

To: File

Through: Jeffery Edwards, Supervisor, Waste Compliance Section *JE*

From: Jason Holsten, Program Specialist II, Waste Compliance Section *JH*

Date: May 28, 2020

RE: Complaint Investigation / NEC 051920-MP-1445

NDEE ID: 84069

Program ID: IWM

On May 19, 2020, I was forwarded information from Mark Pomajzl, NDEE, regarding concerns he received via two emails from Jody Weible. Copies of the two emails Ms. Weible sent to Mr. Pomajzl along with photographs are attached (Attachment 1). Ms. Weible was concerned about loose cattle from Mead Cattle possibly eating the distiller's grain generated from AltEn which is being stockpiled on the property. She was also concerned about material being hauled and placed in a field along County Road 9, ½ mile north of Highway 64. The Department determined that I would need to conduct a site visit at AltEn. I coordinated with Scott Tingelhoff and we agreed to meet at the facility on May 22, at 1000.

On May 22, I arrived at AltEn at 0955. I telephoned Mr. Tingelhoff upon my arrival. Due to the COVID-19 pandemic, we determined that he would drive his vehicle and I would follow in mine. Joining him was Mary Tingelhoff. Mr. Tingelhoff and I communicated by cellphone while he escorted me around the property. I asked him to take me to locations where distiller's grain was being stockpiled.

As we were leaving the parking lot located west of the office building, I asked about the super sacks of starch that were being stored west of the lot (Photograph 1). I noticed that there were not as many sacks as I have observed during previous site visits/inspections. Mr. Tingelhoff said that they moved some to a location closer to the digester.

We proceeded to the compost pads first. While driving there we passed the Biochar unit. Super sacks of Biochar were being stored on the east and west sides of the unit. Also located there, on the east side of the unit, were the super sacks of starch that Mr. Tingelhoff mentioned earlier.

The compost pads were empty. There was a small pile of presumably cattle manure adjacent to the drive and it appeared to be off of the compost pad. Located west of the compost pads was stockpiled distiller's grain (Photographs 3-4). The pile appeared to be about the same size as I have observed during previous site visits and Mr. Tingelhoff believed nothing had been taken to or removed from this stockpile location.

After leaving the composting area, I asked Mr. Tingelhoff if we could drive to the south end of the Mead Cattle property. I did this because a previous concern expressed by Ms. Weible on May 6, 2020, was that distiller's grain was being stored in a location on the south side of the property. After arriving at the south property boundary, I did not notice any distiller's grain being stockpiled. I did observe a loose steer (Photograph 5). I shared with Mr. Tingelhoff the complainant's concern regarding loose cattle eating the distiller's grain being generated by AltEn.

We then proceeded to a new stockpile location for distiller's grain at the northeast corner of the site which was located east of the north Mead Cattle lagoon (Attachment II) (Photographs 6-10). Mr. Tingelhoff was unsure when they started using this location but thought maybe a year ago. He was also unsure how much distiller's grain had been stockpiled here but later learned from Dean Egr that approximately 4,000 tons have been placed in this location. As we departed this area, Mr. Tingelhoff shared with me that they have been applying a product called Odor X to the distiller's grain with the hope of keeping down odors. He believed it was working. He explained that the product is sprayed on the distiller's grain and can be sprayed a distance of 10-15 feet. Mr. Tingelhoff later emailed me a safety data sheet for the Odor X (Attachment III).

Finally, we proceeded to the stockpile location located north of the office building and east of the hoop buildings. It appeared that the facility has been conducting some dirt work in this area as well as consolidating piles (Photographs 2, 11-15). While at this location I stepped out of my vehicle and approached Mr. Tingelhoff's. I wanted to share with him the photographs provided by Ms. Weible. Mr. Tingelhoff denied that any distiller's grain was being taken to County Road 9, ½ mile north of Highway 64. I shared with him that it sounded as though it was manure hauled out there by Mead Cattle. I asked if he had contact information for Mead Cattle so that I could follow up with someone concerning this matter before I departed the site. He provided me a telephone number of 402-624-2995.

