

IN THE DISTRICT COURT OF PLATTE COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	
THADDEUS D. FINERAN, Interim)	Case No. _____
Director, NEBRASKA DEPARTMENT OF)	
ENVIRONMENT AND ENERGY,)	
)	
Plaintiff,)	COMPLAINT
)	
v.)	
)	
LINDSAY IRRIGATION SOLUTIONS,)	
LLC,)	
)	
Defendant.)	

COMES NOW Thaddeus D. Fineran, Interim Director of the Nebraska Department of Environment and Energy, who initiates this action through Michael T. Hilgers, Nebraska Attorney General, on behalf of the State of Nebraska, as Plaintiff, and alleges as follows:

PARTIES AND INTERESTS

1. Plaintiff Nebraska Department of Environment and Energy (“Department”) is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504, to administer and enforce the Nebraska Environmental Protection Act (“NEPA”), Neb. Rev. Stat. § 81-1501 *et seq.*, and all rules, regulations, orders, and permits issued pursuant to NEPA.
2. Under NEPA, the Department is the state water pollution control agency for all purposes of the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*, and is the state waste pollution control agency for purposes of the Resource Conservation and Recovery Act (“RCRA”), as amended, 42 U.S.C. § 6901 *et seq.* See Neb. Rev. Stat. § 81-1504(4).
3. Defendant Lindsay Irrigation Solutions, LLC (“Lindsay”) is a Nebraska limited liability company. Lindsay’s principal office is in Omaha, Nebraska. Upon information and belief, Lindsay owns and operates an irrigation equipment manufacturing facility in Lindsay, Nebraska (“Lindsay Facility”).

4. As part of its manufacturing process at the Lindsay Facility, Lindsay galvanizes center pivot irrigation systems or parts. In its galvanizing process, Lindsay generates both solid and hazardous wastes.

5. Lindsay is considered a “person” for purposes of NEPA. Neb. Rev. Stat. § 81-1502(10).

JURISDICTION AND VENUE

6. The District Court has jurisdiction over the subject matter of this action, pursuant to Neb. Rev. Stat. § 24-302, and over the parties to this action.

7. Venue is proper pursuant to Neb. Rev. Stat. § 25-403.01, as the Lindsay Facility is in Platte County and the events at issue took place in Platte County.

LEGAL BACKGROUND

A. General.

8. NEPA was enacted in 1971 to protect the water, land, and air of this State. NEPA achieves this purpose by, *inter alia*, prohibiting pollution of the State’s natural resources and unpermitted discharges or releases of wastes to waters and land of the State. *See* Neb. Rev. Stat. §§ 81-1501, 1506(1).

9. Pursuant to its authority under NEPA, the Nebraska Environmental Quality Council (“EQC” or “council”) promulgated the following relevant rules and regulations:

- a. Title 117 of the Nebraska Administrative Code, *Nebraska Surface Water Quality Standards*;
- b. Title 119 of the Nebraska Administrative Code, *Rules and Regulations Pertaining to the Issuance of Permits under the National Pollutant Discharge Elimination System*;
- c. Title 126 of the Nebraska Administrative Code, *Rules and Regulations Pertaining to Management of Waste*; and
- d. Title 128 of the Nebraska Administrative Code, *Nebraska Hazardous Waste Regulations*.

B. Water And Land Pollution.

10. Under NEPA, it is unlawful for any person “[to] cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state[.]” Neb. Rev. Stat. § 1506(1)(a).

11. “Wastes” mean “sewage, industrial waste, and all other liquid, gaseous, solid, radioactive, or other substances which may pollute or tend to pollute any air, land, or waters of the state.” Neb. Rev. Stat. § 81-1502(14).

12. “Water pollution” is “the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.” Neb. Rev. Stat. § 81-1502(20).

13. Under NEPA, “waters of the state” includes “all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.” Neb. Rev. Stat. § 81-1502(21).

