

IN THE DISTRICT COURT FOR PHELPS COUNTY, NEBRASKA

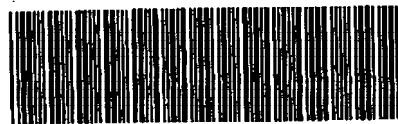
STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, )  
Plaintiff, )  
v. )  
BECTON DICKINSON, AND )  
COMPANY )  
Defendant. )

Case No. CL13-118

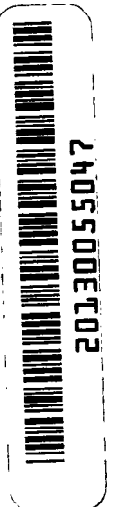
**COMPLAINT**

The Nebraska Department of Environmental Quality ("Department"), through counsel, alleges the following:

1. The Department is the agency of the State of Nebraska charged with the duty to administer and enforce the provisions of the Nebraska Environmental Protection Act, NEB. REV. STAT. §§ 81- 1501 *et seq.* (Reissue 2008), along with all rules and regulations promulgated thereunder.
2. Becton Dickinson and Company ("BD") is a New Jersey Corporation operating a medical supply manufacturing facility in Holdrege, Nebraska.
3. Department personnel conducted a routine compliance inspection on or about February 24, 2013 through February 26, 2013. See generally, NEB. ADMIN. CODE Title 128 "Nebraska Hazardous Waste Regulations".
4. A civil penalty is provided for the violation of any regulation promulgated pursuant to the Environmental Protection Act. NEB. REV. STAT. §81-1508.02 (Reissue 2008)
5. BD failed to make required hazardous waste determinations regarding multiple waste streams generated at the Holdrege facility in accordance with 128 NEB. ADMIN. CODE § 4-002.



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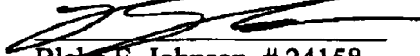
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6. BD allowed the accumulation of hazardous waste on-site beyond the ninety (90) day regulatory limit. See, 128 NEB. ADMIN. CODE § 10-004.01.
7. BD engaged in the unauthorized treatment of hazardous waste. See, 128 NEB. ADMIN. CODE § 12-001.01.
8. BD delivered hazardous waste to an unauthorized treatment, storage, and disposal facility. See, 128 NEB. ADMIN. CODE § 4-004.02
9. BD improperly stored hazardous waste at the Holdrege facility. See, 128 NEB. ADMIN. CODE § 4-004.01A2.
10. BD failed to conduct necessary inspection of hazardous waste storage areas at the Holdrege facility. See, 128 NEB. ADMIN. CODE § 10-004.01A4.
11. BD failed to list the EPA hazardous waste codes on the written notice to the disposal facility. See, 128 NEB. ADMIN. CODE § 10-004.01A4.
12. BD failed to properly label hazardous waste containers at the Holdrege facility. See, 128 NEB. ADMIN. CODE § 10-004.01G, F.

The Department respectfully requests that the Court enter judgment against Becton Dickinson and Company in the form of a civil penalty, along with all costs of this action.

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

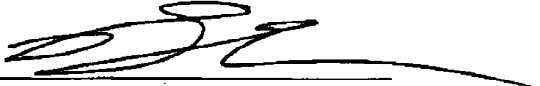
By JON C. BRUNING, #20351  
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*Attorneys for Plaintiff.*

**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 4<sup>th</sup> day of November, 2013, addressed to the Defendant's attorney of record as follows:

Michael S. Mostek  
Koley Jessen P.C., L.L.O.  
One Pacific Place, Ste. 800  
1125 South 103<sup>rd</sup> Street  
Omaha, Nebraska 68124

  
Blake E. Johnson