

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
TAZEWELL COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General
of the State of Illinois,

Plaintiff,

v.

PACIFIC ETHANOL PEKIN, LLC,
a Delaware corporation,

Defendant.

Case No. 18-CH⁰⁶

THIS CASE IS SET FOR A MANAGEMENT CONFERENCE
ON June 14, 2018
AT 1:15 pm AM PM IN COURTROOM 308
OF The Tazewell County Courthouse
IF THE DEFENDANT(S) ANSWER(S) MORE THAN 35 DAYS
BEFORE THIS DATE, THEN THE PARTIES SHALL
SCHEDULE A CASE MANAGEMENT CONFERENCE WITHIN
35 DAYS OF THE DATE THE ANSWER'S FILED.

COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF

The PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, on her own motion and at the request of the ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, complains of Defendant, PACIFIC ETHANOL PEKIN, LLC, a Delaware corporation, as follows:

COUNT I
WATER POLLUTION

1. This Complaint is brought on behalf of the People of the State of Illinois, *ex rel.* LISA MADIGAN, the Attorney General of the State of Illinois, on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA") against Defendant PACIFIC ETHANOL PEKIN, LLC, pursuant to Sections 42(d) and (e) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(d) and (e) (2016).

2. Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly in Section 4 of the Act, 415 ILCS 5/4 (2016), and charged, *inter alia*, with the duty of

enforcing the Act.

3. Pacific Ethanol Pekin, LLC ("Pacific Ethanol"), is a Delaware corporation qualified to transact business in the State of Illinois that owns and operates an ethanol refinery located at 1300 South Second Street, Pekin, Tazewell County, Illinois ("Facility").

4. Upon information and belief, from approximately May 2003 through July 1, 2015, the exact dates better known to Defendant, Aventine Renewable Energy Holdings, Inc. ("Aventine"), a Delaware corporation qualified to transact business in the State of Illinois, was the owner and operator of the Facility.

5. Upon information and belief, on approximately July 1, 2015, the exact date best known to Defendant, Aventine merged with a subsidiary of Pacific Ethanol, Inc., with Aventine Renewable Energy, Inc. remaining as the surviving entity. Aventine Renewable Energy, Inc. was then renamed Pacific Ethanol Pekin, Inc. On January 31, 2017, Pacific Ethanol Pekin, Inc. changed its name to Pacific Ethanol Pekin, LLC. Defendant Pacific Ethanol remains liable for environmental violations at the Facility that occurred during the period in which Aventine was owner and operator.

6. Pacific Ethanol engages in the wet and dry milling of corn at the Facility, with the starch being converted into ethanol to produce blends for transportation fuels, the germ being sold for corn oil extraction, and the other non-starch products sold as animal feed. Additionally, yeast used in the fermentation process is also refined into a useable product.

7. The Facility maintains two outfalls that discharge into the Illinois River, Outfalls 001 and 002. Outfall 001 discharges Total Plant Effluent, including combined flows from Outfalls B01 and C01, which discharge Treated Process Wastewater and Dry Milling Waste Streams, respectively. Outfall 002 discharges Yeast Plant Non-Contact Cooling Water.

8. The Facility discharges effluent under the terms of its current National Pollutant Discharge Elimination System (“NPDES”) Permit number IL0001953 (“Permit”), issued on May 6, 2014, with an effective date of June 1, 2014, and an expiration date of May 31, 2019 (“2014 Permit”). The previous iteration of Defendant’s Permit was issued and made effective December 4, 2006, expired on November 30, 2011, and was administratively continued until the effective date of the current 2014 Permit (“2006 Permit”).

9. Pursuant to the terms of the 2014 Permit and the 2006 Permit, Defendant is and was required, *inter alia*, to sample the Facility’s discharges and report the results of laboratory analysis on Discharge Monitoring Reports (“DMRs”), which must be submitted to the Illinois EPA on a monthly basis. Discharges from Outfalls B01 and C01 are sampled prior to mixture in Outfall 001.

