

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
KENNETH J. VANDEMAN

CASE NO. 3482

ORDER FOR COMPLIANCE ON
CONSENT

OPERATOR CERTIFICATION NO. 0756

Respondent.

I. INTRODUCTION

1. The Nebraska Department of Environmental Quality (Department) and Kenneth J. Vandeman (Respondent) voluntarily enter into this Order for Compliance on Consent (Consent Order). The Consent Order establishes the actions necessary for Respondent to retain Operator Certification as required by the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 to 81-1532 (Reissue 2014, Cum. Supp. 2016) and the Wastewater Treatment System Certification Act, Neb. Rev. Stat. § 81-15,128 to 81-15,143 (Reissue 2014, Cum. Supp. 2016).

II. JURISDICTION

2. The Respondent is a Certified Class II Wastewater Treatment Facility Operator, who holds NDEQ Operator Certificate No. OCP0756. Respondent resides at 2922 Plattevale Drive, Ashland, Saunders County, Nebraska.

3. Neb. Rev. Stat. § 81-1504 authorizes the Director to require proper maintenance and operation of waste disposal systems.

4. Neb. Rev. Stat § 81-15,136 authorizes the Director to revoke, suspend or refuse to grant the certificate of a wastewater operator upon any reasonable grounds including the failure to use reasonable care in the performance of duties.



5. Respondent at all times material herein has been the Direct Responsible Charge (DRC) for as many as eight different wastewater treatment facilities, including the Cass County #2 (Greenwood Interchange) Sanitary Improvement District (SID) wastewater treatment facility.

6. As DRC, Respondent has the responsibility for making decisions regarding daily operational activities and for making decisions that impact each facility's compliance with National Pollutant Discharge Elimination (NPDES) Permits.

7. On or about November 13, 2018, Department personnel inspected the Greenwood Interchange SID wastewater treatment facility and observed that the lift station wet well was unsecured; that the aeration basins and clarifiers were not operating correctly; that a clarifier discharge pipe was leaking and that used hypodermic needles and hygiene products were scattered across the wastewater treatment facility's grounds.

III.COMPLIANCE ORDER

8. Until October 31, 2019, Respondent agrees to complete the following actions within the time-frames specified:

a. **Maintain Operation and Maintenance Records.** Respondent agrees to maintain and make available to Department personnel upon request, the following operation and maintenance records for all wastewater treatment facilities where Respondent is the DRC:

1. Date, start and stop times for each facility visit;
2. Process control data including flow readings, effluent temperature, pH measurements and 60 minute settlometer testing results;
3. Evaluation of the following treatment processes for proper operation:
 - Lift station;
 - Comminutor;

- Aeration basins;
 - Final clarifiers; and
 - UV disinfection;
4. Quarterly sampling results including the laboratory analytical reports;
 5. Records, reports or submittals as required by the NPDES permit;
 6. Photographs of completed operation and maintenance repairs.

b. Submit Operation and Maintenance Records for the Greenwood SID.

Respondent agrees to submit the above operation and maintenance records, as applicable for the Greenwood Interchange SID postmarked by the 1st and 15th of each month to:

Mr. Tom Buell, Onsite Section Supervisor
Nebraska Department of Environmental Quality
Suite 400, The Atrium
P.O. Box 98922
Lincoln, Nebraska 68509-8922

or copies may be sent as an attachment via email to:
thomas.buell@nebraska.gov

c. Provide Documentation of Successful Completion of Approved Training.

Respondent agrees to provide documentation of the successful completion of 10.00 hours of continuing education hours directly related to wastewater operations. The Department must approve all classes in writing at least 14 days prior to the beginning of each class. The classes must be from one of the following providers:

1. Sacramento State Courses (<https://www.owp.csus.edu>);
2. Indigo Water Group (<https://www.indigowatergroup.com>);
3. CEU Plan (<https://www.ceuplan.com>); or
4. Other provider as approved by the Department.

Documentation of the successful completion of the continuing education classes must be submitted within 30 days of completion, but no later than October 31, 2019 to Mr. Tom Buell at the above address or email.

- d. **Respond in Writing Within 7 Days.** Respondent agrees to respond in writing within seven (7) working days to all requests for information from the Department.

IV. RESERVATION OF RIGHTS AND PENALTY PROVISIONS

9. The Department reserves the right to require the Respondent to complete additional work or take additional actions as necessary to achieve compliance with all applicable laws and regulations. Further, 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 Consent Order. Nothing in this Consent Order precludes the Department from pursuing such enforcement.

10. Failure to obey this order may result in the suspension, revocation or refusal to grant Respondent's wastewater operator certification and/or fines up to \$500.00 per violation per day with each day of violation constituting a separate offence, as set out in Neb. Rev. Stat. § 81-15,141.

V. AMENDMENTS

11. This Consent Order may be modified and amended in writing by mutual agreement of the Department and the Respondent.

VI. EFFECTIVE DATE

12. This Consent Order shall become effective on the date signed below by the Director of the Department or his designee and shall remain in effect through October 31, 2019.

VII. SIGNATURES

Respondent:

Kenneth J. Vandeman
Kenneth J. Vandeman
Operator Certificate No. 0756

Date: 5-07-2019, 2019.

For the Department: IT IS ORDERED and agreed this 21st day of May, 2019.

By:

Jim Macy
Jim Macy, Director
Department of Environmental Quality