

Nebraska Livestock Waste Management Act, and certain rules and regulations adopted and promulgated pursuant to such Acts.

- 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 Harlan Feeders, Inc., with respect to such issues. Harlan Feeders, Inc. specifically denies that it allowed a discharge from its facility under Neb.Rev.Stat. § 54-2431 (Reissue 2010).
- 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 Harlan Feeders, Inc. shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of twelve thousand dollars (\$12,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Harlan County, Nebraska. The civil penalty shall be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska.
 - a. Six thousand dollars (\$6,000.00) of the civil penalty shall be paid within thirty (30) days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court

b. Six thousand dollars (\$6,000.00) 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 Nebraska Livestock 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 six thousand dollars (\$6,000.00) in civil penalties shall be waived.

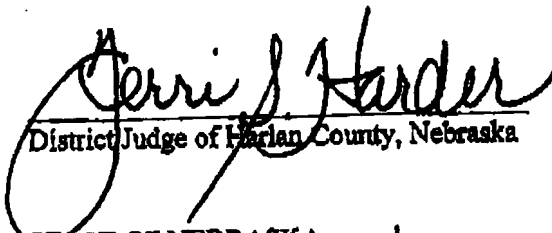
c. To qualify for the six thousand dollar (\$6,000.00) waiver of civil penalties as stated in Paragraph 5(b), the Defendant shall file with the Court and serve upon the Plaintiff a showing within fifteen (15) days prior to the due date of the civil penalties. The showing must certify that the Defendant 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.

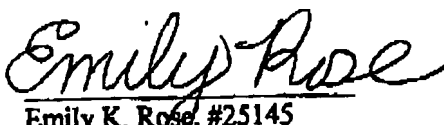
DATED THIS 2nd day of ~~September~~ Oct., 2013, in Harlan County, Nebraska.

BY THE COURT:


District Judge of Harlan County, Nebraska


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

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