

NEBRASKA

Good Life. Great Resources.

FEB 06 2020



Pete Ricketts, Governor

DEPT. OF ENVIRONMENT AND ENERGY

CERTIFIED MAIL

COPY

Mr. Tom Mullally
Mullally Plumbing & Heating
PO Box 400
North Bend, NE 68649

Agenda Item # 23.d.
Date 2-26-2020

COPY

RE: **LETTER OF WARNING (LOW)**
Notification No. 030617-MW-1430
Former Matthew and Cody Woehl Farm
1580 County Rd 11, North Bend
S, SW, SW Section 14, Township 18 N, Range 6 E, in Dodge County

RECEIVED
Dodge Co Highway Dept
2020 FEB 13 AM 12:09

NDEE ID: 109336/ 397579
Program ID: OWT TS30886/ 1293

Dear Mr. Mullally

This Letter of Warning is issued to you for failure to meet the requirements of the Nebraska Department of Environment and Energy (NDEE) and to demonstrate compliance with NAC Title 124- Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems. Specifically, you have failed to bring an existing onsite wastewater treatment system into compliance with current requirements. Previous correspondence was issued on December 31, 2019.

On March 6, 2017, NDEE received information the septic system located at 1580 County Rd 11, North Bend, Nebraska was installed in 2016. This septic system was not registered with the Department. You acknowledged you constructed the system in an April 7, 2017 phone conversation with the Department. The Department requested soil percolation test data, a site diagram, the system registration, a \$140.00 system registration fee, and a \$450.00 late fee. As of February 4, 2020 the Department has not received the registration, requested information, or required fees.

Nebraska Administrative Code Title 124- Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, Chapter 3, states the owner of a dwelling facility with a domestic wastewater flow of 1,000 gallons per day or less, is authorized by rule, to operate an onsite wastewater treatment system provided such system is not failing, does not endanger human health, does not cause pollution, and if installed on or after January 1, 2004, the system meets

the requirements of this Title at the time it was installed and has been registered with the Department in accordance with this Title.

Title 124, Chapter 22, states on or after January 1, 2004, any onsite wastewater treatment system constructed, reconstructed, altered, modified, or otherwise changed by a certified professional, professional engineer, or registered environmental health specialist shall be registered with the Department by the certified professional, professional engineer, or registered environmental health specialist inspecting within 45 days of completion of the construction, reconstruction, alteration, modification, or other change.

Any work conducted on an onsite wastewater treatment system must be performed by a certified onsite wastewater professional, a registered environmental health specialist, or a professional engineer licensed in Nebraska. A list of certified professionals can be found on the NDEE website page: <http://deq-iis.ne.gov/zs/owt/index.html>.

Please submit to the NDEE by **February 28, 2020**, written documentation the onsite wastewater treatment system at 1580 County Rd 11, North Bend, Nebraska complies with Title 124 requirements.

Please be advised, continued failure to comply with the Department's rules and regulations may result in the issuance of a Notice of Violation, an administrative order, or referral to the Attorney General for penalties of up to \$10,000 per day per violation, and/or injunctive relief.

If you have any questions concerning this matter, please contact Program Specialist Tricia Scott at 402- 471-4372.

Sincerely,



Tom Buell
Supervisor, Onsite Wastewater Section
Nebraska Department of Environment and Energy

Cc: Dodge County Planning and Zoning
Andrew & Kelsie Snodgrass, 1580 County Road 11, North Bend, NE 68649