

Filed in Hall District Court  
\*\*\* EFILED \*\*\*  
Case Number: D08CI260000310  
Transaction ID: 0024930206  
Filing Date: 04/29/2026 09:18:45 AM CDT

**IN THE DISTRICT COURT OF HALL COUNTY, NEBRASKA**

STATE OF NEBRASKA, ex rel.,	)	
JESSE BRADLEY, Director, NEBRASKA	)	Case No. _____
DEPARTMENT OF WATER, ENERGY	)	
AND ENVIRONMENT,	)	
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
v.	)	
	)	
SWIFT BEEF COMPANY,	)	
INC.,	)	
	)	
Defendant.	)	

COMES NOW Jesse Bradley, Director of the Nebraska Department of Water, Energy and Environment, 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 Water, Energy and Environment (“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 (“CWA”), as amended, 33 U.S.C. § 1251 *et seq.* Neb. Rev. Stat. § 81-1504(4).

3. Defendant Swift Beef Company, Inc. (“SBC”) is a domesticated foreign corporation incorporated in the state of Delaware and registered to do business in Nebraska. SBC owns and operates a beef slaughter and processing facility at 555 S. Stuhr Road in Grand Island, Nebraska (“Facility”).

4. SBC is considered a “person” for purposes of NEPA. *See* Neb. Rev. Stat. § 81-1502(10).

## JURISDICTION AND VENUE

5. 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.

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

## LEGAL BACKGROUND

### A. General.

7. NEPA was enacted in 1971 to protect the water, land, and air of Nebraska. NEPA achieves this purpose by, *inter alia*, prohibiting pollution of the State's natural resources and unpermitted discharges of wastes or pollutants to waters of the State. *See* Neb. Rev. Stat. §§ 81-1501, 1506(1) & (2).

8. 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*; and
- c. Title 123 of the Nebraska Administrative Code, *Rules and Regulations for the Design, Operation and Maintenance of Wastewater Works*.

### B. Water Pollution.

9. 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).

10. "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).

11. “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).

12. 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).

13. 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 therefor 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.

14. 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:

[F]ree 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.

15. Additional surface water quality standards create numerical criteria for the chemical and physical properties of water that apply to certain classes of surface waters. The numerical criteria set forth in Title 117 include: dissolved oxygen; ammonia; temperature; pH; conductivity; and chloride. 117 Neb. Admin. Code §§ 4-003.01C1, 4-003.01G, 4-003.04A1a, 4-003.04C1, and 4-004.02B1.

### **C. Discharges to Waters of the State and NPDES Permit Violations.**

16. It is 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).

17. The Department has authority to issue and enforce NPDES permits, which are required for, *inter alia*, discharges of wastewater from industrial activities and pretreatment of wastewater, as well as discharges of storm water. *See* Neb. Rev. Stat. §§ 81-1505(11) & 81-1506(2)(c).

18. Generally, NPDES permits issued under the Nebraska Pretreatment Program (“NPP”) include, *inter alia*, limits that must be met before a facility discharges process wastewater to a publicly-owned treatment works or wastewater treatment facility, as well as monitoring requirements.

19. Likewise, NPDES storm water permits provide what discharges of storm water and non-storm water are allowed, as well as requirements for monitoring, reporting, and best management practices.

20. It is unlawful to violate any permit condition or limitation issued under NEPA or the rules or regulations adopted and promulgated. *See* Neb. Rev. Stat. § 81-1508.02(1)(b).

21. It is also unlawful to “[i]ncrease in volume or strength any waste in excess of permitted discharges specified under any existing permit[.]” Neb. Rev. Stat. § 81-1506(2)(c).

#### **D. Operation and Maintenance of Wastewater Works and Lagoon Systems.**

22. Title 123—*Rules and Regulations for the Design, Operation and Maintenance of Wastewater Works* require wastewater treatment facilities to be “maintained in proper operating condition” and “operated in a manner to meet all NPDES permit requirements and not result in a prohibited bypass or an unauthorized discharge.” 123 Neb. Admin. Code § 11-001.

23. There are also operation and maintenance requirements specific to wastewater lagoons, which include “promptly repair[ing]” “[d]amage to lagoon dikes and liners caused by muskrats or other rodents, erosion, tree roots, animal hooves, or any other source ....” 123 Neb. Admin. Code § 11-008.05.

24. Under NEPA, it is unlawful for any person to “violate any other provision of ... rules, or regulations.” Neb. Rev. Stat. § 81-1508.02(1)(e).

**E. Enforcement.**

25. Under NEPA, the Department, through the Nebraska 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.

26. 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**

**A. General Information.**

27. At all times relevant to this Complaint, SBC owned and operated a beef slaughter and processing facility in Grand Island, Nebraska. Its Facility includes a kill plant, processing area, packaging and storage areas, rendering plant, and pretreatment system. SBC generally processes over 5,500 cattle each workday and discharges through its pretreatment system approximately 4.5 million gallons of wastewater each day.

28. SBC generates process wastewater and utilizes its pretreatment system to treat its process wastewater before being discharged through an outfall to the Grand Island Wastewater Treatment Facility (“Grand Island WWTF”). SBC’s pretreatment system consists of preliminary treatment (screens, dissolved air floatation units, polymers, and peracetic acid recovery), primary treatment (north and south covered anaerobic lagoons that collect methane), and secondary treatment (anoxic basins, aeration basins, clarifier, and belt press). The north anaerobic lagoon has a capacity of approximately 10 million gallons while the south anaerobic lagoon has a capacity of approximately 25 million gallons.

