

IN THE DISTRICT COURT OF RED WILLOW COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	
THADDEUS D. FINERAN,)	
Interim Director,)	Case No. _____
NEBRASKA DEPARTMENT OF)	
ENVIRONMENT AND ENERGY,)	
)	
)	
)	
)	COMPLAINT
)	
)	
v.)	
)	
)	
SOWELL'S PLUMBING AND)	
HOME SOLUTIONS, LLC,)	
and JEDAIAH SOWELL,)	
)	
)	
)	
Defendants.)	

COMES NOW Thaddeus D. Fineran, Interim Director of the Nebraska Department of Environment and Energy, who initiates this action through Michael T. Hilgers, Nebraska Attorney General, on behalf of the State of Nebraska, as Plaintiff, and alleges as follows:

PARTIES AND INTERESTS

1. Plaintiff Nebraska Department of Environment and Energy (“Department”) is the agency of the State of Nebraska charged with the duty to administer and enforce the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act (“the Act”), Neb. Rev. Stat. § 81-15,236 et seq., and all rules, regulations, and permits issued pursuant to the Act.

2. Defendant Sowell’s Plumbing and Home Solutions, LLC. (“Sowell’s Plumbing”), is a Nebraska limited liability company.

3. Sowell's Plumbing is considered a person for purposes of the Act. *See* Neb. Rev. Stat. § 21-102(16).

4. Defendant Jedaiah Sowell is a person who holds the title of Manager for Sowell's Plumbing.

JURISDICTION AND VENUE

5. The District Court has jurisdiction over the subject matter of this action, pursuant to Neb. Rev. Stat. § 24-302, and over the parties to this action.

6. Venue is proper pursuant to Neb. Rev. Stat. § 25-403.01, as Jedaiah Sowell resided in, and the events at issue took place in Red Willow County.

LEGAL BACKGROUND

7. The Act was enacted in 2003 to, inter alia, "[p]rotect the air, water, and land of the state through the certification and regulation of private onsite wastewater treatment system professionals in Nebraska," "[p]rotect the health and general welfare of the citizens of Nebraska," and "[p]rotect the air, water, and land of the state from potential pollution by providing for proper siting, layout, construction, closure, reconstruction, alteration, modification, repair, and pumping of private onsite wastewater treatment systems." Neb. Rev. Stat. § 81-15,237(1), (5), and (6).

8. The Act prohibits any private onsite wastewater treatment system ("OWTS") from being "sited, laid out, constructed, closed, reconstructed, altered, modified, repaired, inspected, or pumped unless the siting, layout, construction, closure, reconstruction, alteration, modification, repair, inspection, or pumping is carried out

or supervised by either a certified professional as required by the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act, a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

9. “Certified professional” means “a private onsite wastewater treatment system professional certified under the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act to perform the tasks for which the certification has been issued.” Neb. Rev. Stat. § 81-15,240.

10. Under the Act, the Environmental Quality Council (“Council”) is required to “adopt and promulgate rules and regulations to carry out [the Act].” Neb. Rev. Stat. § 81-15,247. Such rules must provide for, inter alia, “[c]ertification of private onsite wastewater treatment system professionals[,]” “[e]stablishing categories for such professionals to be certified under the act[,]” and “[r]equiring that all private onsite wastewater treatment system siting, layout, construction, closure, reconstruction, alteration, modification, repair, inspection, or pumping be performed by certified professionals in accordance with the act, rules and regulations adopted under the act, and other rules and regulations adopted and promulgated by the council.” *Id.* §§ 81-15,247(1), (2), & (8). Pursuant to this authority, the Council adopted and promulgated Title 124 – *Onsite Wastewater Treatment Systems*.

11. Under Title 124, “[o]nly a certified professional, a professional engineer, a registered environmental health specialist, or a person under their direct supervision may engage in the inspection, pumping, siting, layout, construction, reconstruction, alteration, modification, repair, closure or otherwise changing of an onsite wastewater treatment system. For the purposes of these regulations, “direct supervision” means the person overseeing the work is

physically present on the site where the work is being done and has control over, responsibility for, and professional knowledge of the work being done. ..." 124 Neb. Admin. Code § 9-001.

