

IN THE DISTRICT COURT OF 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. CI15-119

CONSENT DECREE

FILED

AUG 17 2015

JENNIFER L. NELSON
CLERK OF DISTRICT COURT
PHELPS COUNTY

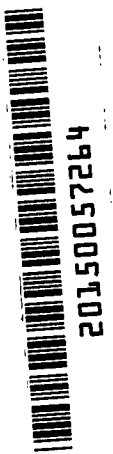
COMES NOW the parties, Plaintiff, Jim Macy, Director of the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through Counsel, Douglas J. Peterson, Attorney General, and Defendant, South Central Feeders, Inc., and each party having consented to the making and entering of this Consent Decree without trial, respectfully 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 Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014), and all rules, regulations, and orders promulgated under the Act.
2. In the Complaint, the Plaintiff alleged, in pertinent part, that on or about November 26, 2013 to November 28, 2013, the Defendant land applied wastewater in a manner that allowed the waste to run off into a drainage ditch into an unnamed tributary of the Platte River, 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



000030725D37



20150057264

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.

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 the Defendant shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2014), in the amount of eighteen thousand dollars (\$18,000.00) as well as court costs in the amount of eighty-two dollars (\$82.00), to the District Court of Phelps County, Nebraska. The civil penalty will be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska.

- a. Nine thousand dollars (\$9,000.00) of the civil penalty shall be paid upon the entry of this Consent Decree and is payable to the Clerk of this Court.
- b. Nine thousand dollars (\$9,000.00) of the civil penalty shall be paid no more than one hundred and eighty (180) days from the entry of this Consent Decree. However, if the Defendant maintains compliance with the provisions of the Environmental Protection Act and the rules or regulations adopted pursuant to the Act during the one hundred and eighty (180) days following the entry of this Consent Decree, payment of this nine thousand dollars (\$9,000.00) in civil penalties shall be waived.
- c. 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 under Paragraph 5(b). The Showing must certify that the Defendant has maintained compliance with all requirements listed in Paragraph 5(b).

- d. The Plaintiff shall file a Satisfaction of Judgment within ten (10) days of receipt of the Defendant's Showing. However, 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 such an Objection, the determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.
6. This Consent Decree will 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 17 day of Aug., 2015, in Phelps County, Nebraska.

BY THE COURT:



District Judge of Phelps County, Nebraska

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

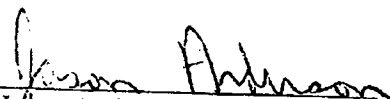
By: Douglas J. Peterson, #18146
Attorney General

By: 

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

Attorneys for Plaintiff.

SOUTH CENTRAL FEEDERS, INC.,
Defendant

By: 
Jason Anderson
President- South Central Feeders, Inc.

Defendant.

CERTIFICATE OF SERVICE

I, the undersigned, certify that on August 17, 2015 , I served a copy of the foregoing document upon the following persons at the addresses given, by mailing by United States Mail, postage prepaid, or via E-mail:

South Central Feeders Inc.
Jason Anderson
416 Center Avenue, P.O. Box 159
Holbrook, NE 68948

Emily K Rose
emily.rose@nebraska.gov



Date: August 17, 2015

BY THE COURT:

Jennifer L. Nelson

CLERK