

adjudication of any issues of fact or law, without this consent decree constituting an admission by Saunders with respect to such issues. Therefore, and for only the purpose 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 the State'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 the State's complaint, if such claims were known to the State, 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 Saunders shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of \$4,000 to the district court for Dakota County. This civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution.

A. \$1,000 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. \$3,000 of the civil penalty shall be paid to this Court no more than six months from the entry of this consent decree by the Court. However, if Saunders does not violate any provision of the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et. seq., or any rules and regulations promulgated under that Act during the six months following the entry of this consent decree, then payment of this \$3,000 of civil penalties will be waived.

C. To qualify for the waiver of \$3,000 of civil penalties as described in paragraph 5(B), Saunders will file a Request for Waiver 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 mentioned in paragraph 5(B). The State will file a satisfaction of judgment within 10 days of receiving Saunders' Request for Waiver if Saunders has complied with the statutes and regulations mentioned in paragraph 5(B) during the six months following the entry of this consent decree. If Saunders violates the statutes and regulatory provisions in paragraph 5(B) during the six months following the entry of this consent decree, the State may file an objection to Saunders' Request for Waiver and the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. This consent decree will have no effect on any enforcement action brought by the State or NDEQ against Saunders 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 January 25, 2011, in Dakota County, Nebraska.

CERTIFICATE OF SERVICE

This undersigned certifies that the foregoing instrument was served upon all parties to the above cause to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on January 28, 2011.

By: U.S. Mail FAX
 Hand Delivered Overnight Courier
 Certified Mail Other:

Signature [Handwritten Signature]

A. General
T. Fitch

BY THE COURT:

[Handwritten Signature]
District Judge

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

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