

IN THE DISTRICT COURT OF PLATTE COUNTY, NEBRASKA

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

Plaintiff,

v.

WILLIAM LEHR, d/b/a
T-BONE TRUCK STOP,

Defendant.

Case No. _____

**COMPLAINT AND REQUEST
FOR INJUNCTION**

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 the obligation of exercising exclusive supervision of the implementation and enforcement of the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2008), along with all rules and regulations promulgated pursuant to that Act, including Title 119 of the Nebraska Administrative Code, "Rules and Regulations Pertaining to the Issuance of Permits Under the National Pollutant Discharge Elimination System (NPDES)."

2. William Lehr, doing business as T-Bone Truck Stop, at all relevant times operated a truck wash in Platte County, Nebraska. As a part of its operation, T-Bone Truck Stop uses a wastewater lagoon system to treat and store the wastewater produced by the truck wash.

3. Neb. Rev. Stat. § 81-1506(2)(b) makes it unlawful for any person to construct, install, modify, or operate a disposal system without obtaining the necessary permits from NDEQ. Accordingly, on June 18, 2007, William Lehr obtained an operating permit from NDEQ for the operation of T-Bone Truck Wash.



4. Neb. Rev. Stat. § 81-1508.02(1)(b) makes it unlawful for any person to violate any operating permit condition or limitation imposed in accordance with the NPDES program.

5. The issuance of the operating permit in accordance with the NPDES program required William Lehr to submit an engineering report to NDEQ by September 1, 2007. As of the date of this Complaint, Mr. Lehr continues to operate the truck wash despite his failure to submit the engineering report.

6. Under Neb. Rev. Stat. § 81-1508.02(2) any violation of § 81-1506 subjects a person to a civil penalty of not more than \$10,000.00 per day, and in the case of a continuing violation, each day shall constitute a separate offense.

7. Neb. Rev. Stat. § 81-1508(3) authorizes a court to award injunctive relief to assure compliance with the provisions of the Environmental Protection Act.

SECOND CLAIM

8. The State incorporates by reference the allegations contained in paragraphs 1 through 7 of the First Claim.

9. The issuance of the operating permit in accordance with the NPDES required William Lehr to submit design specifications for any upgrades necessary for the legal operation of T-Bone Truck Wash to NDEQ by November 1, 2007. As of the date of this Complaint, Mr. Lehr continues to operate the truck wash despite his failure to submit the design specifications for necessary upgrades.

THIRD CLAIM

10. The State incorporates by reference the allegations contained in paragraphs 1 through 7 of the First Claim.

11. The issuance of the operating permit in accordance with the NPDES program required William Lehr to complete the construction of any upgrades necessary for the legal operation of T-Bone Truck Wash to NDEQ by July 1, 2008. As of the date of this Complaint, Mr. Lehr continues to operate the truck wash despite his failure to complete the construction of the necessary upgrades.

FOURTH CLAIM

12. The State incorporates by reference the allegations contained in paragraphs 1 through 7 of the First Claim.

13. On June 30, 2012, the permit issued by NDEQ to William Lehr for the operation of the T-Bone Truck Wash expired.

14. On October 9, 2012, NDEQ conducted an inspection of the T-Bone Truck Wash and determined that the facility was being operated without a valid permit.

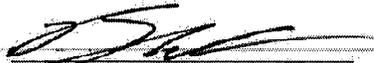
PRAYER FOR RELIEF

The State requests that judgment be entered in favor of the State against William Lehr; that a civil penalty be assessed against William Lehr, as provided for in § 81-1508.02(2), together with the costs of this action; and that the Court enter an injunction prohibiting further operation of T-Bone Truck Wash until William Lehr (a) is granted a valid permit for the operation of the facility; (b) completes all actions necessary to comply with the terms of a new permit.

Respectfully submitted this 30th day of October, 2012.

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

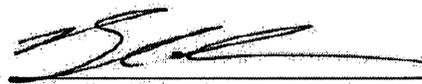
By JON C. BRUNING, #20351
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Blake E. Johnson, # 24158
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Blake E. Johnson, hereby certify that on this 30th day of October, 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:

William M. Lehr
16361 265th Avenue
Columbus, NE 68601


Blake E. Johnson
Assistant Attorney General