

IN THE DISTRICT COURT FOR RICHARDSON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, )  
Plaintiff, )  
v. )  
HARMON'S O.K. TIRE )  
AND AUTO, INC., )  
a Nebraska Corporation, )  
Defendant. )

Case No. \_\_\_\_\_

**COMPLAINT**

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, under 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 et seq. (Reissue 1999, Cum. Supp. 2006, and Supp. 2007), and the rules and regulations promulgated the Act.
2. Harmon's O.K. Tire and Auto, Inc. is a Nebraska corporation located in Falls City, Richardson County, Nebraska. As part of its business, Harmon's possesses waste tires at its premises.
3. On February 7 and 8, 2007, Harmon's transported waste tires to property located in Richardson County, Nebraska, where they were burned.
4. Under Neb. Rev. Stat. § 81-1505 (1) and (12) (Cum Supp. 2006) the Nebraska Environmental Quality Council adopted rules and regulations related to open burning. Specifically, the "Nebraska Air Quality Regulations" at 129 Neb. Admin. Code, ch. 30, § 001 prohibit any person from causing or allowing any open fires.

5. Under Neb. Rev. Stat. § 81-1508.02 (Reissue 1999), any person violating any air, water, or land quality standard, or any provision of the Nebraska Environmental Protection Act or the rules and regulations promulgated under it, shall be subject to a civil penalty of no more than \$10,000 per day.

WHEREFORE, the State prays that judgment on its claim be entered herein against Harmon's in the form of a civil penalty as provided under Neb. Rev. Stat. § 81-1508.02, together with the costs of the action, and that the court order such other and further relief as the court deems just and equitable.

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

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