Stormwater Enforcement: U.S. Environmental Protection Agency and Jackson, Nebraska Municipal Solid Waste Landfill Enter into Consent Agreement



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The United States Environmental Protection Agency ("EPA") and L.P. Gill, Inc. ("LP") entered into a November 17th Consent Agreement and Final Order ("CAFO") addressing alleged violations of Clean Water Act National Pollutant Discharge Elimination System ("NPDES") Permit regulations. See Docket No. CWA-07-2025-0219.

The CAFO provides that LP owns, operates, or otherwise controls a facility in Jackson, Nebraska operating under SIC code 4953.

The facility is stated to constitute a Municipal Solid Waste ("MSW") landfill which includes the landfilling of waste from local haulers and transfer stations.

Stormwater, snow melt, surface drainage, and runoff water is stated to leave the facility and discharge into Elk Creek, a perennial waterbody with year-round flow. Elk Creek is stated to flow into the Missouri River which is a traditionally navigable water within the meaning of Section 502(7) of the Clean Water Act.

Such runoff and drainage is stated to constitute stormwater. Further, the facility is stated to have stormwater discharge associated with industrial activity and is a point source.

EPA is state to have performed an Industrial Stormwater Compliance Evaluation Inspection of the facility on November 6 and 7, 2024. The inspection is stated to have identified the following violations:

- Failure to conduct and follow-up effluent limitation monitoring.
- The inspection is stated to have indicated that the facility failed to conduct the 2023 annual effluent monitoring for the parameters Alpha Terpineol, Benzoic Acid, p-Cresol, and Phenol.
- Failure to report the following exceeded effluent monitoring parameters:
- Quarter 4, 2022 the TSS effluent monitoring exceeds the months and daily limitations at 498 mg/L.
- Quarter 2, 2023 the BOD effluent monitoring exceeds the months and daily limitations at 69 mg/L.
- Quarter 2, 2023 the TSS effluent monitoring exceeds the months and daily limitations at 298 mg/L.
- Quarter 3, 2023 the TSS effluent monitoring exceeds the months and daily limitations at 31 mg/L.

LP neither admits nor denies the factual allegations asserted by EPA in the CAFO.

A civil penalty of $32,597.00 is assessed.

A copy of the CAFO can be found here.