

IN THE DISTRICT COURT FOR PLATTE COUNTY, NEBRASKA

STATE OF NEBRASKA, ex rel.,)	Case No. _____
PATRICK W. RICE, Acting Director)	
DEPARTMENT OF ENVIRONMENTAL)	
QUALITY,)	
Plaintiff,)	COMPLAINT
v.)	
)	
ARCHER DANIELS MIDLAND)	
COMPANY,)	
)	
Defendant.)	

The Nebraska Department of Environmental Quality ("Department"), through counsel, alleges the following:

1. The Department is the agency of the State of Nebraska charged with the duty to administer and enforce the provisions of the Nebraska Environmental Protection Act, NEB. REV. STAT. §§ 81- 1501 *et seq.* (Reissue 2008), along with all rules and regulations promulgated thereunder.

2. Archer Daniels Midland Company ("ADM") is a foreign corporation authorized to do business under Nebraska law operating an ethanol production facility in Columbus, Nebraska.

3. At all times material herein, ADM's Columbus facility has been subject to the terms of Air Quality Construction Permit #CP07-0077a.

4. On or about April 29, 2010, a performance test was conducted at ADM's Columbus facility.

5. The results of the April 29, 2010 performance test indicated that the volatile organic compound ("VOC") emission rate for the "DM05" emission point was in excess of the



permitted limit of 8.4 lb/hr by emitting at a rate of 18.75 lb/hr. See, Construction Permit #CP07-0077a at III.C.2.

6. On or about July 19, 2010, ADM submitted its 2nd Quarterly Continuous Emissions Monitoring Report for 2010 to the Department for review.

7. The results reported in the July 19, 2010 report indicated that NO_x emissions from emission point "WM40" exceeded the 30-day rolling average permitted limit of 0.074lb/MMBtu during June 2010 with emissions ranging from 0.075 to 0.106lb/MMBtu. See, Construction Permit #CP07-0077a at III.J.2.a.

8. On or about October 27, 2010, ADM submitted its 3rd Quarterly Continuous Emissions Monitoring Report for 2010 to the Department for review.

9. The results reported in the October 27, 2010 report indicated that NO_x emissions from emission point "WM40" exceeded the 30-day rolling average permitted limit of 0.074lb/MMBtu during July 2010 with emissions ranging from 0.075 to 0.110lb/MMBtu. See, Construction Permit #CP07-0077a at III.J.2.a.

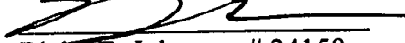
10. A civil penalty is provided for the violation of any Department regulation or term of the Permit. See, NEB. REV. STAT. §§ 81-1506(4); 81-1508.02.

11. ADM's air emission management procedures violated Nebraska Administrative Code Title 129 "Nebraska Air Quality Regulations."

Accordingly, the Department respectfully requests that the Court enter judgment against Archer Daniels Midland Company in the form of a civil penalty along with the costs of this action.

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

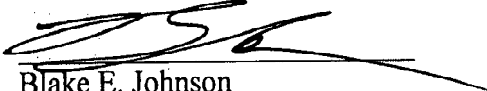
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CERTIFICATE OF SERVICE

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 25th day of March, 2014, addressed to the Defendant's attorney of record as follows:

Steven Murawski
Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway
Decatur, Illinois 62526


Blake E. Johnson