Mr. Tingelhoff asked if he could have a copy of the photographs. I said I could not provide him a copy until I found out whether or not they could be shared. This was due to my not knowing if the complainant wished to remain confidential. I said that I would let him know what I find out. I thanked him for his time and departed the site at approximately 1035.

Before departing, I telephoned Mead Cattle and spoke with Buck Wehrbein, Feed Yard Manager. I shared with Mr. Wehrbein the concern from the complainant regarding cattle eating distiller's grain generated by AltEn. Mr. Wehrbein explained that cattle are always getting loose and are typically rounded up at the end of the day and placed back in the pens. He said that he had no concerns of cattle eating the distiller's grain and believed they wouldn't like the smell of it.

After departing AltEn, I drove to the location shared by Ms. Weible located at County Road 9, ½ mile north of Highway 64. There, on the east side of the road, I noticed a pile of what appeared to be manure and/or soil (Photograph 16). The pile did not have the same appearance of the distiller's grain generated at AltEn.

Subsequent to the investigation, I learned from Mr. Pomajzl that Ms. Weible did not wish to remain anonymous or confidential with regard to her complaint. I emailed copies of the photographs to Mr. Tingelhoff on June 1, 2020.

ATTACHMENTS:

- I. 5/19/20 Emails (2) from Jody Weible to Mark Pomajzl, NDEE, w/ Photographs (9 pages)

- II. Google Earth Image w/ notation showing new DG stockpile location (1 page)
- III. 5/22/20 Email from Scott Tingelhoff w/ Odor-X SDS (3 pages)
- IV. Photographs (8 pages)

Holsten, Jason

From: Pomajzl, Mark
Sent: Tuesday, May 19, 2020 8:17 AM
To: Anderson, Reuel; Ugai, Susan; Schneider, Shelley; Woita, Maegan; Holsten, Jason; Edwards, Jeffery; LeMaistre, Daniel
Subject: AltEn (Mead cattle photo)

AltEn team:

Jody Weible sent this to me this morning. Her concern is having wet cake near the cattle lot, I know this contradicts what Scott T stated a couple weeks ago.

Thank you

Let me know if you have any questions concerns

Mark Pomajzl
Program Specialist
Wastewater NPDES Compliance Unit

Nebraska Department of Environment and Energy
1200 N St, Suite 400
P.O. Box 98922
Lincoln, Nebraska 68509-8922

DIRECT: 402-471-2936 FAX: 402-471-2909

<http://deg.ne.gov>

From: Jody <jody_weible@yahoo.com>
Sent: Tuesday, May 19, 2020 7:26 AM
To: Pomajzl, Mark <mark.pomajzl@nebraska.gov>
Subject: Info

From a source:

This should help you out this is a cow out of its pin not far from the pile of mash from the ethanol plant back in the mead cattle property



Holsten, Jason

From: Pomajzl, Mark
Sent: Monday, June 01, 2020 10:28 AM
To: Holsten, Jason
Subject: complaint photos

Mark Pomajzl
Program Specialist
Wastewater NPDES Compliance Unit

Nebraska Department of Environment and Energy
1200 N St, Suite 400
P.O. Box 98922
Lincoln, Nebraska 68509-8922

DIRECT: 402-471-2936 FAX: 402-471-2909

<http://deg.ne.gov>

From: Jody <jody_weible@yahoo.com>
Sent: Tuesday, May 19, 2020 2:47 PM
To: Pomajzl, Mark <mark.pomajzl@nebraska.gov>
Subject: Pics











