

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

THE CASE OF

Case No. 3117

Richard L. Mathieson  
222 D Street, P.O. Box 283, Shelton  
Nebraska.  
FID No. 399762

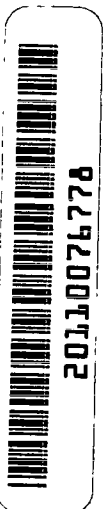
COMPLAINT, COMPLIANCE  
ORDER AND NOTICE OF  
OPPORTUNITY FOR HEARING

Respondent.

This Complaint, Compliance Order, and Notice of Opportunity for Hearing is issued by the Director of the Department of Environmental Quality (herein after referred to as "Department") pursuant to Neb. Rev. Stat. §81-1507(1) of the Environmental Protection Act (Act), Neb. Rev. Stat. §81-1501 et seq. (Reissue 2008, Cum. Supp. 2010). The Respondent is Richard L. Mathieson, Nebraska. The complaint below establishes violations of State law. The compliance order sets out action required by the Department.

COMPLAINT

1. At all times material herein the Respondent, Richard L. Mathieson, owns a plumbing business, located in Shelton, Nebraska.
2. Title 124, *Rules and Regulations for the Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*, Chapter 20, Section 001, states, in part, that only a certified professional or a person working under the direction of a certified professional may engage in inspection, pumping, siting, layout, construction, reconstruction, alteration, modification repair or otherwise changing a on-site wastewater treatment system.



3. Respondent, without being a certified professional as defined in Title 124, pumped and installed a septic system at the Dave Voss residence, Cairo, Nebraska on or about August 23, 2011.
4. The Respondent is a "person(s)" as defined in Neb. Rev. Stat. §81-1502(10).
5. The Director of the NDEQ is authorized pursuant to Neb. Rev. Stat. §81-1504(1) to enforce all rules and regulations.

#### COMPLIANCE ORDER

6. IT IS HEREBY ORDERED THAT :
  - a. Respondent shall immediately cease all work on septic systems until he becomes certified to perform such work and by January 15, 2012, shall send to the Department a list of all properties that the Respondent has pumped, installed or performed work on during the last 6 years.
  - b. Respondent by June 1, 2012 shall take all necessary steps to properly register with the Department all septic systems that Respondent has not registered.
7. Information required to be submitted under this Order shall be sent to:

Steve Goans  
Water Quality Division  
Nebraska Department of Environmental Quality  
P.O. Box 98922  
Suite 400, The Atrium  
1200 N Street  
Lincoln, Nebraska 68509-8922  
(402) 471-2186

#### NOTICE OF OPPORTUNITY TO REQUEST A HEARING

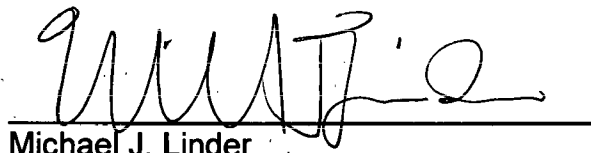
8. In accordance with Neb. Rev. Stat. § 81-1507 (1), this order shall become final unless the Respondent files an answer and requests a hearing in writing no later than 30 days after receipt of the Complaint, Compliance Order and Notice of Opportunity for Hearing. Failure to answer shall be deemed an admission of the facts of the complaint.

9. If the Respondent decides to contest this order, a written answer must conform to the requirements of Title 115, *Rules of Practice and Procedure*, Chapter 7. The answer and request for hearing must be filed with the Director, Department of Environmental Quality, P.O. BOX 98922, Lincoln, Nebraska 68509-8922.

10. Violation of this order may result in penalties of up to \$10,000 per day.

11. This complaint and compliance order does not preclude the Department from ordering any other action authorized by law or pursuing additional enforcement in the proper court for injunctive relief and penalties or by administrative order based on violations of the Act. The Department further reserves the right to impose additional requirements to protect public health and welfare and the environment.

Dated this 20<sup>th</sup> day of December, 2011.

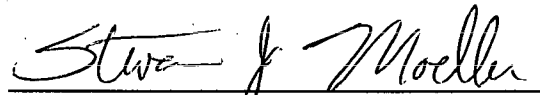
A handwritten signature in black ink, appearing to read 'M. J. Linder', is written over a horizontal line.

Michael J. Linder  
Director  
Department of Environmental Quality

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing, with attachments, was served by certified United States mail, postage prepaid, return receipt requested this 20<sup>th</sup> day of December 2011 upon the Respondent listed below:

Richard L. Mathieson, P.O. Box 283, 222 D Street, Shelton, NE 68876.

  
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Steven J. Moeller  
Attorney