

IN THE DISTRICT COURT OF STANTON COUNTY, NEBRASKA

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

Plaintiff,

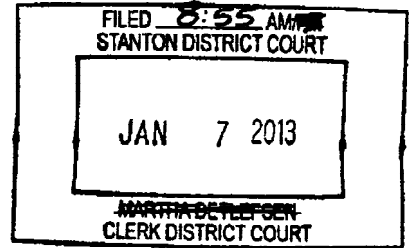
v.

OFF ROAD RANCH, LLC,

Defendant.

Case No. 11-5

CONSENT DECREE



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COME NOW the parties, Plaintiff, Michael J. Linder, Director of the Nebraska Department of Environmental Quality (hereinafter "NDEQ"), proceeding on his Complaint filed herein and appearing through his Counsel, Jon Bruning, Attorney General, and Defendant, Off Road Ranch, LLC, (hereinafter "Off Road Ranch"), and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

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 and regulations and orders promulgated thereunder.

2. In the Complaint, Plaintiff alleged, in pertinent part, that from July 2009 to November 2009, Off Road Ranch discharged wastewater from its on-site wastewater system at its recreational vehicle and trailer park to the surface of the ground in Stanton County, Nebraska, without NDEQ approval and operated said on-site wastewater system without having received a construction permit or meeting the requirements for authorization by rule to construct without such a permit, in violation



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of the Nebraska Environmental Protection Act and certain rules and regulations adopted and promulgated pursuant thereto.

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 Defendant with respect to such issues.

4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in Plaintiff's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in Plaintiff's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the Consent Decree.

5. IT IS THEREFORE ORDERED that Defendant shall pay a civil penalty, under NEB.REV.STAT. § 81-1508.02 (Reissue 2008), in the amount of \$8,000.00, to the District Court of Stanton County, Nebraska. Additionally, Defendant shall pay court costs in the amount of \$82.00 to the State of Nebraska. The civil penalty shall be handled as provided in Article VII, Section V, of the Constitution of the State of Nebraska.

- a. \$2,000.00 of said civil penalty shall be paid within ten days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.
- b. \$6,000.00 of the civil penalty shall be paid to this Court no more than 180 days from the entry of this Consent Decree by the Court. However, if Defendant maintains compliance with and does not violate any provision of the Nebraska Environmental Protection Act or any rule or regulation adopted and promulgated pursuant thereto during the 180 days following the entry of this Consent Decree, then payment of this \$6,000.00 of civil penalties shall be waived.

c. To qualify for the \$6,000.00 waiver of civil penalties as stated in paragraph 5(b), Defendant shall file with the Court and serve upon Plaintiff a showing within fifteen (15) days prior to the due date of the civil penalties. The showing will certify that Defendant has maintained compliance with all requirements listed in paragraph 5(b). Plaintiff shall file a satisfaction of judgment within ten (10) days of receipt of Defendant's showing. If Defendant violates the requirements in paragraph 5(b) during the 180 days following the entry of this Consent Decree, Plaintiff, in its sole discretion, may file an objection to Defendant's showing. If Plaintiff files an objection to Defendant's showing, the determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.

6. This Consent Decree shall 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 7 day of January, 2013, in Stanton County, Nebraska.

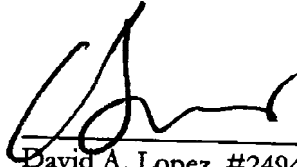
BY THE COURT:


District Judge of Stanton County, Nebraska

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

By: JON BRUNING, #20351
Attorney General of Nebraska

By:



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By:



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