

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

THE CASE OF	)	Case No. 3267
<b>Linda Goosic Ressler, a/k/a</b>	)	
<b>Linda L. Goosic</b>	)	
218 Lakeside Drive	)	
Grand Island, Nebraska	)	COMPLAINT, ORDER AND NOTICE
Onsite Wastewater Treatment System	)	OF OPPORTUNITY FOR
F.I.D. # 96153	)	HEARING
	)	
Respondents	)	

PRELIMINARY STATEMENT

This Complaint, Order, and Opportunity for Hearing is issued by the Acting Director of the Department of Environmental Quality (herein after referred to as "Department" or "NDEQ") pursuant to Neb. Rev. Stat. §81-1507(1) of the Environmental Protection Act (Act), Neb. Rev. Stat. §81-1501 et seq. (Reissue 2008, 2012 Cum. Supp., 2013 Supp.). The Respondent is Linda Goosic Ressler, also known as Linda L. Goosic. The Complaint below establishes the violations, the Order sets out what is required of the Respondent and the Notice of Hearing sets out how to ask for a hearing in this matter.

COMPLAINT

1. Respondent, Linda Goosic Ressler, also known as Linda L. Goosic, is the owner of a dwelling on property located at 218 Lakeside Drive, Grand Island Nebraska that has a septic system.

2. Pursuant to *Neb. Rev. Stat.* § 81-1508.02 (1) (e), it is unlawful for any person to violate any rule or regulation.

3. Title 124, *RULES AND REGULATIONS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT*



SYSTEMS, Chapter 3, Section 008.04, prohibits operating a system if the system is endangering public health, failing or if operation of the system results in a prohibited discharge. Title 124, Chapter 2, Section 006 prohibits a temporary modification of a system for more than four months without Department approval.

4. On or about May of 2010, Respondent acknowledged that she had attempted to modify the failing onsite system at 218 Lakeside Drive, Grand Island Nebraska, without a certified professional doing the work and without the Department's approval. On September 13, 2012, the Department issued a construction permit to Respondent for an onsite mound system and the construction permit expired in September 2013. No construction of a mound system took place. As of April 11, 2014 the onsite system is in place at 218 Lakeside Drive, Grand Island, Nebraska had failed and continues not to meet Title 124 requirements.

5. The Director finds that Respondent has violated Title 124, Chapter 2, Section 006 and Chapter 3, Section 008.04.

#### ORDER

IT IS HEREBY ORDERED THAT:

6. Respondent shall:

- a. Within 45 days of receipt of this Order, the Respondent shall submit to the Department a Construction/Operating Permit application of the construction of an onsite treatment system at 218 Lakeside Drive, Grand Island, Nebraska; or that

Respondent submit to the Department a work order for the immediate connection of 218 Lakeside Drive, Grand Island, Nebraska to the City of Grand Island sanitary sewer system.

- b. Within 120 days of receipt of this Order, the Respondent shall submit to the Department written documentation showing the proper closure of the unauthorized soil absorption system constructed at 218 Lakeside Drive, Grand Island, Nebraska.
- c. Within 120 days of receipt of this Order, Respondent shall submit to the Department written documentation that the onsite wastewater treatment system located at 218 Lakeside Drive, Grand Island, Nebraska, complies with all Title 124 requirements.

7. Respondent shall take steps to ensure that the certified professional doing the work registers the new system with the Department within 45 days of installation.

8. Information to be submitted under this Order shall be sent to:

Steve Goans  
Wastewater Section Supervisor  
Water Quality Division  
Nebraska Department of Environmental Quality  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922  
Telephone number (402) 471-2186

#### NOTICE OF OPPORTUNITY TO REQUEST A HEARING

9. In accordance with *Neb. Rev. Stat. §81-1507(1)*, this Order shall become final unless the Respondent files an answer and requests a hearing in

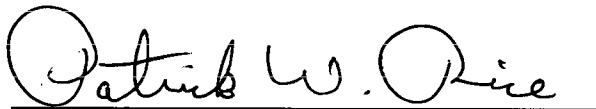
writing no later than 30 days after receipt of the Complaint, Compliance Order and Notice of Opportunity for Hearing.

10. If the Respondent decides to contest this Order, a written answer to the Complaint, Compliance Order and Notice of Opportunity for Hearing must conform to the requirements of Title 115, Chapter 7. The answer and request for hearing must be filed with the Acting Director, Department of Environmental Quality, P.O. BOX 98922, Lincoln, Nebraska 68509-8922.

11. Failure to answer shall be deemed an admission of the facts of the Complaint. Violation of this Order may result in penalties of up to \$10,000 per day.

12. This Complaint, Order and Notice of Opportunity for Hearing does not preclude the Department of Environmental Quality from pursuing enforcement in the proper court for injunctive relief and penalties based on violations of state statutes or regulations.

Dated this 21<sup>st</sup> day of May, 2014.



Patrick W. Rice  
Acting Director  
Department of Environmental Quality

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint, Order and Notice of Opportunity for Hearing was served by certified United States mail, postage

prepaid, return receipt requested this 22<sup>nd</sup> day of May, 2014, upon the  
Respondent listed below:

Linda Goosic Ressler  
218 Lakeside Drive  
Grand Island, Nebraska 68801

Annette Kovar

Annette Kovar  
Legal Counsel