

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF)	CASE NO. 2997
Klassen Farms Inc.)	
Platte County, Nebraska)	CONSENT ORDER
Respondent.)	

COME NOW the parties, Petitioner, the Nebraska Department of Environmental Quality (“NDEQ” or “Department”), proceeding on its Complaint, Compliance Order, and Notice of Opportunity for Hearing filed herein and appearing through its counsel, Lydia Fiedler, and the Respondent, Klassen Farms, Inc., owner and operator of an animal feeding operation located at SE 1/4, SE 1/4, Section 34, Township 20N, Range 3W, Platte County, Nebraska, appearing through its counsel, Thomas M. Maul. Each party having consented to the making and entering of this Consent Order without trial, the Director finds that the Consent Order should be and hereby is entered.

1. The Director has jurisdiction over the parties and the subject matter of this action. The Complaint, Compliance Order, and Notice of Opportunity for Hearing filed herein constitutes a justiciable cause of action against the Respondent.

2. The parties agree that settlement is in the public interest and that entry of this Consent Order is the most appropriate means of resolving their dispute.

3. The parties desire to conclude this case without trial or adjudication of any issues of fact or law concerning the Complaint, Compliance Order, and Notice of Opportunity for Hearing, without this Consent Order constituting an admission by the Respondent with respect to such issues contained in the Complaint, Compliance Order, and Notice of Opportunity for Hearing.

4. The Respondent agrees to the form and entry of this Consent Order for the purposes of settlement only. The Department reserves the right to pursue any other

action including additional enforcement in the proper court for injunctive relief and penalties, and/or an administrative order based on violations of the Nebraska Environmental Protection Act §§ 81-1501 to -1532 (Reissue 2008). The Department further reserves the right to impose additional obligations to abate or eliminate the violation by further order or action by the Director.

5. Therefore, and only for the purposes of this Consent Order, the parties agree to the entry of this Consent Order by the Director to resolve the contested case asked for on the Complaint, Compliance Order, and Notice of Opportunity for Hearing.

6. IT IS THEREFORE AGREED TO AS FOLLOWS:

- a. On or before October 1, 2010, Respondent shall begin construction on the approved plan submitted to the Department on August 3, 2010.
- b. By January 1, 2011, Respondent shall complete construction according to the approved plan.

7. The Parties further agree that the contested case shall be dismissed and the undersigned consent without further notice to the form and entry of the foregoing Consent Order.

Klassen Farms, Inc.,
By its Attorney:

/s/ Thomas M. Maul

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Nebraska Department of Environmental
Quality, By:

/s/ Lydia Fiedler

Lydia Fiedler, #24144
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BY THE NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY:

September 30, 2010
Date

/s/ Michael J. Linder
Michael J. Linder, Director, Nebraska
Department of Environmental Quality