12. Inspection, pumping, closing, siting, layout, and construction of OWTS are discrete actions under the Act and Title 124. Each of these discrete actions are required to be performed by a certified professional, professional engineer licensed in Nebraska, or an environmental health specialist registered in Nebraska.

13. Under Title 124, a certified professional must hold a valid certificate, issued by the Department, in at least one of the categories, consisting of Master Installer, Journeyman Installer, Soil Evaluator, Inspector, Master Pumper, and Journeyman Pumper. 124 Neb. Admin. Code § 9-002.

14. Under Title 124, "[n]o person will engage in the siting, layout, construction, reconstruction, alteration, modification, repair, closure, or otherwise changing of a private onsite wastewater system unless a Master Installer, a Journeyman Installer, a professional engineer, or a registered environmental health specialist who is responsible for such work is physically present at the site where such work is being performed and is supervising the work, except that a Soil Evaluator or an Inspector may perform soil evaluation for the purpose of aiding in siting and layout." 124 Neb. Admin. Code § 9-004.

15. Under Title 124, "[n]o person will engage in the pumping of a private onsite wastewater system unless a Master Pumper, a Journeyman Pumper, a professional engineer, or a registered environmental health specialist who is responsible for such work is physically present at the site where such work is being performed and is supervising the work." 124 Neb. Admin. Code § 9-005.

16. Under Title 124, “[n]o person will engage in the inspecting of a private onsite wastewater system unless an Inspector, Master Installer, a professional engineer, or a registered environmental health specialist who is responsible for the work is physically present at the site where such work is being performed and is supervising the work.” 124 Neb. Admin. Code § 9-006.

17. “Closure or close” is defined as “the proper cleanup and decommissioning of an onsite wastewater treatment system after its use has been discontinued.” 124 Neb. Admin. Code § 1-012.

18. “Construction” is defined as “the installation of an onsite wastewater treatment system or the replacement, reconstruction, alteration, modification, expansion, or closure of an existing system including the installation of required wastewater lagoon fencing. Construction includes excavation or similar activity related to the installation, replacement, reconstruction, alteration, modification, or expansion of an onsite system, or closure of an onsite system. ... Construction does not include siting, soil percolation testing, or soil boring.” 124 Neb. Admin. Code § 1-014.

19. “Inspecting” is defined as “the practice of examining the components of an onsite wastewater treatment system, the operational condition of the system, or the site conditions for the purpose of providing verification of compliance with this Title. ...” 124 Neb. Admin. Code § 1-044.

20. “Layout” is defined as “the practice of determining wastewater design flows and loadings, selecting system type, sizing and selecting system components, or locating system components for the purpose of construction, reconstruction, alteration or modification of an onsite wastewater system.” 124 Neb. Admin. Code § 1-048.

21. “Onsite wastewater treatment system” or OWTS is defined as “any system of piping, treatment devices, or other appurtenances that convey, store, treat, or dispose of domestic or non-domestic wastewater, but not including wastewater from a livestock waste control facility, on the property where it originates, or on nearby property under the control of the user, which system is not connected to a public sewer system. An onsite wastewater treatment system begins at the end of the building drain. ...” 124 Neb. Admin. Code § 1-059. “Onsite wastewater treatment system” has the same meaning as “private onsite wastewater treatment system.”

22. “Pumping” is defined as “the practice of maintaining septic tanks, grease trap tanks, holding tanks, and any other components of onsite wastewater systems through the removal, transportation, and disposal of accumulated liquid and solid wastes.” 124 Neb. Admin. Code § 1-071.

23. “Siting” is defined as “the practice of the investigation, examination, and reporting of design-controlling physical characteristics of an area at which an onsite wastewater system is to be constructed, reconstructed, altered, or modified; including, but not limited to topography, drainage, landscape position, soil evaluation, location and type of wells, water lines, property lines, foundations, and surface water features.” 124 Neb. Admin. Code § 1-081.

24. Under the Act, “[a]ny person violating any provision of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act or rules and regulations adopted and promulgated pursuant to the act shall be subject to a civil penalty of not more than ten thousand dollars for each such violation. In the case of a continuing violation, each day shall constitute a separate violation.” Neb. Rev. Stat. § 81-15,253.

FACTUAL BACKGROUND

25. The property owners of 308 S 8th St., McCook, NE 69001 (“the Homeowners”), hired Sowell’s Plumbing to close an existing OWTS and construct a new OWTS at their residence.

