

To: File

Through: Jeff Edwards, Compliance Unit Supervisor, Waste Management Section *JE.*

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

Date: January 29, 2019

RE: Notification of Environmental Concern (NEC) #012219-GL-1330  
 AltEn, LLC  
 1344 County Road 10  
 Mead, NE 68041

NDEQ ID: 84069

The Department received a complaint against AltEn on January 22, 2019. The complainant alleged that green corn piles were dumped on neighboring farm property and that strong odors were permeating their house. The complainant also said it was not like a feedlot smell and that the material was not disked in. The problem location given by the complainant was County Roads 7 & 8, off of Hwy 92, Yutan, NE.

I telephoned Dean Egr, AltEn, at 1100, on January 24, and left a voicemail message explaining we received a complaint and asking him to return my call. At approximately 1330, Scott Tingelhoff and Mr. Egr returned my call. We discussed the complaint and I asked them if the facility has been hauling wet distillers grain (WDG) to area farm fields. They confirmed that WDG has been hauled to area fields. I expressed my surprise that they were hauling this time of year with the ground frozen and asked them if this was normal. They said it was and explained that the material is typically hauled to fields as soon as crops are out up until spring, before planting season.

I inquired if any WDG was recently delivered near County Road 7 & 8. Mr. Egr said WDG was delivered to fields located approximately 2 miles north and 2 miles east of the AltEn facility and had been spread last week. He believed the WDG may have smelled when it was being spread out onto the fields but thought it should be frozen now and shouldn't really stink. I asked if they could provide a list of fields where the WDG was taken and Mr. Tingelhoff said they could get me that information by tomorrow.

I also asked Messrs. Tingelhoff and Egr to explain how WDG was delivered to fields from their facility. They said Settje Agri-Services pretty much handled everything. Settje arranged for the hauler to deliver the WDG to the field and was also responsible for spreading the material unless the farmer had their own spreader. Settje ensures the WDG is being spread at proper agronomic rates. I asked them if they received a label for the WDG from the Nebraska Department of Agriculture (NDA). They said that they did. I requested that they send me a copy of the label along with the location where WDG was delivered. I explained to Messrs. Tingelhoff and Egr



that this appeared to be an odor complaint and reminded them that the department does not have any regulations concerning odor.

On January 25, Mr. Tingelhoff emailed me the locations of where WDG had recently been land applied. He also include a copy of the label from NDA and an invoice which appears to show recent loads, to include amounts, of WDG hauled to area fields (Attachment I). I attempted to determine the parcel information for the locations listed in Mr. Tingelhoff's email from the Saunders County Assessor GIS website. A map showing these parcels is attached (Attachment II).

On January 28, I emailed Tim Creger, NDA, to confirm the legitimacy of the label information I received from Mr. Tingelhoff. Mr. Creger responded via email informing me that his Department has also being receiving complaints against AltEn. He did not address my question concerning the label. Mr. Creger shared information with me that he received from the Nebraska Game and Parks Commission. This information alleged that large quantities of seed corn were being dumped in a field west of a residence located at 1952 Co. Rd 10, Mead, NE. This large pile had a very foul smell emitting from it and the complainant observed sick raccoons walking away this grain pile. The complainant was concerned for the safety of the wildlife, future contamination to the soil and contamination of the nearby Upper Clear Creek which is about 100 yards away from the dumped grain site. The complainant said there were two locations of dumped grain; #1 – the material located west of the residence at 1952 Co. Rd 10, and #2 – a field just northwest of the intersection of Co. Rd 9 and Co. Rd P. Both locations were farmed by John Divis and located in Saunders County. Property information obtained from the Saunders County Assessor office website lists the owners as #1 – John & Katherine Divis and #2 – Paula & Jeffery Chostner (Attachment III).

