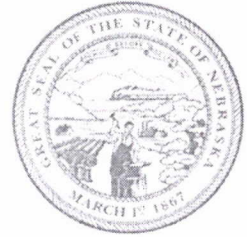


NEBRASKA

Good Life. Great Resources.

DEPT. OF ENVIRONMENT AND ENERGY



Pete Ricketts, Governor

Return Receipt Requested

May 1, 2020

Capital Corporate Services, Inc.
Suite 800
1125 S. 103rd Street
Omaha, NE 68124

Notice of Violation (NOV)

RE: AltEn, LLC

NDEE ID: 84069

Program ID: NER910444

Dear Mr. Shaw

This Notice of Violation 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 complaint investigation and file review conducted on April 3, 2020. The Department documented the following:

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

1. The facility has not updated the following sections of the Storm Water Pollution Prevention Plan (SWPPP) as required by Section 3.1 of the ISW-GP.
 - a. SWPPP Section 4.1, Storm Water Generation (Wet Cake Loadout and Storage Areas), does not adequately cover unpermitted or not eligible discharges as required in Section 1.1.4.1 of the ISW-GP. Wet cake containing pesticides is not addressed in this section.
 - b. SWPPP Section 4.2, Storm Water Outfalls, states that storm water that falls north of the facility near the wet cake holding berms will flow along the southeastern edge of the southeast lagoon and then to outfall 002. Existing site conditions indicate this is incorrect.
2. Industrial storm water measures are not in use or maintained as required by Part 2.1 of the ISW-GP. The following is observed at the site.
 - a. An unidentified culvert has discharged liquid material from the wet cake storage area into the ditch along County Rd 10.

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 provide the following:

1. **Violation A.1.a-Within 30 days from the receipt of this notification**, provide a Corrective Action Report (CAR) documenting how unpermitted discharges from wet cake containing pesticides are being addressed in accordance with the ISW-GP, Section 1.1.4.1.
2. **Violation A.1.b-Within 30 days from the receipt of this notification**, verify in writing that your SWPPP, Section 4.2, contains the following statement: "Storm water that flows on the berm located on the northeast corner of the northwest lagoon flows northeast along the north side of the north lagoon."
3. **Violation A.2.a-Within 30 days from the receipt of this notification**, provide a CAR that documents that the observed culvert located on the west side of the Hoop building has been listed on the Material Inventory Form; change the form to list the Wet Cake Storage Bermed Areas from a moderate to high potential to impact storm water; and the CAR must also include storm water controls installed to prevent discharges from the observed culvert.

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, Inspector
NDEQ Water Quality Division
1200 N Street, Suite 400
P.O. Box 98922
Lincoln, NE 68509-8922
Phone 402-471-2023

Sincerely,



Shelley Schneider
Water Permits Division Administrator
Nebraska Department of Environmental Quality

MAP/rsa

cc: Tanner Shaw, AltEn, LLC
Scott Tingelhoff, AltEn, LLC