10. The 2014 Permit and 2006 Permit set limits on the temperature of Defendant’s wastewater effluent discharged via Outfalls 001 and 002. Between December 2012 and January 2017, DMRs submitted to the Illinois EPA reported the following thermal exceedances summarized in the following table:

Thermal Exceedances

<u>Date</u>	<u>Measured Value</u>	<u>Type of Limit</u> (°F)	<u>Limit</u>	<u>Outfall</u>
1/31/2012	81.0	Monthly Maximum	60	001
1/31/2012	64.0	Monthly Maximum	60	002
2/29/2012	83.5	Monthly Maximum	60	001
2/29/2012	74.0	Monthly Maximum	60	002

3/31/2012	99.8	Monthly Maximum	60	001
3/31/2012	84.0	Monthly Maximum	60	002
4/30/2012	98.4	Monthly Maximum	90	001
5/31/2012	106.7	Monthly Maximum	90	001
5/31/2012	92.0	Monthly Maximum	90	002
6/30/2012	110.1	Monthly Maximum	90	001
6/30/2012	97.0	Monthly Maximum	90	002
7/31/2012	114.7	Monthly Maximum	90	001
7/31/2012	103.0	Monthly Maximum	90	002
8/31/2012	117.2	Monthly Maximum	90	001
8/31/2012	100.0	Monthly Maximum	90	002
9/30/2012	110.3	Monthly Maximum	90	001
9/30/2012	99.0	Monthly Maximum	90	002
10/31/2012	98.6	Monthly Maximum	90	001
12/31/2012	92.4	Monthly Maximum	60	001
12/31/2012	73.0	Monthly Maximum	60	002
1/31/2013	75.0	Monthly Maximum	60	001
1/31/2013	70.0	Monthly Maximum	60	002

2/28/2013	83.2	Monthly Maximum	60	001
3/31/2013	87.0	Monthly Maximum	60	001
4/30/2013	97.2	Monthly Maximum	90	001
5/31/2013	106.3	Monthly Maximum	90	001
6/30/2013	106.0	Monthly Maximum	90	002
6/30/2013	96.0	Monthly Maximum	90	001
7/31/2013	114.1	Monthly Maximum	90	001
7/31/2013	103.0	Monthly Maximum	90	002
8/31/2013	117.3	Monthly Maximum	90	001
8/31/2013	102.0	Monthly Maximum	90	002
9/30/2013	117.0	Monthly Maximum	90	001
9/30/2013	98.0	Monthly Maximum	90	002
10/31/2013	108.0	Monthly Maximum	90	001
10/31/2013	91.0	Monthly Maximum	90	002
11/30/2013	91.0	Monthly Maximum	90	001
12/31/2013	79.0	Monthly Maximum	60	001
12/31/2013	67.0	Monthly Maximum	60	002
1/31/2014	75.2	Monthly Maximum	60	001

2/28/2014	75.0	Monthly Maximum	60	001
3/31/2014	83.9	Monthly Maximum	60	001
3/31/2014	67.0	Monthly Maximum	60	002
4/30/2014	98.9	Monthly Maximum	90	001
5/31/2014	108.0	Monthly Maximum	90	001
6/30/2014	109.1	Monthly Maximum	90	001
6/30/2014	96.0	Monthly Maximum	90	001
7/31/2014	108.1	Monthly Maximum	90	001
7/31/2014	99.0	Monthly Maximum	90	002
8/31/2014	112.0	Monthly Maximum	90	001
8/31/2014	97.0	Monthly Maximum	90	002
9/30/2014	108.0	Monthly Maximum	90	001
9/30/2014	99.0	Monthly Maximum	90	002
10/31/2014	101.4	Monthly Maximum	90	001
10/31/2014	91.0	Monthly Maximum	90	002
12/31/2014	80.6	Monthly Maximum	60	001
12/31/2014	66.0	Monthly Maximum	60	002
1/31/2015	91.5	Monthly Maximum	60	001

1/31/2015	68.0	Monthly Maximum	60	002
2/28/2015	73.1	Monthly Maximum	60	001
2/28/2015	67.0	Monthly Maximum	60	002
3/31/2015	78.0	Monthly Maximum	60	001
3/31/2015	82.0	Monthly Maximum	60	002
4/30/2015	98.0	Monthly Maximum	90	001
4/30/2015	94.0	Monthly Maximum	90	002
5/31/2015	92.3	Monthly Maximum	90	001
5/31/2015	96.0	Monthly Maximum	90	002
6/30/2015	91.4	Monthly Maximum	90	001
6/30/2015	96.0	Monthly Maximum	90	002
7/31/2015	96.0	Monthly Maximum	90	002
8/31/2015	98.0	Monthly Maximum	90	001
8/31/2015	96.0	Monthly Maximum	90	002
9/30/2015	91.1	Monthly Maximum	90	001
9/30/2015	96.0	Monthly Maximum	90	002
10/31/2015	98.0	Monthly Maximum	90	001
11/30/2015	93.0	Monthly Maximum	90	001

