

COPY

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
 MICHAEL J. LINDER, Director)
 NEBRASKA DEPARTMENT OF)
 ENVIRONMENTAL QUALITY,)
)
 Plaintiff,)
)
 v.)
)
 SHANE ROACH, d/b/a)
 BUFFALO COUNTY REDI-MIX,)
)
 Defendant.)

Case No. CI07408

CONSENT DECREE

FILED
 SHARON K MAULER
 2007 JUN 26 AM 11 17
 CLERK OF DISTRICT COURT
 BUFFALO COUNTY, NE

Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon Bruning, Attorney General, and the Defendant, Shane Roach, d/b/a Buffalo County Redi-Mix 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 AND DECREED as follows:

1. This Court has jurisdiction of the parties and the subject matter of this action. The complaint filed herein constitutes a justiciable cause of action against Shane Roach, d/b/a Buffalo County Redi-Mix under the Environmental Protection Act, Neb. Rev. Stat. §81-1501 *et seq.* (Reissue 1999, Cum. Supp. 2006).
2. Plaintiff alleges that on or around June 16, 2005, Defendant began construction of its facility in Buffalo County, Nebraska, without having first obtained a construction permit in violation of Title 129, Chapter 17 of the Nebraska Administrative Code.

3. NDEQ further alleges that Defendant is therefore subject to a civil penalty as provided in Neb. Rev. Stat. §81-1508.02(2) (Reissue 1999).

4. 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. Defendant, without admitting any allegations of the complaint, agrees to the form and entry of this consent decree for purposes of settlement only.

5. The parties agree that this consent decree shall be in full satisfaction of all claims alleged in the complaint and arising out of the same transaction or occurrence asserted therein, provided that such claims were known to the State of Nebraska as of the date of the filing of this consent decree.

6. IT IS THEREFORE ORDERED that Defendant shall pay to the Clerk of the District Court of Buffalo County a civil penalty in the sum of three thousand two hundred and no/100 dollars (\$3,200.00) pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs in the amount of seventy-nine dollars (\$79.00). Said penalty is to be handled pursuant to Article VII, Section V, of the Nebraska Constitution and, along with the costs of the action, are to be paid within ninety (90) days of the approval of this Consent Decree by the District Court.

8. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

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

Dated this 25 day of June, 2007, in Buffalo County, Nebraska.

BY THE COURT:

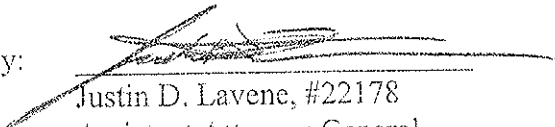


Buffalo County District Judge

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

By: Jon C. Bruning, #20351
Attorney General

By:

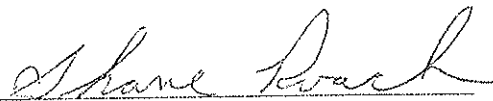


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Attorneys for Plaintiff

SHANE ROACH, d/b/a BUFFALO COUNTY
RED-MIX, Defendant

By:



Shane Roach