

# NEBRASKA

Good Life. Great Resources.

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Jim Pillen, Governor

DEPT. OF ENVIRONMENT AND ENERGY

April 25<sup>th</sup>, 2023

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

NORAG LLC  
ATTN: Jason Russell  
PO Box 412  
Stilwell, Kansas 66085

**Letter of Noncompliance (LNC)  
RE: RMG Fremont LLC  
NDEE ID: 9934 OWT TS39475  
Notification Number: 121922-KJ-1309**

**COPY**

2023 MAY -1 AM 11:41  
DEPT OF ENVIRONMENT AND ENERGY

Dear Mr. Russell,

This Letter of Noncompliance is being issued to you for violations of NDEE Title 124 – Onsite Wastewater Treatment Systems. The violations were determined during a December 20<sup>th</sup>, 2022 complaint investigation of your facility located at 549 E County Rd T in Fremont, Nebraska. The investigation report is enclosed. We sent a letter to the contact listed in the county assessor’s report; however, we were informed that they are no longer affiliated with RMG Fremont LLC. That letter and contact information is also enclosed with this letter.

The Department documented the following:

1. A facility that generates wastewater is to have an onsite wastewater treatment system in accordance with these regulations or be connected to a wastewater works. (Title 124. (2)(001)).
  - The inspector documented that the septic system serving the property is failing, leading to discharge.
2. Causing or allowing an open discharge of wastewater to a cesspool, dry well, leeching pit, and/or seepage pit (Title 124. (2)(003)).
  - The inspector documented a large discharge from the failing septic system. The system is discharging up and onto the grounds surrounding the tank creating a cesspool.

These are violations of NDEE Title 124 and Neb. Rev. Stat. §81-1506. Regulations that have been referenced are available online at the Department’s website: <http://dee.ne.gov>.

In order to cease and/or mitigate these violations the Department requests that you provide the following:

**1. Immediately:**

- Take corrective action to stop open discharges of any wastewater.

**2. Within 30 days of receipt of this letter:**

- Provide written documentation that a professional installer licensed in the State of Nebraska has been contracted to install an onsite wastewater treatment system.

**3. By June 30<sup>th</sup>, 2023:**

- Have a septic system installed that complies with current Title 124 and is registered with the Department or connect to a wastewater works.

The Department requests that you voluntarily comply with these corrective measures. These violations may be considered for further enforcement action. We will evaluate your prompt compliance and will consider your efforts to determine if enforcement action is warranted. Enforcement action may include issuance of an administrative order, or referral to the Attorney General for civil or criminal penalties of up to \$10,000 per day per violation, and/or injunctive relief.

Please direct all contacts and any written response to this LNC to:

Karie Duensing  
NDEE Onsite Wastewater Section  
PO Box 98922  
Lincoln, NE 68509-8922  
Phone: 402-471-4236  
Karie.duensing@nebraska.gov

Sincerely,



Brad Pracheil, Administrator  
Inspection and Compliance Division

enclosure(s)

Cc: Jean Andrews: Zoning Department, 435 N Park, Fremont, Nebraska 68025  
Fred Mytty: Dodge County Clerk, 435 N Park, Fremont, Nebraska 68025

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## NOTIFICATION OF ENVIRONMENTAL CONCERN (NOEC) INVESTIGATION REPORT

### GENERAL INFORMATION

NOTIFICATION NUMBER 121922-KJ-1309		NDEQ ID / Program ID 9934 OWT TS39475		
INSPECTOR Karie Jackson				
INSPECTION DATE 12/20/2022	TIME/ARRIVAL 0905	TIME/DEPARTURE 0918	WEATHER Clear skies, slight breeze	TEMP 3 °F

### PROBLEM LOCATION

NAME Derek Sellman				PROGRAM ID # 9934	
POSITION/TITLE Owner					
BUSINESS NAME RMG Fremont LLC/Norag International					
ADDRESS 549 E County Road T		CITY Fremont	COUNTY Dodge	STATE NE	ZIP CODE 68025
QUARTER N ½ NE ¼	SECTION 11	TOWNSHIP N 17		RANGE E 8	
DIRECTIONS TO SITE From US 77 N, turn east onto T Rd. After .7 miles, the property is on the south side of the road after 'Interstate Chemical'.		LATITUDE 41.46516		LONGITUDE -96.49087	

### RESPONSIBLE PARTY

NAME Jason Russell				PROGRAM ID # 9934	
POSITION/TITLE Manager					
BUSINESS NAME RMG Fremont LLC/Norag International					
ADDRESS 549 E County Road T		CITY Fremont	COUNTY Dodge	STATE NE	ZIP CODE 68025
TELEPHONE NUMBER (H) Unknown	TELEPHONE NUMBER (W) Unknown	TELEPHONE NUMBER (C) 316-303-6544		EMAIL Unknown	

## SITE OBSERVATIONS

### WHAT IS THE PROBLEM?

#### COMMENTS

1. Notification states that the septic system is failing and discharging onto the grounds of the property.

### WHERE AT THE SITE IS THE PROBLEM?

#### COMMENTS

1. Septic tank is located just east of the main building.

## OTHER PERTINENT DETAILS

### COMMENTS

1. Septic tank is discharging to the surface.
2. Unsure where the laterals go, however, trucks and heavy equipment drive over the entire property, meaning that the lateral fields could have collapsed.
3. They have gotten a few estimates on repairs and hooking to the city but haven't moved forward with the project.

### Attached:

- Photos

Karie Jackson  
INSPECTOR



12/30/2022  
DATE

## Photos



Photo Point#: Samsung SM-G781V

Photo date: 12/20/2022

Project Name: 9934

Photographer: Karie Jackson

Direction facing: East

GPS/Site location: 549 E County T Rd, Fermont, Nebraska 68025

Description: Septic tank on the property. Discharge evident despite it being frozen over.