On January 29, Mr. Creger and I conducted a site investigation at the two properties listed above. Joining us was Buzz Vance, NDA. A google map image identifying the locations where piles of material were observed is attached (Attachment IV). We arrived at the Chostner property located at the intersection of Co. Rd 9 and Co. Rd P at approximately 9:45 a.m. We proceeded to the location marked Chostner 1 where I observed numerous piles of what appeared to be WDG (Photographs 1 & 2). I did not observe seed corn as described in the complaint received by Mr. Creger. The odors near the pile were strong and I believed them to be similar to manure. It was later explained by Mr. Creger that he thought the odors were similar to that which you would smell with rotted grain. There was a creek south of the pile. I did not observe any dead wildlife. We then proceeded to the location marked Chostner 2 (Photographs 3-7). Again, the odors were similar to those explained earlier. The same creek mentioned previously was now located north of the pile. No dead animals were observed near this pile.

We next drove to the pile located on the Divis property, marked Divis on Attachment IV (Photographs 8-12). These piles also appeared to be WDG and no seed corn was observed. Similar type odors to the other piles was detected. The same creek mentioned earlier was located south of the piles. No dead animals were observed.

We then proceeded to Co. Rd 7, south of Hwy 92. We headed south on Co. Rd 7 one mile to Co. Rd L. We did not observe any WDG piles in any of the fields located west of Co. Rd 7. The section, Section 32, is bound by Co. Rd 8 to the west, Co. Rd. 7 on the east, Hwy 92 on the north and Co. Rd L on the south. The four properties listed in Mr. Tingelhoff's email where WDG was delivered to were located within this section.

On our way back to Lincoln we drove by AltEn. There was a large amount of presumably WDG being stored on the north end of the property, to the east of Co. Rd 10. Trucks were observed leaving the property with what appeared to be WDG. We did not contact any facility representatives at AltEn. We departed the area at approximately 10:40 a.m.

During our investigation, Mr. Vance collected a sample of WDG from the pile located at Chostner 1. Mr. Creger said the sample would be sent to their lab in South Dakota and the analysis conducted would be for pesticides.

Weather conditions as reported by the National Weather Service – Valley Office for Wahoo, NE at 10:15 a.m. on July 29 was: 7°F, North wind 16 mph with gusts to 24 mph, RH 62%.

On January 30, I contacted the complainant who filed the NEC. I discussed with them my observations from the complaint investigation. I informed them of the additional complaint information received by the NDA. I said material observed and associated with this complaint appeared to be WDG from AltEn. I described the odors I experienced near the piles. The individual commented how the smell was so bad at their residence that they've considered moving if it continues. They have lived in the area for 15 years and it's never been so bad. They are concerned about air quality. I explained that unfortunately the department does not have regulations concerning odors. I encouraged them to talk with any neighbors that receive WDG from AltEn and request from them that they disk it into the soil as soon as possible. I also encouraged the complainant to contact AltEn directly to raise any concerns as well as notify the Department if they have additional concerns.

Later that morning I contacted George Borreson, Saunders County Zoning Administrator to inquire about any regulations the county may have requiring the WDG to be incorporated into the soil within a certain amount of time. He informed me that they do not have any regulations requiring that.

On January 30 & 31, I received additional information from Buzz Vance, NDA, regarding questions I had on the label being applied to the WDG. After reviewing the information provided by Mr. Vance and speaking with him by telephone, it appears that the facility does have a label however, some required information is missing. Some of the missing information that is required are the active and inactive ingredients. In addition, though not required, the facility was encouraged to follow the recommendations of the American Association of Plant Food Control Office (AAPFCO). One of these recommendations included direction of use on the label for use of the product as a soil conditioner.

Attachment I – 1/25/19 Email from Scott Tingelhoff, AltEn, to Jason Holsten, NDEQ  
Attachment II – Saunders County Assessor's Parcel Information Map  
Attachment III- Saunders Co. Assessor Property Information for Divis & Chostner  
Attachment IV – Google Earth Image  
Attachment V - Photographs

**Attachment I**

**1/25/19 Email from Scott Tingelhoff, AltEn, to  
Jason Holsten, NDEQ**

**(3 pages)**



## Holsten, Jason

**From:** Scott Tingelhoff <stingelhoff@mrgkc.com>  
**Sent:** Friday, January 25, 2019 2:36 PM  
**To:** Holsten, Jason  
**Cc:** Dean Egr; Mary Tingelhoff  
**Subject:** AltEn, LLC - information requested  
**Attachments:** Distiller's Grain Label.pdf; Simon Trucking Bill - Pleskac Field.pdf

**Importance:** High

Jason,

The information you requested is below. I have attached the Distiller's Grain label as well as the delivery log.

