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DEC 10 2012

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

Debra McCarthy
CLERK OF DISTRICT COURT

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

Case No. CI 12-577

Plaintiff,

CONSENT DECREE

v.

JEREMY SANFORD,

Defendant.

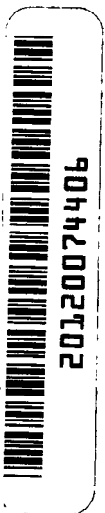
COMES NOW the parties, Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through its Counsel, Jon C. Bruning, Attorney General, and the Defendant, Jeremy Sanford, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2008, Supp. 2009), and all rules and regulations and orders promulgated thereunder.

2. On or about September 14, 2009, NDEQ issued a Compliant, Compliance Order and Notice of Opportunity for Hearing. A hearing on the Order was not requested and the Order became a final order. Defendant violated the Order by failing to comply with the deadlines set forth therein.

3. The parties agree that settlement of this matter is in the public interest and that entry of this consent decree is the most appropriate means of resolving their dispute. The parties



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desire to conclude this case without trial or adjudication of any issues of fact or law, without this consent decree constituting an admission by Defendant with respect to such issues.

4. This consent decree shall be in full satisfaction of all claims between the parties alleged in NDEQ's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in NDEQ's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the consent decree.

5. IT IS THEREFORE ORDERED that Defendant shall pay to the Clerk of the District Court of Lincoln County a civil penalty in the amount of \$10,000.00 pursuant to Neb. Rev. Stat. §81-1508.02. Said penalty is to be handled pursuant to Article VII, Section V, of the Nebraska Constitution, and shall be deemed due and owing as follows:

A. \$500.00 of said civil penalty amount will be paid within 10 days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

B. \$500.00 of said civil penalty amount will be paid within 60 days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

C. \$1,000.00 of said civil penalty amount will be paid within 120 days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.

D. \$8,000.00 of the said penalty shall be paid to this Court within 180 days of entry of this Consent Decree by the Court. However, if the Defendant complies with all applicable environmental statutes and regulations as well as the timeline set forth below for compliance with the terms of the Administrative Order entered September 14, 2009, payment of the \$8,000.00 in civil penalties will be waived:

- a. Immediately eliminate discharge of wastewater to the existing drain field. Within 15 days of this order submit to

the Department an assessment done of the current system by a certified installer which includes scaled drawings, construction details, capacity and setbacks.

- b. By January 1, 2013, submit to the Department a complete application for a construction and operating permit following the requirements of Title 124. Notify NDEQ Onsite Wastewater Unit of the name of the onsite wastewater professional who is going to do the installation or repair.
- c. Within 30 days of issuance of the construction permit, initiate construction of the onsite wastewater treatment system. The installed system must meet all requirements of Title 124.
- d. Within 90 days of the issuance of the construction permit, complete construction of the wastewater treatment system. Operation of the constructed system may not commence until such time that an operating permit has been issued by the Department.
- e. Allow NDEQ or its agents access to the property to verify compliance.
- f. Take steps to ensure that the certified professional doing the work registers the new system with the Department within 45 days of installation.


E. To qualify for the \$8,000.00 waiver of civil penalties as stated in paragraph 5(D), Defendant will file with the Court, and serve on NDEQ, a showing within fifteen (15) days prior to the due date of the civil penalties. The showing will certify that Defendant have maintained compliance with all requirements listed in paragraph 5(D). The State will file a satisfaction of judgment within ten (10) days of receiving Defendant's showing. If Defendant violates the requirements in paragraph 5(D) during the 6 months following the entry of this Consent Decree, NDEQ, in its sole discretion, may file an objection to Defendant's showing. If NDEQ files an objection to Defendant showing, the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. This consent decree will have no effect on any enforcement action brought by NDEQ against Defendant for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of this consent decree.

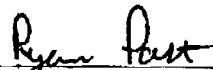
DATED THIS 8th day of December, 2012, in Lincoln County, Nebraska.

BY THE COURT:



District Judge

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

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