

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 328

Introduced by Schilz, 47; Davis, 43.

Read first time January 15, 2015

Committee: Natural Resources

1 A BILL FOR AN ACT relating to the Private Onsite Wastewater Treatment
2 System Contractors Certification and System Registration Act; to
3 amend sections 81-15,237, 81-15,247, and 81-15,248.01, Reissue
4 Revised Statutes of Nebraska; to change provisions relating to use
5 of professionals and fees; to harmonize provisions; and to repeal
6 the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-15,237, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-15,237 The purposes of the Private Onsite Wastewater Treatment
4 System Contractors Certification and System Registration Act are to:

5 (1) Protect the air, water, and land of the state through the
6 certification and regulation of private onsite wastewater treatment
7 system professionals in Nebraska;

8 (2) Require ~~certified professionals for siting, layout,~~
9 ~~construction, closure, reconstruction, alteration, modification, repair,~~
10 ~~inspection, and pumping of private onsite wastewater treatment systems~~
11 ~~and~~ require that all siting, layout, construction, closure,
12 reconstruction, alteration, modification, repair, inspection, or pumping
13 of any private onsite wastewater treatment system be done by certified
14 professionals, professional engineers licensed in Nebraska, or
15 environmental health specialists registered in Nebraska in accordance
16 with the act and rules and regulations adopted under the act;

17 (3) Provide for the registration of all private onsite wastewater
18 treatment systems constructed, reconstructed, altered, or modified after
19 August 31, 2003;

20 (4) Provide for review of plans and specifications, issuance of
21 permits and approvals, construction standards, and requirements necessary
22 for proper operation and maintenance of all private onsite wastewater
23 treatment systems;

24 (5) Protect the health and general welfare of the citizens of
25 Nebraska; and

26 (6) Protect the air, water, and land of the state from potential
27 pollution by providing for proper siting, layout, construction, closure,
28 reconstruction, alteration, modification, repair, and pumping of private
29 onsite wastewater treatment systems.

30 Sec. 2. Section 81-15,247, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-15,247 The council shall adopt and promulgate rules and
2 regulations to carry out the Private Onsite Wastewater Treatment System
3 Contractors Certification and System Registration Act. Such rules and
4 regulations shall provide for, but not be limited to:

5 (1) Certification of private onsite wastewater treatment system
6 professionals;

7 (2) Establishing categories for such professionals to be certified
8 under the act;

9 (3) Hardship certifications;

10 (4) Examination requirements for certification;

11 (5) Continuing education requirements for certification;

12 (6) A fee schedule which covers direct and indirect costs to
13 administer the act. Such costs include (a) system registration, late fees
14 for system registration, application for certification, examination, and
15 renewal, late fees for renewal, hardship certifications, fees for
16 continuing education classes offered or approved by the department, other
17 continuing education costs, and administration, and enforcement and (b)
18 development and enforcement of standards, and (c) investigation,
19 inspection, and enforcement related to any private onsite wastewater
20 treatment system;

21 (7) Requirements for the registration of private onsite wastewater
22 treatment systems to be constructed, reconstructed, altered, modified, or
23 inspected by professionals certified under the act; and

24 (8) Requiring that all private onsite wastewater treatment system
25 siting, layout, construction, closure, reconstruction, alteration,
26 modification, repair, inspection, or pumping be performed by certified
27 professionals in accordance with the act, rules and regulations adopted
28 under the act, and other rules and regulations adopted and promulgated by
29 the council.

30 Sec. 3. Section 81-15,248.01, Reissue Revised Statutes of Nebraska,
31 is amended to read:

1 81-15,248.01 The council shall adopt and promulgate rules and
2 regulations to develop a fee schedule which covers direct and indirect
3 costs to administer requirements related to private onsite wastewater
4 treatment systems authorized by the Environmental Protection Act. Such
5 costs include costs related to review of submitted plans and
6 specifications, issuance of permits and approvals, proper operation and
7 maintenance, development and enforcement of standards, closure, ~~and~~
8 ~~necessary~~ administration, investigation, inspection, and enforcement.

9 Sec. 4. Original sections 81-15,237, 81-15,247, and 81-15,248.01,
10 Reissue Revised Statutes of Nebraska, are repealed.