



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. 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 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 Clerk of the District Court a civil penalty in the amount of two thousand five hundred dollars (\$2,500.00), pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00). Said penalty is to be handled pursuant to Article VII, Section V, of the Nebraska Constitution.

- A. \$1,250 (twelve hundred fifty dollars) of said penalty will be imposed immediately upon the entry of this Consent Decree by the Court, and is due no later than 10 (ten) days after the entry of this Consent Decree by the Court.
- B. \$1250 (twelve hundred fifty dollars) of said penalty will be due and owing 180 days following the approval of this Consent Decree by the Court. In the event that said Defendant continues to maintain compliance with the following obligations and provisions, during the time period between the approval of this Consent Decree by the District Court and 180 days following that approval, the \$1250 (twelve hundred fifty dollars) of civil penalties will be waived:
1. The Environmental Protection Act, Neb. Rev. Stat. §81-1501 *et seq*;
  2. Title 129 of the Nebraska Administrative Code, "Nebraska Air Quality Regulations"; and
  3. Any and all other applicable environmental statutes and regulations.

C. To qualify for the \$1250 (twelve hundred fifty dollars) waiver of civil penalties as stated in paragraph 8(B), Defendant shall file a showing with the Court within 30 (thirty) days following the due date of the civil penalties establishing that it has maintained compliance as required. If the Defendant does not receive a Notice of Violation from NDEQ and is not a party to legal action initiated by the NDEQ disputing compliance with the statutes and regulatory provisions in paragraph 8(B) during the

relevant time period, NDEQ shall file a Satisfaction of Judgment in the case within ten days of receipt of Defendant's showing. If Defendant receives a Notice of Violation from NDEQ, or is a party to legal action initiated by NDEQ disputing compliance with the statutes and regulatory provisions in paragraph 8(B) during the relevant time period, NDEQ shall file an objection to Defendant's showing and determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

9. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of two thousand five hundred dollars (\$2,500.00) to the Dix Volunteer Fire Department, for the Fire School and Fire Prevention General Fund (P.O. Box 55, Dix, NE 69133) to be used for environmental safety, training, public awareness, equipment, or other related uses as permitted by state law, at the sole discretion of the Dix Fire Department.. This sum shall be paid as a lump-sum payment due no later than 10 (ten) days after the entry of this consent decree.

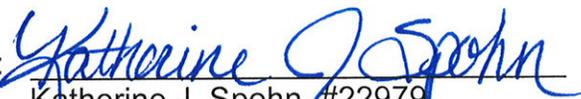
DATED THIS 18<sup>th</sup> day of August, 2008, in Cheyenne County, Nebraska.

BY THE COURT:

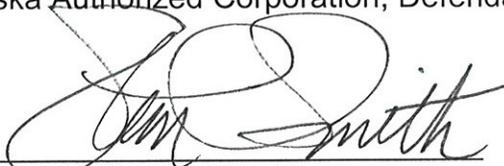
  
District Judge

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

By: JON C. BRUNING #20351,  
Attorney General

By:   
Katherine J. Spohn, #22979  
Assistant Attorney General  
2115 State Capitol Building  
Lincoln, NE 68509  
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Attorneys for Plaintiff.

CORAL PRODUCTION CORPORATION,  
A Nebraska Authorized Corporation, Defendant,

By:   
Steven C. Smith, #13912  
Smith, Snyder, Petitt & Wallien  
1904 1<sup>st</sup> Avenue  
P.O. Box 1204  
Scottsbluff, NE 69361-1204  
Attorney for Defendant.

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Consent Decree has been served upon the Defendant by regular United States mail, first class postage prepaid on this 31<sup>st</sup> day of July, 2008 addressed to the Defendant's attorney of record as follows:

Steven C. Smith  
Smith, Snyder, Pettitt & Wallien  
1904 1<sup>st</sup> Avenue  
P.O. Box 1204  
Scottsbluff, NE 69361-1204

  
Katherine J. Spohn  
Assistant Attorney General