

IN THE DISTRICT COURT OF PERKINS COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	Case No. _____
MICHAEL J. LINDER, Director)	
DEPARTMENT OF ENVIRONMENTAL)	
QUALITY,)	
Plaintiff,)	COMPLAINT
v.)	
)	
STANDARD ETHANOL, LLC, D/B/A)	
MID AMERICA AGRI)	
PRODUCTS / MADRID, LLC.)	
Defendant.)	
)	

COMES NOW the State of Nebraska, by and through the Nebraska Department of Environmental Quality (hereinafter the "Department" of "Plaintiff", who institutes this civil action for penalties, through Jon Bruning, Attorney General, and alleges and states as follows:

FIRST CLAIM

1. The Plaintiff is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504 (1) (Reissue 1999), of exercising exclusive supervision, administration and enforcement of the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 (Reissue 1999, Cum Supp 2006) *et seq.* and all rules and regulations promulgated thereunder.

2. Defendant Standard Ethanol, LLC, doing business as Mid America Agri Products/Madrid, LLC., had an ownership interest in or operated two ethanol plants located in or near Madrid, Nebraska, in Perkins County, Nebraska during all times material to this complaint.

3. During the course of operating the ethanol plant, a waste was produced called "thin stillage" which is very high in ammonia, nitrogen, phosphate, BOD (Biochemical Oxygen Demand), suspended solids and dissolved solids.

4. Neb. Rev. Stat. § 81-1506 (1)(a) states that it shall be unlawful for any person to cause pollution of the air, waters, or land of the state or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters or land of the state.

5. On or about September 1 and 4, 2007, Defendant placed or disposed of thin stillage waste from their ethanol plant located in Perkins County, Nebraska, to a farm site in Perkins County where it caused pollution of the air, waters, or land of the state or was likely to cause pollution of any air, waters or land of the state.

6. Neb. Rev. Stat. § 81-1508.02 (2) provides that any person who violates § 81-1506 or § 81-15-1508.02 (1) shall be subject to a civil penalty of no more than \$10,000 per day. In a case of a continuing violation, each day shall constitute a separated offense.

SECOND CLAIM

7. Plaintiff hereby incorporates by reference each and every allegation contained in paragraphs 1-6 as if fully set forth herein.

8. Disposal of solid waste at a location other than a permitted solid waste management facility is a violation of Neb. Rev. Stat. § 81-1506 (3)(d).

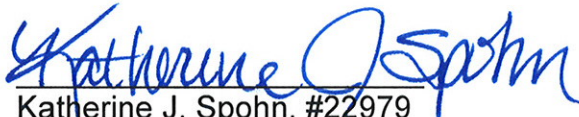
9. On or about September 1 and 4, 2007, Defendant placed or disposed of thin stillage waste from their ethanol plants located in Perkins County, Nebraska, to a location other than a permitted solid waste management facility in violation of Neb. Rev. Stat. § 81-1506 (3)(d).

WHEREFORE, Plaintiff prays that judgment be entered in favor of the Plaintiff and against the Defendant in the form of civil penalties as provided in Neb. Rev. Stat. §

81-1508.02 (2) for each day of violation and that all costs of this action be taxed to the Defendant.

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

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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 ___ day of September, 2008, addressed to the Defendant's attorney of record as follows:

David Bracht
Husch Blackwell Sanders LLP
1620 Dodge St., Suit 2100
Omaha, NE 68102


Katherine J. Spohn
Assistant Attorney General