

**BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY**

IN THE MATTER OF:

**PACIFIC CAST STONE, INC.  
3300 and 3320 South 6<sup>th</sup> Street  
Lincoln, Nebraska 68502**

**A Nebraska Corporation,  
IIS# 31323**

RESPONDENT.

**NDEQ Case # 3375**

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

**I. INTRODUCTION**

1. This Complaint, Compliance Order, and Notice of Opportunity for a Hearing ("ORDER") is issued pursuant to *Neb. Rev. Stat.* §81-1507 (Reissue 2014) by the Director of the Nebraska Department of Environmental Quality ("NDEQ" or "Department") to Pacific Cast Stone, Inc. ("PCS" or "Respondent"). PCS is a Nebraska Corporation whose facility is located at 3300 and 3320 South 6<sup>th</sup> Street in Lincoln, Lancaster County, Nebraska. Complainant has determined that the Respondent is in violation of the Nebraska Environmental Protection Act (NEPA) *Neb. Rev. Stat.* §81-1501 *et seq.* (Reissue 2014), Title 128, Nebraska Administrative Code (NAC), *Nebraska Hazardous Waste Regulations* (Title 128), and Title 119, NAC, *Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System* (Title 119). This ORDER provides for the performance of response actions to address on and offsite impacts, from activities involving solid waste, hazardous waste, and discharges of pollutants to waters of the State. Respondent shall perform the work in accordance with this ORDER, plans, standards, specifications and schedules set forth in this ORDER or developed by Respondent and approved by NDEQ pursuant to this ORDER.



## II. JURISDICTION

2. NDEQ is the agency of the State of Nebraska charged with the duty, pursuant to *Neb. Rev. Stat.* §81-1504(1) (Reissue 2014), of exercising exclusive general supervision, administration, and enforcement of NEPA, and all rules, regulations, and orders promulgated under such acts.

3. NDEQ is further charged, pursuant to *Neb. Rev. Stat.* §81-1504(4), with the duties to act as the state waste pollution and water pollution control agency for all purposes of the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. 6901 *et seq.* and the Clean Water Act ("CWA"), as amended, 33 U.S.C. 1251 *et seq.*

4. The Nebraska Environmental Quality Council (EQC), pursuant to its authority in *Neb. Rev. Stat.* §81-1505(13), has promulgated Title 128 to regulate hazardous waste management and disposal for purposes of RCRA.

5. The EQC, pursuant to its authority in *Neb. Rev. Stat.* §§81-1505(3), (4), (5), (6), (7), (8), (11), and (20), has promulgated Title 119 to regulate the discharge of pollutants to waters of the State through the issuance of NPDES permits for purposes of CWA.

6. Pursuant to *Neb. Rev. Stat.* §81-1507, the Director may order necessary corrective action be taken in response to the violations alleged within a reasonable time as described in Section V, below.

## III. STATEMENT OF FACTS

7. Respondent, at all times material herein, is an active domestic corporation registered in Nebraska and has owned and operated a cast stone production facility at 3300 and

3320 South 6<sup>th</sup> Street, Lincoln, NE 68502. The legal description is Progress South, Block 1, Lots 6 & 7, Section 02, Township N 09, Range E 06, Lancaster County, Nebraska.

8. Respondent is in the business of manufacturing pre-cast stone products using the “wet cast” production method in which acid is used to etch, color, and wash the finished concrete products.

9. In the process of manufacturing pre-cast stone products, Respondent generates waste material which includes, but is not limited to: acid, solvent, alcohol, aerosol cans, rags, cured liquid rubber, sandblasting media, paint and paint-contaminated material, adhesives, fluorescent lamps, and concrete products.

10. On January 22, 2016, inspectors from the Lincoln-Lancaster County Health Department (LLCHD) and the NDEQ conducted a complaint investigation at Respondent’s facility. The inspectors observed containers holding unidentified liquids located outside the buildings at 3300 and 3320 South 6th St. and next to a drainage way that leads into Salt Creek. Several of the containers were open, damaged, leaking, or otherwise unsuited for the containment of industrial wastes. None of the containers were labeled.

