

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

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| THE CASE OF |) | Case No. 3101 |
| Marshall Schneider |) | |
| On-Site Wastewater Violations |) | COMPLAINT, COMPLIANCE ORDER |
| Franklin County, Nebraska |) | AND NOTICE OF |
| |) | OPPORTUNITY FOR HEARING |
| |) | |
| Respondent. |) | |

PRELIMINARY STATEMENT

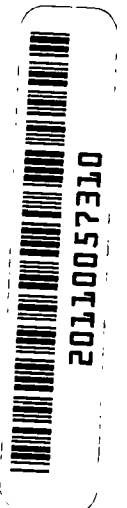
This Complaint, Compliance Order and Notice of Opportunity for Hearing is issued pursuant to *Neb. Rev. Stat.* § 81-15,248(4) and § 81-15,249 (Cum. Supp. 2008, Supp. 2010), and in accordance with Title 115 - *Rules of Practice and Procedure* for the Department of Environmental Quality. The Complainant is the Department of Environmental Quality (Department). The Respondent is Marshall Schneider, 334 Olive Street, Bloomington, Nebraska. The Complaint below establishes the violations of the Act, and the basis for the Compliance Order.

COMPLAINT

1. The Respondent is Marshall Schneider, 334 Olive Street, Bloomington, Nebraska

2.. The Director of the DEQ is also authorized pursuant to Neb. Rev. Stat. §81-1504(7) to issue this order to prohibit or abate discharges of wastes into the air, waters or land of the state and require other remedial measures to prevent, control or abate pollution.

3. Title 124, *Rules and Regulations for the Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*, Chapter 20, Section



001, states, in part, that only a certified professional, professional engineer or a registered environmental health specialist or a person under their direct supervision, is authorized to engage in the pumping of on-site wastewater systems.

4. The Respondent is not a certified professional, professional engineer or a registered environmental health specialist or under their direct supervision.

5. On or about June 6, 2011, the Respondent pumped a septic tank without having the proper certification from the Department and dumped the contents improperly on a farm in Franklin County, Nebraska.

6. The Director finds that the Respondent has violated Title 124, Chapter 20, Section 001.

COMPLIANCE ORDER

IT IS HEREBY ORDERED THAT:

7. Respondent shall cease all activities related to the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, repair, or otherwise changing of a private onsite wastewater system that is not under the direct supervision of a certified professional, a professional engineer, or a registered environmental health specialist until such time that Respondent obtains a valid certificate from the Department.

NOTICE OF OPPORTUNITY TO REQUEST A HEARING

8. 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

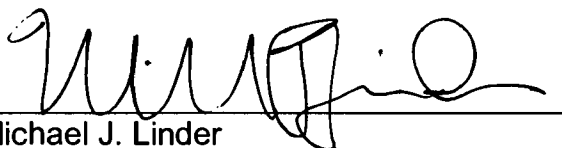
writing no later than 30 days after receipt of the Complaint, Compliance Order and Notice of Opportunity for Hearing.

9. 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 Director, Department of Environmental Quality, P.O. BOX 98922, LINCOLN, NEBRASKA 68509-8922.

10. 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.

11. This Complaint, Compliance 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 16th day of November, 2011.




Michael J. Linder
Director
Department of Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complaint, Compliance Order and Notice of Opportunity for Hearing, with attachments, was served by certified

United States mail, postage prepaid, return receipt requested this 17th day of November 2011 upon the person listed below:

Marshall Schneider, 334 Olive Street, Bloomington, Nebraska 68929



Steven J. Moeller
Attorney