29. SBC holds NPDES/NPP Permit No. NE0113891, which was effective from January 1, 2020 to December 31, 2025. NPDES/NPP Permit No. NE0113891 authorized discharges through two outfalls: (1) the discharge of

single-pass non-contact cooling water through outfall 001 to the Grand Island Utilities Ditch; and (2) the discharge of meatpacking process wastewater after pretreatment through outfall 002 to the Grand Island WWTF.

30. NPDES/NPP Permit No. NE0113891 sets forth discharge limits from SBC's pretreatment system to outfall 002 and then to the Grand Island WWTF. The table below shows the pretreatment monthly average ("monthly avg." or "mo. avg.") and daily maximum ("daily max") discharge limits that are relevant to this Complaint:

<b>Parameters</b>	<b>Units</b>	<b>Monthly Avg. Limit</b>	<b>Daily Max Limit</b>
Ammonia as Nitrogen	lbs/day	864	1,331
Total Kjeldahl Nitrogen (TKN)	lbs/day	1,440	2,219
Chloride	lbs/day	10,000	20,000
Total Suspended Solids (TSS)	lbs/day	7,198	11,095

31. NPDES/NPP Permit No. NE0113891 was administratively extended and then renewed with an effective date of January 1, 2026. NPDES/NPP Permit No. NE0113891, as renewed, contains the same discharge limits for SBC's pretreatment system as set forth in the table above.

32. SBC also holds NPDES General Permit for Storm Water Discharges Associated with Industrial Activity to Waters of the State of Nebraska ("ISW-GP") Permit No. NER920000, which was reissued on April 1, 2022 for a five-year term ending on March 31, 2027. SBC discharges storm water through six outfalls to the Grand Island Utilities Ditch on the north side of the Facility, which is an undesignated tributary to Wood River and drains into the Platte River.

**B. NPDES Permit Exceedances.**

33. On September 15, 2023, the Department issued a letter of noncompliance ("LNC") to SBC regarding its failure to meet pretreatment discharge limits in NPDES/NPP Permit No. NE0113891. This LNC included discharge limit exceedances from April 2023 through June 2023.

34. After the September 15, 2023 LNC, SBC had additional exceedances of the discharge limits in NPDES/NPP Permit No. NE0113891.

35. Between April 2023 and February 2026, SBC exceeded the pretreatment discharge limits in NPDES/NPP Permit No. NE0113891 for discharging pretreated wastewater through Outfall 002 to the Grand Island WWTF on the following occasions:

<b>Date</b>	<b>Parameter</b>	<b>Discharge Limit</b>	<b>Sample Result</b>
04/01/2023	Ammonia	1,331 (daily max)	1,677
04/02/2023	Ammonia	1,331 (daily max)	1,412
05/31/2023	Chloride	10,000 (mo. avg.)	12,524
06/30/2023	Chloride	10,000 (mo. avg.)	17,494
11/16/2023	Ammonia	1,331 (daily max)	1,963
11/16/2023	TKN	1,440 (mo. avg)	2,412
11/17/2023	Ammonia	1,331 (daily max)	2,166
11/17/2023	TKN	1,440 (mo. avg)	2,777
11/18/2023	Ammonia	1,331 (daily max)	1,521
11/24/2023	Ammonia	1,331 (daily max)	1,552
11/24/2023	Ammonia	1,331 (daily max)	1,980
11/24/2023	Ammonia	1,331 (daily max)	2,198
11/24/2023	Ammonia	1,331 (daily max)	1,707
11/26/2023	TKN	1,440 (mo. avg)	2,444
11/30/2023	Chloride	10,000 (mo. avg)	10,504
12/28/2023	TSS	11,095 (daily max)	13,045
01/05/2024	TSS	11,095 (daily max)	11,431
01/06/2024	TSS	11,095 (daily max)	64,987
01/06/2024	TKN	2,219 (daily max)	4,045
01/30/2024	Chloride	10,000 (mo. avg)	10,176
02/07/2024	Chloride	20,000 (daily max)	21,231
02/29/2024	Chloride	10,000 (mo. avg)	16,384
11/14/2024	TSS	11,095 (daily max)	22,028
11/15/2024	TSS	11,095 (daily max)	23,362
12/03/2024	TSS	11,095 (daily max)	24,502
12/04/2024	TSS	11,095 (daily max)	16,999

<b>Date</b>	<b>Parameter</b>	<b>Discharge Limit</b>	<b>Sample Result</b>
12/05/2024	TSS	11,095 (daily max)	13,594
12/08/2024	Ammonia	1,331 (daily max)	1,559
12/19/2024	TSS	11,095 (daily max)	20,486
11/30/2025	TSS	11,095 (daily max)	23,523
12/02/2025	TSS	11,095 (daily max)	15,324
12/03/2025	TSS	11,095 (daily max)	28,734
12/05/2025	TSS	11,095 (daily max)	13,458
12/06/2025	TSS	11,095 (daily max)	11,686
02/23/2026	TSS	11,095 (daily max)	11,724

36. SBC has been repairing and upgrading its pretreatment system to prevent discharge limit exceedances from occurring.

**C. January 2024 Events.**

37. On January 6, 2024, SBC's north anaerobic lagoon failed and released an estimated 4,000,000 gallons of partially treated process wastewater and sludge onto SBC's property, which traveled north to the Grand Island Utilities Ditch. Approximately 2,000,000 gallons of wastewater and sludge entered Grand Island Utilities Ditch through a storm water outfall and overland and then traveled downstream to Wood River and the Platte River.

