

IN THE DISTRICT COURT OF FURNAS COUNTY, NEBRASKA

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

Case No. \_\_\_\_\_

Plaintiff, )

COMPLAINT

v. )

STEVEN CLASON, )

Defendant. )

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (NDEQ), through the Nebraska Attorney General's Office, 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, Cum. Supp. 2010) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. §81-1501 (Reissue 2008, Cum. Supp. 2010) *et seq.*, along with all rules and regulations promulgated thereunder.

2. At all times material herein the Defendant, Steven Clason, owned and operated an animal feeding operation in Furnas County, Nebraska, the legal description being NE ¼, NE ¼, Section 21, Township 02N, Range 22W, Furnas County, Nebraska.

3. Pursuant to Nebraska Revised Statute §81-1506 (1) (a) (Reissue 2008), "[i]t shall be unlawful for any person to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state. .

”



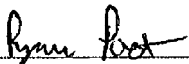
4. On or about July 9, 2012 and going through July 11, 2012, Defendant caused pollution to waters or land of the state or placed or caused wastes to be placed in a location where they are likely to cause pollution to any waters or lands of the state.

6. 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


By: Jon C. Bruning, #20351  
Attorney General

By:   
Ryan S. Post, #24714  
Assistant Attorney General  
2115 State Capitol Building  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920  
Tel. (402) 471-1814  
ryan.post@nebraska.gov  
Attorney for Plaintiff.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Complaint has been personally served upon the Defendant, on this 26th day of February, 2013 to the Defendant as follows:

Steven Clason  
42828 Hwy 89  
Beaver City, Nebraska 68926

  
\_\_\_\_\_  
Ryan S. Post  
Assistant Attorney General

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PRAECIPE FOR SUMMONS

TO THE CLERK OF SAID COURT:

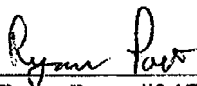
Please issue summons in the above captioned action to the Sheriff of Furnas County, Nebraska, returnable by law for the defendant Steven Clason, in Beaver City, Nebraska, either in person or by leaving a copy of the summons and complaint at the defendant's residence with some person of suitable age and discretion therein:

Steven Clason  
42828 Hwy 89  
Beaver City, Nebraska 68926

DATED this 26<sup>th</sup> day of February, 2013.

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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