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Western Sugar Cooperative
(Grower Owned)

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AUG 22 2017

Nebraska Dept of Environmental Quality
By: _____ DEQ# 005 _____

August 21, 2017

Nebraska Department of Environmental Quality
Mr. John Flint - Program Specialist
Water Quality Protection
Suite 400 / 1200 "N" Street
Lincoln, NE 68509-8922

RE: Response to Notice of Violation (NOV) dated June 12, 2017 in response to the April 18, 2017 reported Unpermitted discharge of precipitated calcium carbonate and mud water; Western Sugar Cooperative – Scottsbluff, NE National Pollution Discharge Eliminating System: (Permit Number NEO 111686)

Dear Mr. Flint:

This letter is to formally respond to the Notice of Violation (NOV) dated June 12, 2017 and received on June 30, 2017.

As discussed with you during the onsite April 18, 2017 visit, Western Sugar Cooperative reported a subject spill of precipitated calcium carbonate and mud water at the Western Sugar Cooperative (WSC) Scottsbluff, Nebraska facility on April 18, 2017.

Based upon our conversations on June 30, 2017 and then again on July 5, 2017 the below summary and incident review including compaction study completed by a 3rd party engineer will achieve the desired responses as outlined in the above mentioned NOV items # 2 and # 3.

A citizen's complaint was received through the Nebraska Department of Environmental Quality, (NDEQ). Mr. John Flint, Inspector for the NDEQ notified WSC of the complaint onsite in person at the WSC facility on April 18, 2017, @ 4:00 PM. Both WSC and NDEQ traveled to the pond and observed water percolating through an opening of the pond wall. The opening was approximately 6–10 inch's wide and depth located approximately 3 feet from the bottom side of the North East corner of the pond wall and is consistent with gopher (rodent) damage. Immediately upon discovery of the pond wall breach WSC deployed employee's with heavy equipment to move additional fill material to shore up the pond wall. At the time of the discovery, it was noted that no spilled material had exited WSC property.

WSC continued shoring up the pond wall throughout the evening of Tuesday, April 18, 2017. At about 10:50 PM on April 18, 2017, it was determined that efforts to shore up the pond wall had not been successful and a full breach of the pond wall was occurring. It was at this time the employees operating the heavy equipment moved away from the area, notified WSC management, and monitored the pond wall.

The pond wall is an earthen material construction settling pond. The settling pond is used during the sugar beet processing campaign to store precipitated calcium carbonate and mud generated during the beet campaign. Both precipitated calcium carbonate and mud is nonhazardous and reusable byproduct streams that are generated as part of the sugar beet campaign. It was determined that a large amount of material inside of the pond was water that had been used during the commissioning and startup of the High Plains capital investment project at the Scottsbluff factory as part of the 2016-2017 campaign.



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The pond wall breach allowed for material to spill and settle into both North and South ditches of County road M. To the East side of the breach is Winter Creek that discharges into the North Platte River. Due to the energy produced from the pond wall breach, it has been discovered that water entered Winter Creek and traveled south, discharging into the North Platte River. Analytical samples of pooled spilled material were collected and analyzed along with samples taken from Winter Creek.

