

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENT AND ENERGY

IN THE MATTER OF) Case No. 3629
THE VILLAGE OF OTOE, NEBRASKA)
) CONSENT ORDER
FID # 71291)
)
Respondent.)

I. INTRODUCTION

1. The Nebraska Department of Environment and Energy (Department) and the Respondent, Village of Otoe, 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.*

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 domestic wastewater. The WWTF consists of a sewer system and two interconnected wastewater treatment lagoon. Treated effluent is discharged to the North Fork of the Little Nemaha River, which is a water of the state.

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 Nebraska Environmental Protection Act (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* (Title 119).



5. In accordance with Title 119, the Department issued National Pollutant Discharge Eliminations System (NPDES) permit NE0121673 (hereinafter the “Permit”) to Respondent on March 4, 2020. The Permit contains numeric discharge limitations, monitoring and reporting requirements, and a compliance schedule for meeting final permit limits for ammonia.

6. Pursuant to Neb. Rev. Stat. § 81-1505, the Nebraska Environmental Quality Council adopted rules and standards codified as Neb. Admin. Code Title 123 - *Rules and Regulations for The Design, Operation and Maintenance of Wastewater Works* (Title 123).

7. Title 123, Ch. 11, 001 requires wastewater treatment facilities be maintained in proper operating condition and operated in a manner to meet all NPDES permit requirements and not result in a prohibited bypass or an unauthorized discharge.

8. 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 to undertake all corrective actions required by and agreed to in this Consent Order.

III. COMPLAINT

9. On or about May 15, 2023, the Department conducted a site inspection of Respondent’s lagoon system. The Department documented wastewater overtopping the lagoons and inundating the dike which separates the two lagoons.

10. Allowing wastewater to overfill a lagoon system resulting in a breach is a violation of Title 123 and the NEPA.

11. The Permit contained a compliance schedule which required Respondent to submit engineering and design specifications to the Department by April 1, 2023, for any upgrades necessary to meet the final ammonia limits contained in the Permit. The permit also required

Respondent to complete the construction of any upgrades identified in the initial submission by September 1, 2024.

12. To date Respondent has failed to submit the required engineering and design specifications and to complete construction of any necessary upgrades in accordance with the Permit.

13. Failure to comply with the compliance schedule in the Permit is a violation of Title 119 and the NEPA.

IV. COMPLIANCE SCHEDULE

14. Respondent has informed the Department that it intends to expand the Village's existing lagoons to convert the WWTF into a complete retention system.

15. By August 1, 2025, Respondent must submit to the Department preliminary plans for expansion of the current lagoons.

16. By December 1, 2025, Respondent must submit to the Department final plans and specifications stamped by a professional engineer for expansion of the current lagoons, and a complete application for a construction permit as required by Title 123.

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

Cyril Martinmaas
Engineering Section Supervisor
Nebraska Department of Environment and Energy
Cyril.Martinmaas@nebraska.gov
P.O. Box 98922
Lincoln, Nebraska 68509-8922

V. RESERVATION OF RIGHTS AND PENALTY PROVISIONS

18. 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.

19. 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

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

VII. EFFECTIVE DATE

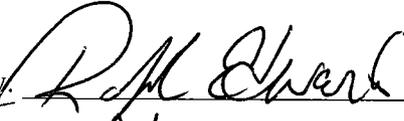
21. This Consent Order shall become effective on the date signed below by the Director of the Department or his designee.

VIII. SEVERABILITY

22. 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 remainder of the Consent Order shall remain in force and shall not be affected thereby.

IX. SIGNATURES

For Respondent:

By: 
Title: Chairman
Date: 2-5-2025

For the Department:

IT IS SO ORDERED and agreed this 27th day of February, 2025.


Kara Valentine
~~Interim~~ **Deputy** Director
Nebraska Department of Environment and Energy