



August 17, 2021

Senator Carol Blood, District 3
State Capitol Building, Room 1021
Lincoln, NE 68509

Dear Senator Blood:

The Department of Environment and Energy (NDEE) has received your second letter of inquiry regarding the situation at AltEn, LLC, in Mead, Nebraska, dated July 22, 2021 and will be responding as the questions you pose pertain to NDEE's statutory and regulatory authorities.

In the July 9, 2021 letter responding to your initial inquiry, NDEE and the Department of Agriculture provided answers to the extent the answers were known or could be provided at that time. Your July 22, 2021 letter has been reviewed to identify questions that were not addressed by our previous response and documentation provided to you at that time.

Many of the questions raised in your most recent letter focus on events, actions and considerations leading up to the March 2021 lawsuit the Nebraska Attorney General filed against AltEn on the NDEE's behalf. As we indicated in our July 9, 2021 response, because of the ongoing litigation, we are unable to provide some of the requested information.

NDEE is committed to ensuring the environmental problems at the AltEn site are remediated and the public health of the Mead community and the Saunders County residents protected through NDEE's ongoing activities as described below. NDEE has engaged and will continue to engage with the Mead community and Saunders County.

We have organized this response into two topics in order to best answer the questions raised in your July 22, 2021 letter: NDEE's ongoing activities in and around the Mead Community and the Voluntary Cleanup Program.

NDEE's Ongoing Sampling Activities in and Around the Mead Community

As provided in our July 9, 2021 letter and enclosed documentation, NDEE continues to conduct sampling in and around the Mead community. On July 23, 2021, NDEE began collecting air samples around the wastewater lagoons and distillers grain piles at the AltEn site. NDEE deployed several different sampling devices capable of detecting hydrogen sulfide (H₂S), ammonia, and volatile organic compounds (VOCs). NDEE has received results for VOCs at the AltEn site. Sixteen compounds were detected in the VOC sampling and all showed concentrations substantially less than the limits set by the National Institute of Occupational Safety and Health or the Environmental Protection Agency's Exposure Guideline Levels.

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These sampling activities and results are more fully described on NDEE's AltEn update webpage and have been posted on the public document portal (Facility ID# 84069).

NDEE has previously sampled six private drinking water wells near the AltEn facility, and public water supply wells in Mead, the University of Nebraska-Lincoln's Eastern Nebraska Research Center, and the Nebraska National Guard's training site. All the samples taken at these locations showed non-detectable (ND) levels of neonicotinoids, strobins, and azoles.

NDEE plans to begin collecting additional drinking water samples and soil samples at and around the Mead community. NDEE is consulting with residents in Mead to learn whether there are additional site locations where AltEn's distillers grains may have been applied, which are not already identified in the agency's facility records. The department will then select the locations to collect drinking water samples based on the proximity of the site to land application of distillers grain and wastewater. Soil samples will be scheduled to be taken after crops have been harvested.

Voluntary Cleanup Program

Several of the questions in your letter July 22, 2021 letter request details about future clean-up activities at the AltEn site. As provided in the July 9, 2021 letter to you, the AltEn Facility Response Group (AFRG), a group of six seed companies, is in the process of developing a Remedial Action Plan (RAP) to address cleanup of the environmental contamination associated with the AltEn facility. Once the RAP is submitted NDEE will update the public on the AltEn webpage, make the RAP available on the public records portal, and provide a copy of the RAP to the Mead Library repository. NDEE will review the RAP to ensure remediation is properly and fully addressed and will notice the RAP for public comment prior to any final approval. Public participation is an important component of the review process.

While the RAP is being developed, the AFRG continues to voluntarily implement several interim response measures which include, among other actions, the drawdown and maintenance of wastewater lagoons and treatment of the wastewater. To implement these interim response measures, AFRG's consultant, Clean Harbors, constructed 10 temporary water storage tanks to store raw wastewater drawn down from AltEn's lagoons and to store treated wastewater.

Each of the temporary storage tanks has a capacity of approximately 3.8 million gallons. AFRG's consultant reports tanks are being filled to 85% capacity with approximately 18 inches of freeboard available to the top of the tank to minimize potential effects of any wind and wave action or spray causing impacts outside of the tanks. Additionally, secondary containment controls are in place, which include a synthetic liner covered with clay to protect the soils, and berms around the tanks to control any water that collects from the tank area.

The AFRG has treated approximately 12 million gallons of wastewater and has submitted a proposal to land apply the treated water to area agricultural land. NDEE has reviewed the AFRG's land application proposal and has returned technical review comments to the group. The proposal and NDEE's comments have been updated on the AltEn update webpage, are available on the agency's public records portal, and will be available at the repository in Mead. These two documents are enclosed with this letter.

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NDEE has received preliminary lab results for wastewater samples taken before and after treatment. The post-treatment lab results indicate the treatment process is effective in lowering pesticide concentrations in the wastewater. Many of the pesticides are at nondetectable (ND) levels. NDEE is evaluating the data to determine how much treated water could be land applied at agronomic rates.


In your letter, you asked about Clean Harbors. The AltEn Facility Response Group retained Clean Harbors to assist them with cleanup activities in Mead. Clean Harbors is a company with many divisions and facilities nationwide. Although Clean Harbors' Kimball facility is not relevant to this inquiry, you may access documents for the facility through NDEE's public records portal using Facility ID #58562.

Conclusion

In consultation with the Departments of Agriculture and Natural Resources, only NDEE is responding to your letter regarding the situation at AltEn, LLC, in Mead, Nebraska. The questions you pose relate to the regulated actions and programs under NDEE statutory and regulatory authority, not those of the Departments of Agriculture and Natural Resources. NDEE hopes this additional information is useful to you.

NDEE will continue to provide updates on activities at the site on the AltEn update webpage and directly to the Mead community as cleanup plans develop. Further, NDEE will continue coordinating with the Natural Resources Committee, the legislative committee of jurisdiction, to inform it of developments at the AltEn site and as it proceeds to carry out the interim study (LR 152) on the AltEn matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Macy", is written over the typed name and title.

Jim Macy
Director

Enclosures

Cc: Senator Bruce Bostelman, Chair
Natural Resources Committee