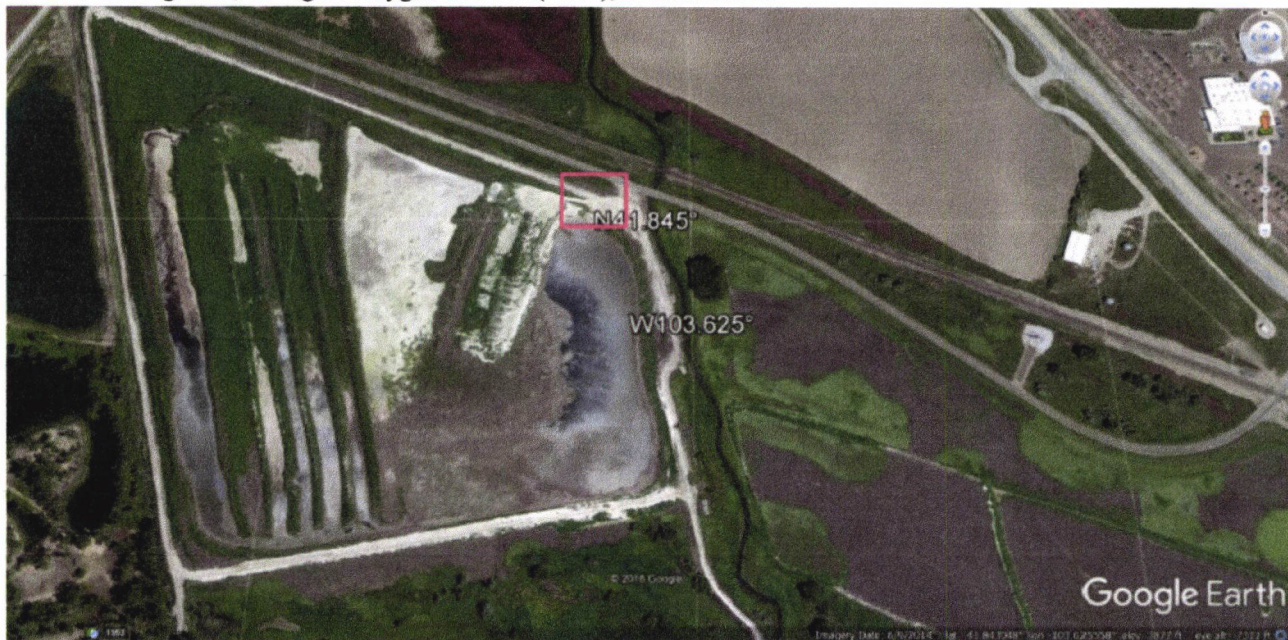
This incident was reported immediately to the Nebraska Department of Environmental Quality (NDEQ) Scottsbluff, NE office as well reported to the Lincoln, NE office, and reported to the Nebraska State Patrol via the 24-hr. incident reporting policy. Additional discussions occurred with Mr. John Flint and Josh Livingston – WSC Director of Environmental Health Safety.

As shown on the attached site map, the spill occurred at the North East corner of Western Sugar’s outfall pond system along County Road M. It is noted that the full breach entered land bordering WSC property along County Road M along with entering Winter Creek discharging into the North Platte River.

A time line of events after notification of the incident on 4/18/2017 is provided below:

Notified of possible breach in side wall	4:00 PM 4/18/17
Shoring activities and repair	4:10 PM 4/18/17
Discovery of pond wall breach	10:50 PM 4/18/17
Notification and Activation of WSC Incident Reporting	12:46 AM 4/19/17
Notification to NDEQ – Scottsbluff, NE Office	1:14 AM 4/19/17
Notification to NDEQ – Lincoln, NE Office	1:16 AM 4/19/17
Notification to Nebraska Highway Patrol (Case No: IR 5791)	1:18 AM 4/19/17
Pond wall re-construction	7:30 AM 4/19/17
Onsite Review with Mr. John Flint	9:45 AM 4/19/17

The amount of water that exited the pond wall breach is estimated to be between 300,000 and 500,000 gallons based on inspection of the size and known period of flow. The water that exited the pond may have contained suspended and dissolved solids including PCC, biological oxygen demand (BOD), and ammonia.



Grab sample analysis & date and approximate time of sample taken: (mg/l)

	<u>COD</u>	<u>BOD</u>	<u>Ammonia</u>	<u>pH</u>
Winter Creek 4/19/17 5:30 AM	471	271	0.0	7.42
North Platte River 4/19/17 5:30 AM	515	296	0.0	7.47
Mud Water 1 4/19/17 1:00 AM	1650	948	22.1	5.1
Mud Water 2 4/19/17 1:00 AM	1650	948	20.2	5.06