38. SBC immediately took efforts to address the lagoon failure and to contain the discharge of wastewater and sludge.

39. The Department responded to the lagoon failure on January 6, 2024 and investigated. During the investigation, the Department observed that the north anaerobic lagoon appeared to have experienced a structural failure at the bypass connection manhole on the east side of the north anaerobic lagoon. The Department also observed evidence of erosion in other areas of the north anaerobic lagoon, as well as evidence of erosion on the dikes and around the manhole of the south anaerobic lagoon. The Department observed dead fish and took surface water samples. The Department also observed that the wastewater and sludge from the lagoon discharge was being tracked onto the city street outside of the Facility.

40. On January 6, 2024, Department observed the conditions of the Grand Island Utilities Ditch, Wood River, and the Platte River and took surface water samples of seven different segments of the water bodies. The Department's relevant surface water quality sample results and observations include:

<b>Segment</b>	<b>Parameter</b>	<b>Result</b>
002 – Grand Island Ditch - 100 yards downstream	Dissolved Oxygen	0.75 mg/L
	Ammonia as Nitrogen	274 mg/L
	Aesthetics	Turbid, thick, presence of odorous sludge
004 – Wood River - 1.2 river miles downstream	Ammonia as Nitrogen	35.10 mg/L
	Aesthetics	Turbid, thick, presence of odorous sludge

41. On January 7, 2024, the Department along with Nebraska Game & Parks Commission conducted a fish kill investigation, took surface water quality samples, and observed the conditions of the water bodies. The results of the Department's water samples and observations include:

<b>Segment</b>	<b>Parameter</b>	<b>Result</b>
004 – Wood River - 1.2 river miles downstream	Aesthetics	Turbid, heavy sludge deposits, dead fish present
005 – Wood River - 14.87 river miles downstream	Ammonia as Nitrogen	39.3 mg/L
	Aesthetics	Turbid, thin sludge deposits, dead fish present

42. During the January 7, 2024 fish kill investigation, the Department and Nebraska Game & Parks Commission observed numerous dead fish present in Wood River and determined the January 6, 2024 wastewater and sludge discharge had completely killed the fish community in the 14-mile stretch of Wood River downstream from the Facility and likely reached the Platte River.

43. On January 10, 2024, the Department made additional observations of the water bodies and took surface water quality samples. In Segment 006, which was Wood River approximately 18.12 river miles downstream from the Facility, the Department observed thin sludge deposits and dead fish.

44. On January 15, 2026, Department representatives and SBC representatives had a phone call. During the phone call, SBC representatives stated they had reduced operations and had placed clay around the berm and manhole of the south anaerobic lagoon to address significant erosion. SBC representatives also stated SBC was looking to do a root cause investigation of the north anaerobic lagoon failure.

45. On January 18, 2024, the Department issued an LNC to SBC, which alleged the following violations against SBC:

- Unlawful discharge of water pollutants to waters of the state;
- Discharging with authorization;
- Failure to comply with wastewater treatment facility operation and maintenance requirements;
- Failure to comply with NPDES reporting requirements;
- Violation of aesthetic water quality standards and aquatic life water quality standards; and
- Failure to meet the conditions of NPDES ISW-GP NER920000.

46. On January 23, 2024, the Department conducted a follow-up investigation at the Facility. The Department observed sludge from the lagoon failure was being tracked inside and outside of the Facility and the city street was partially covered with sludge. The Department further observed visible sludge deposits in the Grand Island Utilities Ditch and Wood River. SBC's contractor was removing material from the water bodies at the time of the investigation.

47. The Department continued to conduct site visits to monitor SBC's activities cleaning up the wastewater and sludge that discharged to the Grand Island Utilities Ditch, Wood River, and likely the Platte River. The Department and SBC continued to have phone calls regarding SBC's cleanup efforts.

48. SBC took actions to prevent trackout, including installing temporary rumble bars.

49. On February 9, 2024, the Department conducted a site visit at the Facility and observed rill erosion on the side of the south anaerobic lagoon, as well as erosion on the side of the north anaerobic lagoon. The Department also

observed SBC was conducting cleanup of the Grand Island Utilities Ditch by hydro vacuuming, power washing the sides, and excavating sludge. The Department also observed the temporary rumble strips were in place and SBC had installed wattles along the fence line.

50. On April 19, 2024, SBC submitted a remediation plan for the wastewater sludge that was still in the Grand Island Utilities Ditch and proposed to install sandbag berms and check dams on segments of the water body to allow the contractor to use a pump to collect the sludge.

51. SBC continued cleanup efforts through May 2024. On May 21, 2024, SBC notified the Department that cleanup of the discharge was complete.

52. The Department conducted a site visit on May 30, 2024 to verify whether cleanup was complete. During the site visit, the Department did not observe any significant sludge deposits in the Grand Island Utilities Ditch.

53. SBC hired an engineering consultant to review and investigate the cause of the north anaerobic lagoon failure. In the August 16, 2024 memo regarding the anaerobic lagoon #1 (north anaerobic lagoon) failure analysis, SBC's engineering consultant stated:

At the point of the breach, a pre-cast concrete manhole receives anaerobic effluent prior to the anaerobic effluent lift station. Based on conditions of similar onsite manholes and JBS personnel statements, it appears that this manhole suffered from corrosion within its interior to a point that the structural integrity was compromised causing it to collapse on itself. Water seepage began around the collapsed manhole, softening the adjacent soils to a point where conditions eventually resulted in the lagoon berm release.

54. SBC conducted desludging of both the north and south anaerobic lagoons. SBC also reconstructed the north anaerobic lagoon that had failed and installed a manhole with corrosion resistance properties.

