

JUN 14 2021



Pete Ricketts, Governor

AltEn Facility Response Group
c/o Mr. Mark Bowers
5000 CentreGreen Way, Suite 400
Cary, NC 27513

RE: AltEn, LLC
IIS# 84069
Program ID: RAP 36-336-4975
Subject: Comments on Voluntary Cleanup Program (VCP) Application

Dear Mr. Bowers:

The Nebraska Department of Environment and Energy (NDEE) has received the VCP application and Memorandum of Agreement for the above referenced site. The NDEE has identified the following discrepancies in the application form:

1. Section E – Nature of Potential Contamination, known and potentially contaminated media on site, page 5: The answer selected for Groundwater media is “Potential”. This should be selected as “Yes” based on the lagoon quarterly groundwater monitoring data collected from monitoring well MW-4 in October 2020 and March 2021. Please also include this data in the table of contaminants on page 6 of the application. The quarterly monitoring reports should also be identified in Section G – Investigation/Remedial Action Status on page 9. In addition, the answers selected for Surface Water and Sediment media is “Potential”. Both media should be selected as “Yes” based on the NDEE, EPA Region 7 and AltEn spill response sampling data collected in February and March, 2021.
2. Contaminants listed in the table on pages 6-7 of the application have data that may need to be revised. Attached to this letter is a revised table with contaminants highlighted in yellow and data of concern in red font. These include the following concerns:
 - a. The Department is not aware of any existing analytical data for multiple contaminants listed as “ND”. For example, the results for carbendazim for both lagoon wastewater and wet cake are listed as “ND”. Unless more sampling has been completed, the Department does not have any existing data for carbendazim in the lagoon wastewater or wet cake. In these situations where no data exists, please use “Unknown” instead of “ND”. “ND” indicates that a sample was collected for analysis for a particular contaminant and the contaminant was not present at a concentration above the “Limit of Detection” for the analytical method. Therefore, if no analysis has been completed for a particular contaminant, “ND” should not be used.



- b. Some of the data are different than the data the Department has on file. The maximum concentrations detected in each media based on the data the Department has on file are included in the table for your reference.
3. Five additional pesticide contaminants have been added to the table. These were included in a letter from the Department to AltEn, LLC on April 9, 2021 that outlined the sampling requirements for pilot testing of the wastewater treatment system at the facility. These are highlighted in grey.
4. Question 12 on page 8 asks if the property was subject to the jurisdiction, custody, or control of the federal government. The answer selected in "Unknown." This should be selected as "No."
5. Question 16 on page 8 asks if the property has ever been a Nebraska Title 118 investigation site. The answer selected is "Unknown." This should be selected as "Yes."

Please address the discrepancies and resubmit the revised application within sixty (60) days from the date of this letter.

As you may know, a Remedial Action Plan prepared for participation in the VCP should include an Investigation Report that documents a complete investigation of the full nature and extent of contamination associated with the site. NDEE has identified the investigation activities that would fulfill a VCP investigation in the Environmental Site Investigation letter addressed to Mr. Scott Tingelhoff, AltEn, LLC dated April 14, 2021. (NDEE Document ID #20200049844.). This letter requested preparation of a Step 6/Step 7 site assessment work plan under Title 126 – Rules and Regulations Pertaining to the Management of Wastes, Chapter 18 and Title 118 – Groundwater Quality Standards and Use Classification (Appendix A, Step 6, and Attachment A and Step 7, and Attachment B). NDEE has also prepared a VCP Guidance Document <http://dee.ne.gov/Publications/pages/05-162> that provides guidance on conducting a VCP investigation. NDEE requests that a VCP investigation workplan and field work and investigation reporting schedule be submitted within ninety (90) days of acceptance into the program. In addition, NDEE is requesting within ninety (90) days of acceptance into the program, a description of the activities and schedule for the interim measures to be conducted as part of the Remedial Action Plan, as well as a schedule for submittal of the Remedial Action Plan.

If you have any questions about the VCP process, please feel free to contact me at (402) 471-6411 or taryn.serwatowski@nebraska.gov. We look forward to working with you.