14. “Land pollution” is “the presence upon or within the land resources of the state of one or more contaminants or combinations of contaminants, including, but not limited to, refuse, garbage, rubbish, or junk, in such quantities and of such quality as will or are likely to (a) create a nuisance, (b) be harmful, detrimental, or injurious to public health, safety, or welfare, (c) be injurious to plant and animal life and property, or (d) be detrimental to the economic and social development, the scenic beauty, or the enjoyment of the natural attractions of the state.” Neb. Rev. Stat. § 81-1502(19).

15. NEPA also makes it unlawful to “discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air, waters, or land below the air, water, or land quality standards established by the council.” Neb. Rev. Stat. § 81-1506(1)(b). The EQC has promulgated surface water quality standards in Title 117 of the Nebraska Administrative Code.

16. One of the surface water quality standards pertains to the aesthetic quality of surface waters. 117 Neb. Admin. Code § 4-005 requires surface waters

to be “aesthetically acceptable” meaning “free from human-induced pollution which causes: 1) noxious odors; 2) floating, suspended, colloidal, or settleable materials that produce objectionable films, colors, turbidity, or deposits; and 3) the occurrence of undesirable or nuisance aquatic life (e.g., algal blooms). Surface waters are also to be free of junk, refuse, and discarded dead animals.”

C. Discharges To Waters Of The State.

17. It is also unlawful for any person to “[d]ischarge any pollutant into waters of the state without obtaining a permit as required by the National Pollutant Discharge Elimination System [(“NPDES”)] created by the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*, and by rules and regulations adopted and promulgated pursuant to section 81-1505.” Neb. Rev. Stat. § 81-1506(2)(a).

18. “Discharge” means “accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of pollutants into any waters of the State or in a place likely to reach waters of the State.” 119 Neb. Admin. Code § 1-038 (amended September 20, 2023).

19. “Discharge of a pollutant” or “discharge of pollutants” means “any addition of any pollutant or combination of pollutants to waters of the state from any point source. This includes discharge into waters of the state from surface runoff which is collected or channeled by man; discharge through pipes, sewers, or other conveyances owned by a state, municipality or other party which do not lead to treatment systems; and discharges through pipes, sewers, or other conveyances, leading into treatment systems owned in whole or in part by a third party other than a state or municipality.” 119 Neb. Admin. Code § 1-040 (amended September 20, 2023).

20. “Point source” means “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged.” 119 Neb. Admin. Code § 1-086 (amended September 20, 2023).

21. “Pollutant” is defined to include, *inter alia*, “solid waste, ... chemical wastes, ... and industrial, municipal, and agricultural waste discharged into water.” 119 Neb. Admin. Code § 1-087 (amended September 20, 2023).

D. Releases Of Hazardous Wastes.

22. NEPA provides the Department with the power to act as the state solid waste pollution control agency for all purposes of RCRA. Neb. Rev. Stat. § 81-1504(4). A main purpose of RCRA is to ensure proper management of hazardous wastes from the point of generation until final disposal. *See* 42 U.S.C. § 6902. The EQC promulgated Title 128 of the Nebraska Administrative Code to regulate hazardous waste generation, storage, transport, and disposal.

23. Under NEPA, it is unlawful for any person to “[v]iolate any rule or regulation adopted and promulgated by the council pursuant to the Environmental Protection Act.” Neb. Rev. Stat. § 81-1506(5)(d); *see also id.* § 81-1508.02(1)(e).

24. Nebraska regulations provide that “Generator sites must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents into air, soil, or surface water which could threaten human health or the environment.” 128 Neb. Admin. Code § 17-002.

25. Additionally, Nebraska regulations provide that “[n]o person shall release, cause to be released or allow the release of an oil or hazardous substance ... into, or upon the waters or land of the state” 126 Neb. Admin. Code § 18-001.01.

26. Hazardous waste means “a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or (b) pose a substantial present or potential hazard to human or animal health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” Neb. Rev. Stat. § 81-1502(25).

