

IN THE DISTRICT COURT OF MORRILL COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel., )  
MICHAEL J. LINDER, Director, )  
NEBRASKA DEPARTMENT OF )  
ENVIRONMENTAL QUALITY, )

Case No. \_\_\_\_\_

Plaintiff, )

COMPLAINT

v. )

BRIDGEPORT ETHANOL, LLC, )  
a company authorized to do business )  
in Nebraska, )

Defendant. )

COMES NOW Michael J. Linder, Director of the State of Nebraska Department of Environmental Quality, who institutes this action through Jon C. Bruning, Attorney General, and alleges and states as follows:

1. The plaintiff, the Nebraska Department of Environmental Quality (hereinafter, "NDEQ"), is at all times material herein the agency of the State of Nebraska charged with the duty pursuant to NEB.REV.STAT. § 81-1504 (Reissue 2008) to administer and enforce the Environmental Protection Act, NEB.REV.STAT. § 81-1501 *et seq.* and all rules, regulations, orders, and permits created thereunder. NDEQ is also charged with the duty, pursuant to NEB.REV.STAT. § 81-1504 (1) and (4), to act as the state air pollution control agency for all purposes of the Clean Air Act, 42 U.S.C. § 7401 *et seq.*, as amended.

2. The defendant, Bridgeport Ethanol, LLC, is a corporation authorized to do business in Nebraska. The defendant owns an ethanol plant in Morrill County, Nebraska.

3. At all times material herein, operation of the defendant's facility has been subject to terms of a construction permit # CP07-0005 (hereinafter "construction permit"), issued pursuant to NEB.REV.STAT. § 81-1504 (11) on October 11, 2007.



4. NEB.REV.STAT. § 81-1506 (4) declares that it is unlawful to “(b) Violate any term or condition of an air pollution permit or any emission limit set in the permit...”

5. Pursuant to NEB.REV.STAT. § 81-1508.02 a civil penalty is provided in instances of violation of permits issued by the Department of Environmental Quality is an amount not to exceed ten thousand dollars (\$10,000), with each continuing day constituting a separate offense.

#### I. FIRST CAUSE OF ACTION

6. The plaintiff incorporates all allegations in paragraphs 1 through 5 above.

7. The construction permit requires the defendant to control pollution from the emission units. The construction permit, Section (III)(B)(3)(a), states, “[e]missions from the emission unit ... shall be controlled by pollution control equipment as follows: ... [Fermentation Tanks #1 through #4 and the Beerwell] shall be controlled by [the Fermentation Scrubber].”

8. On or about March 31, 2009 through April 1, 2009 the defendant allowed uncontrolled emissions to leak from the Fermentation Tank #1 in violation of defendant’s construction permit.

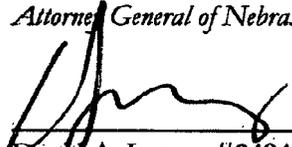
9. On or about May 25, 2010, the defendant allowed uncontrolled emissions to leak from Fermentation Tank #1, Fermentation Tank #2, Fermentation Tank #3, Fermentation Tank #4, and the Beerwell, all in violation of the defendant’s construction permit.

WHEREFORE the plaintiff prays that the court enter judgment herein against the defendant in the form on a civil penalty as provided under NEB.REV.STAT. § 81-1508.02. The plaintiff further prays that all court costs herein be taxed to the defendant.

Respectfully submitted this 3rd day of December, 2012.

STATE OF NEBRASKA, ex rel,  
MICHAEL J. LINDER, Director  
NEBRASKA DEPARTMENT OF  
ENVIRONMENTAL QUALITY, Plaintiff

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Attorneys for Plaintiff.

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served on defendant by regular United States mail, first class postage prepaid on this 3rd day of December, 2012, addressed to the defendant as follows.

Mr. Ted Free  
General Manager  
Bridgeport Ethanol, LLC  
P.O. Box 884  
Bridgeport, NE 69336

  
David A. Lopez  
*Assistant Attorney General*