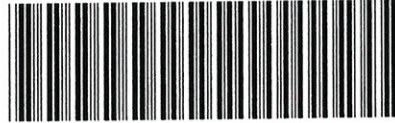


IN THE DISTRICT COURT OF SCOTTS BLUFF COUNTY, NEBRASKA
 STATE OF NEBRASKA, ex rel.,)
 MICHAEL J. LINDER, Director)
 DEPARTMENT OF ENVIRONMENTAL)
 QUALITY,)
 Plaintiff,)
 v.)
 HEGGEM CONSTRUCTION, INC.,)
 A Wyoming Corporation,)
 Defendant.)

Case No. CI -07-446

CONSENT DECREE

COPY



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COME NOW the parties, Plaintiff, the Department of Environmental Quality (hereinafter "NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant, Heggem Construction, Inc., appearing through its counsel Kristen D. Mickey, 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 Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 1999, Cum. Supp. 2006), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.
2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.
3. In its Complaint, Plaintiff alleges that the Defendant: installed a septic tank and soil absorption system for the Berean Fundamental Church of Mitchell, Nebraska, a/k/a Mitchell Berean Church, Mitchell, Nebraska, without obtaining a construction permit; failed to register the onsite wastewater system constructed at the Berean

FILED June 11 20 07
 Arno Rosenberry
 CLERK OF THE DIST COURT

Fundamental Church of Mitchell, Nebraska with the NDEQ within 45 days of the completion of that system; installed a septic and soil absorption system for Lanphier, Inc., Gering, Nebraska, within five feet of a parking area, driveway, or impermeable surface or cover; and failed to register the onsite wastewater system constructed at Lanphier, Inc., with the NDEQ within 45 days of the completion of that system.

4. The parties agree that settlement of these matters is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by the Defendant with respect to such issues. The Defendant agrees to the form and entry of this Consent Decree for the purposes of settlement only. Therefore, and for only the purposes of this Consent Decree, the parties agree to the entry of this Consent Decree by the Court.

5. This Consent Decree shall be in full satisfaction of all claims alleged in the complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the Consent Decree.

6. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.

8. IT IS THEREFORE ORDERED that the Defendant shall pay to the Clerk of the District Court a civil penalty in the amount of seven thousand five hundred dollars (\$7,500.00), pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00). Said penalty is to be handled pursuant to Article VII, Section V, of the Nebraska Constitution. Said penalty is to be paid within ninety (90) days of the entry of this Consent Decree by the Court.

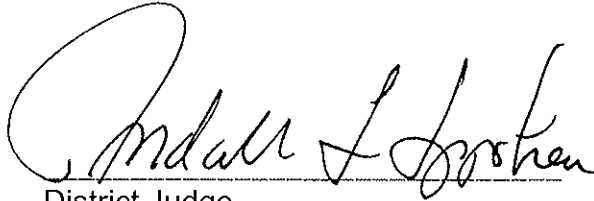
9. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of seven thousand five hundred dollars (\$7,500.00) into the Attorney General's Environmental Protection Fund to be used for environmental safety, training, public awareness, or other related uses as permitted by state law, at the sole discretion of the Nebraska Attorney General. This sum shall be paid as a lump-sum payment within ninety (90) days of the entry of this Consent Decree by the Court.

10. IT IS ALSO ORDERED that the Defendant must not perform any onsite wastewater treatment work unless and until Defendant employs a properly certified professional who performs the work or who provides direct supervision of any onsite work in accordance with Title 124.

11. IT IS ALSO ORDERED that Defendant must properly register any other onsite systems, other than the systems at the Berean Fundamental Church of Mitchell and Lanipher, Inc., installed or worked on by Defendant since January 1, 2004.

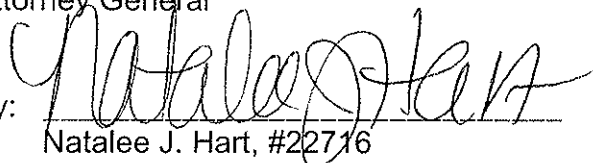
DATED THIS 9 day of June, 2007, in Scotts Bluff County,
Nebraska.

BY THE COURT:

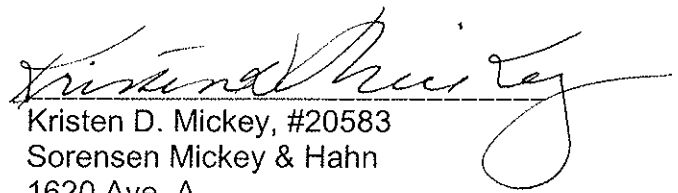

District Judge

STATE OF NEBRASKA ex rel.,
MICHAEL J. LINDER, Director
Department of Environmental
Quality, Plaintiff,

By: JON C. BRUNING #20351,
Attorney General

By: 
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Heggem Construction, Inc.,
Defendant,

By: 
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Scottsbluff, NE 69363-1557
Tel: (308) 632-5111
Attorney for Defendant.

SCOTTS BLUFF DISTRICT COURT
Scotts Bluff County Courthouse
P.O. Box 47
Gering, NE 69341 0047
(308) 436-6641

Date Received 06 11 2007 Receipt No. 161841
Case ID CI 07 446
Caption St of NE ex rel v. Heggem Construction I

Received From State of Nebraska #16130643
Party PLF001 St of NE ex rel

Judge Robert O Hippe

Payment Type Check

Amount Received 79.00

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

Thank You