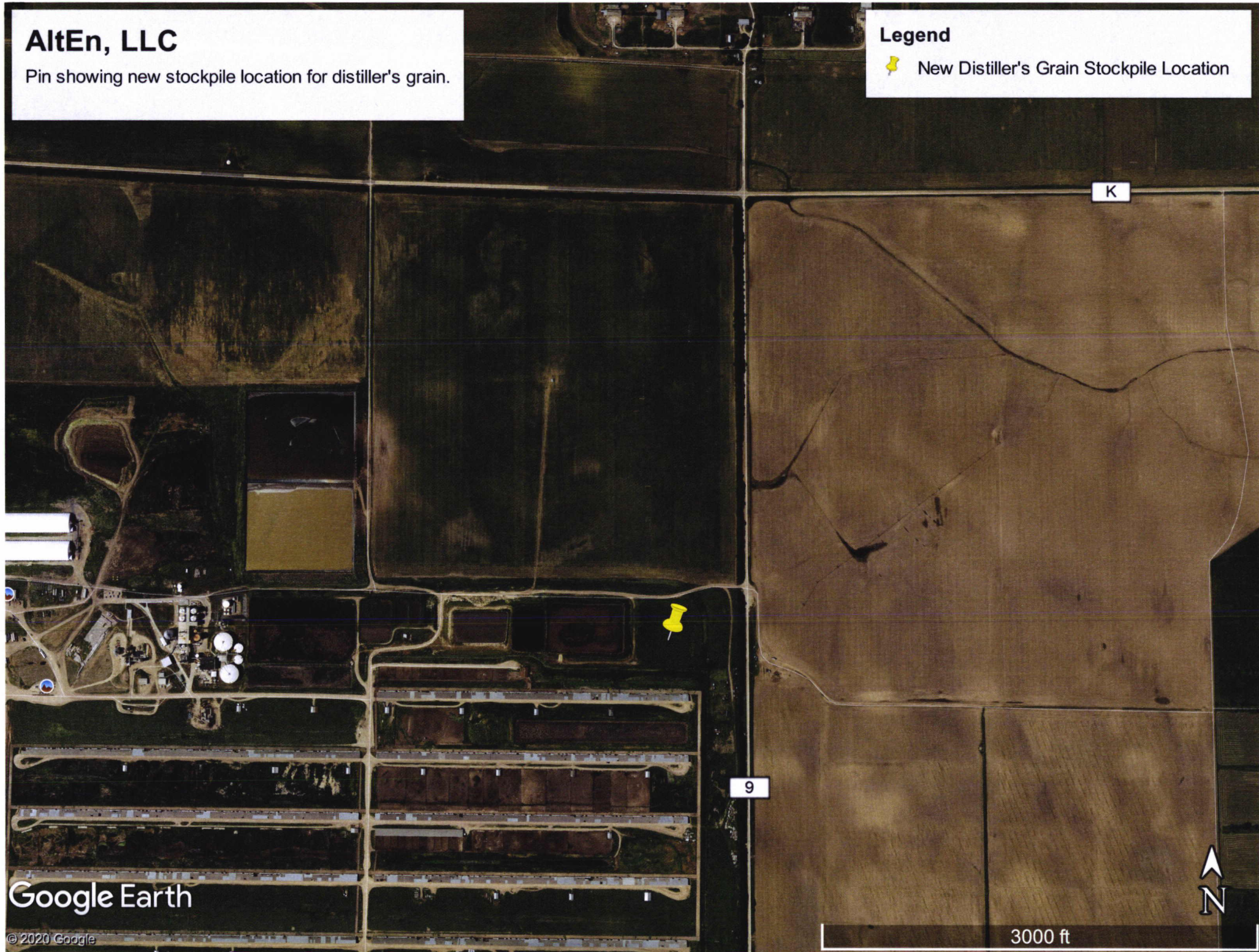
Pics taken last evening and this morning. County road 9, about 1/2 mile north of hwy 64, east side of road.

AltEn, LLC

Pin showing new stockpile location for distiller's grain.

Legend

 New Distiller's Grain Stockpile Location



Google Earth

© 2020 Google

Holsten, Jason

From: Scott Tingelhoff <stingelhoff@mrgkc.com>
Sent: Friday, May 22, 2020 10:54 AM
To: Holsten, Jason
Cc: Mary Tingelhoff
Subject: FW: Odor X - SDS
Attachments: Odor-X (Vital Earth Resources 12242014).pdf

Jason,

Please see the attached SDS for Odor-X. If you have any more questions, please let me know.

