

IN THE DISTRICT COURT FOR PLATTE COUNTY, NEBRASKA

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

Plaintiff,

v.

KATANA SUMMIT LLC,
A Nebraska authorized company,
Defendant.

Case No. C109-374

COMPLAINT

FILED
MARLENE M VETICK, CLERK

JUL 15 2009

DISTRICT COURT
PLATTE COUNTY, NEBR.



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

1. NDEQ is the agency of the State of Nebraska charged with the duty, under 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 et seq. (Reissue 2008) and all rules and regulations promulgated under the Act, including Title 129 of the Nebraska Administrative Code, "Nebraska Air Quality Regulations."

2. Katana Summit LLC is a Delaware limited liability company authorized to do business in Nebraska. Katana Summit owns and operates a manufacturing facility in the city of Columbus, Platte County, Nebraska.

3. 129 Neb. Admin. Code, ch. 17, § 001 says that no person shall cause the construction, reconstruction, or modification of any stationary source or emissions unit without first having obtained a construction permit from NDEQ if the stationary source or emissions unit produces a net increase in potential emissions at the stationary source



equal to or exceeding the levels for several parameters specified in 129 Neb. Admin. Code, ch. 17, §§ 001.01A – 001.01G.

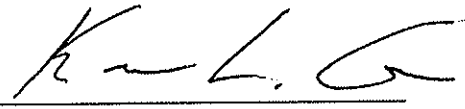
4. Katana Summit's manufacturing facility has the potential to produce a net increase in emissions equal to or exceeding the levels for one or more of the parameters specified in 129 Neb. Admin. Code, ch. 17, §§ 001.01A – 001.01G. Katana Summit began constructing its manufacturing facility in Columbus in late June or early July 2007 without first receiving a construction permit from NDEQ.

5. Under Neb. Rev. Stat. § 81-1506(3)(c) (Reissue 2008), it is unlawful to violate any rule or regulation promulgated under the Environmental Protection Act. Each such violation subjects a person, under Neb. Rev. Stat. § 81-1508.02 (Reissue 2008), to a civil penalty of no more than \$10,000 per day. In the case of a continuing violation, each day is a separate offense.

The State requests that judgment be entered in favor of the State and against Katana Summit in the form of civil penalties as provided in § 81-1508.02, and that all costs of this action be taxed to Katana Summit.

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

By JON C. BRUNING, #20351
Attorney General

By 

Kevin L. Griess, #22182
Assistant Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-2682
kevin.griess@nebraska.gov
Attorneys for Plaintiff.