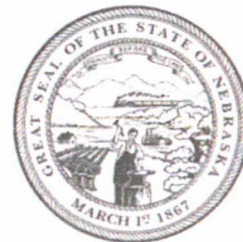


NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Pete Ricketts, Governor

February 16, 2021

Return Receipt Requested

Tanner Shaw, President
Capital Corporate Services, Inc.
Suite 800
1125 South 103rd Street
Omaha, NE 68124

Letter of Noncompliance (LNC)

RE: AltEn, LLC

NDEE ID: 84069

Program ID: NER910444

Dear Mr. Shaw:

This Letter of Noncompliance (LNC) is being issued to you for documented violations of Title 119 - *Rules and Regulations Pursuant to the Issuance of Permits under the National Pollutant Elimination System (NPDES)*. The violations were determined during a site visit conducted on February 1, 2021. The storm water inspection report is enclosed.

A. Failure to meet conditions of the Industrial Storm Water General Permit NER910000 (ISW-GP).

1. Industrial storm water control best management practices (BMPs) are not in use or maintained to meet the Non-Numeric Technology Effluent Limits in ISW-GP, Section 2.1.2.
 - a. Continuing violation of unlabeled totes and multiple unsecured hoses are observed throughout the facility. This violation is presented in the October 2, 2020 LNC.
 - b. There is spilled treated seed, and deposited green dust and chaff observed on the east side of the Hoop building (*Feed Stock Storage*).
 - c. There is spilled treated seed, and green dust and chaff observed on the snow and cement near the seed unloading/storage area.
 - d. There are no BMPs evident to control storm water runoff from the east wet cake pile.

These are violations of Title 119, Chapter 14, Section 001.01.

Regulations that have been referenced are available online at the Department's website:

<http://dee.ne.gov>

Department of Environment and Energy

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Jim Macy, Director

OFFICE 402-471-2186 FAX 402-471-2909

ndee.moreinfo@nebraska.gov



In order to cease and/or mitigate these violations, the Department requests that you:

1. **Violation A.1.a – Immediately** plainly label totes as described in Section 5.4 of your SWPPP. Place unsecured hoses in containment when not in use. Promptly follow SWPPP housekeeping procedures for any material spilled from the hoses.
2. **Violations A.1.b.c – Immediately** implement SWPPP Section 4.1, *Storm Water Generation, Feed Stock Storage*. Minimize pollutants by implementing the good housekeeping measures described in SWPPP Section 5.1 Good Housekeeping Measures. These measures include but are not limited to: proper storage/disposal of materials, frequent garbage disposal, oversight of product transfer and prompt cleanup of spills.
3. **Violations A.1.a.b.c – By March 1, 2021**, provide a corrective action report (CAR) and photographic documentation for these violations. The CAR must include a description of how your SWPPP is implemented or modified to eliminate the reoccurrence of the noncompliance.
4. **Violations A.1.d – By March 1, 2021** provide photographic documentation that the east wet cake storage area is protected by berms as described in Section 6.1.2 of your SWPPP.

The Department requests that you voluntarily comply with these corrective measures. These violations may be considered for further enforcement action. We will evaluate your prompt compliance and will consider your efforts to determine if enforcement action is warranted. Enforcement action may include issuance of an administrative order, or referral to the Attorney General for penalties of up to \$10,000 per day per violation, and/or injunctive relief.

Please direct all contacts and any written response to this LNC to:

Mark Pomajzl, Inspector
NPDES Compliance Section
245 Fallbrook Blvd.
P.O. Box 98922
Lincoln, NE 68509-8922
Phone 402-471-2936
mark.pomajzl@nebraska.gov

Sincerely,



Brad Pracheil
Division Administrator
Inspection and Compliance Division

BP/map/rsa

enclosures