12/31/2015	87.0	Monthly Maximum	60	001
12/31/2015	74.0	Monthly Maximum	60	002
1/31/2016	74.0	Monthly Maximum	60	002
2/29/2016	91.1	Monthly Maximum	60	001
2/29/2016	89.0	Monthly Maximum	60	002
3/31/2016	88.3	Monthly Maximum	60	001
3/31/2016	79.0	Monthly Maximum	60	002
4/30/2016	97.0	Monthly Maximum	90	001
5/31/2016	102.6	Monthly Maximum	90	001
5/31/2016	97.0	Monthly Maximum	90	002
6/30/2016	109.0	Monthly Maximum	90	001
6/30/2016	101.0	Monthly Maximum	90	002
7/31/2016	112.0	Monthly Maximum	90	001
7/31/2016	100.0	Monthly Maximum	90	002
8/31/2016	113.6	Monthly Maximum	90	001
8/31/2016	101.0	Monthly Maximum	90	002
9/30/2016	107.0	Monthly Maximum	90	001
9/30/2016	104.0	Monthly Maximum	90	002

10/31/2016	98.4	Monthly Maximum	90	001
11/30/2016	92.5	Monthly Maximum	90	001
12/31/2016	80.9	Monthly Maximum	60	001
12/31/2016	68.0	Monthly Maximum	60	002
1/31/2017	91.5	Monthly Maximum	60	001
1/31/2017	69.6	Monthly Maximum	60	002
2/28/2017	89.8	Monthly Maximum	60	001
2/28/2017	78.8	Monthly Maximum	60	002
3/31/2017	86.1	Monthly Maximum	60	001
3/31/2017	74.3	Monthly Maximum	60	002
4/30/2017	97.5	Monthly Maximum	90	001
5/31/2017	99.4	Monthly Maximum	90	001
5/31/2017	90.1	Monthly Maximum	90	002
6/30/2017	109.4	Monthly Maximum	90	001
6/30/2017	116.0	Monthly Maximum	90	002
7/31/2017	114.6	Monthly Maximum	90	001
7/31/2017	106.4	Monthly Maximum	90	002
8/31/2017	114.0	Monthly Maximum	90	001

8/31/2017	108.0	Monthly Maximum	90	002
9/30/2017	111.9	Monthly Maximum	90	001
9/30/2017	107.4	Monthly Maximum	90	002
10/31/2017	100.0	Monthly Maximum	90	001
10/31/2017	95.0	Monthly Maximum	90	002

11. The 2014 Permit and 2006 Permit also set limits on flow levels of Defendant's wastewater effluent discharged via Outfalls 001, 002, B01 and C01. Between 2012 and 2017, DMRs submitted to the Illinois EPA reported the following flow level exceedances summarized in the following table:

Flow Level Exceedances

<u>Date</u>	<u>Measured Value</u>	<u>Type of Limit</u> (Million Gallons per Day)	<u>Permit Limit</u>	<u>Outfall</u>
7/31/2013	38.307	Daily Average Flow	34.73	001
8/31/2013	35.371	Daily Average Flow	34.73	001
6/30/2014	0.267	Daily Average Flow	0.26	C01
6/30/2014	0.324	Daily Maximum Flow	0.26	C01
7/31/2014	0.298	Daily Average Flow	0.26	C01
7/31/2014	0.378	Daily Maximum Flow	0.26	C01
8/31/2014	0.29	Daily Maximum Flow	0.26	C01

2/28/2015	1.17	Daily Maximum Flow	1.1232	B01
3/31/2015	0.325	Daily Maximum Flow	0.26	C01
2/29/2016	0.929	Daily Average Flow	0.87	B01
2/29/2016	1.393	Daily Maximum Flow	1.1232	B01
4/30/2016	0.431	Daily Maximum Flow	0.26	C01
5/31/2016	0.317	Daily Maximum Flow	0.26	C01
6/30/2016	0.262	Daily Average Flow	0.26	C01
6/30/2016	0.336	Daily Maximum Flow	0.26	C01
7/31/2016	0.38	Daily Maximum Flow	0.26	C01
8/31/2016	0.292	Daily Average Flow	0.26	C01
8/31/2016	0.339	Daily Maximum Flow	0.26	C01
9/30/2016	0.324	Daily Average Flow	0.26	C01
9/30/2016	0.38	Daily Maximum Flow	0.26	C01
10/31/2016	0.267	Daily Average Flow	0.26	C01
10/31/2016	0.344	Daily Maximum Flow	0.26	C01
5/31/2017	48.534	Daily Maximum Flow	45.571	001

