



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

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January 26, 2007

RECEIVED

JAN 30 2007

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

SW
APPR

Subject: Conditional Low-Hazard Grant of Exemption Approval
Use of Glass Aggregate Produced from Bio-Solids at North Shore Sanitary
District, Zion, Illinois

Dear Mr. Paulson:

The Department has received and reviewed your proposal for low-hazard exemption for glass aggregate produced from municipal biosolids from the North Shore Sanitary District (NSSD), Zion, Illinois. This grant of exemption is being issued after review of the laboratory test results for aggregate samples from Glass Aggregate Plant in Zion using the GLASSPACK® technology.

A draft copy was sent to you for review and comment. Two comments were received on January 19, 2007 via two e-mails. Both comments were incorporated into this document.

This grant of exemption allows the glass aggregate produced from NSSD's Bio-Solids to be beneficially used in pozzolan substitution, blended cements, blasting grit, roofing shingle granules, road bed constructions, utility trench backfill, hot mix asphalt pavement and other uses allowed under NR 538 Wis. Adm. Code for category 2.

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 approval, please contact Bizhan Sheikholeslami at (262) 574-2143.

Sincerely,

Frank Schultz
Waste & Materials Management Program Supervisor
Southeast Region

CC: Phil Fauble – WA/3
Bizhan Sheikholeslami - SER

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR THE USE OF GLASS AGGREGATE
PRODUCED AT NORTH SHORE SANITARY DISTRICT'S ZION PLANT
FROM MUNICIPAL BIO-SOLIDS

FINDINGS OF FACT

The Department finds that:

1. The North Shore Sanitary District (NSSD) is a municipal body. The NSSD owns and operates more than 100 miles of intercepting sewer lines and pumping stations which collect and convey wastewater from local sewer systems to wastewater treatment plants in Gurnee, Waukegan, and Highland Park, Illinois.
2. Minergy Corporation is a subsidiary of Wisconsin Electric Company. Minergy Corporation (Minergy) is located at 1512 South Commercial Street, in the SW¼ of the SW¼ of Sec. 34, T20N, R17E, in the City of Neenah, Winnebago County, Wisconsin. Minergy markets the GlassPack System.
3. On October 30, 2006, the Department received a low-hazard exemption request, prepared by Minergy, to use glass aggregate manufactured at the North Shore Sanitary District's Zion glass aggregate plant from bio-solids generated at the North Shore Sanitary District's wastewater treatment plants. The request was hand delivered on October 30, 2006.
4. On November 15, 2006, the Department via a telephone call requested additional information regarding the chemical analyses of glass aggregate. The Department received the information from Minergy in person on December 5, 2006,
5. The Department received the \$550.00 low-hazard exemption review fee from Minergy.
6. The aggregate produced at NSSD's Zion plant was analyzed for toxicity characteristic leaching procedure, water leach test, and total elemental test in accordance with Chapter NR 538 Wis. Adm. Code.
7. Approximately 2,500 Tons/yr of glass aggregate will be produced. Minergy is responsible for reuse/disposal of this material.
8. The glass aggregates will be trucked to Payne and Dolan's Kenosha asphalt plant located at 1740 120th Ave. for future use in asphalt.

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. and NSSD for the glass aggregate produced from NSSD's Bio-Solids subject to the following conditions:

1. The glass aggregate produced from NSSD's Bio-Solids may be beneficially reused in pozzolan substitution, blended cements, blasting grit, roofing shingle granules, road bed constructions, utility trench backfill and hot mix asphalt pavement.
2. The glass aggregate produced at NSSD's plant in Zion, Illinois can be used as category 2 under Chapter NR 538 Wis. Adm. Code.
3. The glass aggregate produced at NSSD's plant in Zion, Illinois shall follow all requirements listed for category 2 material in chapter NR 538 Wis. Adm. Code unless it is expressed otherwise in this approval.

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.

Dated: January 26, 2007

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Frank Schultz
Waste & Materials Management Program Supervisor
Southeast Region



Bizhan Zia Sheikholeslami
Waste & Materials Management Engineer
Southeast Region