

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
PATRICK W. RICE, Acting Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
Plaintiff,)
v.)
Plains Equipment Group, Inc. and Hastco,)
Inc., d/b/a Hastco Construction Company)
Defendants.)

Case No. _____

COMPLAINT

COMES NOW Patrick W. Rice, Acting Director of the Department of Environmental Quality, who institutes this action through, Jon C. Bruning, Attorney General, on behalf of the State of Nebraska as Plaintiff and alleges and states as follows:

I. FIRST CLAIM

1. The Plaintiff, the Nebraska Department of Environmental Quality ("Department"), is at all times material herein the agency of the State of Nebraska charged with the duty pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008) to administer and enforce the provisions of the Nebraska Environmental Protection Act §81-1501 et seq. (Reissue 2008, Cum Supp. 2010), and all rules, regulations, and orders promulgated thereunder.

2. The Defendants are Plains Equipment Group, Inc. and Hastco, Inc., d/b/a Hastco Construction Company.

3. In September 2010, the Defendants applied to the Department for permission to discharge storm water from a construction site near North Platte, Lincoln County, Nebraska. The Department, acting under the authority of the Environmental Protection Act §81-1504 (4) and (11), granted permission to the Defendants to discharge storm water under terms and



conditions set forth in the NPDES (National Pollutant Discharge Elimination Permits) General Permit Number NER 110000 (the "Permit").

4. The Permit requires that there be proper signage near the main entrance, that the site entrance be properly maintained, that best management practices be properly implemented, and that inspections be conducted of the construction site.

5. On or about December 28, 2010 and May 12, 2011, inspections by the Department revealed that: the Defendants had failed to provide proper signage near the main entrance; the Defendants had failed to complete required inspections and documentation of required inspection of the construction site; the Defendants had failed to properly maintain site entrances; and the Defendants had failed to implement best management practices.

6. Neb. Rev. Stat. §81-1508.02 (1) (b) provides that it is unlawful to violate any permits or license condition or limitation issued or entered into pursuant to the Environmental Protection Act. Further, Neb. Rev. Stat. §81-1508.02 (2) provides a civil penalty is provided of up to ten thousand dollars (\$10,000) per day in such instances. In the case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE the Plaintiff prays that judgment be entered herein against the Defendants in the form of a civil penalty as provided under Neb. Rev. Stat. §81-1508.02 (2), together with the costs of this action.

STATE OF NEBRASKA, ex rel.,
PATRICK W. RICE, Acting Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

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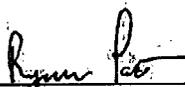
Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon Defendants by regular United States mail, first class postage prepaid on this 16th day of December, 2014, addressed to the Defendants' attorneys of record as follows:

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