

Companies seek to stop sale of cattle lot

It is part of embattled
AltEn ethanol
complex near Mead

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A pair of agricultural companies that sent pesticide-treated seed to AltEn have asked Saunders County to put off approval of a conditional use permit for a cattle operation being sold by the Mead ethanol plant's owners.

In a May 20 letter to county and village officials, Corteva Agriscience and Syngenta Seeds said the "closed-loop system" used by AltEn and Mead Cattle Co., where the feedlot provided manure that was used to create the methane powering the ethanol plant, has complicated cleanup of the site.

The letter also signals the broader involvement of the seed industry at AltEn. Previously, Bayer was the only company that had disclosed its part in mitigating the contamination at the facility.

AltEn, deemed revolutionary for the energy industry when it first went into operation as E3 Biofuels in 2007, has since become an environmental and health concern, resulting in a

Cattle

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lawsuit filed by the Nebraska Attorney General's Office.

Instead of harvested corn and other grains, AltEn used discarded seed from companies such as Corteva, Syngenta and others coated with pesticides referred to as neonicotinoids as a feedstock, which left behind contaminated byproducts whose smell generated complaints from residents of Mead and the surrounding area.

Further complicating matters was a frozen pipe on an anaerobic digester that ruptured during a February cold snap, releasing an estimated 4 million gallons of manure slurry from Mead Cattle and pesticide-laden thin stillage from AltEn that went 4 miles downstream.

In their letter, written "on behalf of the seed companies involved in the efforts to stabilize the AltEn LLC property following the exit of the site by AltEn's personnel," Corteva and Syngenta said material recovered from the Feb. 12 spill remains untreated on the ethanol plant's property.

High levels of nitrates and phosphorus found in millions of gallons of wastewater in the lagoons, spilled material from the first digester tank, and the "substantial quantities of raw manure" in a second digester tank, have limited disposal options, attorneys for both companies wrote in the joint letter.

"Treatment and disposal (including future liability) of this material should be the responsibility of Mead Cattle," attorneys for both companies wrote in the joint letter.

Corteva and Syngenta said since the ethanol plant drew scrutiny from citizens, environmental regulators, state lawmakers and the media, "AltEn and Mead Cattle have attempted to create a distinction between the entities and the facilities,"



FRANCIS GARDLER, JOURNAL STAR FILE PHOTO

Cows stay cool in the shade of their half-mile-long feeding shed in August 2012 at the Mead Cattle Co. The feedlot provided manure used to create the methane powering the nearby ethanol plant. That closed-loop system is complicating cleanup of the AltEn site, according to seed companies.

even though they share facilities, signage, personnel and equipment.

While the feedlot has existed south of Mead for decades, Dennis Langley organized the current company in 2006 as E3 BioFuels was nearing completion.

Despite a boiler explosion at E3 BioFuels that forced the company to declare Chapter 11 bankruptcy in December 2007, Langley continued to own and operate the cattle yard until his death in 2017.

At that point, Tanner Shaw, Langley's stepson, became president of the limited-liability company that owns both Mead Cattle and AltEn.

"Only recently in the spring of 2021 have the entities apparently begun purposefully segregating activities, like in connection with the pending sale," the companies said.

Champion Feeders of Hereford, Texas, filed an application in April with Saunders County and Village of Mead planning officials for the conditional use permit to run the feed yard, which would precede a sale of the property.

While the Saunders

County Planning and Zoning Commission signed off on the permit request, putting it on the county board's agenda, supervisors have delayed their decision as they await the results of pesticide testing at Mead Cattle.

An agenda item to take up the application appears on the board's next meeting, scheduled for Tuesday morning in Wahoo.

Saunders County Attorney Joe Dobesh said the board had received the letter, but wasn't sure what impact "the late-stage" request would have on the supervisors' decision.

"This certainly came out of the blue," Dobesh said. "We would have appreciated these companies getting involved and getting in touch with us years ago."

To date, Champion Feeders has cooperated with the county's requests to sample for pesticides at the site, and has agreed to grant access to researchers from the University of Nebraska Medical Center and University of Nebraska-Lincoln.

Should the county sign off on the permit, attorneys for Corteva and Syngenta wrote, supervisors should add con-

ditions that address "the costs attributable to Mead Cattle" before a change in ownership is approved.

"Mead Cattle's responsibility may need to be addressed in part in connection with in-kind services, such as access to the feedlot property for remediation activities, and financial contribution may be required in advance of the completion of a sale," the ag companies wrote.

Responding to an email from the Journal Star, Champion Feeders CEO Kevin Buse declined to comment on Corteva and Syngenta's position "at this point."

In a statement, Corteva said it was asking the Nebraska Department of Environment and Energy, Saunders County and the Village of Mead to "fully evaluate Mead Cattle Company's potential role in the site conditions and cleanup efforts, and not transfer any permits to a potential buyer until that has been completed."

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