

IN THE DISTRICT COURT OF MADISON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
PATRICK W. RICE, Acting Director,)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)
)
Plaintiff,)
v.)
)
TYSON FRESH MEATS, INC.)
)
Defendant.)

Case No. 14-223J

COMPLAINT

11:43 FILED A.M. P.M.

JUN 26 2014

IN DISTRICT COURT OF
MADISON COUNTY, NEBR
MARJORIE SCHAFFER, CLERK

COMES NOW Patrick W. Rice, Acting Director of the Nebraska Department of Environmental Quality, who institutes this action through Jon C. Bruning, Attorney General, on behalf of the State of Nebraska, and alleges as follows:

FIRST CLAIM

1. The Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), is at all times material herein, the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504 (Reissue 2008) to administer and enforce the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 (Reissue 2008) et seq., and all rules, regulations, and permits issued thereunder.

2. The Defendant, Tyson Fresh Meats, Inc., is a foreign corporation, organized and existing under the laws of the State of Delaware and conducting business in Madison County, Nebraska. At all times material herein, Defendant owned and operated a beef and pork slaughter and processing facility located in Madison County, Nebraska.

3. Neb. Rev. Stat. § 81-1506 (1) (Reissue 2008) is in effect at all times material herein and states that it is unlawful for any person to "(a) cause pollution of any air, waters,



or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution to any air, waters, or land of the state..."

5. On or about June 13, 2013, the Defendant land applied wastewater in a manner that allowed the waste to run off into a drainage way to Union Creek, a water of the state, in violation of Neb. Rev. Stat. § 81-1506 (1) (a) (Reissue 2008).

6. Pursuant to Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2008), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided in cases of violation of the Environmental Protection Act.

SECOND CLAIM

7. The Plaintiff hereby incorporates by reference the allegations contained in its First Claim.

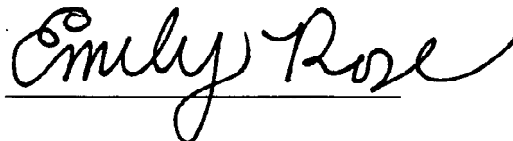
8. On or about November 9, 2013, the Defendant land applied wastewater in a manner that allowed the waste to run off into a drainage way to Union Creek, a water of the state, in violation of Neb. Rev. Stat. § 81-1506 (1) (a) (Reissue 2008).

WHEREFORE, the Plaintiff prays that judgment be entered on its claims against the Defendant in the form of a civil penalty as provided under Neb. Rev. Stat. § 81-1508.02, together with the costs of this action.

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 Rose

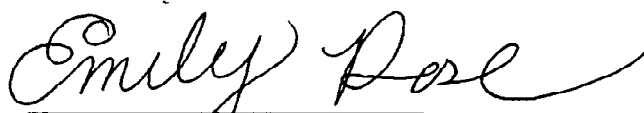
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Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 25th day of June, 2014 addressed to the Defendant's attorney as follows:

Tim Jones
Tyson Fresh Meats, Inc.
2200 Don Tyson Parkway
Springdale, AR 72762



Emily K. Rose
Assistant Attorney General