

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

| | | |
|--|---|-----------------------------------|
| IN THE MATTER OF |) | Case No. 3269 |
| Larry Kuhl d/b/a Kuhl Trenching, Inc. |) | ADMINISTRATIVE COMPLAINT, |
| 880 N. 13 th Street, P.O. Box 358 |) | COMPLIANCE ORDER, AND |
| Tecumseh, Nebraska |) | NOTICE OF OPPORTUNITY FOR HEARING |
| CERTIFICATION # Expired |) | |
| IIS #397439, 402783, |) | |
| Respondent. |) | |

Pursuant to the authority granted in Neb. Rev. Stat. §81-1507, the undersigned is the Acting Director of the Department of Environmental Quality and issues this Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing to Larry Kuhl, doing business as Kuhl Trenching, Inc., Respondent.

FACTS OF COMPLAINT: On April 18, 2014, the undersigned finds the Respondent violated Title 124 – Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems by **failure to:**

- Register onsite wastewater system located at 20915 SW 61st Road, Beatrice, Nebraska, within 45 days. Ch. 22, Section 001.
- Submit onsite wastewater system registration fee for above system within 45 days. Ch. 22, Section 002.
- Complete onsite wastewater system registration form for above system. Ch. 22, Section 002.
- Submit final late system registration fee after 90 days for above system. Ch. 22, Section 004.

COMPLIANCE ORDER: The Respondent is required to submit the necessary document(s), fee(s), or report(s) within 15 days of receipt of this Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing. **The Respondent is hereby notified that the consequences of continuing violations or not complying with the ordered action may subject the Respondent to judicial action for penalties of up to \$10,000 per day for each violation and other sanctions, such as certification revocation, and nothing in this Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing shall preclude the Department from taking further action as may be necessary to protect human health and the environment.**

NOTICE OF OPPORTUNITY FOR HEARING: The Respondent is further notified that this Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing shall become final unless he or she requests a hearing within 30 days of receipt of this Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing. See Title 115, Chapter 7, section 001 and 007, attached.

Submit everything required by this Order to: Department of Environmental Quality, Onsite Unit, Suite 400, The Atrium, 1200 N Street, P.O. Box 98922, Lincoln, NE 68509-8922.

IT IS SO ORDERED under the authority of Patrick W. Rice, Acting Director of the Nebraska Department of Environmental Quality.

Patrick W. Rice
Acting Director

Date:

7/14/2014



AFFIDAVIT

STATE OF NEBRASKA | SS
COUNTY OF LANCASTER

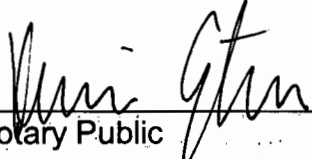
The undersigned oath deposes and says that on the 15th day of July, 2014, he caused an exact copy of the attached Administrative Complaint, Compliance Order, and Notice of Opportunity for Hearing, served by mailing the same in the regular United States Mail, first class, postage prepaid, certified with return receipt requested, addressed as follows:

Larry Kuhl
Kuhl Trenching, Inc.
880 N. 13th Street
PO Box 358
Tecumseh, Nebraska 68450


Steven J. Moeller, affiant

Subscribed and sworn to before me, a Notary Public, on the 15th day of July, 2014.




Notary Public