**Parcels:**

All on section 32, township 15 north, 9 east

Deborah Virgl, NW 1/4, SE 1/4 004015500

Deborah Virgl, part of the NE 1/4, NW 1/4 004014501

Cynthia Pleskac, part of the NE 1/4, SW 1/4 Parcel 004017502

Mary & Corey Sorensen, part of the SE 1/4, NW 1/4 Parcel 004014503 and/or 004014504

Spread on 1/16/2019.

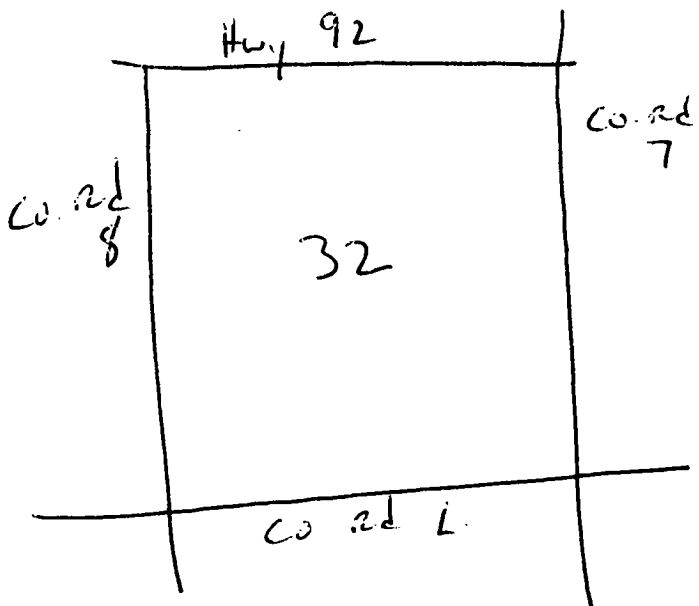
1700 tons on 85 acres

*Reed right to left*

If you have any additional questions, please let me know.

Scott

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



# Distiller's Grain

**Guaranteed Analysis:** May supply nitrogen, phosphorous, potassium, and other organic matter

**Propose of the Product:** Soil amendment intended to improve soil structure. This soil amendment is not intended for use as feed.

**Directions for Application:** Surface apply to desired rate prior to next cropping cycle.

**AltEn, LLC, 1344 County Road 10, Mead, Nebraska 68041**

**Net Weight:** Bulk by the ton

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DANS' TRUCKING, INC  
P.O. BOX 75  
ITHACA, NE 68033

