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Onsite Wastewater Program: Subdivision Reviews Fact Sheet

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 must submit an [application](#) for subdivision review and receive approval from the Nebraska Department of Environment and Energy (NDEE) for the use of onsite wastewater treatment systems for the development area. For purposes of subdivision review and approval, construction is defined in [Title 124 – Onsite Wastewater Treatment Systems](#) as 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.

Title 124 defines a development area as an area of land in the State of Nebraska subdivided into lots where onsite wastewater treatment systems will be used. A 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 that generates wastewater.

A subdivision is further defined in [Title 124](#) as 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. 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.

The application submitted to the NDEE must include a completed Application for Onsite Wastewater Subdivision Review; a nonrefundable subdivision review and approval [fee](#) of \$450 for each lot subject to approval; and three sets of all plans, specifications, reports, and supporting technical documents all prepared by a [professional engineer, registered environmental health specialist, or a master or journeyman installer](#).

The Department will review the application and determine the acceptability of onsite wastewater treatment systems for the development area and 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 the design requirements of Title 124.

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. An application for subdivision review and approval expires one year from the date the initial application is received by the Department unless the owner submits a written request for reauthorization or extension from the Department prior to the expiration date and the reauthorization or extension is approved by the Department. Such reauthorization or extension will be subject to requirements in effect at the time the reauthorization or extension is issued. The 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.

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