

IN THE DISTRICT COURT FOR DAKOTA COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	Case No. _____
MICHAEL J. LINDER, Director)	
DEPARTMENT OF ENVIRONMENTAL)	
QUALITY,)	
)	
Plaintiff,)	COMPLAINT
)	
v.)	
)	
ELLIOT SAUNDERS,)	
)	
)	
Defendant.)	

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ), alleges the following:

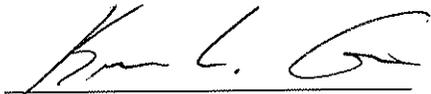
1. NDEQ is the agency of the State of Nebraska charged under Neb. Rev. Stat. § 81-1504(1) (Reissue 2008), with exercising exclusive supervision of the administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (Reissue 2008), along with all rules, regulations, and orders promulgated under those Acts, including Title 129 of the Nebraska Administrative Code, "Nebraska Air Quality Regulations."
2. Elliot Saunders is a resident of Dakota County and at all relevant times operated a business in Dakota County, Nebraska, known as Saunders Truck and Trailer.
3. From October 7, 2008 to October 17, 2008, Saunders caused or allowed an open fire to occur at his place of business in Dakota County in which various solid waste items were burned, including tires, a mattress, metal gallon cans, plastic, and wiring.
4. Under 129 Neb. Admin. Code, ch. 30, § 001, no person shall cause or allow any open fires.

5. Under Neb. Rev. Stat. § 81-1506(3)(c) (Reissue 2008), it is unlawful for any person to violate any rule or regulation adopted and promulgated under the Environmental Protection Act. Any such violation is punishable under § 81-1508.02(2) by a civil penalty of no more than \$10,000 per day. In the case of a continuing violation, each day constitutes a separate offense.

The State requests that judgment be entered in favor of the State and against Saunders in the form of civil penalties as provided in § 81-1508.02(2), and that all costs of this action be taxed to Saunders.

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
kevin.griess@nebraska.gov
Attorneys for Plaintiff.