

FILED
IN THE DISTRICT COURT FOR PLATTE COUNTY, NEBRASKA

2014 MAR 26 AM 10:15

STATE OF NEBRASKA, ex rel.,
PATRICK W. RICE, Acting Director

MARLENE M. FETTER
CLERK OF DISTRICT COURT
PLATTE COUNTY, NEBRASKA

Case No. **CI14-1210**

DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)

Plaintiff,)

v.)

ARCHER DANIELS MIDLAND COMPANY,)

Defendant.)

CONSENT DECREE

The Nebraska Department of Environmental Quality ("NDEQ") and Archer Daniels Midland Company ("ADM") jointly filed this Consent Decree, 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.

1. WHEREAS, this Court has jurisdiction of the parties and the subject matter of this action pursuant to the Nebraska Environmental Protection Act, NEB. REV. STAT. § 81-1501 *et seq.* (Reissue 2008) and all rules, regulations, and orders promulgated and issued thereunder.

2. WHEREAS, in its Complaint, NDEQ alleged that ADM's air emission management procedures violated Nebraska Administrative Code Title 129 "Nebraska Air Quality Regulations."

3. WHEREAS, 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.

XC: Blake E. Johnson
ADM Co. c/o Steven Murawski



The parties desire to conclude this case without trial or adjudication of any issue of fact or law, without this Consent Decree constituting an admission by ADM with respect to such issues.

4. WHEREAS, the Consent Decree shall be in full satisfaction of all claims alleged in the Complaint. The parties agree to release all claims arising out of the same transaction or occurrences referenced in the Complaint, provided such claims were known, or were reasonably ascertainable from information within the parties' possession, as of the date of the entry of the Consent Decree.

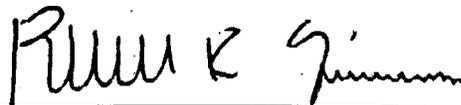
5. WHEREAS, this Consent Decree will have no effect on any enforcement action brought by the State or NDEQ against ADM for future violations of any statutes or regulations.

IT IS THEREFORE ORDERED:

6. Archer Daniels Midland Company shall pay a civil penalty pursuant to NEB. REV. STAT. § 81-1508.02 in the amount of twenty thousand dollars (\$20,000.00) as well as court costs in the amount of eighty-two dollars (\$82.00) to the District Court for Platte County, Nebraska. The civil penalty shall be handled as provided in Article VII, Section V, of the Nebraska Constitution and paid within fifteen (15) days of the date of entry of the Consent Decree.

Dated this 26th day of March, 2014, in Platte County, Nebraska.

BY THE COURT:



District Judge

STATE OF NEBRASKA, ex rel.,
PATRICK W. RICE, Acting Director
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY, Plaintiff

By: JON C. BRUNING, #20351
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