

IN THE DISTRICT COURT OF CLAY COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,	)	Case No. _____
MICHAEL J. LINDER, Director	)	
DEPARTMENT OF ENVIRONMENTAL	)	
QUALITY,	)	
Plaintiff,	)	<b>COMPLAINT</b>
v.	)	
	)	
HEARTLAND SWINE, INC.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality (“NDEQ” or “Department”), alleges the following:

FIRST CLAIM

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to 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 (Reissue 2008 and Supp. 2009) *et seq.* and the Livestock Waste Management Act, Neb. Rev. Stat. §54-2416 (Reissue 2010) *et seq.*, along with all rules and regulations promulgated thereunder.
2. At all times material herein the Defendant, Heartland Swine, Inc., owned and operated an animal feeding operation, located in Clay County, Nebraska, the legal description being SW1/4, Section 8, Township 7N, Range 5W, Clay County, Nebraska.
3. Pursuant to Nebraska Revised Statute §81-1506 (1) (a) (Reissue 2008), “[i]t shall be unlawful for any person to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state. . .”



4. On or about January 30 and 31, 2012, Defendant placed or caused to be placed swine waste from its animal feeding operation in a location where it was likely to cause pollution of the waters of the state, in Clay County, Nebraska, including but not limited to School Creek.

5. Pursuant to Neb. Rev. Stat. §81-1508.02 (2), a civil penalty is provided in the amount of not more than \$10,000.00 (ten thousand dollars) for each day of violation. In case of a continuing violation, each day shall constitute a separate offense.

#### SECOND CLAIM

7. The plaintiff hereby incorporates by reference all preceding paragraphs as fully set forth herein.

8. Neb. Rev. Stat. §81-1506 (2) (b) makes it unlawful to operate any disposal system or part thereof without obtaining necessary permits from the Department.

9. On or about January 30 and 31, 2012, and continuing to the date of filing this Complaint, Defendant operated a waste control system involving a pipe to a conservation pond without an operating permit issued by the Plaintiff.

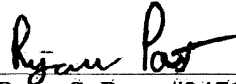
WHEREFORE the Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §81-1508.02 (2) and further that all costs of this action be taxed to the Defendant.

DATED this 19th day of November, 2012.

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

By JON C. BRUNING, #20351  
Attorney General

By

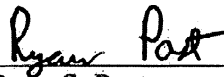


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*Attorneys for Plaintiff.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon Defendant by regular United States mail, first class postage prepaid on this 19th day of November, 2012, addressed to the Defendant as follows:

Kenneth Lorenzen, President  
Heartland Swine, Inc.  
PO Box 660  
2231 Hwy 6  
Sutton, Nebraska 68979



Ryan S. Post  
*Assistant Attorney General*

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**PRAECIPE FOR SUMMONS**

TO THE CLERK OF SAID COURT:

Please prepare and issue a Summons according to law, together with a copy of the attached Complaint, and deliver to the undersigned attorney who is electing service by certified mail upon the Defendant at the following address:

Kenneth Lorenzen, President  
Heartland Swine, Inc.  
PO Box 660  
2231 Hwy 6  
Sutton, Nebraska 68979

DATED this 19th day of November, 2012

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

By JON C. BRUNING, #20351  
Attorney General

By Ryan Post  
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