

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF)
Meadowlark Motor Inn & Restaurant)
L.L.C., Bridgeport, Nebraska)
F.I.D. #60916)
)
)
)
)
Respondent.)

CASE NO. 2822
CONSENT ORDER

COME NOW the parties, Petitioner, the Nebraska Department of Environmental Quality ("NDEQ" or "Department"), proceeding on its Complaint, Compliance Order and Notice of Opportunity for Hearing ("Complaint") filed herein and appears through its counsel, Steven J. Moeller; and the Respondent, Meadowlark Motor Inn & Restaurant L.L.C. ("Respondent"), appears through its counsel, Thomas D. Oliver. The parties, having consented to the making and entering of this Consent Order to resolve the requested contested case without trial, agrees to the following:

1. The Director has jurisdiction of the parties and the subject matter of this action. The Complaint filed herein constitutes a justiciable cause of action against the Respondent.
2. The parties agree that settlement is in the public interest and that entry of this Consent Order is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law concerning the Complaint.
3. The Respondent agrees to comply with this Consent Order and agree not to contest or challenge the allegations made herein for the purposes of enforcement of this settlement. The Department reserves the right to pursue any



administrative, civil or criminal actions which are not in conflict with the provisions of this Consent Order.

4. Therefore the parties agree to the entry of this Consent Order by the Director to resolve the contested case requested in response to the Complaint, Compliance Order and Notice of Hearing.

FACTUAL BASIS

5. The Respondent owns or operates an onsite wastewater collection and treatment facility located at the Meadowlark Inn and Restaurant that lies within Section 28, Township 20N, Range 50W, Morrill County, Nebraska.

6. Department alleges that for a period of time during 2005 to 2010 the Respondent's system failed and wastewater was coming to the land surface in violation of *Neb. Rev. Stat. § 81-1508.02 (1) (e)*, and Title 124, Chapter 2, Section 006.03.

CONCLUSIONS OF LAW, DETERMINATIONS, AND ACTIONS

7. The Respondent is a "person" as defined in *Neb. Rev. Stat. § 81-1502(10)*.

8. The Respondent does not admit the allegations in the Complaint but desires to enter into this consent order to resolve the matter.

9. This Consent Order shall have the force and effect of a final order of the Director of the NDEQ issued pursuant to the Nebraska Environmental Protection Act (NEPA).

10. The Parties agree as follows:

- A. Submit a full and complete permit application for an onsite wastewater system to the Department by July 15, 2011.
- B. Begin construction of the onsite wastewater system as approved by the Department by September 1, 2011.
- C. Complete construction of the onsite wastewater treatment system by November 1, 2011 and have the system properly registered with the Department.

11. The Parties further agree that the contested case shall be dismissed and the undersigned consent without further notice, to the form and entry of the foregoing Consent Order.

NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY,
Petitioner,

By: Steven J. Moeller
Steven J. Moeller, #16003
Staff Attorney
Department of Environmental Quality
Suite 400, The Atrium
1200 "N" Street
P.O. Box 98922
Lincoln, NE 68509-8922
Telephone No.: (402) 471-0276

Meadowlark Motor Inn & Restaurant LLC,
Respondent:

By: Albert W. Johnson
Albert W. Johnson, Member

Meadowlark Motor Inn & Restaurant LLC,
Respondent:

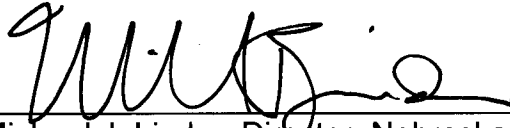
By: Dorothy G. Johnson
Dorothy G. Johnson, Member

By: Thomas D. Oliver
Thomas D. Oliver, #21574
Attorney at Law for Respondent
P.O. Box 670
Bridgeport, NE 69336
Telephone No.: (308)262-2933
E-mail: oliver.law@charter.net

ORDER

The Director approves the Consent Order and IT IS SO ORDERED.

DATED this 24th day of June, 2011.

A handwritten signature in black ink, appearing to read "M. Linder", written over a horizontal line.

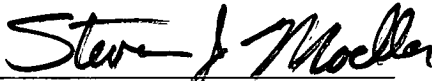
Michael J. Linder, Director, Nebraska
Department of Environmental Quality

AFFIDAVIT

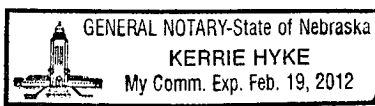
STATE OF NEBRASKA | SS
COUNTY OF LANCASTER |

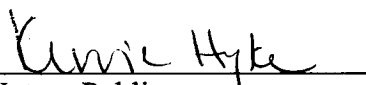
The undersigned oath deposes and says that on the 27th day of June 2011, he caused an exact copy of the attached Consent Order, to be served by mailing the same in the regular United States Mail, first class, postage prepaid, certified with return receipt requested, addressed as follows:

Thomas Oliver
PO Box 670
Bridgeport, Nebraska 69336


Steven J. Moeller, affiant

Subscribed and sworn to before me, a Notary Public, on the 27th day of June, 2011.




Notary Public