

IN THE DISTRICT COURT OF FRONTIER COUNTY, NEBRASKA

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

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

FIRST CLAIM

1. NDEQ is the agency of the State of Nebraska charged with exercising exclusive supervision of the implementation and enforcement of the Petroleum Products and Hazardous Substances Storage and Handling Act, Neb. Rev. Stat. § 81-15,117 *et seq.* (Reissue 2008), along with all rules and regulations promulgated thereunder.

2. At all times material herein Defendant, Stanton Nelson, owned and operated a facility called Nelson Service, 111 West 2nd St., Curtis, Frontier County, Nebraska, 69025 ("Facility"). As part of the operation of the Facility, Mr. Nelson used underground storage tanks (UST) to store the petroleum product being sold.

3. On or about February 14, 1999, a petroleum release was discovered while excavating 2 USTs from Nelson Services.

4. On or about August 21, 2008, NDEQ issued an Administrative Order to Defendant requiring the investigation and remediation of the petroleum release. The Order became final on September 20, 2008.



5. Pursuant to Neb. Rev. Stat. § 81-15,124, as the owner or operator of tanks from which a release occurred, Defendant was required to develop a remedial action plan to be submitted for approval to the NDEQ.

6. On or about August 21, 2008 and continuing until on or about September 19, 2012, Defendant failed to develop and carry out a plan for remedial action of such release in violation of Neb. Rev. Stat. § 81-15,124 and the Administrative Order.

7. Pursuant to Neb. Rev. Stat. §81-15,125 a civil penalty is provided in the amount of not more than \$5,000 (five thousand dollars) for each offense. In the case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. § 81-15,125, and further that all cost of this action be taxed to the Defendant.

DATED this 6 day of November, 2012.

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

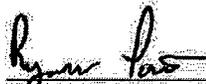
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CERTIFICATE OF SERVICE

It is hereby certified that on this 6th day of November, 2012, a true and accurate copy of the foregoing Complaint has been served upon Defendant herein by placing a copy of the same in the United State Mail, first class postage prepaid, addressed to Defendant at:

Stanton Nelson
111 West 2nd Box 13
Curtis, Nebraska 69025



Ryan S. Post
Assistant Attorney General