

IN THE DISTRICT COURT FOR ADAMS COUNTY, NEBRASKA

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

Plaintiff,

v.

WENDELL JOHNSON,

Defendant.

Case No. CI 12-522

CONSENT DECREE

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality ("NDEQ") and through counsel, Attorney General Jon C. Bruning, and Wendell Johnson, through counsel, Stephen D. Mossman, jointly file this Consent Decree and agree to this Court's entry of the following terms and orders:

1. This Court has jurisdiction of the parties and the subject matter of this action. The complaint filed in this case is a justiciable cause of action against Wendell Johnson under the Nebraska 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 the rules and regulations promulgated pursuant to those acts.

2. In its Complaint, the State alleges that on or about March 31, 2009, Wendell Johnson unlawfully disposed of asbestos-contaminated solid waste in violation of **Neb. Rev. Stat. § 13-2033** (Reissue 2007).

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 desire to resolve this matter without resorting to trial or adjudication of any issues of fact or law,



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without this Consent Decree constituting an admission by Wendell Johnson with respect to such issues.

4. The terms of this Consent Decree shall be in full satisfaction of all claims between the parties alleged in the Complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and set forth in the Complaint provided that such claims were known to the State or were reasonably ascertainable from information in the State's possession as of the date of the filing of the Consent Decree.

5. IT IS THEREFORE ORDERED that Wendell Johnson shall pay a civil penalty, in accordance with **Neb. Rev. Stat. § 81-1508.02**, in the amount of \$5,000.00, together with court costs in the amount of \$82.00 to the Adams County District Court within thirty (30) days of the entry of this Consent Decree. This civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution.

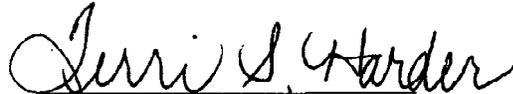
6. IT IS FURTHER ORDERED that Wendell Johnson shall pay, as a supplemental environmental project, \$1,000.00 to the Roseland Volunteer Fire Department, located in Roseland, Nebraska. This payment shall be made within thirty (30) days of the entry of this Consent Decree.

7. This Consent Decree shall have no effect on any enforcement action brought by the State or NDEQ against Wendell Johnson for future violations of any statutes or regulations.

8. The undersigned parties consent without further notice to the form and entry of this Consent Decree.

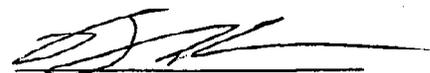
DATED THIS \_\_\_\_\_ day of September 2012, in Adams County, Nebraska.

By The Court:

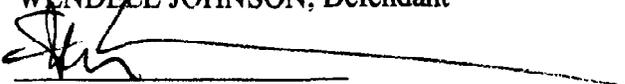
  
District Judge

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

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