

# NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Derek Sellman  
7 Madison St  
Troy, NY 12181

Letter of Noncompliance (LNC)  
RE: RMG Fremont LLC  
NDEE ID: 9934 OWT TS39475  
Notification Number: 121922-KJ-1309

Dear Mr. Sellman:

This Letter of Noncompliance is being issued to you for violations of NDEE Title 124 – Onsite Wastewater Treatment Systems. The violations were determined during a December 20<sup>th</sup>, 2022 complaint investigation of your facility located at 549 E County Rd T in Fremont, Nebraska. The investigation report is enclosed.

The Department documented the following:

1. A facility that generates wastewater is to have an onsite wastewater treatment system in accordance with these regulations or be connected to a wastewater works. (Title 124. (2)(001)).
  - The inspector documented that the septic system serving the property is failing, leading to discharge.
2. Causing or allowing an open discharge of wastewater to a cesspool, dry well, leeching pit, and/or seepage pit (Title 124. (2)(003)).
  - The inspector documented a large discharge from the failing septic system. The system is discharging up and onto the grounds surrounding the tank creating a cesspool.

These are violations of NDEE Title 124 and Neb. Rev. Stat. §81-1506. Regulations that have been referenced are available online at the Department's website: <http://dee.ne.gov>.

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Jim Pillen, Governor

March 10<sup>th</sup>, 2023

Agenda Item # 22 d  
Date 4/5/23



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2023 MAR 17 PM 3:29  
FREMONT  
COUNTY

In order to cease and/or mitigate these violations the Department requests that you provide the following:

**1. Immediately:**

- Take corrective action to stop open discharges of any wastewater.

**2. Within 30 days of receipt of this letter:**

- Provide written documentation that a professional installer licensed in the State of Nebraska has been contracted to install an onsite wastewater treatment system.

**3. By May 8<sup>th</sup>, 2023:**

- Have a septic system installed that complies with current Title 124 and is registered with the Department or connect to a wastewater works.

The Department requests that you voluntarily comply with these corrective measures. These violations may be considered for further enforcement action. We will evaluate your prompt compliance and will consider your efforts to determine if enforcement action is warranted. Enforcement action may include issuance of an administrative order, or referral to the Attorney General for civil or criminal penalties of up to \$10,000 per day per violation, and/or injunctive relief.

Please direct all contacts and any written response to this LNC to:

**Karie Duensing**  
**NDEE Onsite Wastewater Section**  
**PO Box 98922**  
**Lincoln, NE 68509-8922**  
**Phone: 402-471-4236**  
**Karie.jackson@nebraska.gov**

Sincerely,



Brad Pracheil, Administrator  
Inspection and Compliance Division

enclosure(s)

Cc: Jean Andrews: Zoning Department, 435 N Park, Fremont, Nebraska 68025  
Fred Mytty: Dodge County Clerk, 435 N Park, Fremont, Nebraska 68025