INVOICE\_\_\_\_\_

NAME\_\_\_\_Settje ag

1-24-19

ADDRESS\_\_\_\_\_

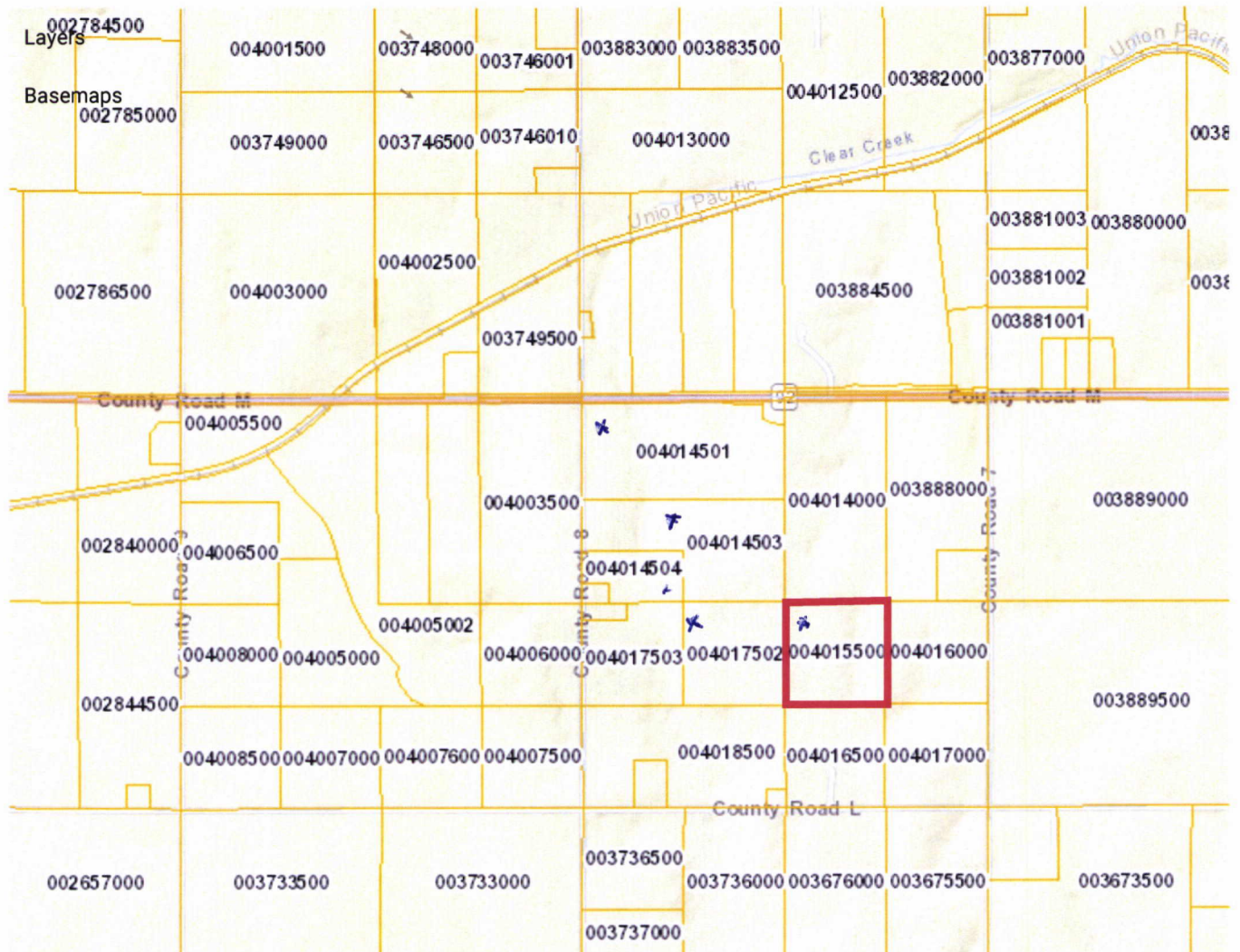
\_\_\_\_\_  
Pleskac hwy field

PHONE\_\_\_\_\_

11/27	5 loads		
11/28	20 loads		
11/29	8 loads		
1/3/2019	10 loads		
1/4/2019	5 loads		
1/10	5 loads		
1/11	18 loads		
	71 loads @25 tons. 1775T	2.35	\$3,995.00
TOTAL DUE:			\$3,995.00

PLEASE PAY FROM THIS INVOICE. YOU WILL NOT RECEIVE A STATEMENT. TERMS ARE NET  
DUE UPON RECEIPT UNLESS SPECIFIC ARRANGEMENTS ARE MADE. FINANCE CHARGE OF  
1 1/2% PER MONTH, WHICH IS AN ANNUAL REATE OF 18%, MAY BE ADDED TO THE AMOUNT  
OVER 30 DAYS

