

FILED

DEC 18 2014

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

Debra McCarthy
CLERK OF DISTRICT COURTS

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. CE14-775

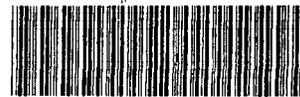
CONSENT DECREE

COMES NOW the parties, Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon Bruning, Attorney General, and the Defendants, Plains Equipment Group, Inc., by and through its attorneys David J. A. Barga, and Hastco, Inc., d/b/a Hastco Construction Company, by and through its attorney Stephen D. Lanterman, 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 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

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implement best management practices.

3. The parties agree that settlement of this matter is in the interests of all parties 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 Defendants, with respect to such issues.

4. This consent decree shall be in full satisfaction of all claims between NDEQ and 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 and NDEQ 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 or reasonably available to and/or obtainable by NDEQ, as of the date of the filing of the consent decree.

5. IT IS THEREFORE ORDERED Defendants shall pay an amount to the State in the form of a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2010), in the amount of \$9,250.00 as well as court costs in the amount of \$82.00, to the Lincoln County District Court. The civil penalty amount shall be handled as provided in Article VII, Section V, of the Nebraska Constitution. The civil penalty amount will be paid within twenty days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

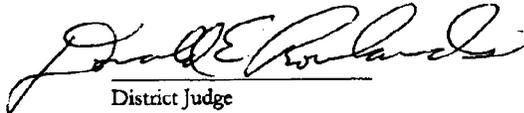
6. IT IS FURTHER ORDERED Defendants shall pay, as a voluntary supplemental environmental project, \$9,250.00 to Keep North Platte and Lincoln County Beautiful to be used for the Keith Blackledge Park project. This payment shall be paid as a lump-sum payment within twenty days of the entry of the Consent Decree by this Court.

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

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

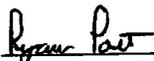
DATED THIS 18th day of December, in Lincoln County, Nebraska.

BY THE COURT:


District Judge

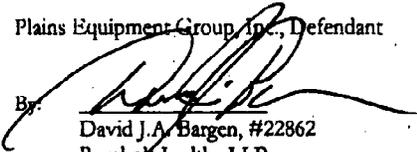
STATE OF NEBRASKA, ex rel.,
PATRICK W. RICE, Acting Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

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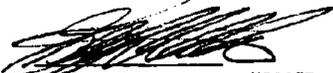
Plains Equipment Group, Inc., Defendant

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AND

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