



IN THE DISTRICT COURT OF GREELEY COUNTY, NEBRASKA

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,)
)
 v.)
)
 VETTER HEALTH SERVICES, INC.)
)
 Defendant.)

Case No. CI 15-7

CONSENT DECREE

CS 23 Page 238-240

COMES NOW the parties, Plaintiffs, Jim Macy, Director of the Nebraska Department of Environmental Quality ("NDEQ"), and Joseph M. Acierno, Acting Director of the Nebraska Department of Health and Human Services ("NDHHS"), proceeding on the Complaint filed herein and appearing through Counsel, Doug Peterson, Attorney General, and Defendant, Vetter Health Services, Inc., and each party having consented to the making and entering of this Consent Decree without trial, request the entry of this Consent Decree.

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 the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014) and the Asbestos Control Act, Neb. Rev. Stat. § 71-6301 *et seq.* (Reissue 2009) and all rules, regulations, and orders promulgated pursuant to such Acts.



STATE OF NEBRASKA }
 COUNTY OF GREELEY } SS FILED
 May 4 2015
 Mindy A. Stinson
 Clerk of the District Court pB



2. In the Complaint, the Plaintiffs alleged that the Defendant dumped asbestos-containing solid waste at three (3) locations, including along the Cedar River, which were not solid waste management facilities and engaged in an asbestos project without a valid license.
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 conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by the Defendant, with respect to such issues.
4. This Consent Decree shall be in full satisfaction of all claims alleged in the Plaintiff's Complaint.
5. IT IS THEREFORE ORDERED that the Defendant shall pay a civil penalty pursuant to Neb. Rev. Stat. § 81-1508.02 (Reissue 2014) and Neb. Rev. Stat. § 71-6312 (1) (Reissue 2009), in the amount of forty-five thousand dollars (\$45,000.00) as well as court costs in the amount of eighty-two dollars (\$82.00), to the District Court for Greeley County, Nebraska. The civil penalty shall be due and owing upon the entry of the Consent Decree and is payable to the Clerk of this Court. The civil penalty shall be handled as provided under Article VII, Section V, of the Constitution of the State of Nebraska.
6. This Consent Decree will have no effect on any enforcement action brought by NDEQ or NDHHS against the Defendant for future violations of any statutes or regulations.
7. The undersigned consent without further notice to the form and entry of this Consent Decree.

DATED THIS 4th day of May, 2015, in Greeley County, Nebraska.

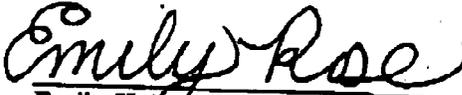
BY THE COURT:



District Judge of Greeley County, Nebraska

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

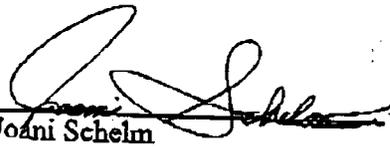
By: Doug Peterson, #18146
Attorney General

By: 

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Attorneys for Plaintiff.

VETTER HEALTH SERVICES, INC.,
Defendant

By: 

Joani Schelm
Chief Financial Officer

Defendant.