26. At all times relevant to the Complaint, Jedaiah Sowell held the position of Manager for Sowell’s Plumbing.

27. Jedaiah Sowell, personally and in his capacity as Manager of Sowell’s Plumbing, performed or directed the inspection, pumping, and closing of the existing OWTS and the siting, layout, and construction of the new OWTS at 308 S 8th St., McCook, NE 69001.

28. The inspection, pumping, closing, siting, layout, and construction performed or directed by Jedaiah Sowell on behalf of Sowell’s Plumbing took place at 308 S 8th St., McCook, NE 69001 between the dates of April 17, 2023, and June 6, 2023.

29. At all times relevant to the Complaint, Jedaiah Sowell was not a certified professional, professional engineer licensed in Nebraska, or an environmental health specialist registered in Nebraska.

30. Upon information and belief, Sowell's Plumbing did not employ or contract with a certified professional, professional engineer licensed in Nebraska, or an environmental health specialist registered in Nebraska to perform the inspection, pumping, closing, siting, layout, or construction at 308 S 8th St., McCook, NE 69001.

31. On June 13, 2023, the Department received a complaint from the Homeowners regarding the closure of the old OWTS and construction of the new OWTS.

32. On June 29, 2023, a Department employee inspected the OWTS constructed by the Defendants.

33. The Department employee found the new OWTS was not in compliance with Title 124.

34. The Homeowners hired a certified professional to correct the deficiencies with the new OWTS at an additional cost of over \$8,000.

35. Sowell's Plumbing invoiced the Homeowners for the inspections, pumping, and closure of the old OWTS and the siting, laying out, and construction of the new OWTS.

**FIRST CAUSE OF ACTION
INSPECTION OF AN ONSITE WASTEWATER TREATMENT
SYSTEM BY A PERSON WHO IS NOT A CERTIFIED
PROFESSIONAL, PROFESSIONAL ENGINEER, OR
ENVIRONMENTAL HEALTH SPECIALIST IN VIOLATION OF
NEB. REV. STAT. § 81-15,248(1), 124 NEB. ADMIN. CODE § 9-001,
AND 124 NEB. ADMIN. CODE § 9-006.**

36. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–35 as though fully set forth herein.

37. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

38. Under the Act, inspection of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

39. Under Title 124, only a certified professional holding the endorsement of Inspector or Master Installer, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the inspection of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-006.

40. Between April 17 and April 27, 2023, Jedaiah Sowell, on behalf of Sowell's Plumbing, inspected the OWTS located 308 S 8th St., McCook, NE 69001.

41. On May 1, 2023, Sowell's Plumbing emailed Invoice #1053 to the Homeowners. Invoice #1053 documented the findings of the inspection performed by Jedaiah Sowell in the form of a written description of the site conditions and the operational condition of the OWTS.

42. Sowell's Plumbing did not employ or use an Inspector, Master Installer, professional engineer, or a registered environmental health specialist, as defined in Title 124, to inspect the OWTS.

43. There was not an Inspector, Master Installer, a professional engineer, or a registered environmental health specialist at the site when Jedaiah Sowell inspected the OWTS.

44. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-006 by inspecting or causing the inspection of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not an Inspector, Master Installer, a professional engineer, or a registered environmental health specialist or supervised by a an Inspector, Master Installer, professional engineer, or registered environmental health specialist, as defined in Title 124.

45. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

**SECOND CAUSE OF ACTION
PUMPING OF AN ONSITE WASTEWATER TREATMENT SYSTEM
BY A PERSON WHO IS NOT A CERTIFIED PROFESSIONAL,
PROFESSIONAL ENGINEER, OR ENVIRONMENTAL HEALTH
SPECIALIST IN VIOLATION OF NEB. REV. STAT. § 81-15,248(1),
124 NEB. ADMIN. CODE § 9-001, AND 124 NEB. ADMIN. CODE
§ 9-005.**

46. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–45 as though fully set forth herein.

47. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

48. Under the Act, the pumping of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

49. Under Title 124, only a certified professional holding the endorsement of Master Pumper or Journeyman Pumper, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the inspection of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-005.

