

NEBRASKA

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DEPT. OF ENVIRONMENT AND ENERGY



Pete Ricketts, Governor

Return Receipt Requested

FEB 17 2021

Scott Tingelhoff, General Manager
AltEn, LLC
Capital Corporate Services, Inc.
1125 South 103rd Street
Suite 800
Omaha, NE 68124

RE: AltEn, LLC
NDEE ID: 84069
Program ID: 021221-NH-0845
Letter of Noncompliance

Dear Mr. Tingelhoff,

On Feb. 12, you reported a discharge of thin stillage and digester wastes from a 4-million gallon tank located on the AltEn property near Mead, Nebraska resulting from a broken pipe. These wastes were discharged to a road ditch and traveled off the AltEn property to neighboring property and waters of the State in violation of Neb. Rev. Stat. § 81-1506(1) which makes it unlawful to cause pollution of any air, waters, or land of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, waters, or land of the state. NDEE inspectors observed and documented the uncontrolled discharge.

The Department has determined that the following mitigating action must be taken to correct these violations. You are required to complete the following tasks and provide written confirmation of completion to me by the date indicated. Mitigation must include:

1. Immediately:

- A. Take action to prevent further migration of the digester material. Construct and maintain secure barriers to prevent further migration of digester material downstream. The final barrier ("Furthest extent of spill observed", see enclosed) will be located directly below the farthest downstream migrated material location. Monitor existing and constructed barriers daily for integrity and effectiveness.



- B. Take action to construct and maintain secure barriers to prevent migration of digester material from AltEn, LLC property.
- C. Take action to construct secondary containment for the second digester. Conduct and document hourly inspections of the digester for leaks or potential failure. Take action to correct leaks or potential failure upon discovery.
- D. Take action to prevent the comingling of snow melt with digester material. Clear accumulated snow and new snowfall away from digester material. Locate the snow where melt water will not comingle with released material. Snow contaminated or in contact with released material is considered part of the release.

2. By 12:00 p.m., February 18, 2021:

- A. Provide a written plan describing the recovery and transportation of released digester material. Identify the method and location of disposal for this material. Include the start date of activity and a daily schedule of implementation.
- B. Provide a plan to prevent a discharge from the second digester. Describe the recovery and disposal of material discharged to the containment. Describe the planned action to contain and recover a discharge breaching the containment.

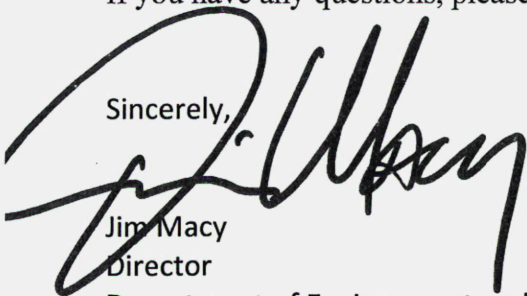
Notify the Department directly upon each completion of requests 1.A – 1.D. Provide the documentation requested in 2.A and 2.B to the Department at:

Brad Pracheil
Division Administrator for Inspection and Compliance
Department of Environment and Energy
245 Fallbrook Boulevard
Lincoln, NE 68509-8922
Brad.Pracheil@nebraska.gov

These violations are High Priority Violations and your immediate action is required. Further remedial action may be required and enforcement action may be considered including cost recovery.

If you have any questions, please contact Brad Pracheil at (402)-471-4141.

Sincerely,



Jim Macy
Director

Department of Environment and Energy



CONTAINMENT STRUCTURE - FURTHEST POINT of TRAVEL 14 FEB 2021 (41.142576 N; 96.425642 W)

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