

IN THE DISTRICT COURT OF CEDAR COUNTY, NEBRASKA

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

Plaintiff,

v.

CORY BUSS d/b/a BERNER'S SERVICE,

Defendant.

Case No. CT1661

CONSENT DECREE

COMES NOW the parties, Plaintiff, Jim Macy, Director of the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on the Complaint filed herein and appearing through Counsel, Douglas J. Peterson, Attorney General, and Defendant, Cory Buss d/b/a Berner's Service, 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 Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014), and all rules, regulations, and orders promulgated thereunder.
2. In the Complaint, the Plaintiff alleged that in early April 2015, an employee of Berner's Service over-filled a tank wagon, causing pollution of waters of the state in violation of Neb. Rev. Stat. § 81-1506 (Reissue 2014).
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



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FILED

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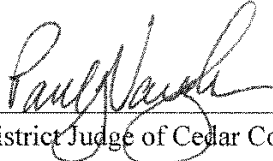
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CLERK OF DISTRICT COURT
CEDAR COUNTY, NEBRASKA

to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by 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 Defendant shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02(2) (Reissue 2014), in the amount of four thousand one hundred dollars (\$4,100.00) as well as court costs in the amount of eighty three dollars (\$83.00), to the District Court for Cedar County, Nebraska. The civil penalty will be handled as provided by Article VII, Section V, of the Nebraska Constitution. The civil penalty amount will be paid within thirty (30) days of entry of this Consent Decree 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 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 29 day of Nov., 2016, in Cedar County, Nebraska.

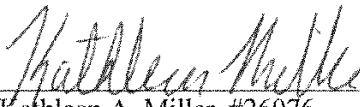
BY THE COURT:



District Judge of Cedar County, Nebraska

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

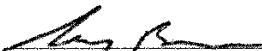
By: Douglas J. Peterson, #18146
Attorney General

By: 

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Attorneys for Plaintiff.

CORY BUSS d/b/a BERNER'S SERVICE,
Defendant

By: 

Cory Buss

Defendant.