

IN THE MATTER OF
Green Disposal Mead, LLC,

FID # 111532

Respondent.

CASE NO. 3515
CONSENT ORDER

I. INTRODUCTION

1. The Nebraska Department of Environment and Energy (Department) and Green Disposal Mead, LLC, (Respondent) voluntarily enter into this Consent Order to allow limited operation and testing of the biochar unit at the Respondent's facility. This Consent Order requires Respondent to comply with the activities and schedules specified in Section V. (Compliance Order and Schedule) below in accordance with the Nebraska Environmental Protection Act (the "Act"), Neb. Rev. Stat. §81-1501, et seq. (Reissue 2014) and Title 129, Nebraska Air Quality Regulations. The Department and Respondent agree that settlement of this matter is in the public interest to ensure compliance with state laws, rules and regulations, and permits that have been adopted and issued to protect the environment.

II. JURISDICTION

2. The Department is the agency of the State of Nebraska charged with the duty, pursuant to Neb. Rev. Stat. § 81-1504(1), of exercising exclusive general supervision, administration, and enforcement of the Nebraska Environmental Protection Act, and all permits, rules and regulations and orders promulgated under the Act.



3. Respondent is Green Disposal Mead, LLC, operator of a biochar at 1344 County Road 10, Mead, Nebraska 68041. The legal description is N SW Section 12 Township N 14 Range E 08, Saunders County, Nebraska. Green Disposal Mead, LLC, is a Nebraska limited liability company.

4. Respondent agrees to undertake all actions required by the terms and conditions of this Consent Order. Respondent admits to the Department's jurisdiction over the subject matter of this Consent Order. Respondent further agrees to and will not challenge the jurisdictional allegations of this Consent Order or the Department's authority to issue and enforce this Consent Order. Respondent waives its right to receive a formal complaint and to hearing requirements as provided in Neb. Rev. Stat. §81-1507(2). Respondent agrees it will not contest the basis or validity of this Consent Order in any proceeding by the Department to enforce this Consent Order.

III. PARTIES

5. The parties to this Consent Order are the Department and Respondent, and their employees, successors, and assigns. Respondent shall ensure that all contractors hired to perform work required by this Consent Order are informed of applicable requirements.

IV. COMPLAINT

5. Pursuant to the Nebraska Environmental Quality Council's authority to adopt rules and regulations for the purpose of air pollution control, as expressed in Neb. Rev. Stat. §§ 81-1505(1), (12), the Council adopted rules and regulations codified as Neb. Adm. Code, Title 129, Nebraska Air Quality Regulations.

6. Nebraska Administrative Code, Title 129, Nebraska Air Quality

Regulations, Chapter 20, Section 004, states that:

“No person shall cause or allow emissions, from any source, which are of an opacity equal to or greater than twenty percent (20%), as evaluated by an EPA-approved method, or recorded by a continuous opacity monitoring system operated and maintained pursuant to 40 CFR Part 60 Appendix B except as provided for in section 005 of this chapter.”

7. Nebraska Administrative Code, Title 129, Nebraska Air Quality

Regulations, Chapter 30, Section 001, states that “No person shall cause or allow any open fires.”

8. On November 11, 2018, the Nebraska Department of Environmental Quality, now the Nebraska Department of Environment and Energy, issued a Complaint, Compliance Order and Notice of Opportunity for Hearing against Greencycle Solutions, LLC, now operating as Green Disposal Mead, LLC.

9. The Director of the Department is authorized pursuant to Neb. Rev. Stat. § 81-1504(1), (7), and (13) to issue this order requiring enforcement of the Nebraska Environmental Protection Act.

V. COMPLIANCE ORDER AND SCHEDULE

10. The Department and the Respondent agree that Respondent shall bring their facility into compliance with all requirements of the Nebraska Environmental Protection Act and all rules and regulations and orders promulgated under such acts, including, but not limited to completing the following:

A. Operate the biochar unit for up to three days on two separate occasions. This must be accomplished during the period from February 24, 2020, through March 15, 2020. Respondent shall notify the

Department at least two business days prior to operation of the biochar unit.

B. Conduct emission testing on the biochar unit for PM₁₀, CO, mass of VOC, and speciated HAPs while operating under worst-case conditions (while charging fresh wet cake into the biochar emission unit for all test runs). Testing must be performed within 60 days of receipt of this Consent Order. Notice must be given to the Department 30 days prior to the testing pursuant to Neb. Admin. Code Title 129, Chapter 34, Section 003. The biochar unit may be operated the week of the emissions testing in cooperation with the engineering company performing the testing.

11. Respondents shall report to the Department within 60 days of receipt of this order, documenting how compliance with paragraph 10 of this Order has been achieved.

12. Respondents shall respond promptly to any written communication by the Department. Any delay in responding to such communication shall be construed as non-compliance with this Order.

13. Information to be submitted under this Order shall refer to FID #111532 and shall be sent to:

Air Quality Division
Nebraska Department of Environmental Quality
PO Box 98922
Lincoln, NE 68509-8922

VII. SATISFACTION AND COMPLIANCE WITH OTHER LAWS

14. Respondent shall perform and conduct all actions required by this Consent Order in accordance with all applicable local, state, and federal laws, regulations, and permits.

VIII. RESERVATION OF RIGHTS

15. Nothing in this Consent Order shall be construed to sanction any violation of State or Federal law or limit the power and authority of the Department to take or order any action necessary to protect public health, welfare, or the environment or to enforce any provision of the Act and any rules, regulations, orders, or permits issued pursuant to the Act. The Department reserves the right to pursue any other remedies to which it is entitled for violations of this Consent Decree or the underlying violations alleged herein, including penalties or injunctive relief.

IX. NEGATION OF AGENCY RELATIONSHIP

16. Nothing contained in this Consent Order shall be construed to create, either expressly or by implication, the relationship of agency between the Department and Respondent.

X. AMENDMENT

17. This Consent Order may be modified and amended in writing by mutual agreement of the Department and Respondent.

XI. EFFECTIVE DATE

18. This Consent Order shall become effective on the date it is signed by the Director of the Department.

XII. SEVERABILITY

19. If any provision or authority of this Consent Order or the application of the Consent Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the remainder of the Consent Order shall remain in force and shall not be affected thereby.

XIII. SIGNATURES

For the Respondent: The undersigned representative of Green Disposal Mead, LLC, certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order and to bind the Respondent.

By: 

Title: PRESIDENT

Date: 2-21-20

For the Department: IT IS ORDERED and agreed this 24th day of February, 2020.

By: 

Jim Macy
Director
Department of Environment and Energy

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served by certified United States mail, postage prepaid, return receipt requested this 24th day of February, 2020, upon the Respondents listed below at their registered agents and office addresses:

Green Disposal Mead, LLC
Capitol Corporate Services, Inc.

1125 S 103rd St., Suite 800
Omaha, NE 68124

And by email to:

Stephen D. Mossman
sdm@mattsonricketts.com

Scott Tingelhoff
stingelhoff@mrgkc.com

Lauren Triplett