11. During the January 22, 2016 complaint investigation, the inspectors also observed an area where an unknown amount of liquid wastes, waste slurry, and waste sludge had been dumped or otherwise released on the ground outside the rear of the building on its east side, with releases to the environment along the drainage way that leads to Salt Creek and properties to the east.

12. Field tests on the soil, mud, and slurry taken by LLCHD at the time of inspection indicated pH in the range of 0 to 1. LLCHD also took samples of the soil/mud/slurry from the dumping area and drainage way for subsequent laboratory analysis. Sample results of this

soil/mud/slurry indicated a pH of 0.9, consistent with the discharge of acidic waste and making the waste material and contaminated soil hazardous wastes for the characteristic of corrosivity in Title 128, Chapter 3, 008.

13. The NDEQ sent a Notice of Violation (NOV), citing violations of NEPA and Title 119 on February 5, 2016.

14. NDEQ has not received written verification or other indication that Respondent has performed any of the requirements of the February 5, 2016 NOV.

15. On February 1, 2016, NDEQ inspectors conducted a Compliance Evaluation Inspection (CEI) to determine Respondent's compliance status with Title 128.

16. During the February 1, 2016 inspection, NDEQ inspectors discovered that Respondent generates waste acid from two acid wash tanks and that the waste acid was being stored in 250-gallon totes on site.

17. During the February 1, 2016 inspection, NDEQ inspectors observed:

- a. approximately fifteen full, and three partially-full, 250-gallon plastic totes containing what was identified by facility employees as waste acid being stored outside on the east and south of the facility building at 3320 South 6th St. The inspectors observed that several plastic totes were double stacked and in poor, deteriorating, and damaged condition.
- b. approximately ten 250-gallon plastic totes that had been emptied of liquid contents, but still contained unknown residue being stored outside on the east and south sides of the facility building at 3320 South 6th St.
- c. outside areas on the east side of facility building at 3320 South 6th St. where waste acid had been released onto soil and into a drainage way on the east side of

the facility and adjacent to areas where full, partially full, and empty 250-gallon totes were stored.

- d. Respondent had stored waste acid at the facility since 2011.
- e. Respondent had not made hazardous waste determinations on waste acid generated or stored at the facility.
- f. Respondent generates waste solvent and waste alcohol used in the cleaning of molds and concrete products after stenciling, color treatment, and adhesive use.
- g. four full 55-gallon metal drums containing an unknown material outside on the south side of the facility building at 3320 South 6th St., some of which appeared to be in a rusting, deteriorating condition, two of the four drums had open bungs, and none of the four drums were labeled. After discussion with facility employees, NDEQ inspectors made an initial determination that the 55-gallon drums contained waste solvent or alcohol.
- h. one 55-gallon metal drum with an open funnel inside the facility building at 3320 South 6th St., which was also suspected to contain waste solvents and alcohol.
- i. one 55-gallon blue plastic drum located on the north side of the facility building at 3300 South 6th St., which was unlabeled and had unknown contents.
- j. three unlabeled 55-gallon blue plastic drums with tops removed containing unknown liquid and two unlabeled 55-gallon blue plastic drums with open bungs containing unknown liquid located on the east side of the facility building at 3320 South 6th St.

- k. Respondent had not made hazardous waste determinations on waste solvents or waste alcohol generated or stored at the facility in 55-gallon steel or plastic drums or other containers.
- l. Respondent had stored waste alcohol and waste solvents in 55-gallon drums or other containers at the facility since 2011.
- m. Respondent generates waste aerosol cans containing mold release, adhesives, and glue, and had not made hazardous waste determinations on waste aerosol cans or their residual contents.
- n. Respondent does not puncture and drain waste aerosol cans and Respondent has disposed of waste aerosol cans in the ordinary trash with ultimate disposal at RCRA Subtitle D sanitary landfill.
- o. Respondent generates cloth rags contaminated with denatured alcohol used in cleaning and removing glues and adhesives from production equipment and concrete products, and that the used cloth rags are laundered with Jackson Services in Columbus, NE.
- p. Respondent had not made hazardous waste determinations on cloth rags sent for laundering.
- q. Respondent generates waste paint and paint contaminated material and had not made hazardous waste determinations on waste paint and paint contaminated material.
- r. Respondent had disposed of waste paint and paint contaminated material in the ordinary trash with ultimate disposal at RCRA Subtitle D sanitary landfill.