12. The 2014 Permit and 2006 Permit also set limits for levels of total residual chlorine in Defendant's wastewater effluent discharged via Outfalls 001 and 002. In February of 2016, a DMR submitted to Illinois EPA reported the following chloride exceedance summarized

in the following table:

Total Residual Chlorine Exceedances

<u>Date</u>	<u>Measured Value</u>	<u>Type of Limit</u> (Concentration in mg/L)	<u>Permit Limit</u>	<u>Outfall</u>
2/29/2016	0.08	Daily Maximum Load	0.05	001

13. The 2014 Permit and 2006 Permit also set limits for the amount and concentration of nitrogen ammonia in Defendant's wastewater effluent discharged via Outfall B01. In November of 2013 and July of 2014, DMRs submitted to Illinois EPA reported the following nitrogen ammonia exceedances summarized in the following table:

Nitrogen Ammonia Exceedances

<u>Date</u>	<u>Measured Value</u>	<u>Type of Limit</u> (Load in lbs/day, Concentration in mg/L)	<u>Permit Limit</u>	<u>Outfall</u>
11/30/2013	351 lbs/day 70.3 mg/L	Daily Maximum	200 lbs/day 6 mg/L	B01
7/31/2014	644 lbs/day 87.12 mg/L	Daily Maximum	200 lbs/day 6 mg/L	B01

14. The 2014 Permit and 2006 Permit also set limits for biochemical oxygen demand ("BOD₅") in Defendant's wastewater effluent discharged via Outfalls 001 and B01. In January of 2012, a DMR submitted to Illinois EPA reported the following BOD₅ exceedance summarized in the following table:

Biochemical Oxygen Demand (BOD₅) Exceedances

<u>Date</u>	<u>Measured Value</u>	<u>Type of Limit</u> (Concentration in mg/L)	<u>Permit Limit</u>	<u>Outfall</u>
1/31/2012	45	Daily Maximum	40	001

15. Special Condition 24 of the 2014 Permit also requires that no effluent cause a violation of any applicable water quality standard outlined in Part 302 of the Illinois Pollution Control Board's ("Board") Water Pollution Regulations, 35 Ill. Adm. Code Part 302.

16. Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), provides as follows:

No person shall:

- (a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

17. Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), provides as follows:

- (a) No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit.

* * *

18. Section 3.315 of the Act, 415 ILCS 5/3.315 (2016), provides the following definition:

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agent or

assigns.

19. Section 3.550 of the Act, 415 ILCS 5/3.550 (2016), provides the following definition:

“Waters” means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

20. Section 3.165 of the Act, 415 ILCS 5/3.165 (2016), provides the following definition:

“Contaminant” is any solid, liquid, or gaseous matter, any odor or any form of energy, from whatever source.

21. Section 3.545 of the Act, 415 ILCS 5/3.545 (2016), provides the following definition:

“Water pollution” is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, or agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

22. Defendant is a “person” as that term is defined in Section 3.315 of the Act, 415 ILCS 5/3.315 (2016).

23. The Illinois River is a “water” of the State as that term is defined in Section 3.550 of the Act, 415 ILCS 5/3.550 (2016).

24. Defendant’s discharged wastewater and its constituent components are “contaminants” as that term is defined in Section 3.165 of the Act, 415 ILCS 5/3.165 (2016).

25. Defendant caused, threatened or allowed the discharge of contaminants in excess

of the effluent limits in the Facility's NPDES Permit limits to waters of the State through the discharges from Outfalls 001, 002, B01 and C01 into the Illinois River, as detailed in paragraphs 10 through 14, above.

26. The discharges of contaminants in excess of the effluent limits in the NPDES Permit limits from Defendant's Facility into the Illinois River creates or is likely to create a nuisance or is likely to render such waters harmful, detrimental or injurious to public health, commercial, industrial, recreational, or other legitimate uses, wild animals, birds, fish, or other aquatic life and therefore constitutes "water pollution," as that term is defined in 415 ILCS 5/3.545 (2016).

27. By causing, threatening or allowing the discharge of contaminants in excess of the effluent limits in the Facility's NPDES Permit into waters of the State, so as to cause or tend to cause water pollution, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

28. Defendant discharged contaminants in the Facility's effluent in excess of the standards and limitations for contaminants set forth in NPDES Permit No. IL0001953.

29. By discharging contaminants in the Facility's effluent in excess of the standards and limitations for contaminants set forth in NPDES Permit No. IL0001953, Defendant violated Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), and therefore violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016).

30. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, respectfully

requests that the Court enter an order against Defendant, PACIFIC ETHANOL PEKIN, LLC, granting the following relief:

A. Find Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2016), and Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a);

B. Order Defendant to cease and desist from any further violations of the Act and associated regulations;

C. Order Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of the violations of the Act and associated regulations, including but not limited to complying with NPDES Permit No. IL0001953, pursuant to Section 42(e) of the Act, 415 ILCS 5/42(e) (2016);

D. Assess a civil penalty of not more than Fifty Thousand Dollars (\$50,000.00) for each violation of the Act, and Ten Thousand Dollars (\$10,000.00) per day of violation, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2016);

E. Order Defendant to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and

F. Grant such other relief as the Court may deem appropriate.

COUNT II
NPDES PERMIT VIOLATIONS

1-29. Plaintiff realleges and incorporates by reference herein paragraphs 1 through 29 of Count I as paragraphs 1 through 29 of this Count II.

30. Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), provides as follows:

No person shall:

- (f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

31. Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a), provides:

Except in compliance with the provision of the Act, Board regulations, and the CWA, and the provisions and conditions of the NPDES permit issued to the discharger, the discharge of any contaminant or pollutant by any person in to the waters of the State from a point source or into a well shall be unlawful.

32. Section 401.11(d) of the Code of Federal Regulations ("C.F.R."), 40 C.F.R. 401.11(d), provides as follows:

The term point source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

33. Outfalls 001, 002, B01 and C01 as defined in the Facility's NPDES Permit are each a "point source," within the meaning of 40 C.F.R. 401.11(d), and Section 12(f) of the Act, 415 ILCS 5/12(f) (2016).

34. The Illinois River receiving the Facility's discharges is a water of the State and water of the United States.

35. Defendant discharged effluent in excess of the thermal limits set forth in NPDES Permit No. IL0001953 into the Illinois River.

36. By discharging effluent in excess of the thermal limits set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

37. The Facility's 2006 and 2014 Permits required that Defendant perform a thermal mixing zone study. The Facility's 2014 Permit required Defendant to perform the thermal mixing zone study during the first summer after issuance of the 2014 Permit and to submit a study plan for the thermal mixing zone study within three months of the effective date of the 2014 Permit. Defendant failed to timely complete the thermal mixing zone study during the first summer after issuance of the 2014 Permit and did not submit the study plan to the Illinois EPA until March 11, 2016.

38. By discharging effluent in violation of the requirement to conduct a thermal mixing zone study set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

39. Defendant discharged effluent in excess of the limits on flow levels of wastewater effluent set forth in NPDES Permit No. IL0001953 into the Illinois River.

40. By discharging effluent in excess of the limits on flow levels of wastewater effluent set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

41. Defendant discharged effluent containing a concentration of nitrogen ammonia in excess of the limits set forth in NPDES Permit No. IL0001953 into the Illinois River.

42. By discharging effluent containing a concentration of nitrogen ammonia in excess of the limits set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

43. Defendant discharged effluent containing total residual chlorine in excess of the limits set forth in NPDES Permit No. IL0001953 into the Illinois River.

44. By discharging effluent containing total residual chlorine in excess of the limits set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

45. Defendant discharged effluent containing a concentration of BOD₅ in an amount in excess of the limits set forth in NPDES Permit No. IL0001953 into the Illinois River.

46. By discharging effluent containing a concentration of BOD₅ in excess of the limits set forth in the Facility's NPDES Permit, Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a).

47. Violations of the pertinent environmental statutes and regulations will continue unless and until this Court grants equitable relief in the form of preliminary and, after trial, permanent injunctive relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the PEOPLE OF THE STATE OF ILLINOIS, respectfully requests that the Court enter an order against Defendant, PACIFIC ETHANOL PEKIN, LLC, granting the following relief:

A. Find Defendant violated NPDES Permit No. IL0001953, Section 12(f) of the Act, 415 ILCS 5/12(f) (2016), and Section 309.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 309.102(a);

B. Order Defendant to cease and desist from any further violations of the Act and associated regulations;

C. Order Defendant to immediately undertake the necessary corrective action that will result in a final and permanent abatement of the violations of the Act and associated regulations, including but not limited to complying with NPDES Permit No. IL0001953, pursuant to Section 42(e) of the Act, 415 ILCS 5/42(e) (2016);

D. Assess a civil penalty of not more than Ten Thousand Dollars (\$10,000.00) per each day of NPDES permit-related violation, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2016);

E. Order Defendant to pay all costs including attorney, expert witness and consultant fees expended by the State in its pursuit of this action, pursuant to Section 42(f) of the Act, 415 ILCS 5/42(f) (2016); and

F. Grant such other relief as the Court may deem appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS,
ex rel. LISA MADIGAN, Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

By:


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