



P.O. Box 7857  
Madison, WI 53707-7857  
[www.doj.state.wi.us](http://www.doj.state.wi.us)

**J.B. VAN HOLLEN  
ATTORNEY GENERAL**

---

## **NEWS RELEASE**

For Immediate Release  
June 23, 2008

For More Information Contact:  
Bill Cosh 608/266-1221

### **UTICA ENERGY AGREES TO SETTLE AIR POLLUTION LAWSUIT**

#### **UTICA ENERGY TO PAY \$75,000**

MADISON – The state has settled a lawsuit against Utica Energy, LLC for violations of the state’s air and water pollution control laws at Utica’s Winnebago County ethanol plant. The Department of Justice filed and settled the case following an investigation by the Department of Natural Resources (DNR).

According to the complaint, filed at the request of the DNR, the defendant violated a number of requirements in its air pollution control permit, including a requirement that it load ethanol only into “dedicated” tankers to prevent air contaminant emissions, and another permit requirement that it route all emissions from its wet grain dryer through air pollutant control equipment whenever the process is in operation.

The complaint also alleges that:

- Utica’s discharges to an unnamed tributary to Sawyer Creek violated the effluent limits in its wastewater discharge permits on a number of occasions
- Utica failed to conduct required wastewater discharge monitoring and reporting
- Utica landspread wet corn mash on an unapproved site
- Utica used treatment additives for which it did not obtain DNR approval, and
- Utica discharged polluted corn mash seepage into a drainage ditch that flows into an unnamed tributary to Sawyer Creek.

Under the terms of the settlement agreement, Utica will pay penalties, fees, and costs totaling \$75,000 for the violations.

The settlement was approved by Winnebago County Circuit Court Judge Bruce K. Schmidt. Assistant Attorney General Shari Eggleston represented the state.

###