



APR 24 2019

Return Receipt Requested

Mr. Tanner Shaw, President
AltEn, LLC
1344 Country Road 10
Mead, Nebraska 68041

Notice of Violation (NOV)

RE: AltEn, LLC

NDEQ ID: 84069

Program ID: NE0137634, NER910444

Dear Mr. Shaw:

This Notice of Violation is being issued to you for a violation of NDEQ *Title 123, Rules and Regulations for the For the Design, Operation and Maintenance of Wastewater Works*. The violations were observed during a sampling event of AltEn, LLC conducted April 8, 2019.

The Department documented the following:

- A. Failure to comply with operation and maintenance requirements.** The synthetic liner in the west storage lagoon (Pond Cell #3) is damaged. Animal burrows are evident on the south and north dike of that cell. These are violations of Title 123, Chapter 11, Section 008.05, 008.06 and Title 119 Chapter 14, Section 001.05

Regulations that have been referenced are available online at the Department's website:
<http://deq.ne.gov>

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

- 1. Within 15 days from the receipt of this notification**, submit written documentation to the Department the animal burrows are repaired; and written documentation to Department the cause of the damage to the lagoon liner, what repairs are required to bring the liner in to compliance with Title 123, and a timeline for implementing those repairs.

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 NOV to:

**Mark Pomajzl, Program Specialist
NDEQ Water Quality Division
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
Phone 402-471-8330**

Sincerely,

A handwritten signature in black ink that reads "Shelley Schneider". The signature is written in a cursive, flowing style with a checkmark-like flourish at the end.

Shelley Schneider, Administrator
Water Permits Division

Enclosure

cc: Brett Anderson, NDEQ
Scott Tingelhoff, AltEn, LLC