

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

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| IN THE MATTER OF |) | CASE NO. 3015 |
| Michael R. Borrenpohl |) | |
| |) | COMPLAINT, REVOCATION |
| |) | ORDER AND NOTICE OF |
| |) | OPPORTUNITY FOR HEARING |
| Respondent. |) | |

I. INTRODUCTION

This Complaint, Revocation Order and Notice of Opportunity for Hearing is issued pursuant to Neb. Rev. Stat. §81-1507 (Reissue 2008). Complainant has determined that the respondent is in violation of the Nebraska Environmental Protection Act (NEPA), Neb. Rev. Stat. §81-1501 et. seq. (Reissue 2008, Supp. 2009) and Title 124, Rules and Regulations for the *Design, Operation and Maintenance of On-site Wastewater Treatment Systems*. The Respondent is Michael R. Borrenpohl. The Complaint below establishes the violations.

II. COMPLAINT

1. Respondent is Michael R. Borrenpohl, does work on onsite wastewater systems in Nebraska, and his business address is 72806, 623 Avenue, Tecumseh, Nebraska 68450.

2. Title 124, Chapter 21, Section 001.07 requires fees for the application to renewal a certificate. Failure to submit the required application fee is a violation of Title 124, Chapter 20, Section 008.04 A.3.

3. It is unlawful for any person to violate or fail to perform any duty imposed by such acts, rules or regulations under Neb. Rev. Stat. §81-1508.02 (1) (e).

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4. The Respondent is a “person” as defined in Neb. Rev. Stat. §81-1502(10).

5. Respondent obtained a certification to do onsite waste water system work by issuing to the Department an insufficient fund check, which the Department has notified the Respondent and demanded payment.

6. Respondent has violated Neb. Rev. Stat. Nebraska Revised Statute§ 81-1508.02 (1) (e). The Director, pursuant to Neb. Rev. Stat. 81-15,249 (6), may revoke the permits held by Respondent for failure to pay fees.

III. REVOCATION ORDER

7. IT IS HEREBY ORDERED that any certifications, permits or approvals issued by the Department which have been issued to the Respondent for onsite wastewater system pumping, construction, or inspection are hereby by revoked.

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

8. This Revocation Order shall become final, pursuant to Neb. Rev. Stat. §81-1507(1), unless Respondent files an answer and requests, in writing, a hearing no later than thirty days after receipt of this Revocation Order. Failure to answer within thirty days shall be deemed an admission of the allegations of the Complaint.

9. A written answer to the Complaint, Revocation Order and Notice of Opportunity for Hearing must conform to the requirements of Title 115, Neb. Admin. Code, Rules of Practice and Procedure, Chapter 7. The answer and request for hearing may be filed by mail to: Michael J. Linder, Director, State of Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln,

Nebraska 68509-8922, or may be delivered to the Department's Lincoln office located at 1200 N Street, Suite 400, Lincoln, Nebraska.

V. SETTLEMENT CONFERENCE

10. Whether or not Respondent requests a hearing, an informal settlement conference may be requested by writing to Steve Moeller, Attorney, Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, Nebraska 68509-8922, or have your attorney make such a request.

11. A request for settlement conference does not extend the thirty (30) day period during which a written answer and request for hearing must be submitted or otherwise delay the final effective date of this Revocation Order.

VI. RESERVATION OF OTHER ACTIONS AND REMEDIES

12. Nothing in this Complaint, Revocation Order and Notice of Opportunity for Hearing precludes the NDEQ from pursuing other equitable remedies or legal action.

6/1/2010
Date

/s/ Michael J. Linder
Michael J. Linder, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY