

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
 STATE OF NEBRASKA, ex rel.,) Case No. CD07-3150
 MICHAEL J. LINDER, Director)
 DEPARTMENT OF ENVIRONMENTAL)
 QUALITY,)
 Plaintiff,) **CONSENT DECREE**
 v.)
)
 TELEX COMMUNICATIONS, INC.,)
 A Delaware Corporation,)
 Defendant.)

LANCASTER COUNTY
 2007 AUG 3 PM 2 34
 CLERK OF THE
 DISTRICT COURT

COME NOW the parties, Plaintiff, the Department of Environmental Quality (hereinafter "NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant Telex Communications Inc., appearing through its counsel Frederick Stehlik and Stuart T. Williams, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

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 Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum. Supp. 2006), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.
2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.
3. In its Complaint, Plaintiff alleges that the Defendant: (a) sent hazardous paint waste, mixed with the general trash, to the Lincoln Bluff Road Municipal Solid Waste Landfill, Lancaster County, Nebraska in violation of Title 128, Chapter 4, Section 004.02; (b) treated and disposed of hazardous paint waste without obtaining a permit

for the treatment, storage, or disposal of hazardous waste, in violation of Title 128, Chapter 12, Section 001.01; (c) failed to determine if solid waste in the forms of aerosol cans, bead blast dust and grit, production sawdust, and oil dry was hazardous in violation of Title 128, Chapter 4, Section 002; (d) failed to mark the start accumulation date on hazardous waste containers in two locations at the facility, in violation of Title 128, Chapter 10, Section 004.01F; (e) failed to clearly mark containers of hazardous paint waste with the words "Hazardous Waste," in violation of Title 128, Chapter 10, Section 004.01G; (f) failed to keep accumulation containers of hazardous waste in three separate locations at the facility closed at all times, unless adding or removing waste, in violation of Title 128, Chapter 10, Section 004.01A2; (g) failed to describe the location, physical description, and capabilities of the spill equipment listed in the contingency plan, in violation of Title 128, Chapter 18, Section 003.05, as referenced by Title 128, Chapter 10, Section 004.01H; (h) failed to provide a copy of the revised Contingency Plan to the Director of the NDEQ; (i) failed to adequately describe agreements with local police, fire departments and hospitals in the Contingency Plan, in violation of Title 128, Chapter 18, Section 003.03; (j) failed to describe the signals for evacuation in the Contingency Plan, in violation of Title 128, Chapter 18, Section 003.06; and (k) failed to provide a written description of the type and amount of training for two positions relating to hazardous waste management at the facility.

4. The parties agree that settlement of these matters 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 compromise this dispute and 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. The Defendant agrees to the form and entry of this Consent Decree for the purposes of settlement only, it being expressly agreed and understood that Defendant reserves and retains the right to deny and to contest any and all allegations in the Complaint in any other proceeding by any other person or entity. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Consent Decree by the Court.

5. This Consent Decree shall be in full satisfaction of all claims alleged in the complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the Consent Decree.

6. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.

8. IT IS THEREFORE ORDERED that the Defendant shall pay to the Clerk of the District Court a civil penalty in the amount of fifty thousand dollars (\$50,000.00), pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00), to be paid within thirty days of the approval of this Consent Decree by the Court.


9. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of fifty thousand dollars (\$50,000.00) into the Nebraska Environmental Trust to be used for environmental safety, training, public

awareness, or other related uses as permitted by state law, at the sole discretion of the Nebraska Environmental Trust, it's board or director. This sum shall be paid as a lump-sum payment due no later than thirty days after the approval of this Consent Decree by the Court.

10. IT IS FURTHER ORDERED that within twelve months of the approval of this consent decree by the Court, Defendant will have an audit of it its Environmental Management System performed by an independent contractor approved by the Department of Environmental Quality. The purpose of such audit is to ensure the adequacy of the Environmental Management System. Thus, all items noted in this audit will be treated as those in a Department of Environmental Quality compliance assistance inspection, and will not result in enforcement action being taken against Defendant.

DATED THIS 3rd day of August, 2007, in Lancaster County, Nebraska.

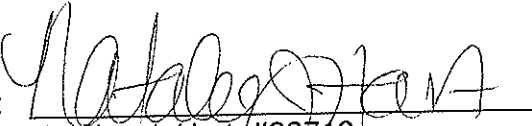
BY THE COURT:



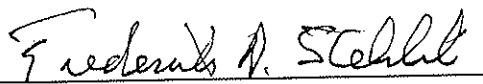
District Judge
JOHN A. COLBORN

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