27. Wastes are determined to be hazardous wastes under RCRA either because they are listed hazardous wastes or exhibit any of the following four

characteristics above measurable regulatory thresholds: corrosivity, ignitability, reactivity, or toxicity. *See* 128 Neb. Admin. Code §§ 3-008 & 3-010.

E. Enforcement.

28. Under NEPA, the Department, through the Attorney General's Office, is empowered to file an enforcement action seeking civil penalties and/or injunctive relief. *See* Neb. Rev. Stat. §§ 81-1508 & 81-1508.02.

29. Each violation of NEPA subjects "a person to a civil penalty of no more than ten thousand dollars per day. In the case of a continuing violation, each day shall constitute a separate offense. In assessing the amount of the fine, the court shall consider the degree and extent of the violation, the size of the operation, and any economic benefit derived from noncompliance." Neb. Rev. Stat. § 81-1508.02(2).

FACTUAL BACKGROUND

30. At all times relevant to this Complaint, Lindsay owned and operated an irrigation equipment manufacturing facility in Lindsay, Nebraska. In its manufacturing process, Lindsay galvanizes irrigation systems or parts using an acid solution.

31. As part of its galvanization process at the Lindsay Facility, Lindsay generates both solid and hazardous wastes that are subject to regulation by the Department.

32. One of the wastes it generates during the galvanization process is galvanizing acid, which has a pH below 2.0 and chromium concentrations of 200-500 parts per million ("ppm").

33. Aqueous wastes with a pH less than or equal to 2 or greater than or equal to 12.5 exhibit the characteristic of corrosivity and are hazardous wastes. *See* 128 Neb. Admin. Code § 3-008.01A.

34. Wastes with chromium concentrations greater than 5.0 ppm exhibit the characteristic of toxicity and are hazardous wastes. *See* 128 Neb. Admin. Code § 3-010.02.

35. At all times relevant to this Complaint, Lindsay held NPDES Individual Permit No. NE0113905, which allowed it to discharge non-contact

cooling water to an unnamed tributary of Shell Creek. NPDES Individual Permit No. NE0113905 did not allow the discharge of hazardous wastes or other non-hazardous wastes.

36. On or around December 17, 2021, Lindsay experienced a process upset in the galvanization process at its Lindsay Facility. The process upset contaminated Lindsay's galvanizing acid tanks, which required the over 120,000 gallons of galvanizing acid waste that was generated to be transferred to containers for temporary storage before off-site transport and disposal. The containers were located outside of the building where the galvanization process took place. Some of the containers had secondary containment, while others did not. The capacity of each container was approximately 20,000 gallons.

37. On or around January 5, 2022, Department personnel discussed with a Lindsay representative what precautions were being taken to prevent the release of hazardous wastes temporarily stored in the containers given the proximity to the unnamed tributary of Shell Creek. The Lindsay representative responded that inspections of the containers were occurring, and equipment was onsite to apply sand or soil for absorption and to form a berm if a release occurred.

38. At all times relevant to this Complaint, the drain or drains near the containers holding waste from the process upset were not blocked or bermed.

39. On or around January 31, 2022, the Department was notified by a Lindsay representative that one of the containers holding waste from the process upset at the Lindsay Facility had failed and released approximately 7,000 gallons of galvanizing acid waste. The failed container held galvanizing acid waste which had a low pH of 0 to 1 and chromium levels of 200-500 ppm. The failed container had secondary containment, but the secondary containment did not contain the release.

40. On or around February 1, 2022, the Department conducted a release investigation at the Lindsay Facility. During the investigation, the Department employee was told by a Lindsay representative that the release discharged through an open drain and then went to the unnamed tributary of Shell Creek to the west of the Lindsay Facility instead of the City of Lindsay's sanitary sewer.

41. During the investigation, the Department employee informed a Lindsay representative that the soil underlying the release would need to be sampled, analyzed, and potentially disposed of as hazardous waste.

42. During the investigation, the Department also learned Lindsay was using a temporary boiler unit to heat the tanks for the galvanizing process and the boiler blowdown was also discharging to the open drains at the Lindsay Facility. Lindsay did not have authorization to discharge boiler blowdown, which is an industrial waste, to a water of the state.

