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1-1-2003

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Hygnstrom, Janet R.; Skipton, Sharon; and Woldt, Wayne, "NF03-589 New Onsite Wastewater Treatment Law Protects Nebraska's People and Environment" (2003). *Historical Materials from University of Nebraska-Lincoln Extension.* Paper 1799.
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Published by Cooperative Extension, Institute of Agriculture and Natural Resources, University of Nebraska-Lincoln

NF589

New Onsite Wastewater Treatment Law Protects Nebraska's People and Environment

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New Law Requires Certification to Perform On-site Wastewater Treatment Work

Beginning Jan. 1, 2004, a new Nebraska law allows only certified professionals or Nebraska-licensed professional engineers to perform work on on-site wastewater treatment systems (septic systems and individual lagoons). There is a concern that failing septic systems are having a negative impact on the environment and creating potentially harmful health conditions. This legislation will protect public health and the environment by authorizing development of a certification system so that people in the industry have, and demonstrate, the knowledge base necessary to minimize risks.

The law, known as the Private On-site Wastewater Treatment System Contractors Certification and System Registration Act, requires that anyone who sites, lays out, constructs, reconstructs, alters, modifies, repairs, inspects or pumps on-site wastewater treatment systems must register with the Nebraska Department of Environmental Quality (NDEQ) to become certified to perform such work.

While that certification system is being developed, individuals who work with on-site wastewater treatment systems must apply to receive temporary provisional certification. They must submit to the NDEQ:

- A properly completed application form,
- $300 fee for temporary provisional certification, and
- A properly completed and notarized affidavit of experience.

Upon successful completion of the certification process, the applicant will receive a temporary provisional certificate. This authorizes the applicant to perform on-site wastewater treatment system services in the range of his/her experience. Temporary provisional certification is effective through Dec. 31, 2005.

Provisional certificates will be issued for the following categories of on-site wastewater system experience:

- Installer (includes alteration, construction, reconstruction, modification, or repair work);
- Site Evaluator (includes percolation testing);
- Layout Specialist;
- Pumper; and
- Inspector.

The provisional certification process is just the first step in implementing a comprehensive certification program authorized by the new law. Additional regulations are being developed that will outline a full certification program that may require proof of competency to qualify for certification after expiration of the provisional certification.

Beginning Jan. 1, 2004, only professional engineers or persons certified by NDEQ, or persons supervised by a certified professional, legally can do the following types of work with on-site wastewater treatment systems:

- Siting
- Site evaluation
- Layout
- Sizing
- Construction
- Reconstruction
- Alteration
- Modification
- Percolation testing

- Soil evaluation
- Repair
- Inspection
- Pumping

Homeowners must be certified to do any of the activities listed above.

Certified Professionals Must Register On-Site Wastewater Treatment Systems

Effective Jan. 1, 2004, it is the responsibility of the certified professional or professional engineer who conducts construction, reconstruction, alteration, modification, or inspections, to properly register the private on-site wastewater treatment system with the NDEQ. Existing systems that are only pumped or repaired do not have to be registered.

System registration must be completed within 45 days of work completion. To register a private on-site wastewater treatment system, the certified professional or professional engineer must submit the following to NDEQ:

- A properly completed registration form, and
- $50 system registration fee.

More Information About Certification

For the period from Jan. 1, 2004 to Dec. 31, 2005, on-site wastewater treatment system professionals may apply for temporary provisional certification to authorize the professional to perform services with which they have experience.

If an on-site wastewater treatment system professional lacks the required experience to receive temporary provisional certification, contact NDEQ to discuss available options.

This information was adapted from On-Site Wastewater Treatment Systems: New Requirements, Nebraska Department of Environmental Quality, Wastewater Technical Assistance Unit. For more information, or to obtain temporary provisional certification application forms, call NDEQ's Wastewater Technical Assistance Unit at (402) 471-2186 or (877) 253-2603. Application forms may be downloaded from http://www.deq.state.ne.us

File under: WASTE MANAGEMENT
D-11, Home Waste Systems
Issued December 2003

Extension is a Division of the Institute of Agriculture and Natural Resources at the University of Nebraska–Lincoln cooperating with the Counties and the United States Department of Agriculture.

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