

IN THE DISTRICT COURT OF WEBSTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
Plaintiff,)
v.)
GOTTSCH FEEDING CORPORATION,)
Defendant.)

Case No. CI 10-61

COMPLAINT

FILED

AUG 20 2010

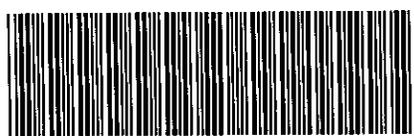
LONNIE KNEHANS
CLERK OF DISTRICT COURT
WEBSTER COUNTY, NEBRASKA

COMES NOW the Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504 (1) (Reissue 1999) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 1999, Cum Supp. 2006, Supp. 2007) *et seq.*, along with all rules and regulations promulgated thereunder.

2. At all times material herein the Defendant, Gottsch Feeding Corporation, owned and operated a livestock feeding operation, located in Webster County, Nebraska.

3. Pursuant to Neb. Rev. Stat. §81-1506 (1) (a) (Reissue 1999), it is unlawful for any person to cause pollution of any waters of the state or place or cause to be placed wastes in a location where they are likely to cause pollution of any air, waters, or land of the state.



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4. In February, 2007, the Defendant discharged cattle waste from its livestock operation into Dry Creek, a water of the state, in Webster County, Nebraska.

5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE, the plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §81-1508.02 (2), and further that all costs of this action be taxed to the Defendant.

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

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