**Attachment II**  
**Saunders County Assessor's**  
**Parcel Information Map**  
**(1 page)**



Lat: 41.236937 Long: -96.433420



### **Attachment III**

**Saunders County Assessor Property Information  
for Divis & Chostner**

**(6 pages, double-sided)**



Lat: 41.285419 Long: -96.470607





1/29/2019

Saunders County Assessor



Parcel Information	
<b>Parcel ID</b>	002741000
<b>Links</b>	
<b>Current Owner</b>	DIVIS, JOHN A & KATHERINE J
<b>Mailing Address</b>	1746 COUNTY ROAD 11 MEAD, NE 68041-4001
<b>Situs Address</b>	
<b>Tax District</b>	172
<b>School District</b>	6146 (MEAD 72)
<b>Legal Description</b>	E 1/2 SE 11-15-8 (80 ACRES)

Current Value Information			
<b>Land Value</b>	<b>Dwelling Value</b>	<b>Improvement Value</b>	<b>Total Value</b>
\$354,600	\$0	\$0	\$354,600

Prior Year Value Information				
<b>Year</b>	<b>Land Value</b>	<b>Dwelling Value</b>	<b>Improvement Value</b>	<b>Total Value</b>
2017	354,600	0	0	354,600

1/29/2019

Saunders County Assessor



Yearly Tax Information		
Year	Amount	Levy
2018	\$4,914.68	1.489779

2018 Tax Levy	
Description	Rate
COUNTY GENERAL	0.226341
COUNTY BLDG	0.002568
COUNTY FLOOD CONTROL	0.001971
COUNTY-BONDS ONLY	0.026633
MEAD GENERAL	0.788775
MEAD K-12 INSURANCE BOND	0.000000
MEAD #72 TECH BOND 2013	0.000000
MEAD #72 TECH BOND 2015	0.000000
MEAD BOND (TECHNOLOGY 2017)	0.021184
#72 SPECIAL BLDG	0.139972
MEAD 72 QCP (IMP) 2014	0.033293
ESU #2 GENERAL	0.015000
ESU #2 BOND	0.000000
TECH COLLEGE GENERAL	0.070700
SE COM COL CAP IMPT FUND	0.020000
SE COMM COL ADA/HAZ WASTE	0.000000
PLATTE NORTH GENERAL	0.036213
MEAD GENERAL	0.019999
MEAD AMBULANCE	0.000401
MEAD SINKING FUND	0.019600
MEAD BOND	0.016860
MARIETTA TWP GENERAL	0.043048
AG SOCIETY	0.006402
AG SOCIETY IMPROVEMENT FUND	0.000819

Sales Information					
Sale Date	Sale Price	Book & Page	Seller	Buyer	Other Parcels
05/09/2011	\$448,000.00	405 / 789	OUTLAW LAND COMPANY LLC	DIVIS, JOHN A & KATHERINE J	
03/06/2008	\$1.00	367 / 883	14568		
10/11/2007	\$1.00	362 / 1145	14614		
10/10/2007	\$1.00	362 / 1142	14613		
03/11/1999	\$1.00	359 / 811	14612		

1/29/2019

Saunders County Assessor



Agricultural Land Information						
Soil Symbol	Soil Desc	Landuse	LVG	Unit Value	Acres	Total Value
7646	7646-YUTAN ERODED-JUDSON COMPLEX 6-11% SLOPES	DRY	3D	N/A	4.08	16,565
7750	7750-NODAWAY SILT LOAM-OCCASIONALLY FLOODED	DRY	2D1	N/A	8.49	46,016
ROAD	ROAD	ROAD		N/A	2.92	0
8125	8125-POHOCCO SILTY CLAY LOAM 6-11% SLOPES-ERODED	DRY	3D	N/A	58.39	257,500
7231	7231-JUDSON SILT LOAM 2-6% SLOPES	DRY	1D	N/A	6.12	34,517
7646	7646-YUTAN ERODED-JUDSON COMPLEX 6-11% SLOPES	DRY	3D	N/A	0	2

