



**State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES**

Jim Doyle, Governor  
Scott Hassett, Secretary  
Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters  
2984 Shawano Ave., P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
Telephone 920-662-5100  
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**RECEIVED**

APR 06 2006

April 5, 2006

Mr. Robert Paulson  
Minergy Corp  
1512 S Commercial ST  
Neenah, WI 54956-4802

FILE REF: FID #471135280  
Winnebago CO  
SW  
APPR

Subject: Conditional Low-Hazard Grant of Exemption for the Use of Glass Aggregate Produced from Milorganite® Bio-Solids at Minergy Corp, Winnebago County, Wisconsin.

Dear Mr. Paulson:

The Department has received and reviewed your proposal for low-hazard exemption for glass aggregate produced from municipal biosolids from the Milwaukee Metropolitan Sewerage District known as Milorganite®. This grant of exemption is being issued after review of the laboratory test results for aggregate samples manufactured during feasibility tests at the Minergy Fox Valley Glass Aggregate Plant in Neenah, WI, using the GLASSPACK® technology. This grant of exemption allows the glass aggregate produced from Milorganite® to be beneficially reused in roadbed construction, as utility trench backfill, construction backfill, roofing shingle granules, blasting grit, and as an aggregate substitute in concrete and asphalt pavement, blended cements and other construction products.

Based on our review we have determined that the proposed exemption is not likely to cause environmental contamination or endanger human health and welfare, provided that the project is done in accordance with the conditions of the attached exemption.

If you have questions regarding this letter, please contact Leland Archiquette at (608) 267-0542.

Sincerely,

Len Polczynski  
Waste Materials & Management Program Supervisor  
Northeast Region

CC: David Panofsky/File – WA/3

APR 06 2006

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION  
FOR THE USE AGGREGATE  
PRODUCED AT MINERGY CORP  
FROM MUNICIPAL BIO-SOLIDS

FINDINGS OF FACT

The Department finds that:

1. Minergy Corporation (Minergy) operates the Fox Valley Aggregate Plant, located at 1512 South Commercial Street, in the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 34, T20N, R17E, in the City of Neenah, Winnebago County, Wisconsin.
2. On January 13, 2006, the Department received a low-hazard exemption request, prepared by Minergy, to use glass aggregate manufactured at the Fox Valley Aggregate Plant from the Milwaukee Metropolitan Sewerage District bio-solids (Milorganite<sup>®</sup>). The request was dated January 13, 2006.
3. On January 27, 2006, the Department via email requested additional information regarding the source of the feed stock that will be used to produce the glass aggregate. The Department received the information from Minergy via telephone the same day.
4. On March 13, 2006, the Department received the \$550.00 low-hazard exemption review fee from Minergy.
5. The aggregate produced during the feasibility trials was analyzed using the EPA Method 1311, Toxicity Characteristic Leaching Procedure, for 18 different parameters including the 8 RCRA metals. Of the 18 parameters analyzed, only 2 had a result over 1 ppm, Fe = 1.1 ppm and Mn = 2.8 ppm. Hg was measured at 0.00021 ppm.
6. Approximately 50 tons of Milorganite<sup>®</sup> per year will be processed, which will produce approximately 15 T/yr of glass aggregate.

CONCLUSIONS OF LAW

1. The Department has the authority under s. 289.43(8)(b)3., Stats., and s. NR 500.08(4), Wis. Adm. Code to issue a grant of exemption if the exemption does not create a hazard to public health or the environment.
2. The Department has the authority under s. 289.43(8)(c), Stats., to impose conditions on a grant of exemption for the beneficial use of a low-hazard waste.
3. In accordance with the foregoing, the Department has the authority under s. 289.43(8), Stats., and s. NR 500.08(4), Wis. Adm. Code to issue the following conditional grant of exemption.

CONDITIONAL LOW HAZARD  
GRANT OF EXEMPTION

The Department of Natural Resources hereby grants an exemption to the Minergy Corp. for the glass aggregate produced from Milorganite® subject to the following conditions:

1. The glass aggregate produced from Milorganite® may be beneficially reused in roadbed construction, as utility trench backfill, construction backfill, roofing shingle granules, blasting grit, and as an aggregate substitute in concrete and asphalt pavement, blended cements and other construction products.
2. Minergy shall request concurrence from the Department to use a bio-solids feedstock other than the Milorganite®. The request shall include the results of testing similar to that performed for the Milorganite®.

The Department reserves the right to require the submittal of additional information and to modify this approval at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this approval do not supersede or replace any previous conditions of approval for this facility.

NOTICE OF APPEAL RIGHTS

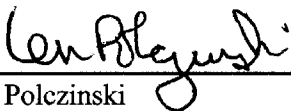
If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.

This notice is provided pursuant to section 227.48(2), Stats.

Dated: 3/5/06

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



Len Polczynski  
Waste Materials and Management Program Team Supervisor  
Northeast Region



Leland D. Archiquette, P.E.  
Waste Management Engineer  
Northeast Region



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APR 17 2006

April 13, 2006

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Minergy Corp  
1512 S Commercial ST  
Neenah, WI 54956-4802

FILE REF: FID #471135280  
Winnebago CO  
SW  
APPR

Subject: Amended Findings of Fact for the Conditional Low-Hazard Grant of Exemption for the Use of Glass Aggregate Produced from Milorganite® Bio-Solids at Minergy Corp, Winnebago County, Wisconsin.

*Bob*

Dear Mr. Paulson:

The Department is amending Finding of Fact (FOF) No. 6 of the April 5, 2006, Conditional Low-Hazard Grant of Exemption after you had notified us that the amounts listed in FOF No. 6 were incorrect. The FOF should read as follows, "Approximately 50,000 tons of Milorganite® per year will be processed, which will produce approximately 15,000 T/yr of glass aggregate." The amended FOF replaces the original Condition No. 6; but, it does not change any conditions of the grant of exemption.

Please maintain this amended FOF with the original Grant of Exemption.

If you have questions regarding this letter, please contact Leland Archiquette at (608) 267-0542.

Sincerely,

Len Polczynski  
Waste and Materials Management Program Supervisor  
Northeast Region

CC: David Panofsky/File – WA/3

BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

AMENDED FINDINGS OF FACT  
TO THE APRIL 5, 2006  
CONDITIONAL GRANT OF EXEMPTION  
ISSUED TO MINERGY CORP

AMENDED FINDINGS OF FACT NO.6

The Department finds that:

6. Approximately 50,000 tons of Milorganite® per year will be processed, which will produce approximately 15,000 T/yr of glass aggregate.

The Department reserves the right to require the submittal of additional information and to modify this approval at any time, if in the Department's opinion, modifications are necessary. Unless specifically noted, the conditions of this approval do not supersede or replace any previous conditions of approval for this facility.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes, administrative codes and case law establish time periods and requirements for reviewing Department decisions.

To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. Such a petition shall be filed with the appropriate circuit court and shall be served on the Department. The petition shall name the Department of Natural Resources as the respondent.


This notice is provided pursuant to section 227.48(2), Stats.

Dated: April 13, 06

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary

  
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Len Polczynski  
Waste and Materials Management Program Team Supervisor  
Northeast Region

  
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Leland D. Archiquette, P.E.  
Waste Management Engineer  
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