Scott

Scott Tingelhoff
General Manager
AltEn, LLC
1344 County Road 10
Mead, NE 68041
Office: (402) 624-2000, ext. 1008
Direct: (402) 624-0900
Fax: (402) 624-2027
stingelhoff@mrgkc.com

From: Mary Tingelhoff <MTingelhoff@mrgkc.com>
Sent: Friday, May 22, 2020 10:52 AM
To: Scott Tingelhoff <stingelhoff@mrgkc.com>
Subject: Odor X - SDS

Mary Tingelhoff
Environmental Health & Safety
AltEn, LLC
1344 County Road 10
Mead, NE 68041
Office: (402) 624-2000, ext. 1005
Direct Line: (402) 624-0880
Fax: (402) 624-2027



SAFETY DATA SHEET

SECTION 1 – PRODUCT AND COMPANY IDENTIFICATION

PRODUCT NAME: **Odor-X**

Product Number: 9064

PRODUCT USE: A Liquid Matrix for Odor Control

CAS #: N/A

MANUFACTURER NAME & ADDRESS: Vital Earth/Carl Pool * 706 E Broadway * Gladewater, TX 75647

EMERGENCY PHONE NUMBERS: (903) 845-5985 (800) 245-7645

SECTION 2 – HAZARDS IDENTIFICATION

Non-Hazardous: A Liquid Matrix for Odor Control

Ingestion: Minimal hazard under normal conditions and use. Ingestion of large quantities may cause gastrointestinal comfort, vomiting, weakness, or other medical related problems.

Eye Contact: Very slightly irritating.

SECTION 3 – HAZARDOUS INGREDIENTS / IDENTITY INFORMATION

Product Description: A non-toxic, non-phytotoxic, fully natural multi-aqueous extract concentrate. Specifically prepared and distributed for described use in animal waste basins, sewage pits, canals, and lagoons designed to catch stockyard manure and runoff waters. Also, home septic systems and other offensive aqueous matrix of organic sources. Use as directed on the product label and/or literature that may be provided. Contents are given on the product label.

SECTION 4 – FIRST AID MEASURES

Ingestion: If ingested, give 2-3 glasses of water to dilute product. Seek medical attention if problem persists.

Inhalation: NA

Eyes: Flush eyes with water for at least 15 minutes. Seek medical attention if irritation persists.

Skin: Wash with soap and water.

SECTION 5 – FIRE FIGHTING MEASURES

Special firefighting Procedures: N/A Product is a non-combustible liquid.

SECTION 6 – ACCIDENTAL RELEASE MEASURES

Environmental Precautions: NA / Non-toxic, Non-phytotoxic, Non-accumulative.

Steps to be taken in case material is released or spilled: Comply with all applicable governmental regulations on spill reporting, and handling and disposal waste.

SECTION 7 – HANDLING AND STORAGE MEASURES

Handling: Use normal safety procedures and use good personal hygiene. Wash hands with soap and water after handling product. Avoid ingestion or contact with eyes or clothing.

Storage: Keep out of reach of children and animals. Preferably store at 40 to 90 degrees Fahrenheit, but undamaged up to 190 degrees Fahrenheit.

SECTION 8 – EXPOSURE CONTROLS / PERSONAL PROTECTION

Eyes and Face: Safety glasses with side shields or goggles is suggested.

Skin: No special protective clothing is necessary under normal use conditions.

Ventilation: Good and adequate ventilation is recommended due to pungent odor. Typical use is outdoors.

