

facility to waters and lands of the State.

5. Pursuant to Neb. Rev. Stat. § 81-1508.02 (2) where there has been a violation of Neb. Rev. Stat. §81-1605, a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

SECOND CLAIM

6. Plaintiff hereby incorporates by reference paragraphs 1-5 in its First Claim.

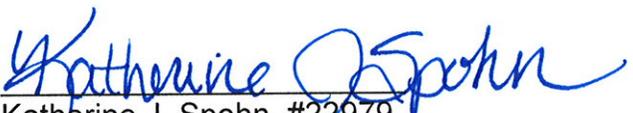
7. Neb. Rev. Stat. § 81-1508.06(2)(b) states that it is unlawful to construct, install, modify or operate any disposal system or part thereof or any extension or addition thereto without obtaining the necessary permits from the department.

8. On or about June 13, 2007, Defendant was operating a waste control system with a draw down pipe not permitted by the Department.

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendants in the form of civil penalties as provided in Neb. Rev. Stat. § 81-1508.02 (Reissue 1999) and further that all costs of this action be taxed to the Defendants.

STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

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