

COPY

IN THE DISTRICT COURT OF CLAY COUNTY, NEBRASKA

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

Case No. CT 1290

Plaintiff,

COMPLAINT

v:

Earl and Virginia Hultman,
husband and wife,

Defendants.

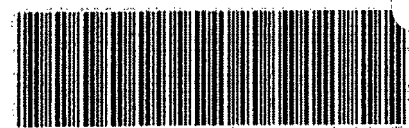
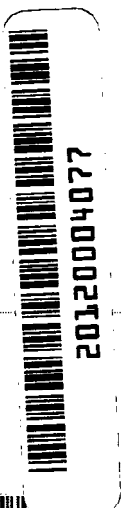
FILED
IN THE DISTRICT COURT OF
CLAY COUNTY, NEBRASKA
9 AUG 23 2012
1:00 PM
CLERK OF THE DISTRICT COURT

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ), alleges the following:

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. §81-1504(1) (Reissue 2008) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008 and Supp. 2009) *et seq.*

2. The Defendants, Earl and Virginia Hultman, owned and operated a farm that contained swine wastewater lagoons legally described as SW ¼, Section 8, Township 07N, Range 05W, Clay County, Nebraska.

3. Pursuant to Nebraska Revised Statute §81-1506(1) (a) it is unlawful for any person to cause pollution of any waters or land of the state or to place or cause any wastes to be placed in a location where they are likely to cause pollution of any waters of the state.



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4. On or about March 5, 2012, the Defendants allowed or caused livestock waste to flow out of swine lagoons and into School Creek. This constitutes a violation of §81-1506 (1) (a).

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 Defendants 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 Defendants.

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


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Attorneys for Plaintiff.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon the Defendant by regular United States mail, first class postage prepaid on this 20th day of August, 2012 addressed to the Defendants as follows:

Earl and Virginia Hultman
109 W Ridge St.
Sutton, NE 68979



Ryan S. Post
Assistant Attorney General