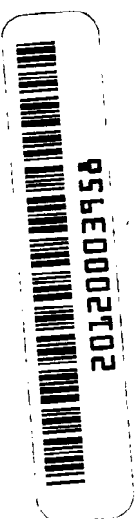


IN THE DISTRICT COURT FOR LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., ) Case No. \_\_\_\_\_  
MICHAEL J. LINDER, Director )  
DEPARTMENT OF ENVIRONMENTAL )  
QUALITY, )  
Plaintiff, ) **COMPLAINT**  
v. )  
RR TRUCKING, INC., )  
Defendant. )

The State of Nebraska, on behalf of the Nebraska Department of Environmental Quality ("NDEQ"), through the Nebraska Attorney General's Office, alleges the following:

1. NDEQ is the agency of the State responsible administering the Nebraska Clean Diesel American Recovery and Reinvestment Act of 2009 ("ARRA") grant program targeting emissions from diesel engines which contribute to public health concerns.
2. Defendant, RR Trucking, Inc., is a Nebraska corporation doing business in Lancaster County, Nebraska at 3840 North 14<sup>th</sup> Street, Lincoln, Nebraska 68521.
3. On February 17, 2009, ARRA was signed into law providing funds to support the goals of the Diesel Emissions Reduction Act ("DERA") set forth in the Energy Policy Act of 2005. Pub. L. 111-5 (February 17, 2009).
4. The Nebraska Clean Diesel ARRA grant program was awarded \$1.73 million to award to eligible DERA applicants for purposes of retrofitting, engine upgrades, or vehicle replacement.
5. On July 29, 2009, the Defendant submitted a grant application to NDEQ as the authorized representative of RR Trucking, Inc. for the purchase of 8 auxiliary power units ("APU").
6. On November 23, 2009, NDEQ notified the Defendant that RR Trucking, Inc. was awarded a grant, contingent upon signing of the grant contract, for the purchase and installation of five (5) APU.
7. On December 10, 2009, the Defendant signed the grant contract.
8. Under the terms of the grant, NDEQ agreed to reimburse the Defendant in an amount not to exceed \$39,900.00.



9. Under the terms of the grant, the Defendant's purchase and installation of five (5) APU was to be completed by August 31, 2010.

10. On March 5, 2010, the Defendant provided NDEQ with five (5) invoices for APU purchases from Thermo King Christensen, each with a different APU number, serial number, and engine number.

11. On March 9, 2010, NDEQ authorized payment of \$35,910.00 to the Defendant in accordance with the grant contract, withholding 10% pending project completion.

12. By letter dated September 8, 2010, NDEQ sought to verify whether the Defendant had purchased and installed the five (5) APU and requested the Defendant submit invoices and a final report by October 2, 2010.

13. The Defendant sent an email to NDEQ on April 10, 2011, stating that purchase and installation had not been completed.

14. By letter dated May 25, 2011, NDEQ demanded repayment of the \$35,910 disbursed to the Defendant under the grant.

15. On July 21, 2011, the Defendant provided a sworn statement to EPA Special Agent Darryll Ahmad indicating that he had used the grant money for other than its intended purpose – to repair six trucks and ten trailers.

16. Despite numerous attempts, Defendant has not accommodated an inspection by NDEQ to verify the installation of the five (5) APU as required by the grant contract.

17. On March 2, 2012, pursuant to DERA, NDEQ refunded \$35,910.00 in grant monies dispersed to Defendant to EPA.

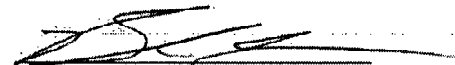
WHEREFORE, the Nebraska Department of Environmental Quality seeks repayment of the \$35,910.00 in grant monies dispersed to Defendant, plus the costs of this action.

Respectfully submitted this 6th day of November, 2012.

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

By: Jon C. Bruning, #20351  
Attorney General

By:



Blake E. Johnson, # 24158  
Assistant Attorney General  
2115 State Capitol Building  
P.O. Box 98920  
Lincoln, Nebraska 68509-8920  
(402) 471-2682  
[blake.johnson@nebraska.gov](mailto:blake.johnson@nebraska.gov)

*Attorneys for Plaintiff*