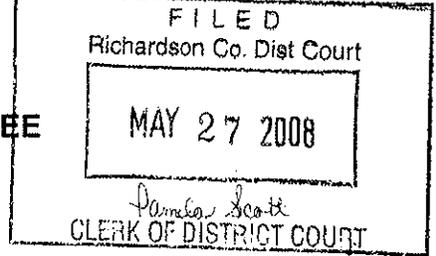


IN THE DISTRICT COURT FOR RICHARDSON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)
)
Plaintiff,)
v.)
JOHN R. TAFT)
)
Defendant.)

CASE NO. 08-104

CONSENT DECREE



The Nebraska Department of Environmental Quality (NDEQ), through its counsel, Attorney General Jon C. Bruning, and John R. Taft, through his counsel, Neal E. Parsons, jointly file this consent decree and agree to this Court's entry of the following terms and orders:

1. This Court has jurisdiction of the parties and the subject matter of this action. The complaint filed by NDEQ in this case is a justiciable cause of action against Taft under the Nebraska Environmental Protection Act, Neb. Rev. Stat. §81-1501 *et seq.* (Reissue 1999, Cum. Supp. 2006, and Supp. 2007).

2. In its complaint, NDEQ alleges that Taft caused or allowed an open fire consisting of motor vehicle tires in violation of the Nebraska Environmental Protection Act and 129 Neb. Admin. Code, ch. 30.

3. The parties agree that settlement of this matter 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 Taft with respect to such issues. Therefore, and for only the



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purposes of this consent decree, the parties agree to the entry of this order by the Court.

4. This consent decree shall be in full satisfaction of all claims between the parties alleged in NDEQ's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in NDEQ's complaint, 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.

5. IT IS THEREFORE ORDERED that Taft shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508(2), in the amount of \$1,667 and court costs in the amount of \$79 to the District Court for Richardson County. This civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution.

- A. \$834 of the civil penalty shall be paid to this Court no more than 30 days from the entry of this consent decree by the Court.
- B. \$833 of the civil penalty shall be paid to this Court no more than 180 days from the entry of this consent decree by the Court. However, if Taft maintains compliance with and does not violate the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq., or Title 129 of the Nebraska Administrative Code, "Nebraska Air Quality Regulations,"

during the 180 days following the entry of this consent decree, then payment of this \$833 of civil penalties will be waived.

- C. To qualify for the waiver of \$833 of civil penalties as described in paragraph 5(B), Taft shall file a showing with the Court within 15 days following the due date of the civil penalties establishing that he has maintained compliance with the statutes and regulatory provisions listed in paragraph 5(B). If Taft does not receive a Notice of Violation from NDEQ and is not a party to a legal action initiated by NDEQ disputing compliance with the statutes and regulatory provisions in paragraph 5(B) during the relevant time period, NDEQ shall file a satisfaction of judgment in the case within ten days of receiving Taft's showing. If Taft 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 5(B) during the relevant time period, NDEQ shall file an objection to Taft's showing and determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.

6. IT IS FURTHER ORDERED that Taft shall pay, as a voluntary supplemental environmental project, the sum of \$1,666 to the Attorney General's Environmental Protection Fund to be used for environmental safety, training,

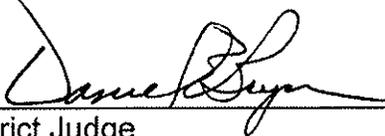
public awareness, or other related uses as permitted by state law, at the sole discretion of the Nebraska Attorney General. This sum shall be paid as a lump-sum payment within 30 days of the entry of this consent decree by this Court.

7. This consent decree will have no effect on any enforcement action brought by NDEQ against Taft for future violations of any statutes or regulations.

8. The undersigned consent without further notice to the form and entry of this consent decree.

DATED THIS 27 day of May, 2008, in Richardson County, Nebraska.

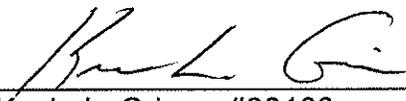
BY THE COURT:



District Judge

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

By: Jon C. Bruning, #20351
Attorney General

By: 

Kevin L. Griess, #22182
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-2682
Attorney for Plaintiff

JOHN R. TAFT

By: Neal E. Parsons
Neal E. Parsons, #13228
217 East 18th St.
Falls City, Nebraska 68355
(402) 245-3088
Attorney for Defendant.

CERTIFICATE OF SERVICE

On this 28 day of May, 2008, the above was served
on the parties by:

depositing said copy in the United States Mail, postage
prepaid to attorney of record and/or unrepresented party

Hand Delivered

Faxing a copy to attorney of record

Bob Warner
Clerk/Deputy of District Court