IN THE DISTRICT COURT OF DODGE COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,) Case No. C118-305	2	
JIM MACY, Director,		-	-
NEBRASKA DEPARTMENT OF			3
ENVIRONMENTAL QUALITY,		م نت ا	-
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Plaintiff,) CONSENT DECREE	D	man j
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v.		<u></u>	
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PREFERRED PUMP & EQUIPMENT, L.P.)		
d/b/a Pulstar Manufacturing,)		
)		
Defendant.)		
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COMES NOW Plaintiff, Jim Macy, Director of the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on the Complaint filed herein and appearing through counsel, Douglas J. Peterson, Attorney General, and Defendant Preferred Pump & Equipment, L.P. d/b/a Pulstar Manufacturing and each party having consented to the making and entering of this Consent Decree without trial, request entry of this Consent Decree.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

- 1. This Court has jurisdiction over the parties and the subject-matter of this action pursuant to the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (Reissue 2014) and all rules, regulations, and orders promulgated thereunder.
- 2. In the Complaint, Plaintiff alleges Defendant committed two violations. First, Plaintiff alleges Defendant caused pollution to the land and water of the State at its facility located outside of Dodge, Dodge County, Nebraska, in violation of the Nebraska Environmental Protection Act. Second, Plaintiff alleges Defendant failed to make hazardous waste determinations for its solid waste streams in violation of Title 128 of the Nebraska Administrative Code Hazardous Waste Regulations.



- 3. The parties agree settlement of this matter is in the public interest and 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. The parties further desire to conclude this case without this Consent Decree constituting an admission by Defendant with respect to such issues.
- 4. This Consent Decree will be in full satisfaction of all claims between the parties alleged in Plaintiff's Complaint.
- 5. IT IS THEREFORE ORDERED Defendant will pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02(2) (Reissue 2014), in the amount of ten thousand dollars (\$10,000.00), as well as court costs in the amount of eighty-three dollars (\$83.00), to the District Court for Dodge County, Nebraska. The civil penalty will be handled as provided by Article VII, Section V, of the Nebraska Constitution.
 - A. Five thousand dollars (\$5,000.00) of the civil penalty, as well as court costs, to be paid upon entry of the Consent Decree and payable to the Clerk of the District Court for Dodge County; and
 - B. The remaining five thousand dollars (\$5,000.00) of the civil penalty shall be waived if Defendant: (i) maintains compliance with the Nebraska Environmental Protection Act and Title 128 of the Nebraska Administrative Code; and (ii) continues to implement the Closure Plan Revision 2.0 (September 2017) approved by NDEQ on November 22, 2017 for the period of two years from entry of the Consent Decree or upon satisfaction of the Closure Plan Certification Report by NDEQ, whichever is earlier. If Defendant, however, does not maintain compliance or stops implementing the Closure Plan Revision 2.0 (September 2017), then the remaining five thousand dollars (\$5,000.00) will not be waived and, instead, will be payable to the Clerk of the District Court for Dodge County.
 - C. Defendant shall provide Plaintiff with a showing of compliance within two years of entry of the Consent Decree or upon satisfaction of the Closure Certification Report by NDEQ, whichever is earlier. The showing of compliance must indicate

Defendant maintained compliance with the requirements listed in Paragraph 5(B).

- D. Plaintiff shall file a Satisfaction of Judgment with the Court after Defendant provides its showing of compliance pursuant to Paragraph 5(C). If Defendant, however, violates the requirements of Paragraph 5(B) during the period of compliance following entry of this Consent Decree, then Plaintiff, in its sole discretion, may file with the Court a motion to enforce the terms of the Consent Decree for payment of the remaining five thousand dollars (\$5,000.00). The determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.
- 6. This Consent Decree will have no effect on any enforcement action brought by NDEQ against 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.

Jwe day of May, 2018, in Dodge County, Nebraska.

BY THE COURT

Dodge County, Nebraska

STATE OF NEBRASKA, ex rel.,

JIM MACY, Director, NEBRASKA DEPARTMENT

OF ENVIRONMENTAL QUALITY, Plaintiff

BY: Douglas J. Peterson, #18146

Attorney General

Margar L Worts BY:

Maegan L. Woita, #26287

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Lincoln, Nebraska 68509-8920

Tel: (402) 471-1912

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Attorneys for Plaintiff

PREFFERED PUMP & EQUIPMENT, L.P. d/b/a PULSTAR MANUFACTURING, Defendant

BY:

Keith Vering

Plant Manager

Pulstar Manufacturing

CERTIFICATE OF SERVICE

I, the undersigned, certify that on June 12, 2018 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

Preferred Pump & Equipment, L.P. dba Pulstar Manufacturing 278 County Road 4 Dodge, NE 68633 Maegan L Woita Maegan.woita@nebraska.gov

Date: June 12, 2018 BY THE COURT: Linda Nelson

CLERK