

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

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

Plaintiff,)

v.)

STANDARD ETHANOL, LLC, D/B/A)
MID AMERICA AGRI)
PRODUCTS / MADRID, LLC.)

Defendant.)

Case No. CID8-4287

CONSENT DECREE

Plaintiff, the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on its Complaint filed herein and appearing through its counsel, Jon C. Bruning, Attorney General, and the Defendant Standard Ethanol, LLC, d/b/a Mid America Agri Products/Madrid, LLC., appearing through its counsel David Bracht, 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 AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to Neb. Rev. Stat. §81-1501 et seq. (Reissue 1999, Cum. Supp. 2004, Supp. 2005), the Nebraska Environmental Protection Act, and all rules and regulations and orders promulgated thereunder.

2. The Complaint filed herein constitutes a justiciable cause of action against the Defendant.

3. In its Complaint, Plaintiff alleges that on or about September 1 and 4, 2007, Defendant placed or disposed of thin stillage waste from their ethanol plant to a farm site where it caused pollution of the air, waters, or land of the state. In addition, on September 1 and 4, 2007, Defendant placed or disposed of thin stillage waste from their ethanol plants to a location other than a permitted solid waste management facility in violation of Neb. Rev. Stat. § 81-1506 (3)(d).

4. The parties agree that settlement of these matters 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 the Defendant with respect to such issues. The Defendant agrees to the form and entry of this Consent Decree for the purposes of this Consent Decree, the parties agree to the entry of this Consent Decree by the Court.

5. This Consent Decree shall be in full satisfaction of all claims alleged in the complaint filed herein and any claims arising out of the same transaction or occurrences asserted therein, provided that such claims were known to the State of Nebraska, or were reasonably ascertainable from information in the State's possession, as of the date of the filing of the Consent Decree

6. This Consent Decree will have no effect on any enforcement action brought by Plaintiff against Defendant for future violations of any statutes or regulations.

7. The undersigned consent without further notice to the form and entry of the foregoing Consent Decree.

8. IT IS THEREFORE ORDERED that Defendant shall pay to the Clerk of the District Court of Lancaster County a civil penalty in the sum of \$9,200 (nine thousand two hundred dollars) pursuant to Neb. Rev. Stat. § 81-1508.02, together with court costs herein in the amount of seventy-nine dollars (\$79.00). Said penalty is to be handled pursuant to Article VII, Section V, of the Nebraska Constitution, and shall be paid within 30 days of the entry of this Consent Decree by the Court.

9. IT IS FURTHER ORDERED that the Defendant shall pay, as a voluntary supplemental environmental project, the sum of \$20,000 (twenty thousand dollars) into the Attorney General's Environmental Protection Fund to be used for environmental safety, training, public awareness, or other related uses as permitted by state law. Such uses may include, at the sole discretion of the Nebraska Attorney General, a payment to the Grant Community Hospital for training related to treatment of injuries resulting from hazardous wastes. This sum shall be paid as two lump-sum payments of \$10,000 (ten thousand dollars) each. The first lump sum payment shall be due no later than 30 days after the entry of this Consent Decree by the Court and the second lump sum payment shall be due on or before January 10, 2009.

Dated this 29 day of September, 2008.

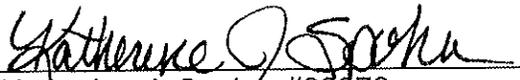
BY THE COURT:



DISTRICT JUDGE

STATE OF NEBRASKA ex rel.,
MICHAEL J. LINDER, DIRECTOR,
Department of Environmental
Quality, Plaintiff,

By: JON C. BRUNING #20351
Attorney General

By: 

Katherine J. Spohn, #22979
Assistant Attorney General
2115 State Capitol Building
Lincoln, NE 68509
Tel. (402) 471-2682
Attorneys for Plaintiff.

STANDARD ETHANOL, LLC, D/B/A MID
AMERICA AGRI PRODUCTS / MADRID LLC.,
Defendant,

By: 

David Bracht, #21428
Husch Blackwell Sanders LLP
1620 Dodge St., Suit 2100
Omaha, NE 68102
(402) 964-5000
Attorney for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Consent Decree has been served upon Defendant by regular United States mail, first class postage prepaid on this ~~25~~²⁶ 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