

BEFORE THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE CASE OF)
PACIFIC ETHANOL AURORA WEST)
WEST LLC,)

CASE NO. 3332

A Delaware Corporation,)
Facility ID 78323,)

AMENDED CONSENT ORDER

Respondent.)

I. INTRODUCTION

1. The Nebraska Department of Environmental Quality (Department) and Pacific Ethanol Aurora West LLC (Pacific West) voluntarily entered into a Consent Order which became effective on December 7, 2016. The Consent Order established a schedule for actions agreed to by Pacific West, in accordance with the Nebraska Environmental Protection Act (Act), Neb. Rev. Stat. §§ 81-1501 et seq. (Reissue 2014 and 2015 Supp.) and Title 129, Neb. Admin. Code, Nebraska Air Quality Regulations.

II. PARTIES

2. The Department is the agency of the State of Nebraska charged with the duty pursuant to Neb. Rev. Stat. § 81-1504(1) of exercising exclusive general supervision, administration, and enforcement of the Act. This Amended Consent Order is issued under the authority vested in the Director of the Department by Neb. Rev. Stat. §§ 81-1504(25) and 81-1507(1).

3. As of January 9, 2017, the membership interests of Pacific West are owned by Pacific Aurora, LLC (PAL), on January 9, 2017. PAL is a Delaware Limited Liability Corporation qualified and in good standing to do business in Nebraska. This Amended Consent Order is binding on Pacific West, PAL, and their respective successors and assigns.



III. STIPULATIONS

4. Pacific West agrees that it will not contest the basis or validity of this Amended Consent Order in any proceedings by the NDEQ to enforce this Amended Consent Order.

5. Pacific West shall ensure that any contractors, sub-contractors, and representatives implementing any provision of this Amended Consent Order receive a copy of this Amended Consent Order. Pacific West shall be responsible for any noncompliance with this Amended Consent Order.

6. The December 7, 2016, Consent Order in this case shall stay in full force and effect.

IV. COMPLIANCE ORDER AND SCHEDULE

7. Pacific West agrees to perform the following:

A. By March 1, 2018, submit a complete significant permit revision application in accordance with Title 129, Chapter 15.005, to modify the BACT HAP limit and testing requirements in Air Quality Construction Permit Number CP15-061 dated December 16, 2015.

8. If Pacific complies with Paragraph # 7 above, the Department shall waive the quarterly BACT testing on the scrubber required by Air Quality Construction Permit Number CP15-061 dated December 16, 2015.

9. The provisions of Paragraph # 8 above do not waive BACT testing that may be required pursuant to any other provision of law.

V. AMENDMENT

10. This Amended Consent Order may be modified and amended in writing by mutual agreement of the Department and Pacific West.

VI. EFFECTIVE DATE

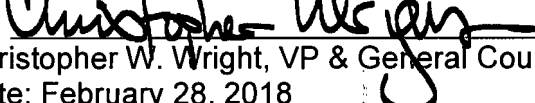
11. This Amended Consent Order is effective on the 28th day of February, 2018.

VII. SEVERABILITY


12. If any provision or authority of this Amended Consent Order or the application of this Amended Consent Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other party or circumstances and the remainder of the Consent Order shall remain in force and shall not be affected thereby.

VIII. SIGNATURES

The undersigned representative of Pacific Aurora LLC and Pacific Ethanol Aurora West LLC certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to bind both companies.

By: 
Christopher W. Wright, VP & General Counsel
Date: February 28, 2018

For the Department: IT IS SO ORDERED and agreed.

By:  for

Jim Macy, Director
Department of Environmental Quality