55. At all times relevant to this Complaint, neither NPDES/NPP Permit No. NE0113891 nor ISW-GP NER92000 allowed SBC to discharge process wastewater, anaerobic lagoon wastewater, anaerobic lagoon sludge, or

storm water contaminated with water pollutants to the Grand Island Utilities Ditch or other waters of the state.

**D. February 2024 Events.**

56. On February 29, 2024, the Department received a complaint of dark or gray water discharging into the Grand Island Utilities Ditch from a culvert associated with SBC's Facility. The Department conducted a site visit on February 29, 2024, to make observations and take water samples of the Grand Island Utilities Ditch. The Department also made SBC aware of the discharge. The Department observed the water in the Grand Island Utilities Ditch to be dark and turbid. The Department took water samples from the Grand Island Utilities Ditch by the outfall where the discharge originated. The results of the Department's water samples and observations include:

<b>Segment</b>	<b>Parameter</b>	<b>Result</b>
Grand Island Utilities Ditch	Chloride	6,870 mg/L
	Aesthetics	Turbid, dark-colored, scum floating on the surface

57. On March 4, 2024, SBC communicated to the Department that the discharge observed by the Department on February 29, 2024 may be from a pump station and could be process wastewater. SBC also told the Department that it had a contractor pump out the outfall where the discharge originated.

58. On March 6, 2024, the Department conducted a site visit and confirmed that the February 29, 2024 discharge was due to a pump failure and was process wastewater. The Department also observed:

- Erosion along multiple sides of the south anaerobic lagoon;
- A slit in the liner of the south anaerobic lagoon where a blue hose was inserted;
- Trackout of blood and other wastes that originated from the offal/paunch loadout area;
- Trackout of waste from the February 29, 2024 discharge; and

- Trackout of pooled red and gray tinted water by the north fence line.

59. SBC submitted an NPDES/NPP noncompliance report to the Department, signed and dated March 6, 2024, providing the discharge was due to a mechanical failure of a pump that resulted in an overflow of fat and water. SBC provided that the pump was replaced, the discharge was cleaned up, and a valve would be installed on the storm water outfall. The Department received the noncompliance report by mail on March 11, 2024.

60. SBC also submitted an ISW-GP Corrective Actions Report, dated March 13, 2024, that provided the February 29, 2024 discharge of fat and water came from a pump that experienced a mechanical failure.

61. On March 25, 2024, the Department issued an LNC to SBC, which alleged the following violations against SBC that are relevant to this Complaint:

- Failure to comply with NPDES reporting requirements, such as submitting a noncompliance report within five days of becoming aware of the February 29, 2024 discharge;
- Failure to meet the conditions of ISW-GP NER920000, including the unauthorized discharge of process wastewater through a storm water outfall and the non-numeric technology-based effluent limits; and
- Violation of surface water quality standards.

62. The March 25, 2024, LNC also requested that SBC perform several corrective actions. SBC performed the corrective actions.

63. SBC communicated to the Department that the slit in the liner cover of the south anaerobic lagoon had been patched as of May 1, 2024.

#### **E. June 2024 Events.**

64. On June 5, 2024, NDEE conducted a routine facility inspection at SBC to determine compliance with the requirements of NPDES/NPP Permit No. NE0113891 and ISW-GP NER920000. During the inspection, the Department observed:

- Erosion on the south and west berms of the south anaerobic lagoon;
- A pump near the cattle pens had failed and discharged solids onto the ground;
- Manure had been thrown over the side of the cattle pens next to a storm water drainage area;
- Trackout of belt press solids;
- Trackout of blood on the southwest side of the Facility; and
- Trackout of blood, fats, and animal parts near the cattle pens.

65. On June 17, 2024, the Department issued an LNC to SBC, which alleged the following violations against SBC:

- Failure to comply with operation and maintenance requirements for wastewater works; and
- Failure to meet the conditions of ISW-GP NER920000, including minimizing exposure and trackout of pollutants.

66. The June 17, 2024 LNC also requested that SBC perform several corrective actions, such as repairing the lagoon erosion and cleaning up the solids, trackout, and manure. SBC completed the corrective actions by July 19, 2024. SBC also installed trackout mats.

#### **F. July 2024 Events.**

67. On or around July 11, 2024, the Department received a notification of environmental concern that a milky liquid was being discharged to the Grand Island Utilities Ditch by SBC. The Department went to SBC's Facility that same day to investigate and confirmed there was discharge from a storm water outfall. SBC was in the process of cleaning up the discharge. The Department observed there was a milky appearance to the water in the Grand Island Utilities Ditch and took water samples.

68. During the July 11, 2024 investigation of the milky discharge, SBC looked for the cause of the discharge and identified the source of the discharge as

a broken pipe that conveys brine water within the facility. SBC stopped the discharge on the afternoon of July 11, 2024.

69. The results from the Department's water samples and observations on July 11, 2024 include:

<b>Segment</b>	<b>Parameter</b>	<b>Result</b>
Grand Island	Dissolved Oxygen	3.3 mg/L
Utilities Ditch – at the drain outlet	Conductivity	4,971 umhos/cm
	Aesthetics	Milky discolored water
Grand Island	Conductivity	2,630 umhos/cm
Utilities Ditch – downstream of the drain outlet	Aesthetics	Milky discolored water

70. On July 12, 2024, the Department issued an LNC to SBC, which alleged the following violations against SBC:

- Failure to meet the conditions of ISW-GP NER920000; and
- Violation of surface water quality standards.

