

IN THE DISTRICT COURT FOR HALL COUNTY, NEBRASKA

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

Plaintiff,

v.

ROBB FEEDYARD, INC.,

Defendant.

Case No. CI10-77

COMPLAINT

**FILED**

JAN 28 2010

VALORIE BENDIXEN  
CLERK OF DISTRICT COURT

The State of Nebraska, on the relation of the Nebraska Department of Environmental Quality (NDEQ), alleges the following:

1. NDEQ is the agency of the State of Nebraska charged with the duty, 28 11 02 under 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 et seq. (Reissue 2008), the Livestock Waste Management Act, Neb. Rev. Stat. § 54-2416 et seq. (Reissue 2004, Cum. Supp. 2008, Supp. 2009), and all rules and regulations promulgated those acts.

2. Robb Feedyard, Inc. owns and operates a large concentrated animal feeding operation in Hall County, Nebraska.

FIRST CLAIM

3. Under Neb. Rev. Stat. § 81-1506(1)(a) (Reissue 2008), it is unlawful for any person to cause pollution of any waters of the state or 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.



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4. On August 23, 2007, October 17, 2007, and October 18, 2007, Robb Feedyard discharged waste from its animal feeding operation into waters of the state in Hall County, Nebraska.

#### SECOND CLAIM

5. Under Title 130 of the Nebraska Administrative Code ("Livestock Waste Control Regulation"), it is unlawful for any large concentrated animal feeding operation to operate without a permitted livestock waste control facility.

6. From approximately May 2005 to December 2007, Robb Feedyard operated a large concentrated animal feeding operation without a permitted livestock waste control facility, in violation of Title 130 of the Nebraska Administrative Code.

5. Under Neb. Rev. Stat. § 81-1506(5)(d), it is unlawful for any person to violate any rule or regulation promulgated under the Livestock Waste Management Act, including Title 130 of the Nebraska Administrative Code. For any such violation, a civil penalty is provided, under Neb. Rev. Stat. § 81-1508.02(2) (Reissue 2008), in the amount of not more than \$10,000 for each day of violation, and in the case of a continuing violation, each day shall constitute a separate offense.

The State requests that judgment be entered in favor of the State and against Robb Feedyard in the form of civil penalties as provided in Neb. Rev. Stat. § 81-1508.02(2), and that all costs of this action be taxed to Robb Feedyard.

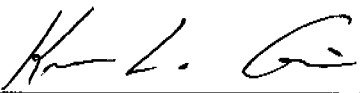
DATED this 26<sup>th</sup> day of January, 2010.



1. 2.

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

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