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LOCAL NEWS: Lena

Lena ethanol plant faces pollution, nuisance lawsuits

■The state and a citizens group filed the complaints.

By MELISSA WESTPHAL, *Rockford Register Star*

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LENA — Adkins Energy LLC has been hit with a state lawsuit and another from citizens alleging that its ethanol plant is a major source of pollution and a public nuisance.

The plant went on line in August and has since experienced run-ins with neighboring residents and the Illinois Environmental Protection Agency. Residents charge that smoke, odors and haze emitting from the plant have disrupted life in this community of 2,887.

Adkins has blamed its problems on a grain dryer, since shut down, that was built by a subcontractor. The plant receives whole corn that it mills, cooks and ferments to produce ethanol for clean-burning fuel.

Illinois Attorney General Lisa Madigan and Stephenson County State's Attorney Michael Bald filed suit Thursday against plant owners. Eight counts seek a civil penalty of up to \$50,000 and an additional \$10,000 for each day the violations continue.

The complaint alleges that Adkins caused or allowed air pollution, constructed an emission unit and feed dryer without a proper IEPA construction permit, operated its plant without a permit, failed to conduct required emission tests, exceeded emission limitations, failed to report emission limitation violations, failed to provide required notification, and created and maintained a public nuisance.

The IEPA referred the case to Madigan's office two weeks ago. IEPA spokesperson Kim Kuntzman said the agency compiled a referral based on citizens' complaints and sent it to the attorney general's office for further action.

Not all complaints are given a referral.

"We hope all of this will lead to a resolution, not only on the citizens' behalf, but also on behalf of the plant and their obligations to the state," Kuntzman said.

Adkins board Chairman Scott Trainum said his organization expected the suit.

"It's in the ordinary course of events in resolving our issues with the IEPA," he said. "It reflects the notice of violation.

"We'll continue to work with the IEPA and the attorney general's office in negotiating this suit. We're cooperating to the fullest extent."

The group has 30 days to respond to the complaint.

“The ideal, of course, is to come to some agreement so it does not go the full length in court,” attorney general’s office spokesman Scott Mulford said. “The No. 1 priority, like in any environmental situation, is to bring the Adkins plant into compliance.”

Adkins heads back to federal court at 1:30 p.m. Wednesday in Rockford for a different lawsuit. Three weeks ago, concerned citizens group Neighbors for Good Neighbors LLC filed suit against the company.

The group alleges that the plant is a major source of pollution and should have obtained federal Clean Air Act major source construction and operating permits, participated in an IEPA public notice and hearing process, and installed pollution controls before beginning operation.

Denny Drake, who operates the Lena KOA campground with his wife, worries that his business may be affected by the plant’s odors.

“Lawsuits don’t happen overnight. We have been discussing it for some time,” Drake said. “We’re not asking for damages. We just want the plant fixed.”

Laura O’Connell, an attorney for Neighbors for Good Neighbors, said the group plans to move forward with the lawsuit, coinciding with the state’s suit. Attorneys have filed a motion for preliminary injunction and expedited discovery, which requires Adkins to comply immediately and move the case along quickly.

“Our position is that they’re operating without the required permits and without pollution control,” O’Connell said. “They need to take action right now, right away.”

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