

herein, and states that it shall be unlawful to "...dispose of any solid waste at any location other than a solid waste management facility holding a current permit issued by the [NDEQ] pursuant to the Integrated Solid Waste Management Act."

4. For several days prior to July 31, 2013, Vetter demolished the nursing home facility and dumped asbestos-containing solid waste at three (3) locations, including along the Cedar River. The three (3) locations were not solid waste management facilities holding a current permit issued by NDEQ under the Integrated Solid Waste Management Act, in violation of Neb. Rev. Stat. § 81-1506 (3)(d) (Reissue 2014).

5. Pursuant to Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2014), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided in cases of violation of the Environmental Protection Act.

SECOND CLAIM

6. The Plaintiffs hereby incorporate by reference the allegations in the First Claim.

7. The Plaintiff, the Nebraska Department of Health and Human Services ("NDHHS"), is at all times material herein, the agency of the State of Nebraska charged with the duty, under Neb. Rev. Stat. § 71-6303 (1) (Reissue 2009), to administer the Asbestos Control Act, Neb. Rev. Stat. § 71-6301 (Reissue 2009) *et seq.*, and all rules, regulations, and licenses issued pursuant to the Act.

8. Neb. Rev. Stat. § 71-6312 (1) (Reissue 2009), is in effect at all times material herein, and states that "[a]n individual or business entity which engages in an asbestos project without a valid license, except as otherwise provided in the Asbestos Control Act, shall be assessed a civil penalty of not less than five thousand dollars nor more than twenty-five thousand dollars for the

first offense and not less than twenty-five thousand dollars nor more than one hundred thousand dollars for a second or subsequent offense. Each day a violation continues shall constitute a separate offense.”

9. For several days prior to July 31, 2013, Vetter engaged in an asbestos project without a valid license in violation of Neb. Rev. Stat. § 71-6312 (1) (Reissue 2009).

WHEREFORE, the Plaintiffs pray that judgment be entered on its claims against the Defendant in the form of a civil penalty as provided under Neb. Rev. Stat. §§ 81-1508.02 (2) and 71-6312 (1), together with the costs of this action.

STATE OF NEBRASKA, ex rel.,
JIM MACY, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, and
JOSEPH M. ACIERNO, Acting Director
NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES, Plaintiffs

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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 27th day of April, 2015 addressed to the Defendant as follows:

Vetter Health Services, Inc.
Joani Schelm, CFO
20220 Harney Street
Elkhorn, NE 68022



Emily K. Rose
Assistant Attorney General