

IN THE DISTRICT COURT OF WASHINGTON COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	Case No. _____
MICHAEL J. LINDER, Director)	
DEPARTMENT OF ENVIRONMENTAL)	
QUALITY,)	
)	COMPLAINT
Plaintiff,)	
v.)	
)	
NATUREWORKS LLC,)	
)	
Defendant.)	
)	

COMES NOW Michael J. Linder, Director of the Nebraska Department of Environmental Quality (hereinafter "NDEQ"), who institutes this action through his attorney, Jon C. Bruning, Attorney General, and alleges and states as follows:

I. FIRST CAUSE OF ACTION

1. NDEQ is the agency of Nebraska charged with the duty pursuant to Neb. Rev. Stat. §81-1504 (Reissue 1999) to administer and enforce the Environmental Protection Act, Neb. Rev. Stat. §81-1501 et seq. (Reissue 2008, Supp. 2009) and all rules, regulations, orders, and permits created thereunder.

2. Defendant, NatureWorks LLC, is a limited liability company authorized to do business in Nebraska. At all times material herein, Defendant owned and operated an organic polymer production plant in Washington County, Nebraska, and was subject to an air quality construction permit issued by NDEQ on January 29, 2002.

3. Pursuant to Neb. Rev. Stat. §81-1506(4)(b), it shall be unlawful to "[v]iolate any term or condition of an air pollution permit or any emission limit set in the permit".

4. Defendant's January 29, 2002 Permit limited emissions of the pollutant carbon monoxide (CO) from its emissions point CPD 15 to no more than 12.10 lb/hr.

5. Beginning December 13, 2003 and continuing daily until December 13, 2007, Defendant exceeded the limits established for CO from emission point CPD 15.

6. In all instances of violation of permits issued by NDEQ, a civil penalty in an amount not to exceed ten thousand dollars (\$10,000) per offense is provided, with each continuing day constituting a separate offense pursuant to Neb. Rev. Stat. §81-1508.02(2).

II. SECOND CAUSE OF ACTION

7. NDEQ hereby incorporates the allegations contained in paragraphs numbered 1 through 6 as if fully set forth herein.


8. Defendant's January 29, 2002 Permit provides that emissions of the pollutant volatile organic compounds (VOC) from its emission point CPD-15 shall not exceed 0.31 lb/hr.

9. Beginning December 13, 2003 and continuing daily until December 13, 2007, Defendant exceeded the limits established for PM10 from emission point CPD-15.

WHEREFORE, the plaintiff prays that the Court enter judgment herein against the defendant in the form of a civil penalty as provided under Neb. Rev. Stat. §81-1508.02 (Reissue 1999); the plaintiff further prays that all court costs herein be taxed to the defendant.

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


By JON C. BRUNING, #20351
Attorney General

By 
Katherine J. Spohn, #22919
Special Counsel to the Attorney General
2115 State Capitol Building
P.O. Box 98920
Lincoln, Nebraska 68509-8920
(402) 471-2682
katie.spohn@nebraska.gov
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Complaint has been served upon Defendant by regular United States mail, first class postage prepaid on this 3rd day of December, 2009, addressed to the Defendant's attorney of record as follows:

Kelly R. Dahl
Baird Holm Law Firm
1500 Woodman Tower
1700 Farnam Street
Omaha, NE 68102


Katherine J. Spohn
Assistant Attorney General