

IN THE DISTRICT COURT OF ADAMS COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, )  
Plaintiff, )  
v. )  
GOTTSCH FEEDING CORPORATION, )  
Defendant. )

Case No. CI 10-653

COMPLAINT

ADAMS COUNTY  
CLERK OF DIST. COURT

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FILED X

COMES NOW the Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504 (1) (Reissue 1999) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 1999, Cum Supp. 2006, Supp. 2007) *et seq.*, along with all rules and regulations promulgated thereunder.
2. At all times material herein the Defendant, Gottsch Feeding Corporation, owned and operated a livestock feeding operation, located in Adams County, Nebraska.
3. Pursuant to Neb. Rev. Stat. § 81-1506(1)(a), it is unlawful for any person to cause pollution of any waters of the state or place or cause to be placed wastes in a location where they are likely to cause pollution of any air, waters, or land of the state.
4. In July, 2006, the Defendant discharged cattle waste from its livestock operation into Pawnee Creek, a water of the state, in Adams County, Nebraska.

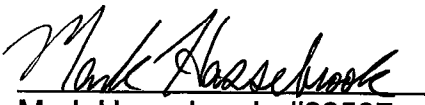


5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

WHEREFORE, the plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §81-1508.02 (2), and further that all costs of this action be taxed to the Defendant.

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

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