#### **G. Other Events.**

71. On February 2, 2026, SBC experienced a pump failure which caused 7,855 gallons of process water that contained peracetic acid (“PAA”) (a chemical used as a disinfectant) to overflow out of a manhole and drain to a storm water ditch that functioned as secondary containment, but the gate was not fully closed and allowed the process water to discharge through the storm water outfall to the Grand Island Utilities Ditch. SBC took actions to address the discharge and prevent it from reaching further downstream. SBC collected samples for pH, ammonia, and chemical oxygen demand, but did not sample for temperature, chloride, or total extractable hydrocarbons.

72. On February 5, 2026, the Department conducted an investigation of the February 2, 2026 discharge and observed that SBC had cleaned up the discharge and had added markers to the gate to determine whether it is fully closed.

73. On February 13, 2026, the Department issued an LNC to SBC, which alleged the following violations against SBC:

- Failure to meet the conditions of ISW-GP NER920000 by discharging non-storm water through a storm water outfall;
- Failure to comply with NPDES reporting requirement by failing to sample and analyze for chloride, total extractable hydrocarbons, or temperature; and
- Failure to comply with operation and maintenance requirements because a pump failed and caused an unauthorized discharge.

74. In February 2026, SBC also experienced wastewater treatment operational failures including:

- A drain pipe collapsed and broke which leaked process water to the ground. SBC repaired the pipe and excavated the soil where the release occurred;
- Excessive foaming in the aeration basins and clarifiers causing the sweep arm of the east clarifier to bend and need repair; and
- Pumps in a lift station were discovered to be off and caused a discharge of wastewater to the ground. SBC converted the lift station to an automated system.

#### **FIRST CAUSE OF ACTION**

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

75. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–74 as though fully set forth herein.

76. 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).

77. NEPA defines “water pollution” as “the manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of water[.]” Neb. Rev. Stat. § 81-1502(20).

78. SBC generates process wastewater through its beef slaughter, processing, packaging, and rendering operations and sends the process wastewater through its pretreatment system, which includes two (north and south) anaerobic lagoons, primary and secondary treatment, as well as various pipes and pumps.

**A. January 2024 Unauthorized Discharge Event.**

79. On or around January 6, 2024, SBC’s north anaerobic lagoon failed and approximately 4 million gallons of liquid wastewater and lagoon sludge discharged from the lagoon. Approximately 2 million gallons of the wastewater and sludge discharged to the Grand Island Utilities Ditch which connects to Wood River and then to the Platte River.

80. The discharge of approximately 2 million gallons of wastewater and sludge altered the chemical, physical, and biological integrity of the waters because it resulted in a fish kill and the settling of sludge in the waters from January 6, 2024 to May 2024.

81. SBC took actions to address the discharge and completed cleanup of the wastewater and sludge that had been discharged into the Grand Island Utilities Ditch, Wood River, and the Platte River on or around May 21, 2024.

82. The Grand Island Utilities Ditch, Wood River, and the Platte River are all waters of the state as defined in Neb. Rev. Stat. § 81-1502(21).

83. The wastewater and sludge that were discharged from the failed north anaerobic lagoon are wastes as defined by Neb. Rev. Stat. § 81-1502(14).

84. The wastewater and sludge that discharged into the Grand Island Utilities Ditch, reached the Wood River and the Platte River, resulted in a fish kill, and remained in the waters until May 21, 2024, are water pollution as defined in Neb. Rev. Stat. § 81-1502(20).

85. SBC violated Neb. Rev. Stat. 81-1506(1)(a) when it caused water pollution due to the wastewater and sludge from its failed north anaerobic lagoon

discharging to and remaining in waters of the state from January 6, 2024 through May 21, 2024.

**B. February 2024 Unauthorized Discharge Event.**

86. On or around February 29, 2024, SBC's pump failed and process wastewater discharged through a culvert and into the Grand Island Utilities Ditch.

87. The Department investigated the discharge on February 29, 2024 and observed it was a dark or gray liquid and there was floating scum or foam on top of the water surface in the Grand Island Utilities Ditch.

88. SBC stopped the discharge and cleaned up the wastewater that had discharged into the Grand Island Utilities Ditch.

89. The Grand Island Utilities Ditch is a water of the state as defined in Neb. Rev. Stat. § 81-1502(21).

90. The wastewater that discharged into the Grand Island Utilities Ditch is a waste as defined by Neb. Rev. Stat. § 81-1502(14).

91. The wastewater that discharged into the Grand Island Utilities Ditch on February 29, 2024 is water pollution as defined in Neb. Rev. Stat. § 81-1502(20).

92. SBC violated Neb. Rev. Stat. 81-1506(1)(a) when it caused water pollution due to its failed pump discharging wastewater to a water of the state on February 29, 2024.

**C. July 2024 Unauthorized Discharge Event.**

93. On or around July 11, 2024, SBC's pipe broke and discharged brine water through SBC's storm water outfall to the Grand Island Utilities Ditch.

94. The Department investigated the discharge on July 11, 2024 and observed there was a milky appearance to the water in the Grand Island Utilities Ditch.

95. The Grand Island Utilities Ditch is a water of the state as defined in Neb. Rev. Stat. § 81-1502(21).

96. The brine water that discharged into the Grand Island Utilities Ditch is a waste as defined by Neb. Rev. Stat. § 81-1502(14).

97. The brine water that discharged into the Grand Island Utilities Ditch on July 11, 2024 is water pollution as defined in Neb. Rev. Stat. § 81-1502(20).

98. SBC violated Neb. Rev. Stat. 81-1506(1)(a) when it caused water pollution due to the broken pipe that discharged brine water to a water of the state on July 11, 2024.

99. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for each of the water pollution events described in Paragraphs 70 through 89:

- From January 6, 2024 through May 21, 2024 (140 days);
- February 29, 2024 (1 day); and
- July 11, 2024 (1 day).

