

**IN THE DISTRICT COURT OF WAYNE COUNTY, NEBRASKA**

STATE OF NEBRASKA, ex rel.,	)	
JIM MACY, Director,	)	Case No. _____
NEBRASKA DEPARTMENT OF	)	
ENVIRONMENT AND ENERGY,	)	
	)	
Plaintiff,	)	<b>CONSENT DECREE</b>
	)	
v.	)	
	)	
GREAT DANE, LLC d/b/a GREAT	)	
DANE TRAILERS,	)	
	)	
Defendant.	)	

COMES NOW Plaintiff, the State of Nebraska on behalf of Jim Macy, Director of the Nebraska Department of Environment and Energy (“Department”), proceeding on the Complaint filed herein and appearing through counsel, Douglas J. Peterson, Attorney General, and Defendant, Great Dane, LLC d/b/a Great Dane Trailers, a Delaware limited liability company, appearing through counsel, 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 subject matter of this action, pursuant to Neb. Rev. Stat. § 24-302, and over the parties to this action. Venue is proper pursuant to Neb. Rev. Stat. § 25-403.01, as Defendant’s facility is located in Wayne County and the events at issue took place in Wayne County.
2. In the Complaint, Plaintiff alleges Defendant violated the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.*, and applicable rules and regulations for hazardous waste by, *inter alia*, failing to make hazardous waste determinations, offering hazardous waste to a transporter and disposal facility without a hazardous waste identification number, failing to manifest hazardous waste when offered for transport, and failing to properly manage hazardous waste.



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. The parties also agree to release any and all claims or actions arising out of the same occurrences referenced above and set forth in the Complaint provided that such claims were known to the State or were reasonably ascertainable from information in the State's possession as of the date of the filing of the Consent Decree. This Consent Decree will have no effect on any enforcement action brought by the Department against Defendant for any future violations of any statutes or rules and regulations.

5. IT IS THEREFORE ORDERED that Defendant shall pay a stipulated civil penalty, under Neb. Rev. Stat. § 81-1508.02(2), in the amount of seventy-five thousand dollars (\$75,000.00) to the District Court for Wayne County, Nebraska, as well as reimburse the Plaintiff for court costs in the amount of eighty-three dollars (\$83.00). The civil penalty will be deposited by the Court and remitted to the County Treasurer for Wayne County for use and support of the common schools in Wayne County as directed by Article VII, Section 5, of the Nebraska Constitution. IT IS ALSO ORDERED:

- A. Thirty-seven thousand and five hundred dollars (\$37,500.00) of the civil penalty shall be paid by Defendant within thirty (30) days of entry of the Consent Decree and made payable to the Clerk of the District Court for Wayne County. Defendant shall also reimburse the Plaintiff for court costs in the amount of eighty-three dollars (\$83.00) within thirty (30) days of entry of the Consent Decree and made payable to the Nebraska Attorney General's Office; and

- B. The remaining thirty-seven thousand and five hundred dollars (\$37,500.00) of the civil penalty shall be waived if Defendant complies with the following condition: Defendant's facility in Wayne, Nebraska shall have no material violations of the Nebraska Environmental Protection Act or applicable Department rules and regulations until May 1, 2022. If Defendant does not comply with the aforementioned condition, then the remaining thirty-seven thousand and five hundred dollars (\$37,500.00) will not be waived and, instead, Defendant shall pay the remaining half of civil penalty to the Clerk of the District Court for Wayne County within thirty (30) days of notice of failure to comply with and satisfy the condition for waiver of the remaining half of the civil penalty.
- C. No later than May 15, 2022, Defendant shall provide Plaintiff with a Showing of Compliance. This Showing of Compliance must indicate Defendant complied with the waiver condition in the Consent Decree. The Department will verify compliance with the Consent Decree. Plaintiff will file a Satisfaction of Judgment with the Court after Defendant provides its Showing of Compliance and the Department verifies Defendant fully complied with the waiver condition in this Consent Decree. If Defendant, however, does not comply with the waiver condition of the Consent Decree during the compliance period, then Plaintiff, in its sole discretion, may file with the Court a motion to enforce the terms of the Consent Decree to recover any unpaid civil penalties, if necessary.

6. This Consent Decree is binding on Defendant's successors and assigns. Any change in ownership or corporate or other legal status, including,

but not limited to any transfer of assets or real or personal property, shall in no way alter the status or responsibilities of Defendant under this Consent Decree.

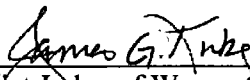
7. This Consent Decree will have no preclusive effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or rules and regulations. Defendant acknowledges that noncompliance with the terms and conditions set forth in this Consent Decree may also be violations of the Nebraska Environmental Protection Act and this Consent Decree does not preclude Plaintiff from bringing an independent enforcement action seeking civil penalties and/or injunctive relief for such violations.

8. Plaintiff reserves its rights to seek civil penalties and/or injunctive relief against Defendant for future violations of the Nebraska Environmental Protection Act and applicable rules and regulations.

9. The undersigned consent without further notice to the form and entry of this Consent Decree.

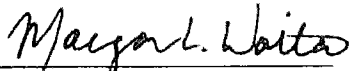
DATED this 27 day of January 2022, in Wayne County, Nebraska.

BY THE COURT:

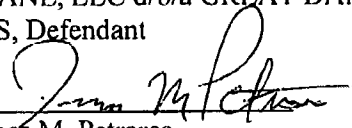
  
\_\_\_\_\_  
District Judge of Wayne County, Nebraska

STATE OF NEBRASKA, ex rel.,  
JIM MACY, Director, NEBRASKA  
DEPARTMENT OF ENVIRONMENT  
AND ENERGY, Plaintiff

BY: Douglas J. Peterson, #18146  
Attorney General

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*Attorneys for Plaintiff*

GREAT DANE, LLC d/b/a GREAT DANE  
TRAILERS, Defendant

BY:   
James M. Petrarca  
Chief Financial Officer and Vice  
President  
Great Dane, LLC

