

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA**

	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 10-106</b>
<b>v.</b>	)	
	)	
<b>NUSTAR PIPELINE OPERATING PARTNERSHIP L.P.,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

**JOINT STIPULATION TERMINATING THE CONSENT DECREE**

WHEREAS, Plaintiff, the United States of America, on behalf of the Environmental Protection Agency (“EPA”), and Defendant Nustar Pipeline Operating Partnership, L.P. (“Nustar”), respectfully requests that the Court terminate the Consent Decree that it entered in this action on April 27, 2010;

WHEREAS, the United States filed the Complaint in this action and concurrently lodged a proposed Consent Decree resolving claims brought on behalf of EPA, pursuant to Sections 311(j) and 309 of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1321, 1319.

WHEREAS, the Court signed a Consent Decree resolving the claims asserted in the Complaint and entered it as a judicial order on April 27, 2010. ECF No. 5.

WHEREAS, Defendant has paid the civil penalty required by the Consent Decree and satisfactorily complied with the injunctive relief requirements of the Decree;

WHEREAS, Paragraphs 66-67 of the Decree read, in their entirety:

66 After Defendant has completed performance of its obligations required by this Consent Decree, including payment under Section IV (Civil Penalty) of this Decree and any accrued stipulated penalties under Section VIII, performance of the Supplemental Environmental Project under Section VI, and Reporting under Section VII, Defendant may serve upon the United States a written Request for Termination, stating that Defendant has satisfied those requirements, together with all necessary supporting documentation.

67 Following receipt by the United States of Defendant's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether Defendant has satisfactorily complied with the requirements for termination of this Consent Decree. If the United States agrees that the Decree may be terminated, the United States shall file, for the Court's approval, a joint stipulation terminating the Decree.

WHEREAS, Defendant has complied with the material obligations of Paragraphs 67;

and

WHEREAS, the United States agrees that the Decree should be terminated.

IT IS HEREBY STIPULATED AND AGREED between Plaintiff and Defendant that the Consent Decree is terminated.

IT IS SO ORDERED, this 25th day of March, 2015.

  
UNITED STATES DISTRICT JUDGE

FOR PLAINTIFF UNITED STATES OF AMERICA:

JOHN CRUDEN  
Assistant Attorney General  
Environment and Natural Resources Division  
United States Department of Justice

By:

/s/ Elizabeth L. Loeb  
ELIZABETH L. LOEB  
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FOR DEFENDANT NUSTAR PIPELINE OPERATING PARTNERSHIP L.P.

/s/ Adam G. Sowatzka  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 19, 2015, a copy of the foregoing Joint Stipulation Terminating the Consent Decree was served on Defendant's counsel via the Court's electronic filing system:

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