43. On or around February 2, 2022, the Department returned to the Lindsay Facility and conducted an investigation of the potential impacts of the release of galvanizing acid waste on the unnamed tributary of Shell Creek.

44. During the February 2, 2022 investigation, the Department employee took samples of the water in the unnamed tributary and made observations. The Department employee observed the water in the unnamed tributary had an orange or yellow color with a similarly colored film sitting on top of the water, as well as dead aquatic life.

45. During the February 2, 2022 investigation, the Department employee observed the failed container. Photographs taken of the failed container show the secondary containment was in the form of an apron around and underneath the container. Photographs show the lip of the apron surrounding part of the container was folded down and not upright. Photographs also show the secondary containment was only designed to hold a small portion of the container's capacity.

46. On or around February 4, 2022, Lindsay conducted a dye tracer test at the Lindsay Facility that confirmed the galvanizing acid waste discharged to the unnamed tributary of Shell Creek and, also, showed the Lindsay Facility's boiler blowdown discharge water from a temporary boiler unit was going through a drain to the same tributary.

47. On February 16, 2022, the Department issued a Letter of Noncompliance ("LNC") to Lindsay and notified Lindsay of the following violations:

- a. Discharge without authorization for both the release of hazardous waste and boiler blowdown to an unnamed tributary of Shell Creek;
- b. Surface water quality standards for aesthetics and aquatic life; and
- c. Failure to operate the site to minimize the possibility of a release of hazardous waste to surface water which could threaten human health or the environment.

48. The February 16, 2022 LNC also required corrective actions, including excavation and proper disposal of the soil impacted by the release of hazardous waste.

49. Lindsay completed excavation of the soil impacted by the release of hazardous waste on March 4, 2022 and has completed all other corrective actions set forth in the February 16, 2022 LNC.

FIRST CAUSE OF ACTION

FAILURE TO OPERATE THE SITE TO MINIMIZE A RELEASE OF HAZARDOUS WASTE TO SURFACE WATER IN VIOLATION OF NEB. REV. STAT. § 81-1506(3)(c) AND 128 NEB. ADMIN. CODE § 17-002.

50. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–49 as though fully set forth herein.

51. Under NEPA, it is unlawful for any person “[t]o violate any other provision of or fail to perform any other duty imposed by such acts, rules, or regulations.” Neb. Rev. Stat. § 81-1508.02(1)(e); *see also* Neb. Rev. Stat. § 81-1506(3)(c).

52. Under Title 128 of the Nebraska Administrative Code, “Generator sites must be designed, constructed, maintained, and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents into air, soil, or surface water which could threaten human health or the environment.” 128 Neb. Admin. Code § 17-002.

53. The Lindsay Facility was a generator site and generated hazardous wastes at the time of the process upset on December 21, 2021, and when the release from the container occurred on January 31, 2022.

54. The galvanizing acid waste from the process upset had characteristics of corrosivity and toxicity and was a “hazardous waste” as defined by Neb. Rev. Stat. § 81-1502(25) and 128 Neb. Admin. Code §§ 3-008 and 3-010.

55. An unnamed tributary to Shell Creek runs along the west side of the Lindsay Facility. A release of hazardous wastes to the soil or surface water could threaten human health or the environment.

56. Between December 21, 2021 and January 31, 2022, some but not all of the containers holding hazardous waste from the process upset had secondary containment.

57. Between December 21, 2021 and January 31, 2022, Lindsay did not cover or block drains near the containers holding hazardous waste.

58. On or around January 31, 2022, a 20,000-gallon capacity container holding galvanizing acid waste from the process upset failed and released approximately 7,000 gallons of hazardous waste that entered a drain and then went into an unnamed tributary to Shell Creek. The hazardous waste also released to the bare ground at the Lindsay Facility.

59. Although the container that leaked 7,000 gallons of galvanizing acid waste had secondary containment on January 31, 2022, such secondary containment was not anchored, was not upright, and could not hold at least 7,000 gallons.

