

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

APPROVAL OF PLAN NUMBER P-20846

BACKGROUND

1. On October 1, 2021, Tanner Shaw on behalf of AltEn LLC, filed in the Department of Natural Resources (Department) an Application for Approval of Plans for Dams, plan P-20846, and associated specifications.
2. The plan, P-20846, is for AltEn Holding Pond 5 East Lagoon Dam, a proposed waste control dam subject to the *Safety of Dams and Reservoirs Act*. The dam will be located in the SW 1/4 of Section 12, Township 14 North, Range 8 East of the 6th P.M. in Saunders County.
3. Randall William Grachek, P.E., of NewFields, Two Midtown Plaza, 1349 West Peachtree Street, Suite 1950, Atlanta, Georgia, 30309, prepared the plans and specifications.
4. AltEn LLC, 1344 County Road 10, Mead, Nebraska 69041, will own the dam.
5. The plans and specifications were examined by a Registered Professional Engineer of the Department and were found to be consistent with current standards.
6. Following consultation with the Nebraska Game and Parks Commission, the Department finds the project will have "No Effect" on any state listed threatened or endangered species or their critical habitat.
7. All of the contributing drainage area into the lagoon will be from incidental drainage associated with the waste control facility.

ORDER

IT IS HEREBY ORDERED the Application for Approval of Plans for Dams, plan P-20846, and associated specifications are APPROVED subject to the following limitations and conditions:

1. This approval will remain in effect for purposes of construction until November 1, 2023.
2. The owner of a dam shall provide written notice to the Department before construction of the dam is to begin. Notices must be in writing and addressed to the Chief Engineer of the Department's Dam Safety Section. Notices may be delivered to the Department by mail, facsimile, or electronic mail.
3. The dam owner must comply with all relevant statutes. This includes, but is not limited to, the following:
 - A. Notify the Department of any change in ownership or address.

- B. Receive written approval prior to taking any action that changes the storage capacity of the reservoir, the specifications, or plan P-20846.
 - C. Construct, operate and maintain the structure in accordance with Neb. Rev. Stat. § 46-241 and the *Safety of Dams and Reservoirs Act*, §§ 46-1601 to 46-1670.
 - D. Assume liability for all damages due to leakage, overflow or structural failure of the dam.
4. Upon completion of the construction, the owner shall file with the Department the enclosed "Construction Certification Form for Dams". Following receipt of this form, an approval to operate will be issued by the Department if it determines that the dam is safe to impound within the limitations outlined in this approval.

ADDITIONAL INFORMATION

Failure to comply with all laws and regulations pertaining to any orders issued by the Director of the Department of Natural Resources may result in administrative penalty, criminal prosecution, or any combination thereof.

DEPARTMENT OF NATURAL RESOURCES



October 5, 2021

Thomas E. Riley, P.E., Director

A copy of this approval was posted on the Department's website. Copies of this approval, plan P-20846, and a "Construction Certification Form for Dams" were mailed on October 5, 2021, to AltEn LLC, c/o Tanner Shaw, President, 1344 County Road 10, Mead, Nebraska 69041. Copies of this approval, engineering review report, and plan P-20846 were provided to the Department's field office in Lincoln, Nebraska. Copies of this approval and a "Construction Certification Form for Dams" were mailed to Randall William Grachek, P.E., NewFields, Two Midtown Plaza, 1349 West Peachtree Street, Suite 1950, Atlanta, Georgia, 30309. Copies of this Approval were mailed to the Lower Platte North Natural Resources District, 511 Commercial Park Road, Wahoo, Nebraska, 68066; and to Ben Miller, Nebraska Department of Environment and Energy, INTERAGENCY, 245 Fallbrook Boulevard, P.O. Box 98922, Lincoln, Nebraska 68509.