

3. The parties agree that settlement of this matter is in the public interest 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 Joseph Leslie, with respect to such issues.
4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in the Plaintiff's Complaint. The parties also agree to release any and all claims or actions out of the same transaction or occurrences referenced above and in the Plaintiff's Complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the entry of the Consent Decree.
5. IT IS THEREFORE ORDERED that Joseph Leslie shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of four thousand dollars (\$4,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Greeley County, Nebraska. The civil penalty shall be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska.
 - a. Two thousand dollars (\$2,000.00) of the civil penalty shall be paid within sixty (60) days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.
 - b. Two thousand dollars (\$2,000.00) of the civil penalty shall be paid no more than one hundred and eighty (180) days from the entry of this Consent Decree by the Court. However, if the Defendant maintains compliance with and does not violate any provisions of the Nebraska Environmental Protection Act, the Integrated

Solid Waste Management Act, or any rules and regulations adopted pursuant to such Acts during the one hundred and eighty (180) days following the entry of this Consent Decree, then payment of this two thousand dollars (\$2,000.00) in civil penalties shall be waived.

- c. To qualify for the two thousand dollar (\$2,000.00) waiver of civil penalties as stated in Paragraph 5(b), the Defendant shall file with the Court and serve upon the Plaintiff a showing within fifteen (15) days prior to the due date of the civil penalties. The showing must certify that the Defendant has maintained compliance with all requirements listed in Paragraph 5(b). The Plaintiff shall file a satisfaction of judgment within ten (10) days of receipt of the Defendant's showing. If the Defendant violates the requirements in Paragraph 5(b) during the one hundred and eighty (180) days following the entry of this Consent Decree, the Plaintiff, in its sole discretion, may file an objection to the Defendant's showing. If the Plaintiff files an objection to the Defendant's showing, the determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.
6. This Consent Decree shall have no effect on any enforcement action brought by NDEQ against the 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 ____ day of

2013, in Greeley County, Nebraska.

BY THE COURT:



District Judge of Greeley County, Nebraska

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

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