

IN THE DISTRICT COURT OF SHERMAN COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
Michael J. Linder, Director,)
NEBRASKA DEPARTMENT OF)
ENVIRONMENTAL QUALITY)
)
Plaintiff,)
vs.)
)
LEPRINO FOODS COMPANY,)
)
Defendant.)

Case No. _____

COMPLAINT

COMES NOW the State of Nebraska, ex rel., Michael J. Linder, Director, Nebraska Department of Environmental Quality (hereinafter the "Department" or "Plaintiff"), who institutes this action through Jon Bruning, Attorney General, and alleges and states as follows:

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to *Neb. Rev. Stat. §81-1504(1)* (Reissue 1999) of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, *Neb. Rev. Stat. §81-1501* (Reissue 1999, Cum. Supp. 2006) *et seq.*, along with all rules and regulations promulgated thereunder.
2. At all times material herein the Defendant, Leprino Foods Company, owned and operated a cheese manufacturing plant located in Buffalo County and a wastewater lagoon and land application system in Sherman County, Nebraska.
3. Pursuant to *Neb. Rev. Stat. §81-1506 (1) (a)*, it is unlawful for any person to place, or cause to be placed, wastes in a location where they are likely to cause pollution of any air, waters, or land of the state.

4. Pursuant to *Neb. Rev. Stat.* §81-1506 (2) (a) it is unlawful for any person to discharge to the waters of the state without obtaining a permit.

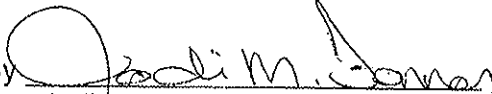
5. On or about September 9, 2004, April 6 and 7, 2005, and May 17, 2005, Defendant discharged wastewater from its land application area into waters of the state, in Sherman County, Nebraska in violation of *Neb. Rev. Stat.* §81-1506 (1) (a) and/or *Neb. Rev. Stat.* §81-1506 (2) (a).

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

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