

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	CRIMINAL NO. 4:06CR3153
Plaintiff,	)	
	)	INFORMATION
vs.	)	[33 U.S.C. § 1319(c)(1)(A)]
	)	[18 U.S.C. § 2]
CHIEF ETHANOL FUELS, INC.	)	
	)	
Defendant.	)	

The United States Attorney charges:

INFORMATION

At all times material hereto:

A. INTRODUCTION

1. At all times set forth herein, Chief Ethanol Fuels, Inc. owned and operated an ethanol production plant, which includes a wastewater treatment facility, at 4225 East Street, Hastings, Nebraska.

2. As part of the day to day operation of its facility, defendant Chief Ethanol Fuels, Inc. treated wastewater from its ethanol production plant in its wastewater treatment facility, and then discharged this wastewater into the Big Blue River.

B. THE CLEAN WATER ACT

3. The Federal Water Pollution Control Act, Title 33, United States Code, Section 1251, et seq., more commonly known, and hereafter referred to as the Clean Water Act (CWA), was enacted by Congress to restore and maintain the chemical, physical, and biological quality of the Nation's water, to prevent, reduce, and eliminate water pollution in the United States and to conserve the water of the United States. 33 U.S.C. § 1251(a).

4. The CWA and implementing regulations prohibit the discharge of any pollutants from a point source into waters of the United States, except in compliance with a permit issued pursuant to the CWA under the National Pollution Discharge Elimination system (NPDES), by the United States Environmental Protection Agency or an authorized state. 33 U.S.C. §§ 1311(a) and 1342.

5. The discharge of wastewater from a wastewater treatment facility is discharge of a pollutant from a point source as defined by the CWA. 33 U.S.C. §§ 1362(6) and (14).

6. The Big Blue River, in the State of Nebraska is a "water of the United States" within the meaning of the CWA. 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2.

7. An NPDES permit contains specific monitoring requirements and limitations on the type and amount of pollutants that can be discharged from a facility. 33 U.S.C. § 1362(6).

8. The State of Nebraska is authorized and delegated, through the Nebraska Department of Environmental Quality (NDEQ), the authority to administer the CWA permit program for the State of Nebraska. 33 U.S.C. § 1316. In the State of Nebraska, the discharge of wastewater from a wastewater treatment facility is subject to the terms and conditions of a NPDES permit issued to the facility by NDEQ.

9. The NPDES permit issued by NDEQ to Chief Ethanol Fuels, Inc., on August 28, 2000, for its wastewater treatment facility in Hastings, Nebraska required that wastewater discharged into Big Blue River from the facility not exceed temperatures in excess of 90 degrees Fahrenheit.

C. CHARGE

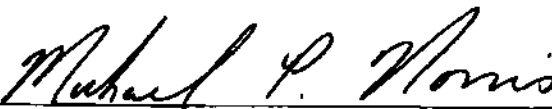
COUNT I

10. Between June 2001 and August 2003, on at least three occasions, in the District of Nebraska, CHIEF ETHANOL FUELS, INC., by and through its employees, negligently caused a violation of a permit issued to it by discharging wastewater into the Big Blue River with a temperature in excess of 90 degrees Fahrenheit.

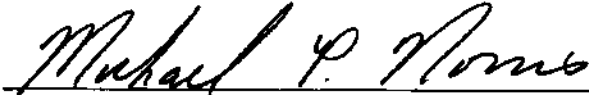
In violation of Title 33, United States Code, Section 1319(c)(1)(A) and Title 18, United States Code, Section 2.

UNITED STATES OF AMERICA

MICHAEL G. HEAVICAN  
United States Attorney

By:   
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The United States of America requests that trial of this case be held at Lincoln, Nebraska, pursuant to the rules of this Court.

  
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MICHAEL P. NORRIS  
Assistant United States Attorney