

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

(Recorded In District Court Journal No. 61, Pages 214-217, by Julie A. Schildt, Clerk)

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

**Plaintiff,**

v.

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

**Defendant.**

Case No. Ci 12 89

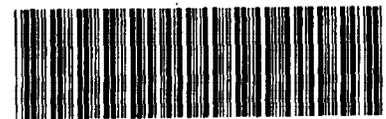
**CONSENT DECREE**

FILED December 12, 2012, 1:40 P  
Julie A. Schildt, etc  
Clerk District Court - Morrill County, NE

COME NOW the parties, Plaintiff, Michael J. Linder, Director of the Nebraska Department of Environmental Quality (hereinafter "NDEQ"), proceeding on his Complaint filed herein and appearing through his Counsel, Jon Bruning, Attorney General, and Defendant, Bridgeport Ethanol, LLC, and each party having consented to the making and entering of this Consent Decree without trial, the Court finds that the Consent Decree should be and hereby is entered.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to the Environmental Protection Act, NEB.REV.STAT. § 81-1501 *et seq.*, and all rules and regulations and orders promulgated thereunder.
2. In the Complaint, the Plaintiff alleged, in pertinent part, that the Defendant allowed uncontrolled emissions from several of its fermentation tanks in violation of the permit issued to Defendant for the operation of an ethanol production plant in Morrill County, Nebraska.
3. The parties agree that settlement of this matter is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to



conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by Bridgeport Ethanol, LLC, with respect to such issues.

4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in Plaintiff's complaint. The parties also agree to release any and all claims or actions arising out of the same transaction or occurrences referenced above and in Plaintiff's complaint, provided that such claims were known to NDEQ, or were reasonably ascertainable from information in NDEQ's possession, as of the date of the filing of the Consent Decree.

5. IT IS THEREFORE ORDERED that Bridgeport Ethanol, LLC, shall pay a civil penalty, under NEB.REV.STAT. § 81-1508.02, in the amount of \$15,000.00 as well as court costs in the amount of \$82.00, to the District Court of Morrill County, Nebraska. The civil penalty shall be handled as provided in Article VII, Section V, of the Constitution of the State of Nebraska.

- a. \$7,500.00 of said civil penalty shall be paid within ten days of entry of this Consent Decree by the Court, and is payable to the Clerk of this Court.
- b. \$7,500.00 of the civil penalty shall be paid to this Court no more than 180 days from the entry of this Consent Decree by the Court. However, if Bridgeport Ethanol, LLC, maintains compliance with and does not violate any provisions of its air quality permit or of the Nebraska Environmental Protection Act, NEB.REV.STAT. § 81-1501 *et seq.*, or any rules and regulations promulgated under the Act during the 180 days following the entry of this Consent Decree, then payment of this \$7,500.00 of civil penalties will be waived.
- c. To qualify for the \$7,500.00 waiver of civil penalties as stated in paragraph 5(b), Bridgeport Ethanol, LLC, will file with the Court and serve upon Plaintiff a showing within fifteen (15) days prior to the due date of the civil penalties. The showing will certify that Bridgeport Ethanol, LLC, has maintained compliance with all

requirements listed in paragraph 5(b). Plaintiff shall file a satisfaction of judgment within ten (10) days of receipt of Bridgeport Ethanol, LLC's showing. If Bridgeport Ethanol, LLC, violates the requirements in paragraph 5(b) during the 180 days following the entry of this Consent Decree, Plaintiff, in its sole discretion, may file an objection to Bridgeport Ethanol, LLC's showing. If Plaintiff files an objection to Bridgeport Ethanol, LLC's showing, the determination of this waiver provision will be stayed pending ongoing enforcement proceedings.

6. This Consent Decree will have no effect on any enforcement action brought by NDEQ against Bridgeport Ethanol, LLC, for future violations of any statutes or regulations.

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

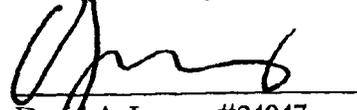
DATED THIS 12 day of November, 2012, in Morrill County, Nebraska.

BY THE COURT:

  
District Judge

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

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