

IN THE DISTRICT COURT FOR BUFFALO COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)
PATRICK W. RICE, Acting Director,)
DEPARTMENT OF ENVIRONMENTAL)
QUALITY,)
Plaintiff,)
v.)
ABENGOA BIOENERGY OF NEBRASKA, LLC.)
Defendant.)

Case No. CI 14-167

AMENDED
CONSENT DECREE
FILED
SHARON K MAULER
2014 OCT 30 PM 8 42
OF DISTRICT COURT
BUFFALO COUNTY, NE

The Nebraska Department of Environmental Quality ("Department" or "NDEQ") and Abengoa Bioenergy of Nebraska, LLC, including any of its affiliates, together with their predecessors and successors in interest and assigns ("Abengoa"), through counsel, jointly filed this Amended Consent Decree, each party having consented to the making and entering of this Amended Consent Decree without trial. Accordingly, the Court finds that the Amended Consent Decree should be and hereby is entered.

1. WHEREAS, this Court has jurisdiction of the parties and the subject matter 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 Abengoa's carbon monoxide (CO) emissions and dryer/thermal oxidation system operating temperature violated NEB. REV. STAT. § 81-1506(4) (Reissue 2008).

3. WHEREAS, that certain Consent Decree, dated as of March 30, 2014, between the Department and Abengoa, and filed with the Clerk of District Court for Buffalo County, Nebraska, on April 1, 2014 (the "Consent Decree") concluded the case without trial or



adjudication of any issue of fact or law, and without admission by Abengoa with respect to such issues.

4. WHEREAS, the Department and Abengoa mutually agree that amending the Consent Decree is in the public interest and that entry of this Amended Consent Decree is the most appropriate means of doing so.

5. WHEREAS, the Amended Consent Decree, together with the Consent Decree, shall be in full satisfaction of all matters pertaining to or arising from, directly or indirectly, before, during, or after, the Complaint, including any alleged or unalleged claims therein. The Department and Abengoa agree to release and forever discharge each other from any and all claims, demands, causes of action, actions, judgments, liens, indebtedness, costs, damages, obligations, attorneys' fees, losses and liability of whatever kind and character, whether known or unknown, foreseen or unforeseen, existing from the beginning of time to the date of the entry of the original Consent Decree arising out of the same transaction or occurrences referenced in the Complaint, provided the foregoing were known, or were reasonably ascertainable from information within the parties' possession, as of the date of the entry of the original Consent Decree.

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

7. WHEREAS, in accordance with the Consent Decree, it is hereby acknowledged that Abengoa paid (a) a civil penalty pursuant to NEB. REV. STAT. § 81-1508.02 in the amount of thirty thousand dollars (\$30,000.00); (b) court costs in the amount of eighty-two dollars

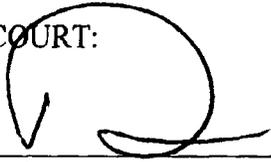
(\$82,000.00) to the District Court for Buffalo County, Nebraska; and (c) such civil penalty within thirty (30) days of the date of entry of the Consent Decree.

IT IS THEREFORE ORDERED:

Abengoa shall pay within one hundred eighty (180) days of entry of this Amended Consent Decree, as a voluntary supplemental environmental project, the sum of thirty thousand dollars (\$30,000.00) to complete construction of a wind turbine power generator at Ravenna Public Schools. A description of the supplemental environmental project is attached as "Exhibit A." Abengoa will file a Showing of Compliance with the Court within 15 days of completion of the supplemental environmental project. The Department will file a Satisfaction of Judgment within 10 days of service of the Showing of Compliance.

Dated this 24 day of October, 2014, in Buffalo County, Nebraska.

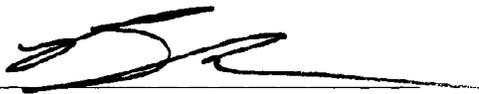
BY THE COURT:



District Judge

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

By: JON C. BRUNING, #20351
Attorney General



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ABENGOA BIOENERGY OF
NEBRASKA, LLC, Defendant

By: 

Craig M. Kramer,
Executive Vice President
16150 Main Circle Drive, Suite 300
Chesterfield, MO 63017-4689

Exhibit A

Abengoa Bioenergy of Nebraska shall install a wind turbine at the Ravenna High School as a supplemental environmental project. The wind turbine will serve as an educational tool in renewable energy production and reduce the utility electricity demand of the school.

The project will consist of the full installation of an all-inclusive small business wind generator with controls and inverter included. The installation will be on the Ravenna High School premises in the location that the school officials select. The project will also include the hardware and software to communicate, track, and analyze the power generation allowing the project to serve as an educational tool. The wind turbine will have electrical tie in to the school utilities, coupled with the existing solar installation, to serve to further reduce the utility electricity demand. A warranty on the major equipment and the cost of scheduled annual service maintenance shall be included to cover the major pieces of equipment for five years.