

3. The Defendant, Great Dane Limited Partnership d/b/a Great Dane Trailers (hereinafter "Defendant" or "Great Dane") is a Delaware Limited Partnership and is authorized to do business in the State of Nebraska.

4. At all times material herein, the Defendant owned and operated a wastewater collection and treatment facility located in the city of Wayne, Wayne County, Nebraska (hereinafter "the facility.")

5. The NDEQ issued an "NPDES Pretreatment Permit NE0114481" (hereinafter the "NPDES Permit") on or about August 1, 2003 to Defendant, authorizing the discharge of wastewater from the facility to the City of Wayne Water Pollution Control Plant, and then into South Logan Creek.

6. The NPDES permit has, at all times material herein, been in full force and effect.

7. The NPDES Permit established discharge limits for zinc of 1.48 mg/l average discharge limit and 2.61 mg/l maximum discharge limits.

8. On or about December 14, 2004, Defendant violated its permit limit for the Zinc average discharge.

9. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

10. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed

any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

11. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

12. Plaintiff's allegations in paragraphs 1 through 11 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

SECOND CLAIM

13. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 12 of this Complaint as if fully set forth herein.

14. On or about December 21, 2004, Defendant violated its permit limit for the Zinc average discharge.

15. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

16. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

17. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

18. Plaintiff's allegations in paragraphs 13 through 17 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

THIRD CLAIM

19. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 18 of this Complaint as if fully set forth herein.

20. On or about January 11, 2005, Defendant violated its permit limit for the Zinc average discharge.

21. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

22. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

23. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than

ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

24. Plaintiff's allegations in paragraphs 19 through 23 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

FOURTH CLAIM

25. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 24 of this Complaint as if fully set forth herein.

26. On or about January 25, 2005, Defendant violated its permit limit for the Zinc average discharge.

27. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

28. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

29. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

30. Plaintiff's allegations in paragraphs 25 through 29 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

FIFTH CLAIM

31. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 30 of this Complaint as if fully set forth herein.

32. On or about February 8, 2005, Defendant violated its permit limit for the Zinc average discharge.

33. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

34. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

35. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

36. Plaintiff's allegations in paragraphs 31 through 35 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

SIXTH CLAIM

37. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 36 of this Complaint as if fully set forth herein.

38. On or about February 22, 2005, Defendant violated its permit limit for the Zinc average discharge.

39. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

40. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

41. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

42. Plaintiff's allegations in paragraphs 37 through 41 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

SEVENTH CLAIM

43. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1 through 42 of this Complaint as if fully set forth herein.

44. On or about February 7, 2006, Defendant violated its permit limit for the Zinc average discharge.

45. Neb. Rev. Stat. §81-1508.02(1)(b) makes it unlawful for any person to violate any air, water, or land quality standards, any permit condition or limitation, or any monitoring, reporting, or record-keeping requirements contained in or issued or entered into pursuant to the Environmental Protection Act, or the rules or regulations adopted and promulgated pursuant to that act.

46. Pursuant to Neb. Rev. Stat. §81-1506(1)(a), it is unlawful "to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in any location where they are likely to cause pollution of any air, waters, or land of the state.

47. Neb. Rev. Stat. §81-1508.02(2) provides that each violation of Neb. Rev. Stat. §81-1508.02 shall subject a person to a civil penalty of no more than ten thousand dollars (\$10,000) per day, and in case of a continuing violation, each day shall constitute a separate offense.

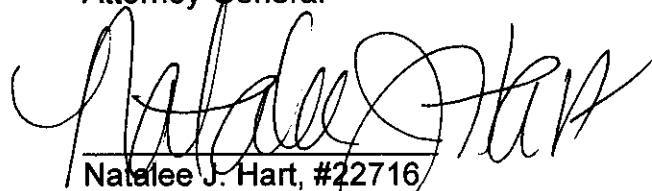
48. Plaintiff's allegations in paragraphs 43 through 47 of the Complaint constitute two (2) violations for purposes of Neb. Rev. Stat. §81-1508.02(2).

WHEREFORE, the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of a civil penalty as provided in Neb. Rev. Stat. § 81-1508.02, with consideration by the Court of “the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance” in determining the appropriate civil penalty pursuant to Neb. Rev. Stat. § 81-1508.02 (2); that all costs of this action be taxed to the Defendant; and any other relief as this court deems just and equitable.

BY: STATE OF NEBRASKA ex rel.
MICHAEL J. LINDER, Director
Department of Environmental
Quality, Plaintiff,

BY: JON BRUNING # 20351
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BY:



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