

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
MICHAEL J. LINDER, Director,)
NEBRASKA DEPARTMENT OF)
ENVIROMENTAL QUALITY,)
)
Plaintiff,)
)
v.)
)
LONG VIEW ESTATES, INC.,)
)
Defendants.)

Case No. C106-1269

CONSENT DECREE

LANCASTER COUNTY
2006 APR 3 PM 2 05
CLERK OF THE
DISTRICT COURT

COMES NOW Plaintiff, the Nebraska Department of Environmental Quality (hereinafter the "NDEQ" or "Plaintiff"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant Long View Estates, Inc. (hereinafter "Defendant"), through its counsel, Nancy Loftiss 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 Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum. Supp, 2004), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.
2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.
3. In its Complaint, Plaintiff alleges that on or about July 29, 2002 and continuing each weekday until August 12, 2002, Defendant commenced construction fo



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a waste disposal system without obtaining a construction permit from NDEQ in violation of Neb. Rev. Stat. §81-1506(2)(b).

4. Plaintiff further alleges that the Defendant, on or about July 29, 2002 and continuing each weekday until August 12, 2002, installed a wastewater facility without submitting complete plans and specifications to NDEQ or obtaining a construction permit from NDEQ in violation of Title 123, Chapter 3, Section 001 of the Nebraska Administrative Code. Neb. Rev. Stat. §81-1508.02(1)(e) makes it unlawful to violate any provision or fail to perform any duty imposed by the Environmental Protection Act or the rules and regulations adopted thereunder.

5. The parties agree that settlement of these matters 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 and without this Consent Decree constituting an admission by the Defendant with respect to such issues. The Defendant agrees to the form and entry of this Consent Decree for the purposes of settlement only. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Order by the Court.

6. This Consent Decree shall be in full satisfaction of all claims alleged in the complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the consent decree.

7. IT IS THEREFORE ORDERED that the Defendant shall pay to the Clerk of the District Court a civil penalty in the amount of Thirty-One Thousand, Nine Hundred Dollars (\$31,900.00), pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00). Civil penalties shall be paid as a lump-sum payment on or before July 31, 2006. Costs will be paid at the time of filing of this consent decree;

8. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of Thirty-one Thousand, Nine Hundred Dollars (\$31,900.00) into the Attorney General's Environmental Protection Fund to be used for environmental safety, training, public awareness, or other related uses as permitted by state law, at the sole discretion of the Nebraska Attorney General. This sum shall be paid as a lump-sum payment on or before July 31, 2006.

9. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.


DATED THIS 3rd day of April, 2006, in Lancaster County, Nebraska.

BY THE COURT:


District Court Judge

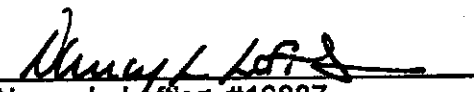
STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director,
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

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