Message

From: Bednar, Candace [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=026506FB4B504445A458816A0198234E-BIAS, CANDACE]
Sent: 12/9/2021 1:44:42 PM
To: Tate, Michael [tate.michael@epa.gov]; Weekley, Erin [weekley.erin@epa.gov]; John Dunn [Dunn.John@epa.gov]
Subject: FW: Contact for water permit questions

I'll set up a short meeting to discuss.

From: Jim Boucher Ex. 6 Personal Privacy (PP)
Sent: Tuesday, December 7, 2021 4:54 PM
To: Bednar, Candace <Bednar.Candace@epa.gov>
Cc: thomas.buell@nebraska.gov; Records Ndeq <ndeq.records@nebraska.gov>
Subject: Re: Contact for water permit questions

Ms Bednar
Thanks very much for your prompt & courteous reply.
As you suggest, I will continue to communicate with NDEE to seek clarification of their reports with respect to monitoring & enforcement of SWPPP, NPDES permit NER 910000, & related storm water runoff pollution issues.
Please accept my comments to your four bullet items below as follows:
1) The latest document I've found is update to NER 910000 by SWPPP submitted Jan 30, 2019. From my review, it appears that none of the Industrial Activities covered in this Permit are being performed.
In addition, the Permit compliance team, SPCC, site characteristics, product & waste storage, exposed materials & potential pollutants, quarterly storm water samples, etc., all differ materially from the conditions of the Permit. It would appear that these changes would require an SWPPP update per each of at least 5 of the examples shown on p22 of the submit yak.
Does EPA R7 agrée that NDEE's use of this existing permit assures that NDEE can sufficiently monitor site runoff via the two outfalls to prevent significant pesticide pollution?
2) As of yesterday, I have not found in NDEE public records portal any storm water sample data since the spill event of last spring.
(By copy of this email NDEE May please advise if I've missed any documents, or where & when we can view such samples & results data.)
3) NDEE site inspections do report on possible spills & appearance of storm water at drainage culverts & leaking berms. It's not clear from NDEE reports whether any samples or other enforcement actions have been taken to prevent offsite discharges of potentially pesticide contaminated storm water.
4) With respect to the iRAP, neither AltEn nor AFRG have undertaken the engineered sampling plans as previously required by NDEE, nor have they submitted or followed an engineered plan for construction of solid & liquid waste containment & treatment facilities. Has EPA R7 conducted an engineering review of the actions reported taken by AFRG to confirm these actions will indeed "minimize runoff of stormwater contacting any pesticide-containing materials"?
(Since none of the soil and groundwater sampling previously requested by NDEE for wet cake storage & compost pad areas has been done, it believe that NDEE may not have sufficient information to approve these actions.)
Thanks again for your help.
Regards,
Jim
Ex. 6 Personal Privacy (PP)

Sent from my iPhone

On Dec 6, 2021, at 1:52 PM, Bednar, Candace <Bednar.Candace@epa.gov> wrote:

Mr. Boucher –

Folks in our water division have spoken with NDEE in regard to the stormwater questions you posed to EPA. The following are what R7 ascertained:

- The stormwater at the site falls under the current NPDES general permit – NER91000.
- NDEE has recently sampled stormwater and will post the data on their portal as it is available per NDEE protocol.
- NDEE staff routinely inspects the site for stormwater runoff among other site activities. Inspections take place 3 times per week.
- The Interim Remedial Action Plan (IRAP):
  - Acknowledged contaminated stormwater was not being adequately controlled at the site by AltEn.
  - The AltEn Facility Response Group (FRG) has concentrated on taking actions to minimize runoff of stormwater contacting any pesticide-containing materials on-site. Some of the actions included:
    - Construction of berms to contain stormwater;
    - Collection, treatment and storage of stormwater;
    - Consolidation and covering of wet cake to minimize stormwater contact; and
    - Collection of stormwater from new lagoon excavation and directing to the lagoons.

As acknowledged by the IRAP, the ultimate wastewater handling methods at the site are still being evaluated. In the interim, the FRG in conjunction with NDEE continue to take actions to minimize water impacts from the AltEn site.

NDEE is lead on this project and visit the site routinely. They will remain your best source of up-to-date information about the site.

Thank you so much.

Candace Bednar
Chemical Branch Chief
Enforcement Compliance Assurance Division
913-551-7562