

IN THE DISTRICT COURT OF ADAMS COUNTY, NEBRASKA

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

Plaintiff,

v.

WENDELL E. JOHNSON,

Defendant.

Case No. CI 12-552

COMPLAINT

ADAMS COUNTY
CLERK OF DIST. COURT

12 OCT -5 P 1:15

FILED X

The Nebraska Department of Environmental Quality institutes this action through Jon C.

Bruning, Attorney General, and alleges the following:

1. The Nebraska Department of Environmental Quality, is at all times herein the agency of the State of Nebraska responsible for enforcement of the Environmental Protection Act, NEB. REV. STAT. § 81-1501 *et seq.* (Reissue 2008), the Integrated Solid Waste Management Act, NEB. REV. STAT. § 13-2001 *et seq.* (Reissue 2007), and all rules, and regulations, and permits created thereunder.

2. Wendell E. Johnson, at all times material herein, was a resident of Adams County, Nebraska.

3. On or about November 12, 2008, Wendell Johnson unlawfully disposed of solid waste consisting of burned and unburned remnants of a residence in the village of Ayr, Adams County, in a hole on the same premises in Ayr.

4. On or about March 31, 2009, Wendell Johnson removed the same material from the location at Ayr and without having a permit to do so, disposed of it in a second hole on premises he owned near the village of Roseland, Adams County.

5. NEB. REV. STAT. §13-2033 (Reissue 2007) provides: "no person shall dump or deposit any solid waste at any place other than a landfill approved by the director unless the



000291819D14



T19E0002T02

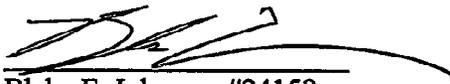
department has granted a permit which allows the dumping or depositing of solid waste at any other facility. ...”

6. Pursuant to Neb. Rev. Stat. §81-1508.02 (Reissue 2008) a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day is provided in cases of violation of the Integrated Solid Waste Management Act.

WHEREFORE , the Plaintiff prays that judgment on its claim be entered herein against the Defendant in the form of a civil penalty as provided under Neb. Rev. Stat. §81-1508.02, together with the costs of the action.

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

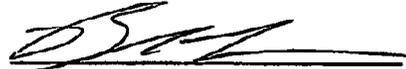
By JON C. BRUNING, #20351
Attorney General

By 
Blake E. Johnson, #24158
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-2682
blake.johnson@nebraska.gov
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Blake E. Johnson, hereby certify that on September 26, 2012, a copy of the foregoing Complaint was served upon Defendant by e-mail and regular United States mail, first class postage prepaid, addressed to the Defendant's attorney of record as follows:

Stephen Mossman
Mattson, Ricketts, Davies, Stewart & Calkins
134 So. 13th Street, Suite 1200
Lincoln, Nebraska 68508-1901
sdm@mattsonricketts.com



Blake E. Johnson
Assistant Attorney General