Photo	





Lat: 41.283035 Long: -96.453887



1/29/2019

Saunders County Assessor



Parcel Information	
<b>Parcel ID</b>	002745500
<b>Links</b>	
<b>Current Owner</b>	CHOSTNER, PAULA J & JEFFERY E
<b>Mailing Address</b>	202 W PITKIN AVE PUEBLO, CO 81004-0000
<b>Situs Address</b>	
<b>Tax District</b>	172
<b>School District</b>	6146 (MEAD 72)
<b>Legal Description</b>	BAL SE 12-15-8 (148.005 ACRES)

Current Value Information			
<u>Land Value</u>	<u>Dwelling Value</u>	<u>Improvement Value</u>	<u>Total Value</u>
\$683,490	\$0	\$0	\$683,490

Prior Year Value Information				
<u>Year</u>	<u>Land Value</u>	<u>Dwelling Value</u>	<u>Improvement Value</u>	<u>Total Value</u>
2017	683,490	0	0	683,490

1/29/2019

Saunders County Assessor



Yearly Tax Information		
Year	Amount	Levy
2018	\$9,472.98	1.489779

2018 Tax Levy	
Description	Rate
COUNTY GENERAL	0.226341
COUNTY BLDG	0.002568
COUNTY FLOOD CONTROL	0.001971
COUNTY-BONDS ONLY	0.026633
MEAD GENERAL	0.788775
MEAD K-12 INSURANCE BOND	0.000000
MEAD #72 TECH BOND 2013	0.000000
MEAD #72 TECH BOND 2015	0.000000
MEAD BOND (TECHNOLOGY 2017)	0.021184
#72 SPECIAL BLDG	0.139972
MEAD 72 QCP (IMP) 2014	0.033293
ESU #2 GENERAL	0.015000
ESU #2 BOND	0.000000
TECH COLLEGE GENERAL	0.070700
SE COM COL CAP IMPT FUND	0.020000
SE COMM COL ADA/HAZ WASTE	0.000000
PLATTE NORTH GENERAL	0.036213
MEAD GENERAL	0.019999
MEAD AMBULANCE	0.000401
MEAD SINKING FUND	0.019600
MEAD BOND	0.016860
MARIETTA TWP GENERAL	0.043048
AG SOCIETY	0.006402
AG SOCIETY IMPROVEMENT FUND	0.000819



1/29/2019

Saunders County Assessor



Sales Information					
Sale Date	Sale Price	Book & Page	Seller	Buyer	Other Parcels
03/30/2018	\$379,867.00	502 / 822	CHOSTNER, PAULA J & JEFFREY E (ETAL)	CHOSTNER, PAULA J & JEFFREY E	
01/28/2015	\$0.00	458 / 627	CHOSTNER, PAULA J (ETAL)	CHOSTNER, PAULA J & JEFFREY E	
02/09/2007	\$182,000.00	354 / 495	JAKUBOWSKI, CHERYL M & PAUL L	CHOSTNER/PAULA J (ETAL)	
09/21/2004	\$0.00	318 / 395	CHOSTNER, PAULA J (ETAL)		
03/02/2000	\$0.00	242 / 719	BEZOUSEK, CYNTHIA A		
12/30/1997	\$17,500.00	216 / 814	13843		

Agricultural Land Information						
Soil Symbol	Soil Desc	Landuse	LVG	Unit Value	Acres	Total Value
7646	7646-YUTAN ERODED-JUDSON COMPLEX 6-11% SLOPES	DRY	3D	N/A	50.48	204,949
7646	7646-YUTAN ERODED-JUDSON COMPLEX 6-11% SLOPES	GRASSTREE1		N/A	5.99	3,594
ROAD	ROAD	ROAD		N/A	3.53	0
7647	7647-YUTAN ERODED AKSARBEN SILTY CLAY LOAMS 2-6%	DRY	2D1	N/A	7.49	40,596
7231	7231-JUDSON SILT LOAM 2-6% SLOPES	DRY	1D	N/A	34.29	193,396
8125	8125-POHOCCO SILTY CLAY LOAM 6-11% SLOPES-ERODED	DRY	3D	N/A	3.22	14,200
7231	7231-JUDSON SILT LOAM 2-6% SLOPES	GRASSTREE1		N/A	1.31	786
7750	7750-NODAWAY SILT LOAM-OCCASIONALLY FLOODED	DRY	2D1	N/A	41.69	225,960
7646	7646-YUTAN ERODED-JUDSON COMPLEX 6-11% SLOPES	DRY	3D	N/A	0	9