- s. Respondent generates waste sandblasting media and had not made hazardous waste determinations on waste sandblasting media.
- t. Respondent had disposed of waste sandblasting media in the ordinary trash with ultimate disposal at RCRA Subtitle D sanitary landfill.
- u. Respondent generates waste adhesives and waste bonding agents and had not made hazardous waste determinations on waste adhesives and waste bonding agents.
- v. Respondent had disposed of waste adhesives and waste bonding agents in the ordinary trash with ultimate disposal at RCRA Subtitle D sanitary landfill.
- w. Respondent generates waste fluorescent lamps and had not made hazardous waste determinations on waste fluorescent lamps.
- x. Respondent had disposed of waste fluorescent lamps in the ordinary trash with ultimate disposal at RCRA Subtitle D sanitary landfill.

18. On February 22, 2016, the Director issued an Emergency Complaint and Compliance Order ("Emergency Order") under *Neb. Rev. Stat.* §81-1507(4) requiring Respondent to immediately cease discharging wastes to the environment, secure and inventory waste containers, move waste containers to a safe location to prevent further damage, make hazardous waste determinations, submit a schedule for removal and disposal of the wastes, comply with all applicable Title 128 regulatory requirements, and not accumulate additional waste materials in waste storage areas until the areas were inventoried, cleaned, and remediated.

19. On March 10, 2016, the NDEQ sent Respondent a second NOV based on the findings of the February 1, 2016 inspection, and included citations similar to those in the

Emergency Order for improper disposal of waste, disposal of hazardous waste without a permit, and failure to make hazardous waste determinations.

20. The March 10, 2016, RCRA NOV required Respondent to:
- a. ensure that waste acid is not discharged onto the ground;
  - b. properly secure and close containers;
  - c. inventory all wastes currently accumulated on site;
  - d. copy NDEQ on correspondence between LLCHD and Respondent;
  - e. provide an explanation of "circumstances leading to waste acid being discharged on the ground" including dates, volumes, and the parties involved;
  - f. conduct waste determinations for all waste streams generated, accumulated, and stored on site;
  - g. submit a plan for when hazardous waste determinations will be conducted;
  - h. submit a schedule for removal and disposal of all waste containers being accumulated and stored on site as well as newly generated waste containers; and
  - i. submit a plan for managing waste containers after those currently on site are removed.

21. On March 11, 2016, an NDEQ inspector conducted a follow-up site visit to determine Respondent's compliance status with the Emergency Order of February 22, 2016.

22. On April 14, 2016, Water Land Air Consulting, Inc. ("WLA"), on behalf of Respondent, submitted to NDEQ a memorandum that addressed Respondent's current efforts to comply with the Emergency Order, March 10, 2016 NOV, and future plans for compliance.

23. On April 25, 2016, WLA, on behalf of Respondent, provided NDEQ with a cover letter and valid hazardous waste determination on waste acid generated and stored at the facility



indicating that waste acid stored in 250-gallon totes was a hazardous waste for the characteristic of corrosivity. The letter identified that "[t]he release to the surface drainage described in the Notice of Violation (NOV) came from spent acid tote(s) which (at the time of release) were stored near the rear of the property."

24. On May 18, 2016, after the receipt of correspondence and laboratory results confirming that the acid bath waste was a hazardous waste, NDEQ notified the Respondent in a third NOV that it was operating as a Large Quantity Generator (LQG) of hazardous waste and identified violations of Title 128, Chapter 10 applicable to LQGs. The third NOV required Respondent to submit for Department approval a closure plan for the container storage area that includes a soil and groundwater sampling plan for the area where waste acid was disposed and that meets the requirements of Title 128, Chapter 21.

