

IN THE DISTRICT COURT OF CUMING COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director, )  
NEBRASKA DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JAMOR PORK, LLC. )  
 )  
Defendant. )

Case No. \_\_\_\_\_

COMPLAINT

COMES NOW the Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

FIRST CLAIM

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008, Cum. Supp. 2010, Supp. 2011) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008, Cum Supp. 2010, Supp. 2011) *et seq.*

2. At all times material herein the Defendant, JAMOR PORK, LLC., owned and operated an animal feeding operation, located at NE 1/4, N/W 1/4, Section 24, Township 24N, Range 4E, Cuming County, Nebraska.

3. Pursuant to Neb. Rev. Stat. §81-1506(5)(c), "It shall be unlawful for any person to: Violate any term or condition of an animal feeding operation permit."

4. Pursuant to Neb. Rev. Stat. §81-1508.02(1)(b), "It shall be unlawful for any person: To violate any air, water, or land quality standards, any emission or effluent standards or limitations, any permit or license condition or limitation, any order of the



director, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act or the rules or regulations adopted and promulgated pursuant to such acts.”

5. On or about January 25, 2012, Defendant obtained a construction and operating permit for its animal feeding operation which required that the waste control facility not be operated until written approval was received from the Department.

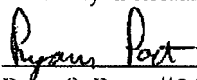
6. On or about June 28, 2012, Defendant operated the waste control facility without written approval from the Department.

7. Pursuant to Neb. Rev. Stat. §81-1508.02(2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of a civil penalties as provided under Neb. Rev. Stat. §81-1508.02(2) and further that all costs of this action be taxed to the Defendant.

STATE OF NEBRASKA, ex rel.,  
MICHAEL J. LINDER, Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, Plaintiff

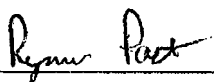
By: Jon C. Bruning, #20351  
Attorney General

By:   
Ryan S. Post, #24714  
Assistant Attorney General  
2115 State Capitol Building  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920  
Tel. (402) 471-1814  
Attorneys for Plaintiff.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon Defendant by regular United States mail, first class postage prepaid on this 25th day of March, 2013, addressed to the Defendant's attorney of record as follows:

Stephen D. Mossman  
Mattson Ricketts Davies Stewart & Calkins  
134 South 13<sup>th</sup> Street, Suite 1200  
Lincoln, NE 68508

  
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Ryan S. Post  
Assistant Attorney General