

IN THE DISTRICT COURT OF MADISON COUNTY, NEBRASKA

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

Plaintiff,

v.

COE CATTLE CO.,

Defendant.

Case No. CI 12-553 K

CONSENT DECREE

FILED

 A.M. 12:23 P.M.

NOV 30 2012

IN DISTRICT COURT OF
MADISON COUNTY, NEBRASKA
MARJORIE SCHAFER, CLERK

COMES NOW the parties, Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ" or "Department"), proceeding on its Complaint filed herein and appearing through its Counsel, Attorney General Jon C. Bruning and Assistant Attorney General Ryan S. Post, and the Defendant, COE Cattle Co., and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2010), and all rules and regulations and orders promulgated thereunder.

2. In its Complaint, the State alleges that on or about May 25, 2011, Defendant caused pollution of waters of the state or placed or caused wastes to be placed in a location where they are likely to cause pollution to any waters of the state in violation of § 81-1506(1).

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



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desire to conclude this case without trial or adjudication of any issues of fact or law, without this consent decree constituting an admission by Defendant, with respect to such issues.

4. This consent decree shall be in full satisfaction of all claims between the named parties alleged in NDEQ's complaint. The named parties also agree to release any and all claims or actions between the named parties arising out of the same transaction or occurrences referenced above and in NDEQ's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the consent decree.

5. IT IS THEREFORE ORDERED that COE Cattle Co. shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2010), in the amount of \$2,250.00 as well as court costs in the amount of \$82.00, to the Madison County District Court. The civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution. The civil penalty amount will be paid within ten days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

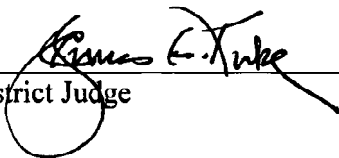
6. IT IS FURTHER ORDERED that COE Cattle Co. shall pay, as a voluntary supplemental environmental project, \$2,250.00 to the Norfolk Fire Department to be used for environmental safety, training, public awareness, equipment or other related uses as permitted by state law, at the sole discretion of the Norfolk Fire Department. This payment shall be paid as a lump-sum payment within ten days of the entry of the Consent Decree by this Court.

7. This consent decree will have no effect on any enforcement action brought by NDEQ against COE Cattle Co. for future violations of any statutes or regulations.

8. The undersigned consent without further notice to the form and entry of this consent decree.

DATED THIS 20th day of November, 2012, in Madison County, Nebraska.

BY THE COURT:

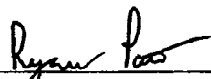


District Judge

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

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