NE Ethanol Production and Treated Seed
January 2021

Background:

- AltEn, LLC operates an ethanol production facility located near Mead, NE. This facility has been in operation for approximately 5 years and uses treated seed corn and some amounts of other treated seed in its production process. It is our understanding that this seed is provided to the facility free of charge.
- The ethanol process by-product is distillers grain or wet cake, which was previously offered as a soil conditioner and received approval from NDA for this use. NDA's initial approval was offered without knowledge that the facility was using treated seed.
- NDA and NDEE contacted R7 in early 2019 regarding the AltEn site. They had received numerous complaints about the facility and sought input on methods to manage the wet cake, which continues to be stockpiled outside in large volumes.
- NDA sampled the wet cake and identified residues of numerous seed treatment pesticides including neonicitinoids which are long lasting pesticides that have special restrictions for their use due to their potential effects on plants and wildlife, especially bees. OPP requires seed bag tags to include language prohibiting the use of treated seed for ethanol production unless there is an assurance of no detectable residues in byproduct used for agronomic purposes, and NDA took steps to prevent further use of the by-product as a soil conditioner.
- Following NDA's decision, NDEE determined the material to be a solid waste and has requested the facility to landfill the wet cake.
- NDEE requested OPP to provide its technical perspective on the risks associated with the land application of both the wet cake and pesticide-contaminated wastewater generated at the site.
- OPP has provided a letter addressing the land application of the wet cake. The letter highlighted the risks associated with this potential practice and indicated that the Agency could not conclude the practice could be done safely.
- A similar letter addressing wastewater is close to final.

Current Status:

- The facility continues to operate and generates approximately 150 tons of wet cake per day. It has landfilled approximately 32 K tons (1,500 truckloads) of wet cake over the summer, which was estimated at the time to constitute approximately 1/3 of the total stockpile.
- NDEE has documented solid waste, water, and air violations at the facility.
- A UNL professor has raised concerns to EPA and NDEE regarding alleged impacts to managed bees on a nearby farm.
- Ground water sampling was conducted and data was expected to be available in November but has not yet been provided by the facility for agency review.
- The facility has requested a permit to allow the material to be land applied as a means of disposal. NDEE requested assistance in reviewing the data and evaluating the potential for an acceptable agronomic rate that would enable the material to be land applied.

Enforcement Considerations:

- NDEE has retained enforcement lead throughout the agencies' coordination on this facility. Ex. 7(A)

Ex. 7(A)

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- Ex. 5 AWP / Ex. 7(A)
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