

**TOLLING AGREEMENT BETWEEN THE UNITED STATES OF AMERICA
AND TOM AND AMY VILLEGAS**

The United States, on behalf of the United States Environmental Protection Agency, contends that it has a cause of action against Tom and Amy Villegas pursuant to Sections 301 and 309 of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1311 and 1319. These claims are for injunctive relief and civil penalties in connection with Tom and Amy Villegas’ alleged violations at the real property located at approximately 41.008047, -100.453985, in Section 13, Township 12 North, Range 28 West, Lincoln County, Nebraska (the “Tolled Claims”).

The United States, Tom Villegas, and Amy Villegas (“Parties”) enter into this Tolling Agreement to facilitate settlement negotiations between the Parties within the time period provided by this Agreement, without thereby altering the claims or defenses available to any Party hereto, except as specifically provided herein.

The Parties, in consideration of the covenants set out herein, agree as follows:

1. Notwithstanding any other provision of this Tolling Agreement, the period commencing on June 8, 2022, and ending on August 2, 2022, inclusive (the “Tolling Period”), shall not be included in computing the running of any statute of limitations potentially applicable to any claims for relief brought by the United States with respect to the Tolled Claims.

2. Any defenses of laches, estoppel, or waiver, or other similar equitable defenses based upon the running or expiration of any time period shall not include the Tolling Period for the Tolled Claims.

3. Tom and/or Amy Villegas shall not assert, plead, or raise against the United States in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

4. This Tolling Agreement does not constitute any admission or acknowledgment of any fact, conclusion of law, or liability by any Party to this Tolling Agreement. Nor does this Tolling Agreement constitute any admission or acknowledgment on the part of the United States that any statute of limitations, or similar defense concerning the timeliness of commencing a civil action, is applicable to the Tolled Claims. The United States reserves the right to assert that no statute of limitations applies to any of the Tolled Claims and that no other defense based upon the timeliness of commencing a civil action is applicable.

5. This Tolling Agreement may not be modified except in a writing signed by all the Parties. The Parties acknowledge that this Tolling Agreement may be extended for such period(s) of time as the Parties agree to in writing.

6. This Tolling Agreement does not limit in any way the nature or scope of any claims that could be brought by the United States in a complaint against Tom and/or Amy Villegas or the date on which the United States may file such a complaint, except as expressly stated herein.

7. This Agreement is not intended to affect any claims by or against third parties.

8. This Tolling Agreement is effective upon execution by Tom and/or Amy Villegas, and without the requirement of filing with any court, and may be signed in counterparts.

9. This Tolling Agreement contains the entire agreement between the Parties, and no statement, promise, or inducement made by any Party to this Tolling Agreement that is not set forth in this Tolling Agreement shall be valid or binding, nor shall it be used in construing the terms of this Tolling Agreement as set forth herein.

10. The undersigned representative of each of the Parties certifies that he or she is fully authorized to enter into the terms and conditions of this Tolling Agreement and to legally bind such party to all terms and conditions of this document. This Agreement shall be binding upon the United States, acting on behalf of the United States Environmental Protection Agency, and upon Tom and Amy Villegas.

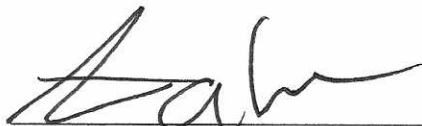
FOR THE UNITED STATES OF AMERICA

Scott Schachter

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June 7, 2022

DATE


Mr. Tom Villegas

7 JUN 22
DATE


Ms. Amy Villegas

7 June 2022
DATE