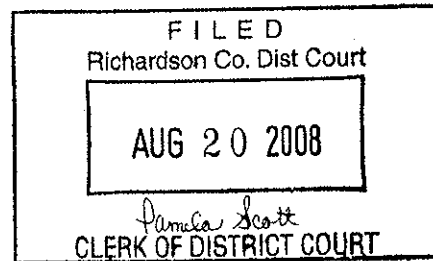


IN THE DISTRICT COURT FOR RICHARDSON COUNTY, NEBRASKA

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

Case No. 08-114

CONSENT DECREE



The State of Nebraska, on the relation of the Nebraska Department of Environmental Quality (NDEQ) and through its counsel, Attorney General Jon C. Bruning, and Harmon's OK Tire and Auto, Inc. (Harmon's), through its counsel, Michael R. Dunn, jointly file this consent decree and agree to this Court's entry of the following terms and orders:

1. This Court has jurisdiction of the parties and the subject matter of this action. The complaint filed in this case is a justiciable cause of action against Harmon's under the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et seq. (Reissue 1999, Cum. Supp. 2006, and Supp. 2007), and all rules and regulations promulgated that Act.

2. In its complaint, the State alleges that on February 7 and 8, 2007, Harmon's transported waste tires to property in Richardson County, Nebraska, where they were burned, and that this action violated Title 129 of the Nebraska Administrative Code, "Nebraska Air Quality Regulations," chapter 30, § 001.

3. The parties agree that settlement of this matter 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 Harmon's, with respect to such issues. Therefore, and for only the purpose of this consent decree, the parties agree to the entry of this order by the Court.

4. This consent decree shall be in full satisfaction of all claims between the parties alleged in the State's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in the State's complaint, provided that such claims were known to the State, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the consent decree.

5. IT IS THEREFORE ORDERED that Harmon's shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02 (Reissue 1999), in the amount of \$5,000 and court costs in the amount of \$79 to the District Court for Richardson County. This civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution.

A. \$2,500 of the civil penalty, as well as the \$79 in court costs, shall be paid to this Court no more than 30 days from the entry of this consent decree by the Court.

B. \$2,500 of the civil penalty shall be paid to this Court no more than 180 days from the entry of this consent decree by the Court. However, if Harmon's maintains compliance with and does not violate either the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 et. seq., or Title 129 of the Nebraska

Administrative Code, "Nebraska Air Quality Regulations," during the 180 days following the entry of this consent decree, then payment of this \$2,500 of civil penalties will be waived.

C. To qualify for the waiver of \$2,500 of civil penalties as described in paragraph 5(B), Harmon's shall file a showing with the Court within 15 days following the due date of the civil penalties establishing that it has maintained compliance with the statutes and regulatory provisions listed in paragraph 5(B). The State will file a satisfaction of judgment within 10 days of receiving Harmon's showing if Harmon's has complied with the statutes and regulations listed in paragraph 5(B) during the 180 days following the entry of this consent decree. If Harmon's violates the statutes and regulatory provisions in paragraph 5(B) during the 180 days following the entry of this consent decree, the State may file an objection to Harmon's showing and the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. IT IS FURTHER ORDERED that Harmon's shall pay, as a supplemental environmental project, the sum of \$5,000 to 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 payment shall be paid as a lump-sum payment within 30 days of the entry of this consent decree by this Court.

7. This consent decree will have no effect on any enforcement action brought by the State or NDEQ against Harmon's for future violations of any statutes or regulations.

8. The undersigned consent without further notice to the form and entry of this consent decree.

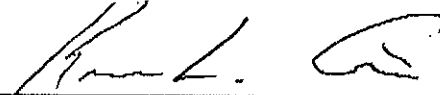
DATED THIS 20 day of August, 2008, in Richardson County, Nebraska.

BY THE COURT:


District Judge

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

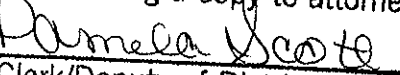
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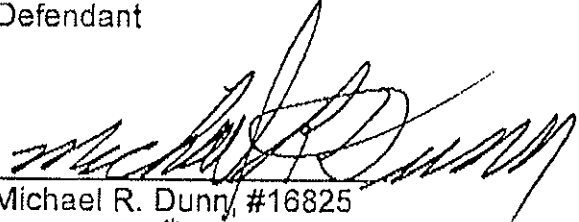
CERTIFICATE OF SERVICE

On this 20 day of Aug, 2008, the above was served on the parties by:

- depositing said copy in the United States Mail, postage prepaid to attorney of record and/or unrepresented party
- Hand Delivered
- Faxing a copy to attorney of record


Clerk/Deputy of District Court

HARMON'S OK TIRE AND AUTO, INC.,
Defendant

By: 
Michael R. Dunny, #16825
111 East 17th St.
P.O. Box 447