

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

FILED

_____A.M. _____P.M.

CONSENT DECREE

JUN 26 2014

IN DISTRICT COURT OF
MADISON COUNTY NEBR

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, Tyson Fresh Meats, Inc. ("Tyson"), 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 on or about June 13, 2013 and November 9, 2013, Tyson land applied wastewater in a manner that allowed the waste to run off into a drainage ditch to Union Creek, a water of the state.
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,

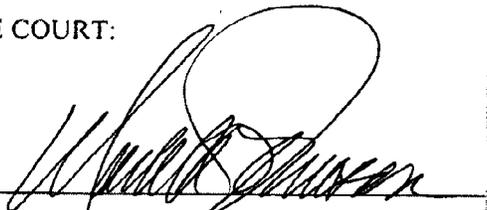


without this Consent Decree constituting an admission by Tyson, with respect to such issues.

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 Tyson shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), in the amount of sixteen thousand dollars (\$16,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Madison County, Nebraska. The civil penalty will be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska. 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.
6. This Consent Decree will have no effect on any enforcement action brought by NDEQ against Tyson 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 26th day of June, 2014, in Madison County, Nebraska.

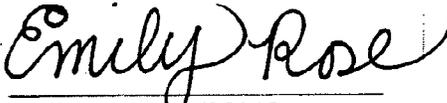
BY THE COURT:



District Judge of Madison 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: 

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Attorneys for Plaintiff.

TYSON FRESH MEATS, INC.,
Defendant

By: 
Jim Schmitz
Vice President- Pork Production Operations

Defendant.