## SECOND CAUSE OF ACTION

### **DISCHARGE OF WASTES INTO WATERS OF THE STATE WHICH REDUCE THE QUALITY OF SUCH WATERS OF THE STATE BELOW WATER QUALITY STANDARDS IN VIOLATION OF NEB. REV. STAT. § 81-1506(1)(b) AND 117 NEB. ADMIN. CODE §§ 4-003, 4-004, & 4-005**

100. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–99 as though fully set forth herein.

101. Under NEPA, “[i]t is unlawful for any person ... [t]o 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 therefor by the council.” Neb. Rev. Stat. § 81-1506(1)(b).

102. SBC is subject to the surface water quality standards set forth in Title 117 of the Nebraska Administrative Code, which includes the following numerical standards that are relevant to the Complaint:

- A chloride level of 860 mg/L or below at any time as required by 117 Neb. Admin. Code § 4-003.01G;

- A one-day minimum dissolved oxygen level not less than 5.0 mg/L between April 1 and September 30 as required by 117 Neb. Admin. Code § 4-003.04C1a;
- A one-day minimum dissolved oxygen level of not less than 3.0 mg/L between October 1 and March 31 as required by 117 Neb. Admin. Code § 4-003.04C1b; and
- A conductivity level of 2,000 µmhos/cm or less as required by 117 Neb. Admin. Code § 4-004.02B1.
- Based on site specific conditions such as temperature and pH measured at the time of sample collection and interpolation of the toxicity table, a maximum one-hour average criteria for total ammonia (mg/L).

103. Another water quality standard 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.

**A. January 2024 Unauthorized Discharge Event.**

104. On or around January 6, 2024, SBC’s north anaerobic lagoon failed and approximately 4 million gallons of liquid wastewater and lagoon sludge discharged from the lagoon. Approximately 2 million gallons of the wastewater and sludge discharged to the Grand Island Utilities Ditch which connects to Wood River and then to the Platte River.

105. On January 6, 2024, the Department conducted an investigation of the 2-million-gallon discharge of wastewater and sludge that reached the Grand Island Utilities Ditch, Wood River, and the Platte River. The Department observed the water in the Grand Island Utilities Ditch and Wood River was turbid, thick, and odorous. The Department also observed dead fish in the waters. The Department took water samples to determine whether surface water quality

standards were being maintained. The Department received results from its water samples, which showed the following exceedances:

<b>Segment</b>	<b>Parameter</b>	<b>Standard</b>	<b>Result</b>
Grand Island Utilities Ditch – 100 yards downstream	Dissolved Oxygen	$\geq 3.0$ mg/L	0.75 mg/L
	Ammonia as Nitrogen	$\leq 15.91$ mg/L	274 mg/L
Wood River – 1.2 river miles downstream	Ammonia as Nitrogen	$\leq 20.25$ mg/L	35.1 mg/L

106. On January 7, 2024, the Department visited SBC again and made observations of Grand Island Utilities Ditch, Wood River, and the Platte River after the 2-million-gallon discharge. The Department observed the water in Wood River was turbid with heavy sludge deposits and dead fish. The Department took water samples to determine whether surface water quality standards were being maintained. The Department received results from its water samples, which showed the following exceedance:

<b>Segment</b>	<b>Parameter</b>	<b>Standard</b>	<b>Result</b>
Wood River – 1.2 river miles downstream	Ammonia as Nitrogen	$\leq 7.53$ mg/L	39.3 mg/L

107. On January 10, 2024, the Department conducted another site visit at SBC and observed thin sludge deposits and dead fish in Wood River.

108. SBC completed cleanup of the sludge deposits in the waters of the state on May 21, 2024.

109. SBC violated Neb. Rev. Stat. § 81-1506(1)(b) and Title 117 by:

- Causing the waters of the state to be aesthetically unacceptable from January 6, 2024 through May 21, 2024;
- Falling under the dissolved oxygen standard on January 6, 2024; and
- Exceeding the ammonia as nitrogen standard on January 6, 2024 and January 7, 2024.

**B. February 2024 Unauthorized Discharge Event.**

110. On or around February 29, 2024, SBC's pump failed and process wastewater discharged through a culvert and into the Grand Island Utilities Ditch.

111. The Department conducted a site visit at SBC on February 29, 2024 and observed the water in the Grand Island Utilities Ditch to be dark and turbid. The Department took water samples to determine whether surface water quality standards were being maintained. The Department received results from its water samples, which showed the following exceedance:

Segment	Parameter	Standard	Result
Grand Island Utilities Ditch	Chloride	$\leq 860$ mg/L	6,870 mg/L

112. SBC violated Neb. Rev. Stat. § 81-1506(1)(b) and Title 117 by causing the water to be aesthetically unacceptable and by exceeding the chloride standard on February 29, 2024.

**C. July 2024 Unauthorized Discharge Event.**

113. On or around July 11, 2024, SBC's pipe broke and discharged brine water through SBC's storm water outfall to the Grand Island Utilities Ditch.