60. Lindsay violated 128 Neb. Admin. Code § 17-002 when it did not maintain or operate the site to minimize the possibility of the unplanned sudden release of hazardous waste into the soil and surface water that could threaten human health or the environment from at least December 21, 2021 until January 31, 2022.

61. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), Lindsay is subject to a civil penalty of not more than \$10,000 per day for this violation.

SECOND CAUSE OF ACTION
DISCHARGE OF A POLLUTANT WITHOUT A PERMIT OR
AUTHORIZATION IN VIOLATION OF NEB. REV. STAT. § 81-
1506(2)(a).

62. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–61 as though fully set forth herein.

63. Under NEPA, it is “unlawful for any person to ... [d]ischarge any pollutant into waters of the state without obtaining a permit as required by the [NPDES] created by the Clean Water Act ... and by rules and regulations adopted and promulgated pursuant to section 81-1505[.]” Neb. Rev. Stat. § 81-1506(2)(a).

64. It is also unlawful for any person “[t]o violate any other provision of or fail to perform any other duty imposed by such acts, rules, or regulations.” Neb. Rev. Stat. § 81-1508.02(1)(e); *see also* Neb. Rev. Stat. § 81-1506(3)(c).

65. Additionally, Nebraska regulations provide that “[n]o person shall release, cause to be released or allow the release of an oil or hazardous substance ... into, or upon the waters or land of the state” 126 Neb. Admin. Code § 18-001.01.

66. On or around January 31, 2022, a 20,000-gallon capacity container holding galvanizing acid waste from a process upset failed and released approximately 7,000 gallons of hazardous waste that entered a drain and then went into an unnamed tributary to Shell Creek.

67. The unnamed tributary to Shell Creek is a “water of the state” as defined in Neb. Rev. Stat. § 81-1502(21).

68. The galvanizing acid waste is a “pollutant” as defined by 119 Neb. Admin. Code § 1-087 and is a “hazardous substance” as defined by 126 Neb. Admin. Code § 1-021.

69. The failure and subsequent leaking of 7,000 gallons of galvanizing acid waste from the container is a “discharge” and a “discharge of a pollutant” as defined by 119 Neb. Admin. Code §§ 1-038 & 1-040. It is also a “release” as defined by 126 Neb. Admin. Code § 1-036.

70. The container that failed and leaked galvanizing acid waste that went into a drain and to the unnamed tributary of Shell Creek is a “point source” as defined by 119 Neb. Admin. Code § 1-086.

71. Additionally, Lindsay was discharging boiler blowdown from a temporary boiler unit at its Lindsay Facility to a drain that connected to the unnamed tributary of Shell Creek.

72. The discharge of boiler blowdown from a temporary boiler unit to a water of the state is a “discharge of a pollutant” as defined by 119 Neb. Admin. Code § 1-040.

73. Neither the discharge of boiler blowdown nor the discharge of galvanizing acid waste to the unnamed tributary of Shell Creek were authorized by Lindsay’s NPDES Individual Permit No. NE0113905.

74. Lindsay violated Neb. Rev. Stat. § 81-1506(2)(a) when it discharged galvanizing acid waste to a water of the state without authorization on January 31, 2022.

75. Lindsay violated Neb. Rev. Stat. 81-1506(2)(a) when it discharged boiler blowdown to a water of the state without authorization for at least one day.

76. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), Lindsay is subject to a civil penalty of not more than \$10,000 per day for each of these violations.

THIRD CAUSE OF ACTION

POLLUTION OF LAND AND WATER OF THE STATE IN VIOLATION OF NEB. REV. STAT. § 81-1506(1)(a).

77. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–76 as though fully set forth herein.

78. Under NEPA, it is “unlawful for any person ... [t]o cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state[.]” Neb. Rev. Stat. § 81-1506(1)(a).

