

IN THE DISTRICT COURT FOR RICHARDSON COUNTY, NEBRASKA

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

Plaintiff,

v.

JOHN R. TAFT,

Defendant.

Case No. _____

COMPLAINT

The Nebraska Department of Environmental Quality (NDEQ) alleges the following:

1. NDEQ is the agency of the State of Nebraska charged with the duty, under Neb. Rev. Stat. § 81-1504(1) (Reissue 1999), of exercising exclusive supervision, administration and enforcement of the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum Supp 2006, and Supp. 2007), and all rules, regulations, and permits created under it.

2. John R. Taft is a resident of Richardson County, Nebraska.

3. On February 7, 2007 and February 8, 2007, Taft caused or allowed an open fire consisting of motor vehicle tires to occur on agricultural property under his ownership and control in Richardson County, Nebraska.

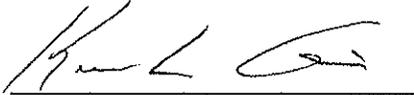
4. Under Neb. Rev. Stat. § 81-1505 (1) and (12) (Cum Supp. 2006) the Nebraska Environmental Quality Council adopted rules and regulations related to open burning. Specifically, the "Nebraska Air Quality Regulations" at 129 Neb. Admin. Code, ch. 30, § 001 prohibit any person from causing or allowing any open fires.

5. Under Neb. Rev. Stat. § 81-1508.02 (Reissue 1999), any person violating any air, water, or land quality standard, or any provision of the Nebraska Environmental Protection Act or the rules and regulations promulgated under it, shall be subject to a civil penalty of no more than \$10,000 per day.

WHEREFORE, NDEQ prays that judgment on its claim be entered herein against Taft in the form of a civil penalty as provided under Neb. Rev. Stat. § 81-1508.02, together with the costs of the action, and that the court order such other and further relief as the court deems just and equitable.

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

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