50. Between April 24 and May 8, 2023, Sowell’s Plumbing directed or caused the pumping of the OWTS located 308 S 8th St., McCook, NE 69001.

51. On May 21, 2023, Sowell's Plumbing emailed Invoice #1057 to the Homeowners. Invoice #1057 contained a charge for "septic pump & disposal of tank, 2 tanks."

52. Sowell's Plumbing did not employ or use a Master Pumper, Journeyman Pumper, professional engineer, or a registered environmental health specialist, as defined in Title 124, to pump the OWTS.

53. There was not a Master Pumper, Journeyman Pumper, a professional engineer, or a registered environmental health specialist at the site when Sowell's Plumbing directed or caused the pumping of the OWTS.

54. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-006 by pumping or causing the pumping of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not a Master Pumper, Journeyman Pumper, professional engineer, or registered environmental health specialist or supervised by a Master Pumper, Journeyman Pumper, professional engineer, or registered environmental health specialist, as defined in Title 124.

55. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

**THIRD CAUSE OF ACTION
CLOSURE OF AN ONSITE WASTEWATER TREATMENT SYSTEM
BY A PERSON WHO IS NOT A CERTIFIED PROFESSIONAL,
PROFESSIONAL ENGINEER, OR ENVIRONMENTAL HEALTH
SPECIALIST IN VIOLATION OF NEB. REV. STAT. § 81-15,248(1),
124 NEB. ADMIN. CODE § 9-001, AND 124 NEB. ADMIN. CODE
§ 9-004.**

56. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–55 as though fully set forth herein.

57. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

58. Under the Act, closure of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

59. Under Title 124, only a certified professional holding the endorsement of Master Installer or Journeyman Installer, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the closure, or otherwise changing of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-004.

60. Between April 24 and May 8, 2023, Jedaiah Sowell, on behalf of Sowell’s Plumbing, closed the OWTS located at 308 S 8th St., McCook, NE 69001.

61. On May 21, 2023, Sowell’s Plumbing emailed Invoice #1057 to the Homeowners. Invoice #1057 contained a charge for, inter alia, basic plumbing, excavator use, and disposal of two septic tanks.

62. Sowell’s Plumbing did not employ or use a Master Installer, Journeyman Installer, professional engineer, or a registered environmental health specialist, as defined in Title 124, to close the OWTS.

63. There was not a Master Installer, Journeyman Installer, a professional engineer, or a registered environmental health specialist at the site when Jedaiah Sowell closed the OWTS.

64. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-004 by closing or causing the closure of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist or supervised by not a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist, as defined in Title 124.

65. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

**FOURTH CAUSE OF ACTION
SITING OF AN ONSITE WASTEWATER TREATMENT SYSTEM BY
A PERSON WHO IS NOT A CERTIFIED PROFESSIONAL,
PROFESSIONAL ENGINEER, OR ENVIRONMENTAL HEALTH
SPECIALIST IN VIOLATION OF NEB. REV. STAT. § 81-15,248(1),
124 NEB. ADMIN. CODE § 9-001, AND 124 NEB. ADMIN. CODE
§ 9-004.**

66. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–65 as though fully set forth herein.

67. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

68. Under the Act, siting of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer

licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

69. Under Title 124, only a certified professional holding the endorsement of Master Installer or Journeyman Installer, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the siting of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-004.

70. Between April 24 and May 8, 2023, Jedaiah Sowell, on behalf of Sowell’s Plumbing, sited the OWTS at 308 S 8th St., McCook, NE 69001.

71. Sowell’s Plumbing did not employ or use a Master Installer, Journeyman Installer, professional engineer, or a registered environmental health specialist, as defined in Title 124, to site the OWTS.

72. There was not a Master Installer, Journeyman Installer, a professional engineer, or a registered environmental health specialist at the site when Jedaiah Sowell sited the OWTS.

73. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-004 by siting or causing the siting of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist or supervised by a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist, as defined in Title 124.

74. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

**FIFTH CAUSE OF ACTION
LAYING OUT OF AN ONSITE WASTEWATER TREATMENT
SYSTEM BY A PERSON WHO IS NOT A CERTIFIED
PROFESSIONAL, PROFESSIONAL ENGINEER, OR
ENVIRONMENTAL HEALTH SPECIALIST IN VIOLATION OF
NEB. REV. STAT. § 81-15,248(1), 124 NEB. ADMIN. CODE § 9-001,
AND 124 NEB. ADMIN. CODE § 9-004.**

75. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–74 as though fully set forth herein.

76. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

77. Under the Act, laying out of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

78. Under Title 124, only a certified professional holding the endorsement of Master Installer or Journeyman Installer, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the laying out of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-004.

79. Between April 24 and May 8, 2023, Jedaiah Sowell, on behalf of Sowell’s Plumbing, laid out the OWTS at 308 S 8th St., McCook, NE 69001.

80. Sowell’s Plumbing did not employ or use a Master Installer, Journeyman Installer, professional engineer, or a registered

environmental health specialist, as defined in Title 124, to lay out the OWTS.

81. There was not a Master Installer, Journeyman Installer, a professional engineer, or a registered environmental health specialist at the site when Jedaiah Sowell laid out the OWTS.

82. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-004 by laying out or causing the layout of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist or supervised by a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist, as defined in Title 124.

83. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

**SIXTH CAUSE OF ACTION
CONSTRUCTION OF AN ONSITE WASTEWATER TREATMENT
SYSTEM BY A PERSON WHO IS NOT A CERTIFIED
PROFESSIONAL, PROFESSIONAL ENGINEER, OR
ENVIRONMENTAL HEALTH SPECIALIST IN VIOLATION OF
NEB. REV. STAT. § 81-15,248(1), 124 NEB. ADMIN. CODE § 9-001,
AND 124 NEB. ADMIN. CODE § 9-004.**

84. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–83 as though fully set forth herein.

85. Under the Act, it is unlawful for any person to violate the Act or the rules and regulations adopted and promulgated pursuant to the Act. Neb. Rev. Stat. § 81-15,253.

86. Under the Act, construction of an OWTS must be “carried out or supervised by either a certified professional..., a professional engineer licensed in Nebraska, or a registered environmental health specialist registered in Nebraska.” Neb. Rev. Stat. § 81-15,248(1).

87. Under Title 124, only a certified professional holding the endorsement of Master Installer or Journeyman Installer, a professional engineer, a registered environmental health specialist or a person under their direct supervision may engage in the construction of an OWTS. 124 Neb. Admin. Code §§ 9-001 & 9-004.

88. Between April 24 and June 9, 2023, Jedaiah Sowell, on behalf of Sowell’s Plumbing, constructed the OWTS at 308 S 8th St., McCook, NE 69001.

89. Sowell’s Plumbing did not employ or use a Master Installer, Journeyman Installer, professional engineer, or a registered environmental health specialist, as defined in Title 124, to close the OWTS.

90. There was not a Master Installer, Journeyman Installer, a professional engineer, or a registered environmental health specialist at the site when Jedaiah Sowell constructed the OWTS.

91. Defendants violated Neb. Rev. Stat. § 81-15,248(1) and 124 Neb. Admin. Code §§ 9-001 & 9-004 by constructing or causing the construction of the OWTS at 308 S 8th St., McCook, NE 69001 by a person that was not a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist or supervised by a Master Installer, Journeyman Installer, professional engineer, or registered environmental health specialist, as defined in Title 124.

92. Pursuant to Neb. Rev. Stat. § 81-15,253, Defendants, jointly and severally, are subject to a civil penalty of not more than \$10,000 for each violation of the Act and Title 124.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests this Court to enter judgment on this Complaint in its favor and grant the following relief:

A. Declare Defendants violated the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act and Title 124 of the Nebraska Administrative Code;

B. Find and hold Defendants are jointly and severally liable to Plaintiff for the violations of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act and Title 124 of the Nebraska Administrative Code;

C. Enter the statutory maximum civil penalty against Defendants, jointly and severally, as provided under Neb. Rev. Stat. §§ 81-15,253, for each violation of the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act;

D. Tax all court costs herein to Defendants; and

E. Grant Plaintiff such additional and further relief as this Court deems just and proper.

Dated this 11th day of April 2024.

STATE OF NEBRASKA, ex rel.,
THADDEUS D. FINERAN,
Interim Director
NEBRASKA DEPARTMENT OF
ENVIRONMENT AND ENERGY, Plaintiff

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Nebraska Attorney General

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