

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
Michael J. Linder, Director, )  
NEBRASKA DEPARTMENT OF )  
ENVIRONMENTAL QUALITY )

Case No. 007-1470

CONSENT DECREE

Plaintiff, )

vs. )

MALCOLM PUBLIC SCHOOL )  
DISTRICT, A Political Subdivision of the )  
State of Nebraska; ENGINEERING )  
TECHNOLOGIES, INC., and )  
NIFCO MECHANICAL SYSTEMS, INC., )

Defendants. )

COME NOW the parties, the State of Nebraska, ex rel., Michael J. Linder, Director, Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), proceeding on its Complaint filed herewith and appearing through its counsel, Jon C. Bruning, Attorney General, Defendant Malcolm Public School District, appearing through its counsel Joshua J. Schaur, Defendant Engineering Technologies, Inc., appearing through its counsel Thomas J. Guilfoyle, and Defendant Nifco Mechanical Systems, Inc., appearing through its counsel Christopher Bartling, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

LANCASTER COUNTY  
2007 APR 12 PM 1 48  
CLERK OF THE  
DISTRICT COURT



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IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum. Supp, 2006), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.
2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.
3. In its Complaint, Plaintiff alleges that the Defendants violated provisions of the Nebraska Environmental Protection Act, found at Neb. Rev. Stat. § 81-1501 *et seq.* and the regulations promulgated thereunder.
4. The parties agree that settlement of these matters is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by the Defendants with respect to such issues. The Defendants agree to the form and entry of this Consent Decree for the purposes of settlement only. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Consent Decree by the Court.
5. This Consent Decree shall be in full satisfaction of all claims alleged in the Complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of this Consent Decree.

6. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.

7. IT IS THEREFORE ORDERED that the Defendant, Malcolm Public School District shall pay:

a. Seventy-nine dollars (\$79), to the Nebraska Department of Environmental Quality to reimburse it for its costs incurred in this action.

b. Two thousand four hundred sixty dollars (\$2,460) to the City of Lincoln to reimburse it for its costs incurred in this action; and

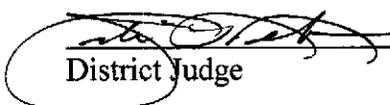
c. One thousand four hundred sixty-one dollars (\$1,461) to the State Game Fund for replenishment of the wildlife in Elk Creek pursuant to Neb. Rev. Stat. § 81-1508(1).

8. IT IS FURTHER ORDERED that Nifco Mechanical Systems, Inc., shall pay eight thousand dollars (\$8,000) to the State Game Fund for replenishment of the wildlife in Elk Creek pursuant to Neb. Rev. Stat. § 81-1508(1).

9. IT IS FURTHER ORDERED that Engineering Technologies, Inc., shall pay eight thousand dollars (\$8,000) to the State Game Fund for replenishment of the wildlife in Elk Creek pursuant to Neb. Rev. Stat. § 81-1508(1).

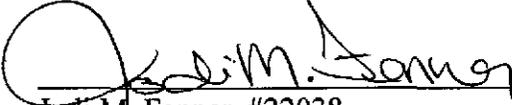
DATED THIS 12 day of April, 2007, in Lancaster County, Nebraska.

BY THE COURT:

  
District Judge

STATE OF NEBRASKA

By: JON C. BRUNING, #20351  
Attorney General

By:   
\_\_\_\_\_

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Attorneys for Plaintiff.

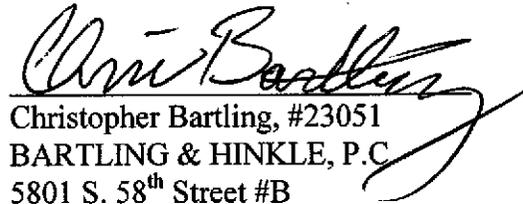
MALCOLM PUBLIC SCHOOL DISTRICT,  
Defendant.

By:   
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School District

NIFCO MECHANICAL SYSTEMS, INC.,  
Defendant.

By:

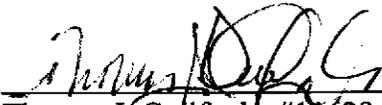


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ENGINEERING TECHNOLOGIES, INC.,  
Defendant.

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