

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT
OF ENVIRONMENTAL QUALITY,

Plaintiff,

v.

JEREMY SANFORD,

Defendant.

Case No. 09-12-577

COMPLAINT and
REQUEST FOR INJUNCTION

FILED
1:15 PM

AUG 15 2012

Debra McCarthy
CLERK OF DISTRICT COURTS

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ), alleges the following:

FIRST CLAIM

1. The Nebraska Department of Environmental Quality, Plaintiff, is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008 and Supp. 2009) *et seq.*

2. At all times material herein the Defendant, Jeremy Sanford, owned a home with an on-site wastewater system located at 18932 W. Oregon Trail Rd., Hershey, Lincoln County, Nebraska.

3. On or about September 14, 2009, Plaintiff issued a Complaint, Compliance Order and Notice of Opportunity for Hearing, ordering Defendant to (paragraphs 6-7):

“6. Respondent shall:

- a. Immediately eliminate discharge of wastewater to the existing drain field. Within 15 days of this order submit to the Department an assessment done of the current system by a certified installer which includes scaled drawings, construction details, capacity and setbacks.



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- b. By November 1, 2009, submit to the Department a complete application for a construction and operating permit following the requirements of Title 124. Notify NDEQ Onsite Wastewater Unit of the name of the onsite wastewater professional who is going to do the installation or repair.
- c. Within 30 days of issuance of the construction permit, initiate construction of the onsite wastewater treatment system. The installed system must meet all requirements of Title 124.
- d. Within 90 days of the issuance of the construction permit, complete construction of the wastewater treatment system. Operation of the constructed system may not commence until such time that an operating permit has been issued by the Department.
- e. Respondent shall allow NDEQ or its agents access to the property to verify compliance.

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.”

4. A hearing on the Order was not requested and the Order became a final order.

Defendant did not perform items 6-7 above.

5. Neb. Rev. Stat. §81-1508.02 (1) (b), makes it unlawful for any person to “violate...any order of the director.”

6. Pursuant to Neb. Rev. Stat. §81-1508.02 (1) (b) and (2), where there has been a violation of an order of the Director, a civil penalty is provided in the amount of not more than \$10,000.00 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

SECOND CLAIM

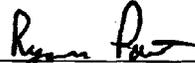
7. Plaintiff hereby incorporates by reference all preceding paragraphs as fully set forth herein.

8. Plaintiff requests the Court enter an injunction pursuant to Neb. Rev. Stat. §81-1508 (2), enjoining the Defendant from any further violations of the Director's Order and to have them come into compliance with those requirements in the Order as soon as possible.

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §81-1508.02, enjoined as provided by Neb. Rev. Stat. §81-1508 (2), and further that all costs of this action be taxed to the Defendant.

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By JON C. BRUNING, #20351
Attorney General

By 

Ryan S. Post, #24714
Assistant Attorney General
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Lincoln, Nebraska 68509-8920
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Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 13 day of August, 2012, addressed to the Defendant as follows:

Jeremy Sanford
18932 W. Oregon Trail Rd.
Hershey, Nebraska 69143



Ryan S. Post
Assistant Attorney General

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STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
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JEREMY SANFORD,)
)
)
Defendant.)

Case No. _____

PRAECIPE FOR SUMMONS

FILED
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CLERK OF DISTRICT COURTS

TO THE CLERK OF SAID COURT:

Please prepare and issue a Summons according to law, together with a copy of the attached Complaint, and deliver to the undersigned attorney who is electing service by certified mail upon the Defendant at the following address:

Jeremy Sanford
18932 W. Oregon Trail Rd.
Hershey, NE 69143

DATED this 13th day of August, 2012

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By JON C. BRUNING, #20351
Attorney General

By *Ryan Post*
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