Sincerely,



Taryn Serwatowski
Brownfields and VCP Coordinator
Superfund/VCP Section
Monitoring and Remediation Division

Pesticide	Included in VCP Application		Based on Data Available to NDEE		
	Lagoon Wastewater (ug/L)	Wet Cake (ug/kg)	Lagoon Wastewater (ug/L)***	Wet Cake (ug/kg)	Spill (ug/L)****
Abamectin	337	3220	377*	3220	800
Acetamiprid	ND	ND	ND	ND	ND
Azoxystrobin	99	2740	581	2740	ND
Bifenthrin	ND	ND	<5	ND	ND
Brassinazole	ND	ND	ND	ND	ND
Captan	-	-	Unknown	Unknown	ND
Carbendazim	ND	ND	Unknown	Unknown	ND
Carboxin	ND	ND	Unknown	Unknown	ND
Chlorantraniliprole	ND	ND	Unknown	Unknown	55
Chlorpyrifos (Chlorpyrifos-ethyl)	ND	ND	<5	ND	ND
Chlorpyrifos-methyl	ND	ND	ND	ND	ND
Clothianidin	58,400	217,000	58,400	427,000**	540
Cyantraniliprole	ND	ND	Unknown	Unknown	ND
Cyfluthrin 1-4	ND	ND	ND	ND	ND
Cyhalothrin 1-2	ND	ND	<5	ND	ND
Cypermethrin 1-4	ND	ND	ND	ND	ND
Cyproconazole	ND	ND	ND	ND	ND
Deltamethrin 1-2	ND	ND	<5	ND	ND
Desthio-prothioconazole	ND	3180	ND	3180	38.9
Difenoconazole	ND	1730	66.2	1730	50
Dimoxystrobin	ND	ND	ND	ND	ND
Dinotefuran	ND	ND	ND	ND	ND
Epoxiconazole	ND	ND	ND	ND	ND
Ethaboxam	ND	ND	Unknown	Unknown	ND
Fluconazole	ND	ND	ND	ND	ND
Fludioxonil	ND	ND	Unknown	1990**	340
Fluoxastrobin	ND	62,700	735	62,700	47
Glufosinate	13.1	147	86.7	147	ND
Glyphosate	2060	ND	2060*	ND	140
Imidacloprid	108	1060	312	1060	ND
Ipconazole	5.68	7400	181	7400	23.1
Isavuconazole	ND	ND	ND	ND	ND
Itraconazole	ND	ND	ND	Unknown	Unknown
Mancozeb	-	-	Unknown	Unknown	ND
Metalaxyl/Mefenoxam	ND	ND	Unknown	1730	110
Metconazole	ND	23.6	<5	23.6	ND
Nitenpyram	ND	ND	ND	ND	ND
Orysastrobin	ND	ND	ND	ND	ND
Penflufen	-	-	Unknown	Unknown	Unknown
Permethrin 1-2	ND	ND	ND	ND	ND
Picoxystrobin	ND	ND	ND	ND	ND
Posaconazole	ND	ND	ND	ND	Unknown
Propiconazole	29.1	ND	726	<5**	<5
Prothioconazole	ND	8620	150	8620	4700
Pyraclostrobin	ND	494	ND	494	ND
Ravuconazole	ND	ND	ND	ND	ND



Sedaxane	ND	ND	Unknown	Unknown	Unknown
Sulfonic acid prothioconazole	ND	303	<5*	303	7.45
Tebuconazole	213	20,600	2,330	20,600	1300
Tetraconazole	ND	ND	ND	ND	ND
Tioxazafen	ND	ND	Unknown	Unknown	Unknown
Thiabendazole	8450	49,200	39,700	55,600	9000
Thiacloprid	ND	ND	ND	ND	ND
Thiamethoxam	35,400	154,000	35,400	154,000	94.4
Thiram	-	-	Unknown	Unknown	ND
Thiophanate-methyl	ND	ND	Unknown	Unknown	ND
Tolclofos-methyl	-	-	Unknown	Unknown	Unknown
Trifloxystrobin	58.2	5010	737	5,640**	ND
Uniconazole	ND	ND	ND	ND	ND
Voriconazole	ND	ND	ND	ND	ND

*Based on wastewater influent concentration prior to treatment/filtration. This treatment occurred following the digester spill on 2/12/2021. Samples were collected on 2/28/2021, 3/3/2021, 3/8/2021, and 3/23/2021. The source of this wastewater is unclear so this value may not be representative of the wastewater in the three-celled industrial wastewater lagoon system or the emergency overflow lagoon.

**Based on data obtained from wet cake sampling conducted by the Nebraska Department of Agriculture on 3/29/2019.

***Maximum concentration of each analyte detected in the facility's wastewater lagoons. Samples have been collected from the three-celled industrial lagoon system (sampling dates of 4/8/2019, 11/12/2019, and 7/30/2020) as well as the emergency overflow lagoon (sample date of 4/8/2019). Moreover, influent samples were collected prior to treatment/filtration following the February 12, 2021 spill to determine the efficacy of the treatment system. If the result in this column has one asterisk following the value, then it is from that sample (see * above). Otherwise, it is from a sample collected from the three-celled industrial lagoon system or the emergency overflow lagoon.

****Maximum concentration of each analyte detected in sampling (completed by NDEE, EPA, and AltEn) associated with the digester spill on 2/12/2021.

