

IN THE DISTRICT COURT FOR DAWSON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,  
PATRICK W. RICE, Acting Director,  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

GOTHENBURG FEED PRODUCTS  
COMPANY

Defendant.

Case No. CI/4-366

CONSENT DECREE

COMES NOW the parties, Plaintiff, Patrick W. Rice, Acting Director of the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through his Counsel, Jon C. Bruning, Attorney General, and Defendant, Gothenburg Feed Products Company, and each party having consented to the making and entering of this Consent Decree without trial, request the entry of this Consent Decree.

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

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2008), and all rules, regulations, and orders promulgated thereunder.

2. In the Complaint, the Plaintiff alleged, in pertinent part, that the Defendant's emissions exceeded an opacity limit, in violation of the Nebraska Environmental Protection Act and Title 129 of the Nebraska Administrative Code.

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

STATE OF NEBRASKA  
DAWSON COUNTY

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FILED BY SHERRY WARNER  
CLERK OF DISTRICT COURT



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desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by the Defendant, 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.

5. IT IS THEREFORE ORDERED that the Defendant shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of six thousand dollars (\$6,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Dawson County, Nebraska. The civil penalty shall be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska.

- a. Three thousand dollars (\$3,000.00) of the civil penalty shall be paid within thirty (30) days from the entry of this Consent Decree and is payable to the Clerk of this Court.
- b. Three thousand dollars (\$3,000.00) of the civil penalty shall be paid within one hundred and eighty (180) days from the entry of this Consent Decree. However, payment of this \$3,000.00 in civil penalties shall be waived if the Defendant:
  - i. Maintains compliance with and does not violate any provisions of the Nebraska Environmental Protection Act, or any rule or regulation adopted and promulgated pursuant to such Act, during the one hundred and eighty (180) days following the entry of this Consent Decree;
  - ii. Installs wind breaks at the Gothenburg Feed Product's facility within one hundred and eighty (180) days from the entry of this Consent Decree; and

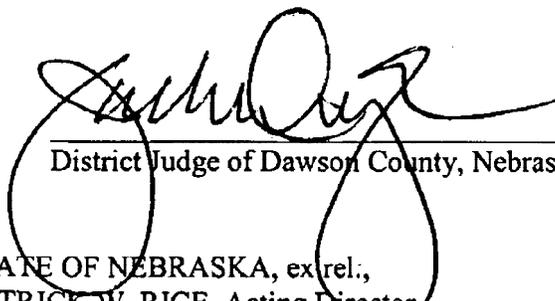
iii. Starts construction of a bag house off of the cooler and meal cyclone at the Gothenburg Feed Product's facility within one hundred and eighty (180) days from the entry of this Consent Decree.

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.

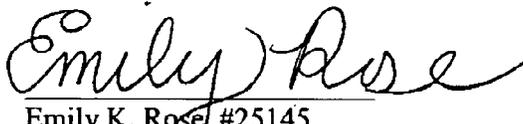
DATED THIS 2 day of Oct, 2014, in Dawson County, Nebraska.

BY THE COURT:

  
\_\_\_\_\_  
District Judge of Dawson County, Nebraska

STATE OF NEBRASKA, ex rel.,  
PATRICK W. RICE, Acting Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, Plaintiff

By: JON C. BRUNING, #20351  
Attorney General

By:   
Emily K. Rose, #25145  
Assistant Attorney General  
2115 State Capitol Building  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920  
(402) 471-2683  
emily.rose@nebraska.gov

Attorneys for Plaintiff

**CERTIFICATE**

The undersigned certifies that the foregoing document was served upon all pro se parties to the above cause and to each of the attorneys of record herein at their respective addresses as shown on the pleadings on 10-3, 2014.

2 TTY Gen.  U.S. Mail  FAX  
cloth lead  Hand Delivered  Certified Mail  
Signature: \_\_\_\_\_ SW

GOTHENBURG FEED PRODUCTS  
COMPANY, Defendant

By:  \_\_\_\_\_

Chris Healey  
President  
Gothenburg Feed Products Company  
1413 2<sup>nd</sup> Avenue  
Gothenburg, Nebraska 69138  
(308) 537-3605

Defendant