

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

IN THE MATTER OF THE VILLAGE
OF CHAMBERS, NEBRASKA

FID # 57926
Respondent

Case No. 3470

CONSENT ORDER

I. INTRODUCTION

1. The Nebraska Department of Environment and Energy (Department or NDEE) and the Respondent, Village of Chambers, Nebraska voluntarily enter into this Consent Order, which establishes the actions necessary for Respondent to come into compliance with the Nebraska Environmental Protection Act (NEPA), Neb. Rev. Stat. § 81-1501 *et. seq.* (Reissue 2014; Cum. Supp. 2018).

II. JURISDICTION

2. At all times material herein, Respondent has owned and operated a Wastewater Treatment Facility (WWTF) used for the collection and treatment of municipal wastewater and consisting of a sewer system and a three-cell wastewater treatment lagoon. Respondent's lagoon is non-discharging and permitted to land apply wastewater in the Elkhorn River Basin.

3. The Department is the agency of the State of Nebraska charged with the duty pursuant to Neb. Rev. Stat. § 81-1504(1) to administer and enforce the NEPA and all rules, regulations and orders created thereunder.

4. Pursuant to Neb. Rev. Stat. § 81-1505, the Nebraska Environmental Quality Council adopted rules and standards codified as Neb. Admin. Code Title 119 - *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge*



Elimination System and Neb. Admin. Code Title 123 - Rules and Regulations for The Design, Operation and Maintenance of Wastewater Works.

5. On or about January 23, 2019, the Department issued a Complaint, Compliance Order and Notice of Opportunity for Hearing to Respondent. In summary, the order required Respondent to take the following actions to come into compliance with NEPA:

- a. Cease all unavoidable discharges of wastewater and notify the Department in advance of any such planned discharge;
- b. Submit a schedule for hiring a certified wastewater operator;
- c. Submit information describing how the village will implement land application in accordance with Title 119 requirements, including a groundwater-monitoring plan.
- d. Submit a plan for identifying source(s) of excess inflow and infiltration;
- e. Submit a plan describing the corrective actions necessary to eliminate, reduce and mitigate excess infiltration and inflow.

6. Department records show that Respondent has substantially completed the above actions, including submittal of a Preliminary Engineering Report Amendment identifying potential WWTF upgrades available to Respondent. This Consent Order provides a schedule to address Respondent's ongoing discharges of wastewater.

7. Respondent agrees not to contest the Department's jurisdiction to enforce this Consent Order in any subsequent enforcement proceedings, either administrative or judicial. The Respondent further agrees, without making any admissions to liability, to undertake all corrective actions required by and agreed to in this Consent Order.

III. COMPLAINT

8. On or about April 17, 2019, Respondent notified the Department that due to heavy rains and snowmelt a discharge of wastewater from the lagoon to a tributary of the Elkhorn River had occurred.

9. On or about May 26 and August 30, 2019, Respondent notified the Department of planned discharges to a tributary of the Elkhorn River due to high wastewater levels in the lagoon.

10. Discharges from Respondent's lagoon to waters of the State without a permit are a violation of Title 119, Ch. 2, 001 and Neb. Rev. Stat. § 81-1506(2)(a).

III. COMPLIANCE SCHEDULE

11. By January 3, 2020, Respondent will notify the Department, which WWTF upgrade option(s) identified in the August 6, 2019 Preliminary Engineering Report Amendment the Respondent has selected.

12. By June 1, 2020, Respondent agrees to submit for Department approval plans and specifications to implement the previously identified option(s) for upgrading the WWTF.

13. By June 1, 2021, Respondent agrees to complete construction and place into service the Department approved WWTF upgrades.

14. Respondent agrees to respond in writing within seven (7) working days to all requests for information as requested by the Department to the following address or email:

Ms. Shelley Schneider, P.E.
Water Division Administrator
Nebraska Department of Environmental Quality
P.O. Box 98922
Lincoln, Nebraska 68509-8922

or copies may be sent as an attachment via email to:
shelley.schneider@nebraska.gov

IV. RESERVATION OF RIGHTS AND PENALTY PROVISIONS

15. The Department reserves the right to require the Respondent to complete additional work or take additional actions as necessary to achieve compliance with all applicable laws and regulations. Further, the Department reserves the right to pursue enforcement in the proper court of law for injunctive relief or to seek civil or criminal penalties for any violations that are the subject of this Consent Order. Nothing in this Consent Order precludes the Department from pursuing such enforcement.

16. Failure to obey this order may result in fines up to \$10,000 per violation per day, as set out in Neb. Rev. Stat. § 81-1508.02.

VI. AMENDMENTS

17. This Consent Order may be modified and amended in writing by mutual agreement of the Department and the Respondent.

VII. EFFECTIVE DATE


18. This Consent Order shall become effective on the date signed below by the Director of the Department or his designee.

VIII. SEVERABILITY

19. If any provision or authority of this Consent Order or the application of this Consent Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other party or circumstances and the remainder of the Consent Order shall remain in force and shall not be affected thereby.

IX. SIGNATURES

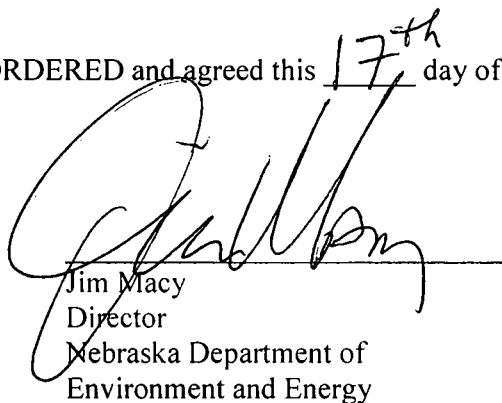
For Respondent:



A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

Date: 12-11-19., 2019.

For the Department: IT IS SO ORDERED and agreed this 17th day of December
2019.



A large, stylized handwritten signature in black ink, positioned above a solid horizontal line.

Jim Macy
Director
Nebraska Department of
Environment and Energy