will be discharge to a publicly owned wastewater treatment facility, land application as provided for in this chapter, or other methods approved by the Department. Land application of wastewater containing high strength disinfectants, biological inhibitors, or deodorants or similar chemicals (such as those used in camper waste tanks, laboratories, medical or veterinary facilities, or industrial facilities) is prohibited.

008 Domestic septage may be discharged to a publicly owned wastewater treatment facility that has a designated or certified operator certified with the Department provided that the septage is discharged with written permission of and under all rules, regulations, guidelines, directions, and requests of the facility owner or operator.

009 Domestic septage may be land applied under the following conditions:

009.01 Only non-public contact sites such as agricultural land, forests, and reclamation land are to be used for land application of domestic septage.

009.02 Land application of domestic septage without the landowner’s written permission is prohibited.

009.03 Land application of domestic septage is prohibited within the setback distances in Table 23.1.

TABLE 23.1

Feature	Minimum Setback
Surface Water:	100 ft. (30 m.)
Public Drinking Water Supply Wells:	1000 ft. (300 m.)
All Other Water Wells:	200 ft. (60 m.)
Water Lines:	50 ft. (15 m.)
Property Line:	200 ft. (60 m.)
Public Road Right-of Way:	200 ft. (60 m.)
Buildings used for human occupancy:	500 ft. (150 m.)

009.04 Vector Attraction Reduction

009.04A Untreated domestic septage is to be injected below the surface of the land and no significant amount of septage is to be present on the land surface within one hour after injection, or

009.04B Untreated domestic septage will be incorporated into the soil by disking or plowing within six hours after application.

009.04C Domestic septage that is applied to the land surface and is not injected or plowed-in within six hours will be treated prior to application by raising and holding its pH at a level of 12 or higher for a minimum of 30 minutes. The minimum treatment method for raising the pH of the domestic septage will be the addition and thorough mixing of no less than 50 pounds of hydrated lime per 1,000 gallons of septage.

009.05 Crop, Grazing and Site Restrictions, and Pathogen Reduction

009.05A Land application of domestic septage is prohibited:

009.05A.1 On land from which human food crops with harvested parts below the ground will be harvested in the next 38 months after application;

009.05A.2 On land from which human food crops with harvested parts touching the ground surface will be harvested in the next 14 months after application;

009.05A.3 On land from which human food crops with harvested parts that do not touch the ground surface will be harvested in the next 30 days after application;

009.05A.4 On land from which crops grown for animal food or fiber will be harvested in the next 30 days after application;

009.05A.5 On land on which turf grass is grown for transplantation to lawns and other areas with potential for frequent human contact;

009.05A.6 On land on which livestock will be grazed in the next 30 days after application; and

009.05A.7 In areas readily accessible or frequently used by the public.

009.05B Public access to land where domestic septage is applied is to be restricted by fencing, no-trespassing signs, or remoteness for a minimum of 30 days after application of septage.

009.05C The Master Pumper, Journeyman Pumper, registered environmental health specialist, or professional engineer applying the domestic septage is to inform the land owner of all harvesting, grazing, and site access restrictions.

009.06 Land application of domestic septage may not be applied at a rate that exceeds the amount of nitrogen required by the crop or vegetation. When calculating maximum nitrogen application rates, all other sources of nitrogen such as livestock manure or commercial fertilizer are to be deducted from total nitrogen requirement.

009.07 Domestic septage is to be spread, sprayed, or injected in a manner that does not cause localized pooling, ponding, or runoff. Application of septage is not to be at a rate or of a method that creates a layer of septage exceeding one-quarter inch thick at any location on the ground surface immediately following application.

009.08 Domestic septage is not to be land applied on saturated, frozen, or snow-covered ground except as provided for below in an emergency situation where the air temperature is below 10 degrees Fahrenheit, the distance to a suitable storage facility or publicly owned wastewater treatment facility for proper storage or disposal is more than 30 miles, and no other reasonable disposal or storage method is available.