SECTION 9 – PHYSICAL AND CHEMICAL PROPERTIES

Corrosive: Very slightly
Caustic: Non-caustic
Flashpoint: Non-flammable
pH: 4.0 to 5.0 @ 25 degrees C.
Appearance: Brown colored liquid

Solubility in Water: Infinite
%Volatiles (by volume): Not applicable
Vapor pressure, mm Hg: Not applicable
Odor: Intensely pungent

SECTION 10 – STABILITY AND REACTIVITY

Stability: Stable
Incompatibility (Material to Avoid): None listed
Hazardous Decomposition Products: None
Polymerization: Will not occur

SECTION 11 – TOXICOLOGICAL INFORMATION

Acute Toxicity: No data for mixture.
Eye Irritation: Eye contact may produce irritation, tearing, or blinking as a foreign body in the eye.
Skin Irritation: May cause skin irritation in susceptible persons.
Inhalation: N/A
Ingestion: Ingestion may cause gastrointestinal irritation, nausea, vomiting and diarrhea.

SECTION 12 – ECOLOGICAL INFORMATION

Product Information: No ecological information is known on the product.
Environmental Precautions: Will have no adverse effects upon the environment, and will not damage water supplies, ponds, rivers, lakes or underground water sources.

SECTION 13 – DISPOSAL CONSIDERATIONS

Disposal Method: Wash with clean water into sewer, storm sewer, or best available drainage.

SECTION 14 – TRANSPORTATION INFORMATION

Shipping Name: Not DOT regulated
Hazard Class: None
Reportable quantity (RQ) None
Labels Required: Normal
Placard: None

SECTION 15 – REGULATORY INFORMATION

General Comments: Contact local authorities for proper disposal of large quantities of unused product.

SECTION 16 – OTHER INFORMATION

MANUFACTURER DISCLAIMER: The information contained herein is, to the best of the Manufacturer's knowledge and belief, accurate and reliable as of the date of the preparation of this document. However, no warranty or guarantee, express or implied, is made as to the accuracy or reliability, and the Manufacturer shall not be liable for any loss or damage arising out of the use thereof. In addition, the Manufacturer shall not be liable for any damage or injury resulting from abnormal use, from any failure to adhere to recommended practices or from any hazards inherent in the nature of the product.

Notice: How this product is used is very important and beyond the control of the seller. The buyer assumes all risk for any use beyond those described on the label or for any use under abnormal conditions.



Photograph #1

Date: May 22, 2020

Photographer: Jason Holsten

Camera: iPhone SE

Facility ID#: 84069

NEC: 051920-MP-1445

Subject: AltEn Complaint Investigation

Looking west, west of the office building, photograph taken to show that some of the super sacks of starch have been removed. Mr. Tingelhoff said they were moved to a location closer to the digester. I observed the sacks that were moved located east of the Biochar unit and next to super sacks of Biochar.



Photograph #2

Date: May 22, 2020

Photographer: Jason Holsten

Camera: iPhone SE

Facility ID#: 84069

NEC: 051920-MP-1445

Subject: AltEn Complaint Investigation

Looking north, photograph taken from the parking lot located west of the office building. Photograph showing the distiller's grain being stockpiled north of the office building and east of the hoop buildings which are the white buildings located on the left side of the photo.



Photograph #3

Date: May 22, 2020

Photographer: Jason Holsten

Camera: iPhone SE

Facility ID#: 84069

NEC: 051920-MP-1445

Subject: AltEn Complaint Investigation

Looking south, photograph showing the western edge of the distiller's grain being stockpiled west of the compost pads.



Photograph #4

Date: May 22, 2020

Photographer: Jason Holsten

Camera: iPhone SE

Facility ID#: 84069

NEC: 051920-MP-1445

Subject: AltEn Complaint Investigation

Looking west, photograph showing the eastern edge of the distiller's grain being stockpiled west of the compost pads.



Photograph #5
Date: May 22, 2020
Photographer: Jason Holsten
Camera: iPhone SE
Facility ID#: 84069
NEC: 051920-MP-1445
Subject: AltEn Complaint Investigation

Looking west, photograph taken to show one of four cattle that were observed loose during the investigation. This steer was located near the furthest south and west cattle pen.



Photograph #6
Date: May 22, 2020
Photographer: Jason Holsten
Camera: iPhone SE
Facility ID#: 84069
NEC: 051920-MP-1445
Subject: AltEn Complaint Investigation

Looking south, photograph showing distiller's grain being stockpiled in a new location. According to Mr. Tingelhoff, this location was on AltEn property and was located on the northeast corner of the site and to the east of the north Mead Cattle lagoon.





