

IN THE DISTRICT COURT OF GAGE COUNTY, NEBRASKA

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

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

FIRST CLAIM

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008 and Supp. 2009) *et seq.*

2. At all times material herein the Defendant, Waldo Farms, Inc., owned and operated an animal feeding operation, located in Gage County, Nebraska, the legal description being NW1/4, Section 31, Township 5N, Range 5E, Gage County and SW1/4, Section 30, Township 5N, Range 5E, Gage County.

3. Pursuant to Nebraska Revised Statute §81-1506(1) (a) it is unlawful for any person to cause pollution of any waters or land of the state or to place or cause any wastes to be placed in a location where they are likely to cause pollution of any waters of the state.

4. On or about March 16, 2010, Defendant caused pollution of waters of the state.

5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

SECOND CLAIM

6. The plaintiff incorporates by reference the allegations in paragraphs 1, 2, and 5 of the plaintiff's First Claim.

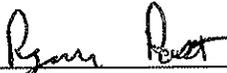
7. Pursuant to Neb. Rev. Stat. §81-1506 (2) (b) makes it unlawful to operate any disposal system or part thereof without obtaining necessary permits from the Department.

8. On or about March 16, 2010 and continuing until December 15, 2011, Defendant operated a building and waste control system without an operating permit issued by the Plaintiff.

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. §81-1508.02 (2) and further that all costs of this action be taxed to the Defendant.

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

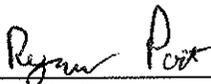
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 6 day of February, 2012 addressed to the Defendant's attorney of record as follows:

Don Blankenau, Esq.
Blankenau Wilmoth LLP
206 South 13th Street, Suite 1425
Lincoln, NE 68508-2002


Ryan S. Post
Assistant Attorney General