009.08A The ground slope of the land application site is not to exceed five percent and the site is to be covered with dense perennial vegetation;

009.08B The waste is to be treated as provided for in 009.04C above and the land application rate is not to exceed 10,000 gallons per acre regardless of the nitrogen content of the waste;

009.08C The minimum setback requirements in Table 23.1 will be doubled;

009.08D The recorded information is to include a description of the emergency situation and include air temperature, distance to nearest suitable storage facility

or publicly owned wastewater treatment facility, and a description of the soil conditions; and

009.08D All other requirements of this Chapter are to be met.

010 Record Keeping

010.01 The Master Pumper, Journeyman Pumper, registered environmental health specialist, or professional engineer will keep records of all domestic septage pumped for a minimum of five years and will make the records available to the Department upon request.

010.02 When domestic septage is disposed of at a publicly owned wastewater treatment facility, the following information will be recorded for each load disposed:

010.02A Date of disposal.

010.02B Name and location of treatment facility.

010.02C Total gallons disposed per load.

010.02D Date of pumping of each tank pumped per load.

010.02E Sources (owner name and address of each tank pumped per load).

010.02F Gallons pumped from each source per load.

010.02G Name, certificate or license number, and signature of the Master Pumper, Journeyman Pumper, registered environmental health specialist, or professional engineer who performed the pumping.

010.03 When domestic septage is disposed of by land application, the following information is to be recorded for each land application site:

010.03A Location and legal description of application site.

010.03B Name and address of application site owner and the landowner's written permission to use the site for the land application of domestic septage.

010.03C Acreage of site to which domestic septage was applied.

010.03D Type of crop or vegetation, expected yield, and annual nitrogen requirement.

010.03E Maximum rate of septage application based on nitrogen requirement (gallons per year).

010.03F Harvesting or grazing schedule for site.

010.03G Certification statement that pathogen reduction and vector attraction reduction requirements have been complied with.

010.03H For each load of septage applied to the site, the following will be recorded:

010.03H.1 Date of application.

010.03H.2 Gallons of septage applied.

010.03H.3 Total gallons of septage applied year-to-date at site.

010.03H.4 Sources (owner name and address of each tank pumped).

010.03H.5 Gallons pumped from each source.

010.03H.6 Method of application (surface application, surface application plowed in within six hours, or direct subsurface injection).

010.03H.7 Method of treatment (none, pH adjustment).

010.03H.8 If treated by pH adjustment, pounds of hydrated lime used.

010.03H.9 Name, certificate or license number, and signature of the Master Pumper, Journeyman Pumper, registered environmental health specialist, or professional engineer who applied the septage.

Enabling Legislation: Neb. Rev. Stat. §81-1505; 81-15,251.

NEBRASKA ADMINISTRATIVE CODE

Title 124 - Onsite Wastewater Treatment Systems

Appendix A

FEE SCHEDULE

Category	Fee
Certification Examination (testing fee)	$50
Certificate by examination for Master Installer, Master Pumper, Soil Evaluator, or Inspector.	$300
Certificate by examination for Journeyman Installer or Journeyman Pumper	$100
Certificate by hardship for Master Installer, Master Pumper, Soil Evaluator, or Inspector	$300
Certificate by hardship for Journeyman Installer or Journeyman Pumper	$100
Renewal of Master Installer, Master Pumper, Soil Evaluator, or Inspector Certificate	$300
Renewal of Journeyman Installer or Journeyman Pumper Certificate	$100
Fee for Late Certification Renewal (no later than 60 days after certificate has expired, sufficient PDH)	$50
Registration of Onsite System	$140
Initial Late System Registration (46 to 90 days late)	$150
Final Late System Registration (91 or more days late)	$450
Application for Permit	$450
Application for Subdivision Review and Approval – Fee is for Each Lot Subject to Approval	$450 per lot

NOTES: All fees apply on the effective date. All fees are non-refundable. Fees apply to any documents received by the Department on or after, the effective date.