Photograph #7
Date: May 22, 2020
Photographer: Jason Holsten
Camera: iPhone SE
Facility ID#: 84069
NEC: 051920-MP-1445
Subject: AltEn Complaint Investigation



Looking west, southwest from the same vantage point as photograph 6, photograph taken showing the distiller's grain being stockpiled at this new location.



Photograph #8
Date: May 22, 2020
Photographer: Jason Holsten
Camera: iPhone SE
Facility ID#: 84069
NEC: 051920-MP-1445
Subject: AltEn Complaint Investigation

Looking south, photograph showing rows of distiller's grain located at the location mentioned in photographs 6 & 7.

	<p> Photograph #9 Date: May 22, 2020 Photographer: Jason Holsten Camera: iPhone SE Facility ID#: 84069 NEC: 051920-MP-1445 Subject: AltEn Complaint Investigation </p> <p>Looking south, photograph showing the western most rows/piles of distiller's grain located at the new storage location mentioned in photographs 6-8.</p>
	<p> Photograph #10 Date: May 22, 2020 Photographer: Jason Holsten Camera: iPhone SE Facility ID#: 84069 NEC: 051920-MP-1445 Subject: AltEn Complaint Investigation </p> <p>Looking southeast, photograph showing the western edge of the distiller's grain being stockpiled at the location mentioned in photographs 6-9.</p>

	<p>Photograph #11 Date: May 22, 2020 Photographer: Jason Holsten Camera: iPhone SE Facility ID#: 84069 NEC: 051920-MP-1445 Subject: AltEn Complaint Investigation</p> <p>Looking south, photograph showing the distiller's grain being stockpiled in an area north of the office building and east of the hoop buildings. The vantage point of this photograph was near the south side of the facility's southwest wastewater lagoon.</p>
	<p>Photograph #12 Date: May 22, 2020 Photographer: Jason Holsten Camera: iPhone SE Facility ID#: 84069 NEC: 051920-MP-1445 Subject: AltEn Complaint Investigation</p> <p>Looking south southwest from the same vantage point as photograph 11, photograph showing distiller's grain being stockpiled north of the office building. Also of note is recent dirt work and cleaning up of the area. Piles of distiller's grain appeared to be consolidated.</p>



Photograph #13
 Date: May 22, 2020
 Photographer: Jason Holsten
 Camera: iPhone SE
 Facility ID#: 84069
 NEC: 051920-MP-1445
 Subject: AltEn Complaint Investigation

Looking southwest from nearly the same vantage point as photographs 11 & 12, photograph taken to show the blue dust accumulated on the east side of the north hoop building. The blue dust is presumably colored coating from treated seed.



Photograph #14
 Date: May 22, 2020
 Photographer: Jason Holsten
 Camera: iPhone SE
 Facility ID#: 84069
 NEC: 051920-MP-1445
 Subject: AltEn Complaint Investigation

Looking northwest from near the same vantage point as photograph 13, photograph showing distiller's grain being stockpiled north of the north hoop building. The green area in the photograph is the southwest corner of the southwest wastewater lagoon.



Photograph #15
 Date: May 22, 2020
 Photographer: Jason Holsten
 Camera: iPhone SE
 Facility ID#: 84069
 NEC: 051920-MP-1445
 Subject: AltEn Complaint Investigation

Looking north from near the entrance road into the distiller's grain stockpile location located north of the office building.



Photograph #16
 Date: May 22, 2020
 Photographer: Jason Holsten
 Camera: iPhone SE
 Facility ID#: 84069
 NEC: 051920-MP-1445
 Subject: AltEn Complaint Investigation

Looking east, photograph showing presumably soil and/or cattle manure from Mead Cattle. Location is east side of County Road 9, approximately ½ mile north of Hwy 64. Complainant alleged AltEn was hauling and dumping distiller's grain at this location. NDEE Ag section confirmed with Mead Cattle that they hauled manure to this location.