25. On July 7, 2016, NDEQ conducted a follow-up inspection at Respondent's facility to ascertain its compliance status with the Emergency Order, and the subsequent NOV's. During the inspection, NDEQ identified the following additional concerns including, but not limited to:

- a. white residue adjacent to or leaking from a roll-off container;
- b. white staining in the street gutter bordering the property and leading to a storm drain;
- c. a damaged and leaking 250-gallon tote containing waste acid;
- d. no labeling or dating on seventeen 250-gallon totes of waste acid;
- e. six 250-gallon "settling" totes with tops removed containing washout water and bentonite clay stored outside and open to rainwater with no overflow controls;

- f. nine unlabeled, undated 55-gallon metal drums containing waste alcohol and waste solvent stored outside on the south side of the building at 3320 South 6<sup>th</sup> Street;
- g. unlabeled, undated 55-gallon blue plastic drum of unknown contents stored outside on the south side of the building at 3320 South 6<sup>th</sup> Street;
- h. unused acid product stored outside in one 250-gallon tote in a location that created a risk of damage to the container and inadvertent release of product;
- i. aluminum oxide sandblasting media, of which no hazardous waste determination had been made, and which Respondent was disposing in ordinary trash;
- j. two 55-gallon metal drums, one labeled "methanol" and the other labeled "gasoline," but with unknown contents stored outside on the north side of the building at 3300 South 6<sup>th</sup> Street;
- k. two unlabeled 55-gallon metal drums with unknown contents and with one missing a bung cap, open to rainwater, and no overflow controls stored outside on the north side of the building at 3300 South 6th Street; and
- l. two undated 55-gallon blue plastic drums, one of which was damaged and overturned, with unclear or missing labeling and unknown contents stored outside on the east end of the drive located north of the building at 3300 South 6th Street.

26. At the conclusion of the July 7, 2016 follow-up inspection, the NDEQ inspector reviewed the alleged violations and compliance requirements in the Emergency Order and NOV's with the Respondent.

27. On August 24, 2016, Respondent submitted laboratory results for "liquid waste from 55-gallon drums" but did not indicate which drums were sampled or submit a hazardous

waste determination with the sample results. Based on NDEQ review of the laboratory results, the drums sampled would be hazardous waste for the characteristic of ignitability under Title 128, Chapter 3, 007.

28. Respondent disposed of nine 250-gallon totes of waste acid on September 30, 2016 and five 250-gallon totes of waste acid on November 17, 2016.

29. To date, as many as eighteen 250-gallon totes of previously generated waste acid and an unknown number newly generated totes of waste acid remain undisposed by Respondent.

30. To date, Respondent has not submitted hazardous waste determinations for all 55-gallon drums suspected to contain waste solvent, waste alcohol, or other unknown wastes.

31. To date, at least nine and as many as sixteen 55-gallon drums suspected to contain waste solvent and waste alcohol remain undisposed and stored outside in a location and physical condition that risks release to the environment.

32. To date, Respondent has not submitted results of hazardous waste determinations on waste material including, but not limited to: aerosol cans, rags, paint and paint-contaminated material, adhesives/bonding agents, and fluorescent lamps.

33. To date, Respondent has not submitted a closure plan for the container storage area that includes a soil and groundwater sampling plan for the area where waste acid was disposed as required by the May 18, 2016 NOV.

#### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

Based on the Findings of Fact set forth above, the Director finds that:

34. Respondent's disposal of waste acid on the ground outside the buildings at 3300 and 3320 South 6th St. and next to a drainage way that leads into Salt Creek is a violation of

*Neb. Rev. Stat.* §81-1506(1)(a) which makes it unlawful to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state.

35. Respondent's disposal of waste acid on the ground outside the buildings at 3300 and 3320 South 6th St. and next to a drainage way that leads into Salt Creek is a violation of *Neb. Rev. Stat.* §81-1506(2)(b) which makes it unlawful to discharge any pollutant into waters of the state without obtaining a NPDES permit created by the CWA and by rules and regulations promulgated in Title 119.

36. Respondent's continuing failure to make hazardous waste determinations on the solid wastes it generates is a violation of Title 128, Chapter 4, 002.

37. Respondent's accumulation of waste acid determined to be hazardous and other potentially hazardous wastes, yet to be determined, since 2011 and failure to properly manage and dispose of such hazardous wastes, makes the facility an unpermitted treatment, storage, or disposal facility in violation of Title 128, Chapter 12, 001.

38. Respondent's storage of hazardous waste at its production facility for more than 90 days is a violation of Title 128, Chapter 10, 004.02.

