

COPY

IN THE DISTRICT COURT OF CLAY COUNTY, NEBRASKA

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

Plaintiff,

v.

Earl and Virginia Hultman,
husband and wife,

Defendants.

Case No. CI 12 90

CONSENT DECREE

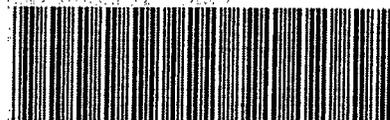
FILED
IN THE DISTRICT COURT OF
CLAY COUNTY, NEBRASKA

9 AUG 29 2012
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JONI SKALKA
CLERK OF THE DISTRICT COURT

COMES NOW the parties, Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through its Counsel, Jon Bruning, Attorney General, and the Defendants, Earl and Virginia Hultman, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2010), and all rules and regulations and orders promulgated thereunder.
2. In its Complaint, the State alleges that on or about March 5, 2012, Defendants caused pollution of waters of the state or placed or caused wastes to be placed in a location where they are likely to cause pollution to any waters of the state in violation of § 81-1506(1).
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



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desire to conclude this case without trial or adjudication of any issues of fact or law, without this consent decree constituting an admission by Defendants, with respect to such issues.

4. This consent decree shall be in full satisfaction of all claims between the named parties alleged in NDEQ's complaint. The named parties also agree to release any and all claims or actions between the named parties arising out of the same transaction or occurrences referenced above and in NDEQ's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the consent decree.

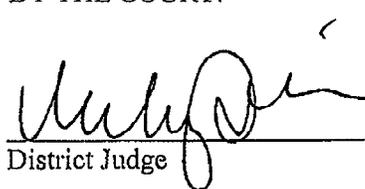
5. IT IS THEREFORE ORDERED that Earl and Virginia Hultman shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2010), in the amount of \$8,000.00 as well as court costs in the amount of \$82.00, to the Clay County District Court. The civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution. The civil penalty amount will be paid within ten days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

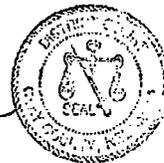
6. This consent decree will have no effect on any enforcement action brought by NDEQ against Earl and Virginia Hultman for future violations of any statutes or regulations.

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

DATED THIS 28th day of August, 2012, in Clay County, Nebraska.

BY THE COURT:


District Judge



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

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