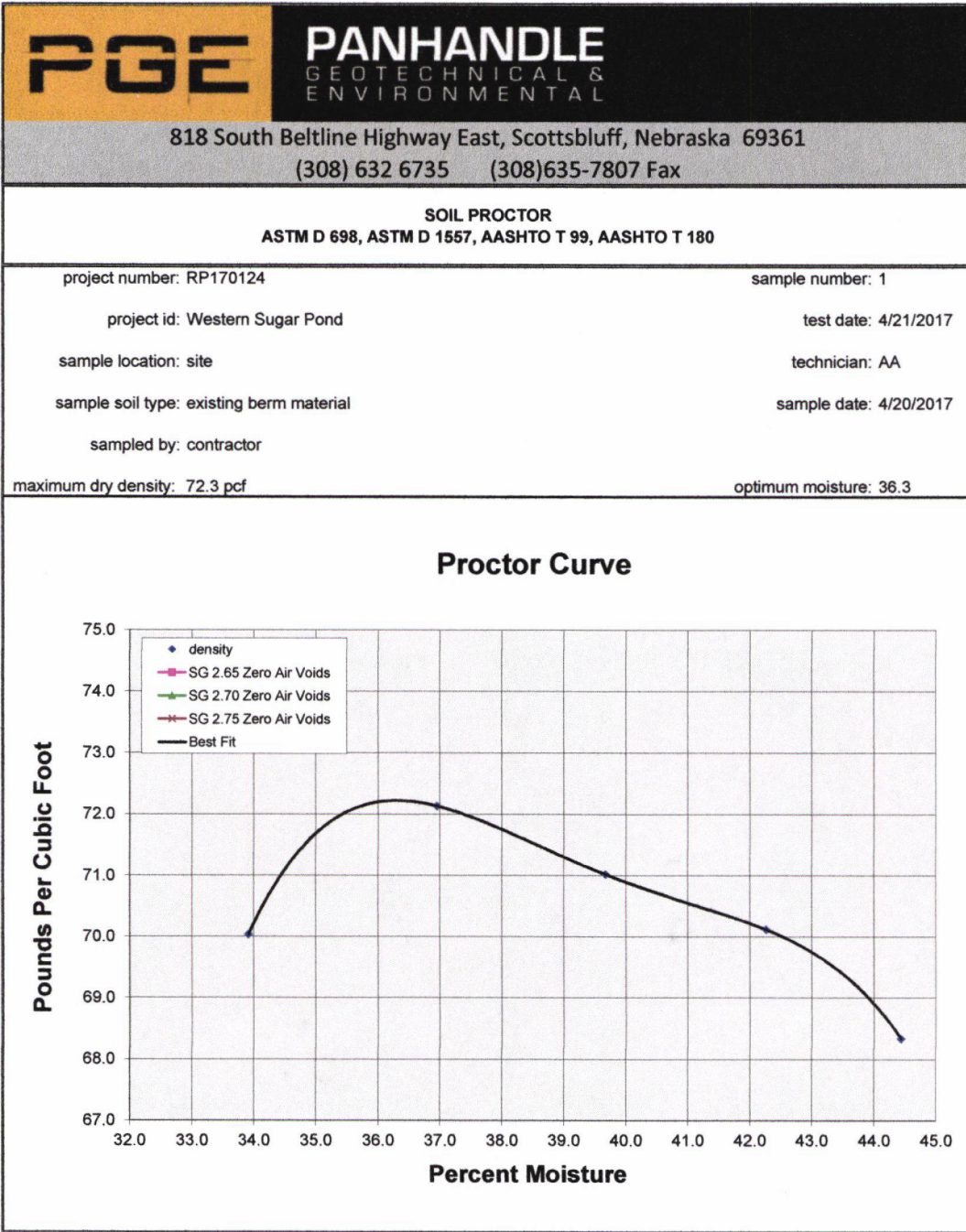
The subject pond wall is currently being repaired with external contractor assistance. WSC will keep the Division informed of our corrective actions and long term pond wall repair efforts.

Please find attached to this letter as (Attachment A) the completed compaction study and inspection and review document completed by Paul Reed construction.

Thank you,

Josh Livingston
Director – Environmental Health Safety

Attachment A



Reviewed By,

Test Method Used

M.C. Schaff, President
Panhandle Geotechnical & Environmental, Inc.

	A	B	C	D
ASTM D 698	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ASTM D 1557	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AASHTO T 99	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AASHTO T 180	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C: cegibbs@westernsugar.com