

IN THE DISTRICT COURT FOR PHELPS COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
JIM MACY, Director)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY,)
)
Plaintiff,)
v.)
SOUTH CENTRAL FEEDERS, INC.)
)
Defendant.)

Case No. CIIS-119

COMPLAINT

FILED
AUG 17 2015
JENNIFER L. NELSON
CLERK OF DISTRICT COURT
PHELPS COUNTY

COMES NOW Jim Macy, Director of the Nebraska Department of Environmental Quality, who institutes this action through Douglas J. Peterson, Attorney General, on behalf of the State of Nebraska, and alleges as follows:

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 (1) (Reissue 2014) to administer and enforce the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014), and all rules, regulations, orders, and permits issued pursuant to the Act.
2. At all times material herein, the Defendant, South Central Feeders, Inc., owned and operated a large animal feeding operation in Phelps County, Nebraska.
3. Neb. Rev. Stat. § 81-1506 (1) (Reissue 2014) is in effect at all times material herein and states that it shall be unlawful for any person "(a) [t]o 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 of any air, waters, or land of the state..."

20150057262

000030734037

4. On or about November 26, 2013 to November 28, 2013, the Defendant land applied wastewater in a manner that allowed 407,700 gallons of waste to run off into a drainage ditch to an unnamed tributary of the Platte River, a water of the State, in violation of Neb. Rev. Stat. § 81-1506 (1) (a) (Reissue 2014).

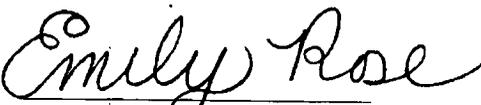
5. Pursuant to Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2014), a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day per violation is provided in cases of violation of the Environmental Protection Act and any rules or regulations adopted and promulgated pursuant to such an Act.

WHEREFORE, the Plaintiff prays that judgment on its claim be entered against the Defendant in the form of a civil penalty as provided under Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2014) together with the costs of this action.

Respectfully submitted this 12th day of August, 2015

STATE OF NEBRASKA, ex rel.,
JIM MACY, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: DOUGLAS J. PETERSON, #18146
Attorney General

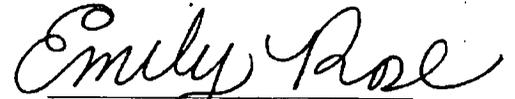
By: 
Emily K. Rose, #25145
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-2683
emily.rose@nebraska.gov

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served on the Defendant by regular United States mail, first class postage prepaid on this 12th day of August, 2015, addressed to the Defendant as follows:

South Central Feeders, Inc.
Jason Anderson
416 Center Avenue
Holbrook, NE 68948



Emily K. Rose
Assistant Attorney General