

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).

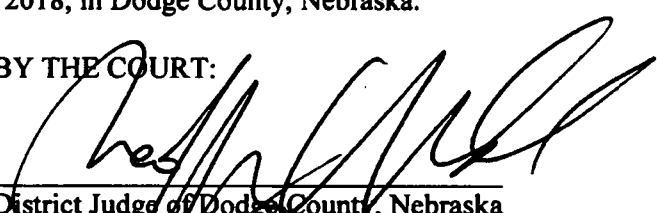
D. Plaintiff shall file a Satisfaction of Judgment with the Court after Defendant provides its showing of compliance pursuant to Paragraph 5(C). If Defendant, however, violates the requirements of Paragraph 5(B) during the period of compliance following entry of this Consent Decree, then Plaintiff, in 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.

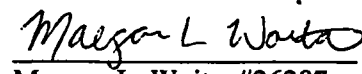
DATED this 12th day of June, 2018, in Dodge County, Nebraska.

BY THE COURT:


District Judge of Dodge County, Nebraska

STATE OF NEBRASKA, ex rel.,
JIM MACY, Director, NEBRASKA DEPARTMENT
OF ENVIRONMENTAL QUALITY, Plaintiff

BY: Douglas J. Peterson, #18146
Attorney General

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Attorneys for Plaintiff

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

BY: Keith Vering
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