114. The Department investigated the discharge on July 11, 2024 and observed there was a milky appearance to the water in the Grand Island Utilities Ditch. The Department took water samples to determine whether surface water quality standards were being maintained. The Department received results from its water samples, which showed the following exceedances:

Segment	Parameter	Standard	Result
Grand Island Utilities Ditch – at the drain outlet	Dissolved Oxygen	$\geq 5.0$ mg/L	3.3 mg/L
	Conductivity	$\leq 2,000$ $\mu$ mhos/cm	4,971 $\mu$ mhos/cm
Grand Island Utilities Ditch – downstream of the drain outlet	Conductivity	$\leq 2,000$ $\mu$ mhos/cm	2,630 $\mu$ mhos/cm

115. SBC violated Neb. Rev. Stat. § 81-1506(1)(b) and Title 117 by:

- Causing the waters of the state to be aesthetically unacceptable on July 11, 2024;
- Falling under the dissolved oxygen standard on July 11, 2024; and
- Exceeding conductivity standards on July 11, 2024.

116. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for violating the numeric water quality standards on at least five (5) occasions and for violating the aesthetic water quality standard from January 6, 2024 through May 21, 2024 (140 days).

### **THIRD CAUSE OF ACTION**

#### **DISCHARGE OF A POLLUTANT WITHOUT PERMIT AUTHORIZATION IN VIOLATION OF NEB. REV. STAT. § 81-1506(2)(a)**

117. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–116 as though fully set forth herein.

118. 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).

119. NPDES/NPP Permit No. NE0113891 only allows SBC to discharge single-pass, non-contact cooling water to the Grand Island Utilities Ditch through outfall 001 and to discharge pretreated process wastewater to the Grand Island WWTF through outfall 002.

120. ISW-GP NER920000 only allows SBC to discharge storm water with certain exceptions for non-storm water mixed with storm water.

121. SBC’s discharges of pollutants on January 6, 2024; February 29, 2024; July 11, 2024; and February 2, 2026 were not authorized under NPDES/NPP Permit No. NE0113891 or ISW-GP NER920000.

122. SBC violated Neb. Rev. Stat. § 81-1506(2)(a) when it discharged pollutants without authorization under NPDES/NPP Permit No. NE0113891 and

ISW-GP NER920000 on January 6, 2024; February 29, 2024; July 11, 2024; and February 2, 2026.

123. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for the four (4) unauthorized discharges.

#### **FOURTH CAUSE OF ACTION**

##### **FAILURE TO COMPLY WITH OPERATION AND MAINTENANCE REQUIREMENTS FOR WASTEWATER WORKS IN VIOLATION OF NEB. REV. STAT. § 81-1508.02(1)(e) & 123 NEB. ADMIN. CODE §§ 11-001 & 11-008**

124. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–123 as though fully set forth herein.

125. 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).

126. 123 Neb. Admin. Code § 11-001 provides that “[w]astewater treatment facilities will be maintained in proper operating condition in accordance with this chapter and operated in a manner to meet all NPDES permit requirements and not result in a prohibited bypass or an unauthorized discharge.”

127. 123 Neb. Admin. Code § 11-008.05 provides that “[d]amage to lagoon dikes and liners caused by muskrats or other rodents, erosion, tree roots, animal hooves, or any other source will be promptly repaired.”

128. The January 6, 2024 discharge occurred when SBC’s north anaerobic lagoon suffered a catastrophic failure. SBC’s consultant performed a failure analysis and found the lagoon failed because the pre-cast concrete manhole had corroded to such a point where its structural integrity was compromised and caused the manhole to collapse. The consultant further found water seepage began around the collapsed manhole and softened the soils which resulted in the berm failing. While conducting its investigation on January 6, 2024, the Department also observed similar erosion around the manhole of the south anaerobic lagoon, as well as additional erosion around the berms of both anaerobic lagoons.

129. SBC has reconstructed the north anaerobic lagoon that failed and installed a corrosion-resistant manhole.

130. During the February 9, 2024 site visit, the Department observed rill erosion on the sides of the north and south anaerobic lagoons.

131. During the March 6, 2024 site visit, the Department observed erosion along the sides of the south anaerobic lagoon and noticed a slit in the liner of the south anaerobic lagoon where a hose was inserted.

132. SBC had repaired the slit in the south anaerobic lagoon liner by May 1, 2024.

133. During a June 5, 2024 site visit, the Department observed erosion along the sides of the south anaerobic lagoon. The Department also learned that a pump failed, which caused solids to discharge onto the ground.

134. In February 2026, SBC also experienced wastewater treatment operational failures, including:

- A drain pipe collapsed and broke which leaked process water to the ground. SBC repaired the pipe and excavated the soil where the release occurred;
- Excessive foaming in the aeration basins and clarifiers caused the sweep arm of the east clarifier to bend and need repair; and
- Pumps in a lift station were discovered to be off and caused a discharge of wastewater to the ground. SBC converted the lift station to an automated system.

135. SBC violated 123 Neb. Admin. Code § 11-001 & 11-008.05 by:

- Failing to maintain and operate the north anaerobic lagoon in a manner that would not result in an unauthorized discharge on or before January 6, 2024;
- Failing to maintain drain pipes, pumps, and a clarifier sweep arm in proper operating condition on June 5, 2025 and February 2026; and

- Failing to promptly repair erosion of both anaerobic lagoons on or before January 6, 2024; on or before February 9, 2024; between March 6, 2024 and May 1, 2024; and between June 5, 2024 and July 19, 2024.

136. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for failing to meet operation and maintenance requirements for at least 114 days of violation.

#### **FIFTH CAUSE OF ACTION**

#### **FAILURE TO COMPLY WITH NPDES/NPP PERMIT NO. NE0113891 IN VIOLATION OF NEB. REV. STAT. §§ 81-1506(2)(c) & 81-1508.02(1)(b)**

137. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–136 as though fully set forth herein.

138. Under NEPA, it is unlawful for any person to “[i]ncrease in volume or strength any waste in excess of permitted discharges specified under any existing permit.” Neb. Rev. Stat. § 81-1506(2)(c).

