

IN THE DISTRICT COURT FOR HALL COUNTY, NEBRASKA

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

Plaintiff,

v.

TERRY L. GAY, d/b/a TRIPLE S
PLUMBING,

Defendant.

Case No. CI _____

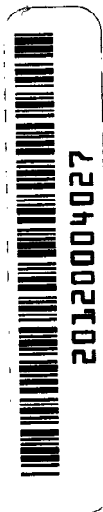
COMPLAINT

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

1. NDEQ is the agency of the State of Nebraska charged under Neb. Rev. Stat. § 81-1504(1) (Reissue 2008), with exercising exclusive supervision of the administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (Reissue 2008), along with all rules, regulations, and orders promulgated under that Act, including Title 124 of the Nebraska Administrative Code, "Rules and Regulations for the Design, Operation and Maintenance of On-site Wastewater Treatment Systems."

2. Terry L. Gay, doing business as Triple S Plumbing, owns and operates a plumbing business in Buffalo County, Nebraska.

3. On June 30, 2011, Gay constructed and installed a septic tank and absorption field at the Anthony Carter residence located at 530 Ravenwood Ct., Grand Island, Hall County, Nebraska.



4. 124 Neb. Admin. Code, ch. 3, § 004.03 provides that an “onsite wastewater treatment system shall be constructed, reconstructed, altered, or modified according to the [NDEQ] approved design.”

5. The septic tank system and absorption field constructed and installed by Gay was not constructed or installed according to the design approved by NDEQ.

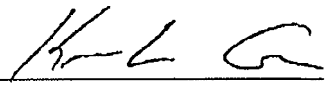
6. Under Neb. Rev. Stat. §§ 81-1508 and 81-1508.02, it is unlawful for any person to violate any rule or regulation promulgated under the Nebraska Environmental Protection Act. Under Neb. Rev. Stat. § 81-1508.02, any such violation subjects a person to a civil penalty of no more than \$10,000 per day.

The State requests that this Court enter judgment in its favor and against Gay in the form of civil penalties as provided in § 81-1508.02, and that all costs of this action be taxed to Gay.

DATED: December 10, 2012

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

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