

IN THE DISTRICT COURT FOR GREELEY COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
Plaintiff,)
v.)
GGP, LLC d/b/a Wolbach Foods,)
Defendant.)

Case No. CI-13-22

COMPLAINT

The Nebraska Department of Environmental Quality ("NDEQ"), through counsel, alleges as follows:

1. NDEQ is the agency of the State of Nebraska charged with the administration and enforcement of the Environmental Protection Act and the Livestock Waste Management Act along with all regulations and orders issued thereunder. See, NEB. REV. STAT. §§ 81-1504(1)(2) (Reissue 2008); see also, NEB. REV. STAT. §§ 54-2416 *et seq.* (Reissue 2010).
2. GGP, LLC ("GGP") is a company authorized to do business in Nebraska. GGP owns and operates a livestock feeding operation in Greeley County, Nebraska subject to the provisions of the Livestock Waste Management Act.
3. The Environmental Protection Act makes it unlawful for any person to violate any provision of the Livestock Waste Management Act or rule or regulation promulgated pursuant thereto. See, NEB. REV. STAT. § 81-1506(5).
4. The Livestock Waste Management Act provides that "it shall be unlawful for any person to...[d]ischarge animal excreta...or other materials polluted by livestock waste...without first obtaining...a construction and operating permit...." NEB. REV. STAT. §54-2432(4).

20130037922



STATE OF NEBRASKA } SS FILED
COUNTY OF GREELEY }
October 17, 2013
Miranda A. Brassant
Clerk of the District Court

5. NDEQ has promulgated regulations for the purpose of implementing the Livestock Waste Management Act. See, Title 130 NEB. ADMIN. CODE.

6. According to NDEQ regulations, “[a]ny person who owns or operates an animal feeding operation shall not...[c]onstruct a livestock waste control facility...not in compliance with a construction and operating permit....” 130 NEB. ADMIN. CODE § 2-008.07

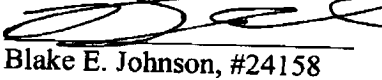
7. On or about January 25, 2010, GGP pumped livestock waste into an unpermitted livestock waste control facility.

5. Pursuant to NEB. REV. STAT. §81-1508.02, a civil penalty not to exceed ten thousand dollars (\$10,000.00) per violation is provided for violations of the Livestock Waste Management Act and the regulations promulgated thereunder.

WHEREFORE, NDEQ respectfully requests that the Court enter judgment against the GGP in the form of a civil penalty according to Nebraska law along with all costs of this action.

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

By JON C. BRUNING, #20351
Attorney General

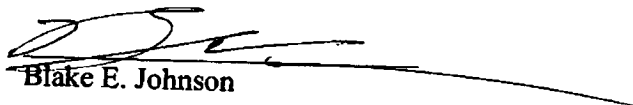
By 
Blake E. Johnson, #24158
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-1912
blake.johnson@nebraska.gov

Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon counsel for GGP by regular United States mail, first class postage prepaid on this 15th day of October, 2013, at the following address:

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


Blake E. Johnson