

IN THE DISTRICT COURT FOR DAWSON COUNTY, NEBRASKA

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

Plaintiff,

v.

GOTHENBURG FEED PRODUCTS
COMPANY

Defendant.

Case No. GTB-321

CONSENT DECREE

COMES NOW the parties, Plaintiff, Michael J. Linder, Director of the Nebraska Department of Environmental Quality (hereinafter "NDEQ"), proceeding on its Complaint filed herein and appearing through his Counsel, Jon C. Bruning, Attorney General, and Defendant, Gothenburg Feed Products Company, and each party having consented to the making and entering of this Consent Decree without trial, request the entry of this Consent Decree.

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 the Nebraska Environmental Protection Act, NEB.REV.STAT. § 81-1501 *et seq.* (Reissue 2008), and all rules, regulations, and orders promulgated thereunder.
2. In the Complaint, the Plaintiff alleged, in pertinent part, that Defendant's emissions exceeded an opacity limit, in violation of the Nebraska Environmental Protection Act and Title 129, Chapter 20 of the Nebraska Administrative Code.
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

DEPARTMENT OF JUSTICE

SEP 03 2013

STATE OF NEBRASKA
35418

STATE OF NEBRASKA
DAWSON COUNTY

SEP 3 2013

FILED BY SHERRY WARNER
CLERK OF DISTRICT COURT

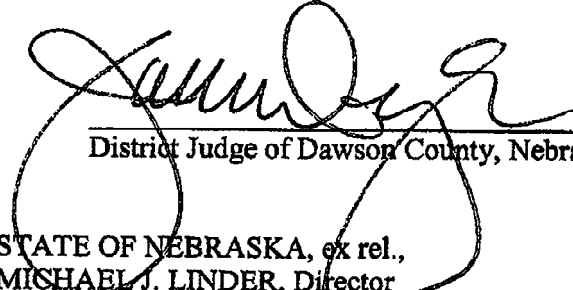


without this Consent Decree constituting an admission by Gothenburg Feed Products Company, with respect to such issues.

4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in the Plaintiff's complaint. The parties also agree to release any and all claims or actions out of the same transaction or occurrences referenced above and in the Plaintiff'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 entry of the Consent Decree.
5. IT IS THEREFORE ORDERED that Gothenburg Feed Products Company shall pay a civil penalty under NEB. REV. STAT. § 81-1508.02 (Reissue 2008), in the amount of two thousand dollars (\$2,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Dawson County, Nebraska. The civil penalty shall be handled as provided by Article VII, Section V, of the Constitution of the State of Nebraska. The civil penalty shall be paid within ninety (90) days of the entry of this Consent Decree and is payable to the Clerk of this Court.
6. This Consent Decree shall have no effect on any enforcement action brought by NDEQ against the 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 30 day of Aug, 2013, in Dawson County, Nebraska.

BY THE COURT:


District Judge of Dawson County, Nebraska

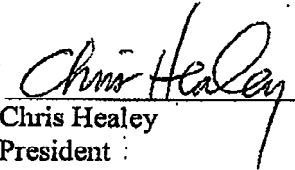
STATE OF NEBRASKA, ex rel.,
MICHAEL J. LINDER, Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By JON C. BRUNING, #20351
Attorney General

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Attorneys for Plaintiff

GOTHENBURG FEED PRODUCTS
COMPANY, Defendant

By: 
Chris Healey
President
Gothenburg Feed Products Company
1413 2nd Avenue
Gothenburg, Nebraska 69138
(308) 537-3605

CERTIFICATE

The undersigned certifies that the foregoing document was served upon all pro-se parties to the above cause and to each of the attorneys of record herein at their respective addresses as shown on the readings on Sept 3, 2013

Delivered U.S. Mail FAX E. Rose (Att. Gen.) Pro Se Defendant

Hand Delivered Certified Mail

Signature 

E Rose

DAWSON COUNTY DISTRICT COURT
Dawson County Courthouse
700 N. Washington St., Third Floor
Lexington, NE 68850
(308) 324-4261

Date Received 08 30 2013 Receipt No. 112487
Case ID CI 13 321
Caption St. of NE., ex rel v. Gothenburg Feed Pr

Received From Gothenburg Feed Products, CO
Party DEF001 Gothenburg Feed Products Company

Judge James E Doyle IV

Payment Type Check

Amount Received 82.00

<u>Description</u>	<u>Amount Applied</u>
Petition	35.00
Filing Fee - State	5.00
Automation Fee	8.00
NSC Education Fee	1.00
Dispute Resolution Fee	.75
Indigent Defense Fee	3.00
Uniform Data Analysis Fee	1.00
J.R.F.	6.00
Filing Fee-JRF	2.00
Legal Aid/Services Fund	5.25
Complete Record	15.00

Thank you for your business.

DEPARTMENT OF JUSTICE
SEP 03 2013
STATE OF NEBRASKA

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