79. It is also unlawful under NEPA to “discharge or emit any wastes into any air, waters, or land of the state which reduce the quality of such air,

waters, or land below the air, water, or land quality standards established by the council.” Neb. Rev. Stat. § 81-1506(1)(b).

80. One of the water quality standards established by the council requires surface waters to be “aesthetically acceptable” meaning “free from human-induced pollution which causes: 1) noxious odors; 2) floating, suspended, colloidal, or settable materials that produce objectionable films, colors, turbidity, or deposits; and 3) the occurrence of undesirable or nuisance aquatic life (e.g., algal blooms). Surface waters are also to be free of junk, refuse, and discarded dead animals.” 117 Neb. Admin. Code § 4-005.

81. On or around January 31, 2022, a 20,000-gallon capacity container holding galvanizing acid waste from a process upset failed and released approximately 7,000 gallons of hazardous waste that entered a drain and then went into an unnamed tributary to Shell Creek.

82. After the release and at least through February 2, 2022, the surface water of the unnamed tributary of Shell Creek was yellow or orange in color and had an orange or yellow film on top of the water.

83. The release also leaked the galvanizing acid waste onto the bare ground near the container. Lindsay completed remediation of the galvanizing acid waste on and in the soil on March 4, 2022.

84. The unnamed tributary to Shell Creek is a “water of the state” as defined in Neb. Rev. Stat. § 81-1502(21).

85. The galvanizing acid waste is a “waste” as defined by Neb. Rev. Stat. § 81-1502(14).

86. The orange or yellow color of the surface water in the unnamed tributary of Shell Creek caused by the release of the galvanizing acid waste from the Lindsay Facility is “water pollution” as defined by Neb. Rev. Stat. § 81-1502(20). It is also aesthetically unacceptable and in violation of Nebraska’s surface water quality standards.

87. The release of galvanizing acid waste onto the bare ground and into the soil at the Lindsay Facility is “land pollution” as defined by Neb. Rev. Stat. § 81-1502(19).

88. Lindsay caused or placed or caused to be placed a container with hazardous waste in a place where it would likely reach a water of the state or land of the state if a release occurred.

89. Lindsay violated Neb. Rev. Stat. § 81-1506(1)(a) when it caused or placed or caused to be placed hazardous waste in a location likely to cause water pollution from January 31, 2022 to at least February 2, 2022.

90. Alternatively, Lindsay violated Neb. Rev. Stat. § 81-1506(1)(b) and 117 Neb. Admin. Code § 4-005 by causing the surface water of the unnamed tributary of Shell Creek to become yellow or orange from January 31, 2022 to at least February 2, 2022.

91. Lindsay violated Neb. Rev. Stat. § 81-1506(1)(a) when it caused or placed or caused to be placed hazardous waste in a location likely to cause land pollution from January 31, 2022 to March 4, 2022.

92. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), Lindsay is subject to a civil penalty of not more than \$10,000 per day for each these violations.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests this Court to enter judgment on this Complaint in its favor and grant the following relief:

- A. Declare Lindsay violated the Nebraska Environmental Protection Act and/or Title 119 and/or Title 126 and/or Title 117 and/or Title 128 of the Nebraska Administrative Code;
- B. Enter the statutory maximum civil penalty against Lindsay, as provided under Neb. Rev. Stat. § 81-1508.02(2), for each day of each violation set forth in the causes of action above;
- C. Tax all court costs herein to Lindsay; and
- D. Grant Plaintiff such additional and further relief as this Court deems just and proper.

DATED this 26th day of June 2024.

STATE OF NEBRASKA, ex rel., THADDEUS D.
FINERAN, Interim Director, NEBRASKA
DEPARTMENT OF ENVIRONMENT AND
ENERGY, Plaintiff,

By: MICHAEL T. HILGERS, #24483
Attorney General

By: /s/ Maegan L. Woita
Maegan L. Woita, #26287
Assistant Attorney General
2115 State Capitol
P.O. Box 98920
Lincoln, Nebraska 68509-8920
Tel. (402) 471-1912
maegan.woita@nebraska.gov

Attorneys for Plaintiff