39. Respondent's storage of hazardous waste in a container not of good condition is a violation of Title 128, Chapter 10, 004.01A1,

40. Respondent's storage of hazardous waste in open containers and in manners which may rupture a container or cause it to leak is a violation of Title 128, Chapter 10, 004.01A3.

41. Respondent's failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion and other factors, is a violation of Title 128, Chapter 10, 004.01A4.

42. Respondent's failure to manage hazardous waste satellite accumulation areas is a violation of Title 128, Chapter 10, 005.01, 005.01A, 005.01B, and 005.02.

43. Respondent's failure to notify NDEQ of its regulated hazardous waste activity as a large quantity generator and a treatment, storage, and disposal facility is a violation of Title 128, Chapter 4, 003.

## **V. ORDER**

Based upon the Findings of Fact and Conclusions of Law and Determinations set forth above, IT IS HEREBY ORDERED:

WITHIN 30 DAYS OF RECEIPT OF THIS ORDER:

44. Respondent shall label all 55-gallon steel or plastic drums, both inside and outside of buildings at its facility with:

- a. a unique identifying number adequate to differentiate each individual drum from all other drums stored at the facility;
- b. the actual or suspected start date of when the accumulation of waste materials began for each individual drum;
- c. the actual or suspected contents of each individual drum and whether the contents are hazardous waste. If the contents are unknown, the drum shall be labeled "contents unknown."

45. After identifying numbers have been assigned to each 55-gallon steel or plastic drum, Respondent shall:

- a. submit to NDEQ an inventory of all 55-gallon steel or plastic drums stored on site containing the labeling information required in the paragraph above; a description of each individual drum's location, and a description of the physical condition of each individual drum;
- b. indicate for each individual drum that the drum was or was not sampled for laboratory analysis and included in the results that were submitted to NDEQ on August 24, 2016.

46. Respondent shall submit hazardous waste determinations for all remaining 55-gallon steel or plastic drums, both inside and outside of buildings, at its facility and not included in the August 24, 2016 sampling results in accordance with the requirements of Title 128, Chapter 4, 002.

47. Respondent shall submit hazardous waste determinations for all other wastes materials generated at its facility including, but not limited to: aerosol cans, rags, paint and paint-contaminated material, adhesives, and fluorescent lamps in accordance with the requirements of Title 128, Chapter 4, 002.

48. Respondent shall submit a disposal plan for hazardous waste stored in 55-gallon drums and all other past and newly-generated wastes including, but not limited to: aerosol cans, rags, sandblasting media, paint and paint-contaminated material, adhesives, and fluorescent lamps pursuant to the requirements of the Emergency Order and March 10, 2016 NOV.

49. Respondent shall label and close any satellite accumulation containers of waste solvent, waste alcohol, or other hazardous waste and ensure they are located next to the point of generation.

50. Respondent shall perform and document weekly inspections of the 90-day waste Accumulation Area.

51. Respondent shall keep any container used to store hazardous waste closed, labeled, dated, in good condition, and ensure containers are not stored in a location or manner which may cause the container to rupture or leak.

52. Respondent shall submit an environmental compliance plan describing how:

- a. Respondent will remedy and prevent all individual violations listed in Section IV of this ORDER; and
- b. Respondent will ensure the proper management of all waste streams being generated at the site including, but not limited to: waste acid, waste solvent/alcohol, aerosol cans, rags, sandblasting media, paint and paint-contaminated material, adhesives/bonding agents, and fluorescent lamps.

53. Respondent shall submit a Notification of RCRA Subtitle C Activity (EPA Form 8700-12), as well as a RCRA Hazardous Waste Part A Permit Application (EPA Form 8700-23). The forms must be received by NDEQ prior to any activities commencing relating to closure.

54. Respondent shall initiate control measures to minimize stormwater pollutant discharges from its facility. The control measures must be selected and implemented in accordance with Section 2 of the General NPDES Permit NER910000 for Storm Water Discharges from Industrial Activity (ISW-GP). The permit can be found at <http://deq.ne.gov/publica.nsf/pages/wat011>. Guidance is available through the Environmental Protection Agency's (EPA) *Industrial Stormwater Fact Sheet Series; Sector E: Glass, Clay, Cement, Concrete, and Gypsum Product Manufacturing Facilities*, December 2006, EPA-833-F-06-020.

