

IN THE DISTRICT COURT FOR HAMILTON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
Plaintiff,)
v.)
RON PREHEIM, d/b/a Ron Preheim)
Livestock,)
Defendant.)

Case No. _____

COMPLAINT

FILED
BY *Nandy Chapman*
Deputy
DEC 01 2008

HAMILTON COUNTY, NE
CLERK OF DISTRICT COURT

COMES NOW the Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

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 1999), of exercising exclusive supervision, administration, and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §§ 81-1501–81-1532 (Reissue 1999, Cum. Supp. 2006, Supp. 2007), and the Livestock Waste Management Act, Neb. Rev. Stat. §§ 54-2416–54-2438 (Reissue 1999, Cum. Supp. 2006, Supp. 2007), along with all rules and regulations promulgated there under.

2. At all times material herein the Defendant, Ron Preheim, doing business as Ron Preheim Livestock, owned and operated a livestock feeding operation, located in Hamilton County, Nebraska.

3. Pursuant to Neb. Rev. Stat. § 81-1506(1)(a) (Cum. Supp. 2006), it is unlawful for any person to cause pollution of any waters of the state or place or cause to



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be placed wastes in a location where they are likely to cause pollution of any air, waters, or land of the state.

4. On or about August 2, 2007, to August 9, 2007, the Defendant discharged cattle waste from its animal feeding operation into a drainage way of the West Fork of the Big Blue River, a water of the state, in Hamilton County, Nebraska.

5. Pursuant to Neb. Rev. Stat. §81-1508.02(2) (Reissue 1999), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation, and in the case of a continuing violation, each day shall constitute a separate offense.

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) (Reissue 1999), and that all costs of this action be taxed to Defendant.

DATED this 26th day of November, 2008.


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

By JON C. BRUNING, #20351
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CERTIFICATE OF SERVICE

It is hereby certified that on this 26th day of November, 2008, 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's attorney of record.



Michelle Weber
Assistant Attorney General