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ALERT TOP STORY TOPICAL

AltEn not a candidate for Superfund designation, EPA official tells concerned residents



ASHLAND — An Environmental Protection Agency attorney who oversees enforcement in Nebraska said it's unlikely AltEn, the former biorefinery near Mead that used pesticide-coated seed to make ethanol, will be designated a Superfund site.

David Cozad, the director of EPA Region 7's enforcement and compliance assurance division, told more than a dozen people at a community meeting in Ashland last week the agency believes the seed companies that sent AltEn their unused products are ultimately responsible for the cleanup.

"We have a fundamental principle that we operate under when we're working on this kind of site and that's the polluters should pay, not the taxpayers," Cozad told Saunders County residents and members of a research team studying the former

ethanol plant's impact on the environment and human health.

Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) passed by Congress in 1980, the EPA has the authority to clean up contaminated sites or order the parties responsible for the contamination to do the cleanup or reimburse the government for costs incurred.

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Cozad said in the case of AltEn, the law better known as Superfund would likely not apply because the pesticides found in high concentrations at the plant are not deemed hazardous, limiting the EPA's authority to deal with them.

As "one of the toughest sites" he's worked on during his 30 years at the agency, Cozad said both the EPA and the Nebraska Department of Environment and Energy believe responsibility rests with the agri-chemical companies that sent discarded seed to AltEn at no cost.

Six of those companies — Corteva Agriscience, Syngenta, Bayer, Beck's Superior Hybrids, AgReliant and Winfield Solutions — **agreed in June 2021 to shoulder the cost and burden of cleaning up the site** through a voluntary cleanup program that allows third parties to assume responsibility at no cost to taxpayers.



Cozad

The Nebraska Voluntary Cleanup Program was created in 2006 through a memorandum of agreement between the Department of Environment and Energy and the EPA to "facilitate the expeditious cleanup of contaminated sites."

According to the state environmental department, it also "offers protection from federal Superfund enforcement for those eligible sites that successfully complete cleanup" through the voluntary program.

After enrolling in the program, the so-called AltEn Facility Response Group hired Newfields, an environmental engineering and construction firm, to oversee the remediation efforts, and according to attorneys representing the companies, **has spent more than \$28 million** since assuming responsibility for the site two years ago.

Cozad said the EPA believes the voluntary program is the right approach for the unique situation at AltEn and said the agency is "100% in support of NDEE being in the lead on this project" while it continues to offer technical and legal support.

“There are, under federal law, several ways in which (the seed companies) are responsible for cleaning up this contamination,” he said. “They’ve chosen to carry out that responsibility through the voluntary cleanup plan, which we support.

“And as long as they continue to work and make progress through that cleanup plan, I think we’re comfortable with that approach,” he added.

Mounting frustrations

Several individuals who took part in last week's meeting with EPA Region 7 officials said they did not share Cozad's confidence in the approach to the cleanup, however.

Joan Schrader, a retired veterinarian and research scientist, said many residents who live near AltEn felt the Department of Environment and Energy failed to act with urgency in bringing the ethanol plant to heel when it was obvious an environmental crisis was taking shape.