55. Respondent shall submit a Storm Water Pollution Prevention Plan (SWPPP) in accordance with the conditions of the ISW-GP NER910000. SWPPP requirements can be found in Section 5 of the ISW-GP. Guidance for SWPPP development is available through EPA's *Developing Your Stormwater Pollution Prevention Plan, A Guide for Industrial Operators*, June 2015, EPA 833-B-09-002.

56. Respondent shall submit an ISW-GP Notice of Intent (NOI) for an NPDES General Permit for Industrial Storm Water Discharges in accordance with Title 119 requirements. The ISW-GP NOI is available as a fillable Word document at: <http://deq.ne.gov/publica.nsf/pages/wat011>.

**WITHIN 90 DAYS OF RECEIPT OF THIS ORDER:**

57. Respondent shall complete disposal of waste acid stored in 250-gallon totes pursuant to the disposal plan submitted by Respondent on September 16, 2016, and provide NDEQ with copies of all RCRA hazardous waste manifests when any disposal has occurred.

58. Respondent shall complete disposal of waste alcohol, waste solvent, and all other hazardous waste stored in 55-gallon steel or plastic drums and provide NDEQ with copies of all RCRA hazardous waste manifests when any disposal has occurred.

59. Respondent shall complete disposal of all other solid and hazardous wastes consistent with the requirements of NEPA and Title 128.

60. Respondent shall submit for department approval, a closure plan that includes a soil and groundwater sampling plan for the container storage area that includes the area where waste acid was disposed as discussed in the March 10, 2016 NOV. The closure plan shall be



submitted to the NDEQ for review and approval and meet the requirements of Title 128, Chapter 21, 007, 008, and 009.

61. Information to be submitted under this ORDER shall refer to IIS# 31323, Case No. 3375, and shall be sent to submitted to:

William C. Gidley  
Nebraska Department of Environmental Quality  
PO Box 98922  
Lincoln, NE 68509-8922  
Telephone (402) 471-4495

## **VI. NOTICE OF OPPORTUNITY TO REQUEST A HEARING**

62. This 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 ORDER. Failure to answer within thirty days shall be deemed an admission of the allegations of the Complaint.

63. 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, Chapter 7, and be mailed to: Jim Macy, Director, State of Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, Nebraska 68509-8922, or be hand delivered to the Department's Lincoln office located at 1200 N Street, Suite 400, Lincoln, Nebraska.

## **VII. SETTLEMENT CONFERENCE**

64. Whether or not Respondent requests a hearing, an informal settlement conference may be requested by writing to Brian McMullen, Attorney, Nebraska Department of

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

65. 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.

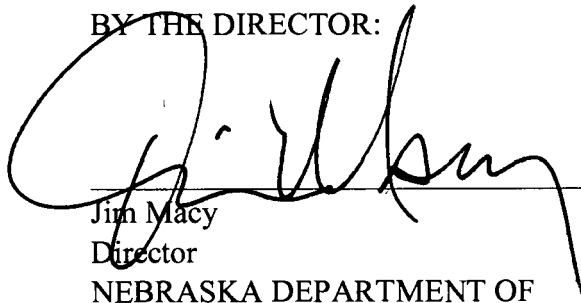
### **VIII. INJUNCTIVE RELIEF AND PENALTY PROVISIONS**

66. The NDEQ 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 NDEQ from pursuing such enforcement.

It is so ORDERED:

Dated this 28<sup>th</sup> day of December 2016.

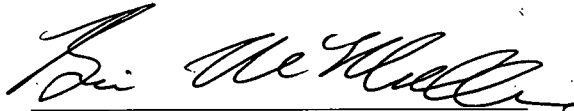
BY THE DIRECTOR:

  
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Jim Macy  
Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY

## CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Complaint, Compliance Order, and Notice of Opportunity for Hearing was sent by certified mail, return receipt requested on this 29<sup>th</sup> day of December, 2016, to the following:

Terry K. Barber  
300 N 44<sup>th</sup> St, STE 205  
Lincoln, NE 68503

A handwritten signature in black ink, appearing to read "Brian McMullen", written over a horizontal line.

Brian McMullen, Attorney