

IN THE DISTRICT COURT OF CUMING COUNTY, NEBRASKA

Case No. 04-07-44
2007 JUN 19 AM 11 07

STATE OF NEBRASKA, ex rel.)
MICHAEL J. LINDER, Director,)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)

FILED
CUMING COUNTY, NE

Plaintiff,)

CONSENT DECREE

v.)

NORTHEAST COOPERATIVE)
A Dissolved Corporation,)

Defendant.)

COME NOW the parties, Plaintiff, the Department of Environmental Quality (hereinafter "NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant, Northeast Cooperative and its attorney Rocky Weber, 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.

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

1. The Court has jurisdiction of the parties and the subject matter of this action under Neb. Rev. Stat. §81-15,117 *et seq.* (Reissue 1999, Cum. Supp. 2006), the Nebraska Petroleum Products and Hazardous Substances and Storage and Handling Act, the Petroleum Release Remedial Action Act, Neb. Rev. Stat. § 66-1501 *et seq.* (Reissue 2003, Cum. Supp. 2006) and all rules, regulations, and orders promulgated thereunder.
2. The court has jurisdiction to hear this cause of action.
3. In its Complaint, Plaintiff alleges that the Defendant has failed to complete remedial action at the site alleged in the Complaint, located at 823



000000328D24

J
MR

Avenue East, Wisner, Cuming County, Nebraska (hereinafter the "site"), in order to restore the site to its condition and capacity prior to the release of petroleum, in violation of the Nebraska Petroleum Products and Hazardous Substances Storage and Handling Act. Plaintiff also alleges that the oil contamination remains in the ground and the responsibility to investigate and, if necessary, remediate this site is ongoing.

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 Defendant with respect to such issues. The Defendant agrees to the form and entry of this Consent Decree for the purposes of settlement only, and nothing in this Consent Decree should be construed as an admission against the interests of the Defendant. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Order 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 as of the date of the filing of the Consent Decree.

6. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

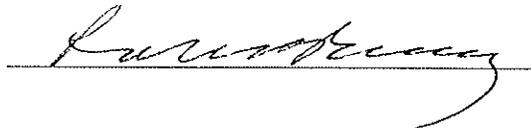
7. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.

8. IT IS THEREFORE ORDERED that the Defendant shall pay to the State of Nebraska, Department of Environmental Quality, the amount of \$6,173.21 (six thousand one hundred seventy three dollars and twenty one cents), to be used for investigation and, if necessary, remediation at the site.

- a. This amount is to be paid within sixty (60) days of the entry of this Consent Decree by the Court.
- b. The State will deposit this money into the account authorized by Title 200, The Petroleum Release Remedial Action Reimbursement Fund, upon receipt, in accordance with Neb. Rev. Stat. §81-15,124(3).
- c. Upon receipt of the above-described amount, the Nebraska Department of Environmental Quality will declare the site an "orphan site," as that term is used by the NDEQ, and Plaintiff will independently undertake the investigation, and if necessary, the remediation of the site. Upon payment of the above-described amount, Defendants will be relieved of further liability relating to the cause of action alleged in the Complaint relating to the site, including reporting or any other obligations that might otherwise be applicable to owners or operators (i.e., responsible persons) under the Act.

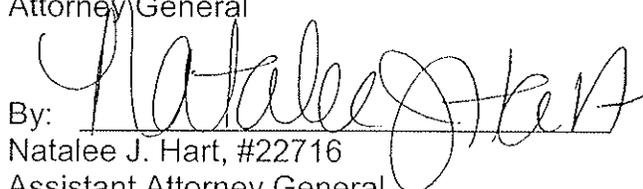
DATED THIS 16 day of June, 2007.

BY THE COURT:

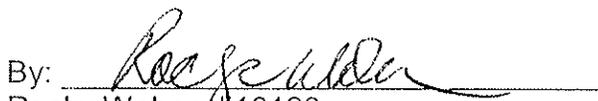


STATE OF NEBRASKA ex rel.,
MICHAEL J. LINDER, Director
Department of Environmental
Quality, Plaintiff,

By: JON C. BRUNING #20351,
Attorney General

By: 
Natalee J. Hart, #22716
Assistant Attorney General
2115 State Capitol Building
Lincoln, NE 68509
Tel. (402) 471-2682
natalee.hart@ago.ne.gov
Attorneys for Plaintiff.

NORTHEAST COOPERATIVE, Defendant

By: 
Rocky Weber, #18190
Crosby Guenzel LLP
Federal Trust Building
134 South 13th Street, Suite 400
Lincoln NE 68508
Attorney for Defendant.

RECORDED IN
JOURNAL No. 41 Page 595-600