

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

**IN THE MATTER OF BRADLEY J.
GROOTHUIS**

NDEQ ID # 409629

Respondent.

CASE NO. 3381

**COMPLAINT, COMPLIANCE ORDER,
AND NOTICE OF OPPORTUNITY
FOR HEARING**

I. INTRODUCTION

1. This Complaint, Compliance Order, and Notice of Opportunity for Hearing is issued pursuant to the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et. seq. (Reissue 2014, Cum. Supp. 2015) and the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act, § 81-15,236 et. seq. (Reissue 2014).

2. The Complainant is the Director, Nebraska Department of Environmental Quality ("Department"). The Respondent is Bradley J. Groothuis, a Certified Onsite Wastewater Treatment Systems Professional (Certificate No. 2333).

3. Pursuant to Neb. Rev. Stat. §§ 81-15, 247 and 81-248.01, the Nebraska Environmental Quality Council is charged with the duty to adopt rules and regulations for the purpose of carrying out the Private Onsite Wastewater Treatment System Contractors Certification Act, including the certification of onsite wastewater professionals and the establishment of fees and late fees for system registration.

4. Pursuant to Neb. Rev. Stat. §§ 81-15,247 and 81-248.01, the Council adopted and promulgated rules and regulations codified as Neb. Adm. Code, Title 124 - *Rules and*



Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems.

5. In accordance with Neb. Rev. Stat. § 81-253, it is unlawful to violate a provision of the Private Onsite Wastewater Treatment System Contractor Certification and System Registration Act or the rules and regulations adopted and promulgated pursuant to such act.

II. COMPLAINT

6. Attached to this Order is a list of twenty (20) septic systems that Department records show the Respondent has installed and did not timely register with the Department within 45 days of completion in accordance with Neb. Rev. Stat. § 81-15,248 and Neb. Adm. Code Title 124, Ch. 22.001.

7. In accordance with Title 124, Ch. 22.004.02, a final late registration fee of \$450.00 per system is required for any registration received by the Department 91 or more days after completion of the system and is in addition to the system registration fee.

8. Department records show the Respondent has not paid the late fee of \$450.00 for each of the twenty systems as required by Neb. Adm. Code Title 124, Ch. 22. Accordingly, the Respondent owes late fees in the total amount of \$9,000.00 (20 systems at \$450 per system).

III. COMPLIANCE ORDER

9. It is hereby ORDERED that the Respondent shall:

- a. Pay late fees to the Department in the amount of \$9,000.00 within thirty (30) days of this Order, or
- b. Pay the late fees in installment payments of not less than \$900.00 each. The first installment payment shall be received by the Department on or before March 10,

2017 and subsequent payments shall be received by the 10th of each consecutive month until the entire amount is paid in full.

10. Respondent shall send the fees by check(s) or money order payable to the Nebraska Department of Environmental Quality at the address below:

Nebraska Department of Environmental Quality
Attn: Mark Bauer
P.O. Box 98922
Lincoln, Nebraska 68509-8922

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

11. This Order shall become final, pursuant to Neb. Rev. Stat. §§ 81-1507(1) and 81-15,251, unless the Respondents file an answer and request, in writing, a hearing no later than thirty days after receipt of this Order. Failure to answer within thirty days shall be deemed an admission of the allegations of the Complaint.

12. A written answer to the Complaint, Compliance Order, and Notice of Opportunity for Hearing must conform to the requirements of Title 115, Neb. Admin. Code *Rules of Practice and Procedure*, Ch. 7. The answer and request for hearing may be filed by mail to:

Jim Macy
Director
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

13. Whether or not the Respondent requests a hearing, an informal settlement conference may be requested by writing to Thomas O'Connor, Attorney, Nebraska Department of

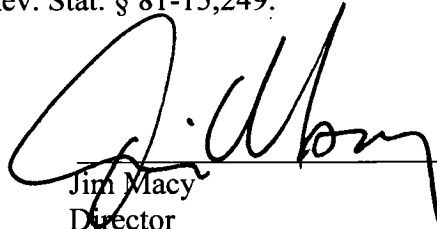
Environmental Quality, P.O. Box 98922, Lincoln, Nebraska 68509-8922, or have your attorney make such a request.

