

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF)	CASE NO. 2976
SHOEMAKER'S TRUCK STATION, INC.,)	
FID #30990,)	
)	
)	CONSENT ORDER
)	
Respondent.)	

PRELIMINARY STATEMENT

The Complainant, the Department of Environmental Quality ("Department" or "DEQ" herein after) and the Respondent, Shoemaker's Truck Station, Inc., represented by its attorney, Alan D. Slattery, jointly stipulate and agree that this Consent Order resolves the Complaint, Compliance Order and Notice of Opportunity for Hearing previously filed in this matter. Complainant and Respondent also jointly stipulate and agree that the pending Request for Hearing filed in this matter may be dismissed.

THE PARTIES AGREE THAT:

1. The Director has jurisdiction of the parties and the subject matter of this action.
2. The parties agree that settlement is in the public interest and that entry of this Consent Order is the most appropriate means of resolving their dispute.
3. The parties desire to conclude this case without trial or adjudication of any issues of fact or law concerning the Complaint filed in this matter and without this Consent Order constituting an admission by the Respondent with respect to such issues contained in the Complaint.



4. As of July 1, 2009, Respondent relinquished control and occupancy of the facility as described in the complaint to the owner based on expiration of the term of its lease, and Respondent vacated the premises and use of the facility.

5. Since Respondent no longer controls or occupies the premises or uses the facility, it shall not engage in any wastewater treatment work or activities regarding the facility as described in the complaint and agrees not to discharge wastes into Middle Creek.

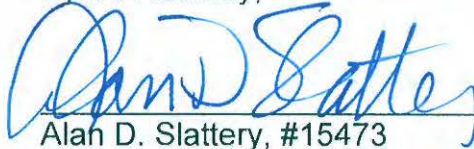
6. The hearing requested in this matter shall not take place.

7. The undersigned consent without further notice to the form and entry of this Consent Order.

Shoemaker's Truck Station, Inc.

By it's Attorney,

By:



Alan D. Slattery, #15473

Attorney at Law

1201 Lincoln Mall, Suite 102

Lincoln, Nebraska, 68508

(402)475-5100

Nebraska Department of Environmental
Quality,

By:



Steven J. Moeller, #16003

Nebraska Department of Environmental
Quality

1200 "N" Street, Suite 400

P.O. Box 98922

Lincoln, NE 68509

(402) 471-0276

ORDER

The Director approves the above agreement by the parties and finds that a further hearing in this matter shall not take place. IT IS SO ORDERED.

DATED this 31st day of March, 2010.

A handwritten signature in black ink, appearing to read 'M. J. Linder', written over a horizontal line.


Michael J. Linder, Director, Nebraska
Department of Environmental Quality

AFFIDAVIT

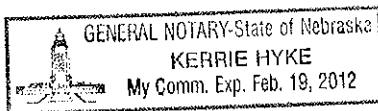
STATE OF NEBRASKA | SS
COUNTY OF LANCASTER |

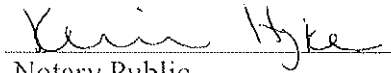
The undersigned oath deposes and says that on the 7th day of April, 2010, he caused an exact copy of the attached Consent Order, to be served by mailing the same in the regular United States Mail, first class, postage prepaid, certified with return receipt requested, addressed as follows:

Alan D. Slattery
Attorney at Law
1201 Lincoln Mall, Suite 102
Lincoln, Nebraska 68508


Steven J. Moeller, affiant

Subscribed and sworn to before me, a Notary Public, on the 7th day of April, 2010.




Notary Public