Photo	


**Attachment IV**  
Google Earth Image  
(1 page)



# NEC #012219-GL-1330

Complaint Investigation completed 1/29/19  
AltEn, LLC NDEQ ID# 84069

## Legend


 Chostner


10

 Divis

Q

9

 Chostner 1

 Chostner 2

Google Earth

© 2018 Google



3000 ft



**Attachment V**  
**Photographs**  
**(6 pages)**



Photograph 1  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking north, photograph showing piles of wet distiller's grain (WDG) located on property owned by Paula & Jeffery Chostner. This location is identified as "Chostner 1" on the Google Earth image (Attachment IV).



Photograph 2  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Another photograph showing the WDG mentioned in Photograph 1.





Photograph 3  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking north from the intersection of Co. Rd 9 & Co. Rd P. Observable on the left side (west) of Co. Rd 9 are piles of WDG. These piles are also located on the Chostner property but this location is identified as "Chostner 2" on the Google Earth Image (Attachment IV).



Photograph 4  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Photograph showing a closer view of the WDG mentioned in Photograph 3.





Photograph 5  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking northwest, from the intersection of Co. Rd 9 & Co. Rd. P, a zoomed in image of the piles of WDG mentioned in Photographs 1 & 2 (Chostner 1).



Photograph 6  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking northwest, from the intersection of Co. Rd 9 & Co. Rd P, a view showing the WDG mentioned in the previous photograph (left/background) as well as the WDG mentioned in photographs 3 & 4 (right-middle /foreground).





Photograph 7  
Date: January 29, 2019  
Photographer: Tim Creger, Nebraska Dept. of Ag  
Camera: Unknown  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Photograph showing the road marker for Co. Rd 9 & Co. Rd P.



Photograph 8  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking southwest from Co. Rd 10, photograph showing WDG piles located on property owned by John & Katherine Divis. This pile is annotated as "Divis" on the Google Earth Image (Attachment IV).





Photograph 9  
Date: January 29, 2019  
Photographer: Tim Creger, Nebraska Dept. of Ag  
Camera: Unknown  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Looking south, photograph showing the WDG piles mentioned in the previous photograph. Observable on the left side of the photograph is Co. Rd. 10 for perspective.



Photograph 10  
Date: January 29, 2019  
Photographer: Jason Holsten  
Camera: Nikon Coolpix L810  
IIS# 84069, IWM Permit # NE0204447  
NEC# 012219-GL-1330  
Subject: AltEn, LLC Complaint Investigation

Photograph showing a closer view of the WDG piles mentioned in photographs 8 & 9. A creek traversed the property and was located just behind the piles where trees are observable (middle of photograph).





Photograph 11  
 Date: January 29, 2019  
 Photographer: Jason Holsten  
 Camera: Nikon Coolpix L810  
 IIS# 84069, IWM Permit # NE0204447  
 NEC# 012219-GL-1330  
 Subject: AltEn, LLC Complaint Investigation

Address marker for 1952 Co. Rd 10. This sign was for the farmstead mentioned in photograph 12.



Photograph 12  
 Date: January 29, 2019  
 Photographer: Jason Holsten  
 Camera: Nikon Coolpix L810  
 IIS# 84069, IWM Permit # NE0204447  
 NEC# 012219-GL-1330  
 Subject: AltEn, LLC Complaint Investigation

Looking northeast, photograph showing the WDG pile located on the Divis property and mentioned in photographs 8-10. In the background of the photograph is the farmstead located at 1952 Co. Rd 10.