

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF
The Village of Amherst
Buffalo County, Nebraska
F.I.D. #057881

Respondent.

CASE NO. 3002

AMENDED
CONSENT ORDER

The Department of Environmental Quality (DEQ) and the Respondent, the Village of Amherst, voluntarily enter into this Amended Consent Order. The previously entered Consent Order in this case, signed August 18, 2010, shall stay in full force and effect, except paragraph 6, which is amended to the following:

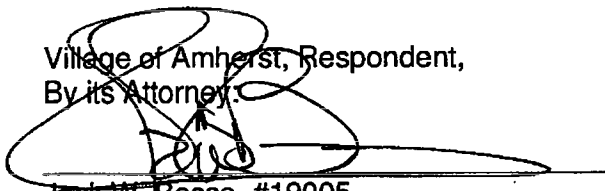
"6. The Parties agree as follows:

- a. By September 15th, 2012, Respondent shall complete calibration of water meters at all registered wells which feed into the Village wastewater system;
- b. By September 15th, 2012, Respondent shall develop drawings and specifications to replace and/or install water service meters;
- c. By October 1st, 2012, Respondent shall evaluate the use of any private wells in the community;
- d. By October 1st, 2012, Respondent shall evaluate any significant leaks in the water distribution system;
- e. By October 1st, 2012, Respondent shall evaluate the use of any commercial or residential heat pumps and any cooling systems that may discharge to the wastewater collection system;



- f. By October 1st, 2012, Respondent shall evaluate any other water use and wastewater discharge practices of businesses;
- g. By October 1st, 2012, Respondent shall evaluate the wastewater collection system via closed-circuit television inspection
- h. By October 1st, 2012, Respondent shall determine the sludge depth in the existing lagoons;
- i. By January 1st, 2013, Respondent shall complete installation of new water meters;
- j. By January 1st, 2013, Respondent shall develop a price structure to encourage water conservation;
- k. By January 1st, 2013, Respondent shall properly disconnect, or make other appropriate accommodations for, any commercial or residential heat pumps and any cooling systems that currently discharge to the Village wastewater collection system;
- l. By January 1st, 2014, Respondent shall submit to NDEQ construction plans, drawings, specifications, and all necessary permit applications, in order to make all necessary modifications to the wastewater system so that operation will comply with permit limits, prevent sanitary sewer overflow, and comport with all relevant laws and regulations.
- m. By October 1st, 2014, Respondent shall complete construction of the necessary modifications in accordance with the plans and specifications approved by NDEQ. Once construction is complete, Respondent shall operate its wastewater treatment facility in accordance with all relevant statutes and NDEQ rules and regulations."

Village of Amherst, Respondent,
By its Attorney:



Jack W. Besse, #19005
Knapp, Hangmeyer, Aschwege, Besse &
Marsh, P.C.,
1323 Central Avenue, P.O. Box 10
Kearney, NE 68848-0010
(308) 236-6441

Nebraska Department of Environmental
Quality, Petitioner, By:



Lydia Fiedler, #24144
Nebraska Dept. of Environmental Quality
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509
(402) 471-3173

BY THE NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY:

August 14 2012
Date

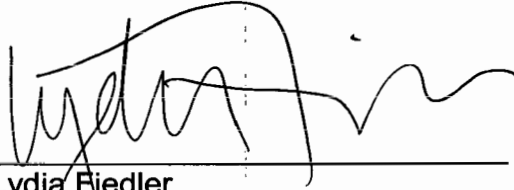

Michael J. Linder, Director, Nebraska

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Amended Consent Order was served by certified United States mail, postage prepaid, return receipt requested on the 15th day of August 2012, upon the following:

Mr. Alvin Bosshamer, Chairman
Amherst Village Board
P.O. Box 97
Amherst, Nebraska 68812

Jack W. Besse
Knapp, Fangmeyer, Aschwege, Besse & Marsh, P.C.
P.O. Box 10
Kearney, Nebraska 68848-0010



Lydia Fiedler
Attorney