14. 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 Order.

VI. INJUNCTIVE RELIEF AND PENALTY PROVISIONS

15. The Department reserves the right to pursue enforcement in the proper court of law for injunctive relief or to seek civil or criminal penalties for any violations that are the subject of this Complaint, Compliance Order, and Notice of Opportunity for Hearing. Nothing in this Complaint, Compliance Order, and Notice of Opportunity for Hearing precludes the Department from pursuing such enforcement. Failure to obey this Order may result in fines up to \$10,000 per violation per day, as set out in Neb. Rev. Stat. § 81-15,253 in addition to revocation or suspension of your certification as described in Neb. Rev. Stat. § 81-15,249.

2-14-17
Date



Jim Macy
Director
Nebraska Department of
Environmental Quality

Legal Case No. 3381

Nonpayment of Late Fees

In the Matter of Bradley J. Groothuis, Respondent

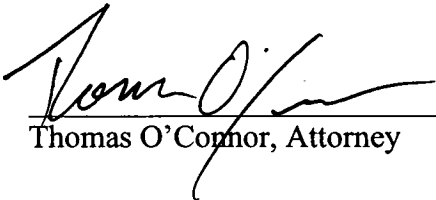
NDEQ ID # 409629

Owner Name	Address	City	Date Installed	Registration Received	IIS #	TS #
2 DOC LLC	1005 13th St	Holdrege	---	No	109217	TS30813
Billeter Farms	73953 K Road	Holdrege	4/4/2013	8/10/2016	108258	TS29815
Burr	72848 Q Road	Holdrege	8/17/2013	8/10/2016	108256	TS29809
Davis	205 Central Ave	Bloomington	9/3/2015	8/10/2016	108253	TS29806
Diedrichsen	1211 S Burlington	Holdrege	4/8/2015	8/10/2016	107812	TS29333
Frisell	11671 726 Road	Holdrege	---	No	109104	TS30666
Hadley	73577 G Road	Loomis	12/12/2014	8/10/2016	108236	TS29790
Hardwick	73395 J Road	Loomis	4/3/2015	8/10/2016	108237	TS29791
Ingram	1272 Central Ave	Bloomington	4/18/2013	8/10/2016	108229	TS29779
Lemmert	1474 M Road	Franklin	5/1/2014	8/10/2016	108254	TS29807
Mayo	1147 Decker Ave	Ragan	9/6/2013	8/10/2016	108255	TS29808
Minden Vet Clinic	1121 31 Road	Minden	4/28/2015	8/10/2016	107888	TS29413
Nitchie	72985 S Road	Holdrege	4/12/2013	8/10/2016	108257	TS29814
Olson	72841 O Road	Holdrege	---	No	109105	TS30667
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Phelps County Feeders	73936 J Road	Holdrege	10/3/2014	8/10/2016	69742	TS29776
Phelps County Feeders	73938 J Road	Holdrege	6/5/2014	8/10/2016	69742	TS29780
Phelps County Feeders	74281 D Road	Bertrand	12/4/2014	8/10/2016	69723	TS29776
Wagner	73107 R Road	Holdrege	5/1/2015	8/10/2016	71038	TS29782
Westcott	73286 R Road	Holdrege	5/22/2014	8/10/2016	108235	TS29789

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint, Compliance Order, and Notice of Opportunity for Hearing has been served upon Respondent by certified United States mail, first class postage prepaid on this 15th day of February, 2017 addressed as follows:

Mr. Bradley J. Groothuis
P.O. Box 184
Funk, NE 68940 0184



Thomas O'Connor, Attorney