

**Summary of Proposed Changes to
Lincoln Municipal Code 24.38
Onsite Wastewater Treatment Systems
November 24, 2014**

24.38.020 Definitions.

Definitions are updated to be the same as Nebraska Department of Environmental Quality (NDEQ) Title 124 Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, such as Certified Professional, Development Area, Domestic Waste, and Onsite Wastewater Treatment Systems. Definitions are added for terms specifically identified in the Ordinance, such as Repair and Tank. Definitions for Inspector, Journeyman Installer, Layout Specialist, Master Installer, Professional Engineer, Registered Environmental Health Specialist, Site Evaluator, and Soil Evaluator are deleted and replaced with the term Certified Professional.

24.38.030 Requirements for On-site Wastewater Treatment Systems.

This section adopts by reference the current standards and regulations found in NDEQ Title 124 Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems.

24.38.040 On-site Wastewater Treatment Systems; Construction Permit; Alteration Permit.

This section clarifies what work requires an alteration permit and what work is a repair that does not require a permit.

24.38.041 Requirements for Certification to Construct On-site Wastewater Treatment System.

This section is updated to replace the wording of Master Installer or Journeyman with the term Certified Professional. In addition, any Certified Professional that engages in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, closure or otherwise changing of an onsite wastewater treatment system must be Registered.

24.38.043 Registration of Certified Professionals; Application.

This section provides for the process of obtaining a Certificate of Registration for a Certified Professional. "Master Installer, Journeyman Installer, Inspector, Layout Specialist, Site Evaluator, or Soil Evaluator" is deleted in Sections 043, 044, 045, and 070, and replaced with Certified Professional.

24.38.050 Inspections.

This section clarifies that the Certified Professional acting as a representative of the property owner must notify the Health Director when an installation is ready for inspection and deletes the requirement that written approval be received prior to covering any part of the installation to allow the flexibility for LLCHD staff to give verbal approval to cover.

24.38.055 Annual Operating Permit for Non-Standard On-Site Wastewater Systems

This entire section is deleted to harmonize the local ordinance with NDEQ Title 124.

24.38.070 Fees.

Replaces the categories of Master Installer, Journeyman Installer, Inspector, and Soil Evaluator with Certified Professional.

24.38.080 General Provisions.

Clarifies that the term "available" shall be determined by the community sewerage system owner or operator.

24.38.090 Design Standards.

Removes the word "all" since On-site Wastewater Systems is defined in the definitions.

24.38.110 Non-standard On-site Wastewater Treatment Systems.

Clarifies that a Certified Professional can design and install systems as provided in NDEQ Title 124. Removes the requirement for the submission of three sets of plans to the Health Director. Removes the word "permittee" and replaces with "property owner" who shall operate and maintain the onsite wastewater system. Removes the specific reference for fees for Non-Standard Systems since all systems have fee requirements identified in Section 070 and via Resolution.

24.38.160 Variance.

Deletes the historic variance provision and incorporates new language to better reflect how a variance must be reviewed by the Health Director prior to approval.