

IN THE DISTRICT COURT OF BUFFALO COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, )  
Plaintiff, )  
v. )  
CONSOLIDATED BLENDERS, INC., )  
D/B/A WESTERN ALFALFA )  
Defendant. )

Case No. CI 09579

**CONSENT DECREE**

FILED  
SHARON K MAULER  
2009 SEP 21 AM 10:59  
CLERK OF DISTRICT COURT  
BUFFALO COUNTY, NE

The Nebraska Department of Environmental Quality (NDEQ), through its counsel, Attorney General Jon C. Bruning, and Consolidated Blenders, Inc., d/b/a Western Alfalfa, through its counsel, Anna L. Stehlik, 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 the defendant under the Nebraska Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.*, and all rules and regulations promulgated under the Act.

2. In its complaint, NDEQ alleges that defendant violated Title 129, Chapter 32, Section 001 of the Nebraska Administrative Code, Dust; Duty to Prevent Escape Of, when in October and November of 2007, on several occasions, particulate matter in visible quantities was observed leaving defendant's property blowing towards the community of Elm Creek.

3. In its complaint, NDEQ further alleges that the defendant violated Title 129, Chapter 20, Section 005.02 of the Nebraska Administrative Code, Particulate Emissions; Limitations and Standards, when on July 10, 2008, the defendant caused

and allowed emissions from a dryer at its Elm Creek plant which were 63% in opacity, as evaluated by the EPA-approved method 9.

4. 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 a trial or adjudication of any issues of fact or law. The parties agree that the entry of this consent decree is not an admission by the defendant of any of the issues or violations alleged in the State's complaint. Therefore, and for only the purpose of this consent decree, the parties agree to the entry of this order by the Court.

5. 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.

6. IT IS THEREFORE ORDERED that the defendant shall pay a civil penalty, under Neb. Rev. Stat. § 81-1508.02, in the amount of \$4,500.00 and court costs in the amount of \$80.00 to the District Court for Buffalo County no more than thirty (30) days from the entry of this consent decree by the Court. This civil penalty shall be handled by the Court as provided in Article VII, Section V, of the Nebraska Constitution.

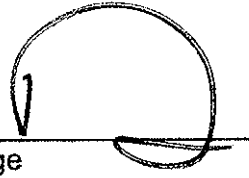
7. IT IS FURTHER ORDERED that the defendant shall pay, as a supplemental environmental project, the sum of \$4,500.00 to the Attorney General's

Environmental Protection Fund. This payment shall be paid as a lump-sum payment within thirty (30) days of the entry of this consent decree by this Court.

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

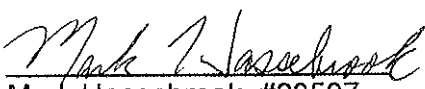
DATED: ~~August~~ <sup>Sept</sup> 18, 2009, in Buffalo County, Nebraska.

BY THE COURT:

  
\_\_\_\_\_  
District Judge

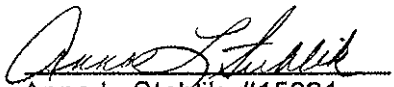
STATE OF NEBRASKA, ex rel.,  
MICHAEL J. LINDER, Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, Plaintiff

By JON C. BRUNING, #20351  
Attorney General

By:   
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Attorneys for Plaintiff.

Notice of Judgement  
Mailed to Mark Hassebrook  
and \_\_\_\_\_  
on 9-21-09  
Sharon K. Mauler  
Clerk of the District Court  
By KAT

CONSOLIDATED BLENDERS, INC., D/B/A  
WESTERN ALFALFA,  
Defendant.

By:   
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