139. Under NEPA, it is unlawful for any person “[t]o violate ... any permit or license condition or limitation ... issued or entered into pursuant to” NEPA and applicable rules or regulations. Neb. Rev. Stat. § 81-1508.02(1)(b).

140. NPDES/NPP Permit No. NE0113891 issued to SBC authorizes the discharge of pretreated process wastewater to the Grand Island WWTF subject to discharge limits and monitoring requirements.

141. Between April 2023 and March 2026, SBC exceeded its pretreatment discharge limits in NPDES/NPP Permit No. NE0113891 for outfall 002 to the Grand Island WWTF as follows:

<b>Parameter</b>	<b>Units</b>	<b>Monthly Avg. Limit</b>	<b>Exceedances</b>	<b>Daily Max Limit</b>	<b>Exceedances</b>
Total Suspended Solids	lbs/day	7,198	-	11,095	15
Ammonia as Nitrogen	lbs/day	864	-	1,331	9
Total Kjeldahl Nitrogen	lbs/day	1,440	3	2,219	1
Chloride	lbs/day	10,000	5	20,000	1
<b>Total:</b>	-	-	8	-	26

142. When monthly average limits are exceeded, each day of the month is considered a separate day of violation. Thus, a monthly average limit exceedance is counted as 30 days of violation. *See EPA v. City of Green Forest, Ark.*, 921 F.2d 1394, 1407 (8th Cir. 1990).

143. Additionally, NPDES/NPP Permit No. NE0113891 requires the permittee to provide a report for any noncompliance which may endanger health or the environment within five days of the time the permittee becomes aware of the circumstances.

144. SBC was notified of a discharge occurring from its Facility on February 29, 2024, but did not provide the report for this noncompliance event until after the five-day deadline. The report is signed and dated March 6, 2024 and was received in the mail by the Department on March 11, 2024.

145. SBC violated Neb. Rev. Stat. § 81-1506(2)(c) and § 81-1508.02(1)(b) and NPDES/NPP Permit No. NE0113891 when it exceeded its pretreatment discharge limits between April 2023 and April 2026.

146. SBC violated Neb. Rev. Stat. § 81-1508.02(1)(b) and NPDES/NPP Permit No. NE0113891 when its written noncompliance report was two (2) days late.

147. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for eight (8) violations of monthly average limits and for 26 violations of daily maximum limits totaling 266 days of violation, and for two (2) days of violation for the late written noncompliance report.

### **SIXTH CAUSE OF ACTION**

#### **FAILURE TO COMPLY WITH NPDES ISW-GP NER920000 IN VIOLATION OF NEB. REV. STAT. § 81-1508.02(1)(b)**

148. Plaintiff hereby realleges and incorporates by reference the allegations contained in Paragraphs 1–147 as though fully set forth herein.

149. Under NEPA, it is unlawful for any person “[t]o violate . . . any permit or license condition or limitation . . .” Neb. Rev. Stat. § 81-1508.02(1)(b).

150. Under Part 1.2 of the ISW-GP, “[a]ny noncompliance with any of the requirements of this permit constitutes a violation of this permit and thus is a violation of the Clean Water Act.”

151. Under Part 2.1.2 of the ISW-GP, SBC is required to comply with various non-numeric, technology-based effluent limits as described in specific subparts of Part 2.1.2.

152. Part 2.1.2.1 of the ISW-GP requires the permittee to “minimize the exposure of manufacturing, processing, and material storage areas (including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations) to rain, snow, snowmelt, and runoff in order to minimize pollutant discharges by either locating these industrial materials and activities inside or protecting them with storm resistant coverings (although significant enlargement of impervious surface area is not recommended).”

153. Part 2.1.2.11 of the ISW-GP requires the permittee to “minimize generation of dust and off-site tracking of raw, final, or waste materials in order to minimize pollutant discharges.”

154. On January 6, 2024; January 10, 2024; January 23, 2024; March 6, 2024; and June 5, 2024, the Department observed and documented various

instances of vehicle trackout of pollutants or other wastes at SBC's Facility and failure to minimize trackout.

155. On June 5, 2024, the Department observed and documented various areas had not been cleaned up. Belt press solids, manure, and other materials that were in these areas could encounter storm water runoff and would result in non-storm water discharges during rain and runoff events.

156. On February 2, 2026, SBC's pump failed and process wastewater containing PAA flowed into a storm water ditch, through a partially open gate and storm water outfall, and into the Grand Island Utilities Ditch. SBC collected and analyzed samples for pH, ammonia, and chemical oxygen demand, but did not sample for temperature, chloride, or total extractable hydrocarbons.

157. SBC violated Neb. Rev. Stat. § 81-1508.02(1)(b) and ISW-GP NER92000 by failing to minimize trackout, clean up areas that could result in non-storm water discharges, and failed to sample for all required parameters when a non-storm water discharge occurs.

158. Pursuant to Neb. Rev. Stat. § 81-1508.02(2), SBC is subject to a civil penalty of not more than \$10,000 per day for each violation of the ISW-GP NER920000.

### **REQUEST FOR RELIEF**

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

- A. Declare SBC violated the Nebraska Environmental Protection Act and/or Title 117 and/or Title 123 of the Nebraska Administrative Code and/or its permits;
- B. Enter the statutory maximum civil penalty against SBC, 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 SBC; and
- D. Grant Plaintiff such additional and further relief as this Court deems just and proper.

DATED this 29th day of April 2026.

STATE OF NEBRASKA, ex rel., JESSE  
BRADLEY, Director, NEBRASKA  
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ENVIRONMENT, Plaintiff,

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