

**ENVIRONMENTAL ANALYSIS AND DECISION ON THE
NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)
Form 1600-1 Rev. 3-87**

**State of Wisconsin
Department of Natural Resources**

Region or Bureau:
Northeast Region / Air Management
Type List Designation:
Type II Action

Contact Person: Mr. Stan Mermall / Mr. Don C. Faith III
Title: Air Management Engineer Wisconsin Department of Natural Resources
Address: 625 East County Road Y Suite 700 Oshkosh, WI 54901 - 9731
Telephone Number: (920) 424-3087 ; (608) 267-3135

NOTE TO REVIEWERS: Comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before

_____, _____
(time)

Applicant: Minergy Neenah, LLC

Address: 231 Millview Drive

Title of Proposal: Fox Valley Glass Aggregate Plant - Fuel Efficiency Upgrade (Coal usage)

Location: County: Winnebago City/Town/Village: City of Neenah

Township T20N North, Range R17E East Section(s) SE ¼ of Sec 21

PROJECT SUMMARY

1. General Description (brief overview)

Minergy Neenah, LLC proposes to modify its Fox Valley Glass Aggregate Plant in Neenah, Wisconsin by the use of reduced sulfur coal as fuel and fluxing agent for the manufacture of glass aggregate from paper mill sludge. The facility's existing permit currently prohibits the use of coal, the project is subject to the construction permitting requirements under ch. NR 406, and NR 405 Wis. Adm. Code.

The glass aggregate plant is currently permitted to co-fire natural gas and sludge. The proposed modification to this plant will allow Minergy Neenah LLC to use low sulfur coal as fuel/flux in place of natural gas and sand (used as a flux) to maximize the amount of paper sludge being processed into glass aggregate. The facility indicates that this is necessary to achieve higher sludge combustion rates. Natural gas and the lower heating value sludge doesn't provide the heat intensity required for the glassification of the sludge residuals at their optimum capacity. The change will also enable the steam production to be more consistent and reliable. It is also expected to enable the boiler's overall heat input capacity to be raised to 400 MMBTU/hr.

Emissions of Nitrogen Oxides (NO_x) and particulate matter (PM/PM₁₀) from the cyclone furnace will be controlled through the use of selective non-catalytic reduction (SNCR) technology and, a baghouse type collector, respectively. Emissions of Carbon Monoxide (CO), volatile organic compounds (VOC), will be relatively low due to the high temperature, high turbulence environment inside the cyclone furnace. (this destroys organic compounds and provides a good oxidation environment). Emissions of Sulfur Dioxide (SO₂), Sulfuric Acid mist (H₂SO₄), Hydrogen Chloride (HCl) and Fluorides (as HF) will be controlled through the use wet scrubbing. This project will enable the plant to increase the amount of paper sludge processed and the overall heat input to the boiler. The overall allowable emissions of VOC's, CO, SO₂ and overall (front and back half) particulate matter, will decrease as a result of this modification. There will be an increase in allowable nitrogen oxide emissions (due the capacity increase). The overall facility allowable particulate matter emissions (front half only) will increase slightly due to the coal handling particulate matter emissions though allowable combustion emissions will decrease. The project may result in an actual increase in all emissions except for sulfuric acid (and other acid gases) which will decline.

2. Purpose and Need (include history and background as appropriate)
See 1 above.

3. Authorities and Approvals (list local, state and federal permits or approvals required)
Required project approvals include:

- Local building permits from the City of Neenah and State of Wisconsin
- Permit to Construct and Permit to Operate from the State of Wisconsin Department of Natural Resources - Air Management Bureau
- Modification to the Grant for Exemption to Build on the Closed Arrowhead Landfill.

4. Estimated Cost and Funding Source

The proposed project will be self funded and will cost an estimated \$6 million.

PROPOSED PHYSICAL CHANGES (More fully describe the proposal)

5. Manipulation of Terrestrial Resources (include relevant quantities - sq. ft., cu. yard., etc.)

Construction of the project will not result in the manipulation of terrestrial resources. The proposed project will be constructed within the paved and developed portion of the Fox Valley Glass Aggregate Plant. The project will require new foundations to be located all within the paved portion of the existing facility, see Figure 1.

6. Manipulation of Aquatic Resources (include relevant quantities - cfs., acre feet, MGD, etc.)

A wet scrubber which will utilize sodium hydroxide (NaOH) or other alkaline material will be used for the control of SO₂. The scrubber will remove approximately 90% of the SO₂. The operation of this equipment will produce a weak salt solution of sodium sulfate that will be continuously drained from the system. The scrubber drain flow is 20-25 GPM or 0.04 MGD. Presently Minergy sends about 0.4 MGD to the Publicly Owned Treatment Works (POTW). The additional volume is not expected to impact the POTW.

7. Buildings, Treatment Units, Roads and Other Structures (include size of facilities, road miles, etc.)

The Project will require an extension of two of the Plant's existing buildings and the construction of conveyor enclosures. Figure 1 illustrates the proposed structures associated with the Project. All of the structures will be completely enclosed.

The structures and their use are listed below:

- **Unloading Building:** Trucks will deliver coal to the existing flux unloading building on a daily basis. Approximately 9 deliveries of coal (20 tons each) will be made each day. The truck will unload into the enclosed building. Modifications and enlargement of the existing flux unloading building will be required.
- **Conveying:** The coal flux will be conveyed from the unloading building in an enclosed structure to the top of the storage silos.
- **Storage Silos:** The enclosed storage silos will have a capacity of 150 tons. Coal flux will be automatically fed from the bottom of the storage silos to the existing cyclone furnaces.

8. Emissions and Discharges (include relevant characteristics and quantities)

The proposed project will result in the following changes in air pollution emissions.

Pollutant	Current Allowable (TPY)	Future Potential Emissions (TPY)	Past Actual Emissions (TPY)	Net Emission Change (TPY)
NOx	460	526	330.7	195.3
VOC	76.7	53.2	4.7	40.5
PM/PM10	30.7	33.6	13.0	25/15
S02	600	197	177.5	19.5
H2S04	33.7	5.6	3.4	-2.2
CO	243	175.2	21.4	153.6
Pb	0.409	0.47	0.19	0.28
Hg	0.027	0.0499	0.009	0.0409
F	25.2	0.75	11.7	-11.0

In addition, all activities, such as coal flux unloading, conveying, and storage are located within enclosed buildings. Any dust resulting from these activities will be controlled with fabric filters.

The volume of water discharged to the City Wastewater Treatment Plant from the Fox Valley Plant will increase by 0.04 MGD.

9. Other Changes

No other changes are anticipated as a result of this project.

10. Identify the maps, plans and other descriptive material attached

- Attachment X County map showing the general area of the project
- Attachment X USGS topographic map
- Attachment X Site development plan
- Attachment Plat map
- Attachment DNR county wetlands map
- Attachment Zoning map
- Attachment Other _____

AFFECTED ENVIRONMENT (Describe existing features that may be affected by proposal)

Information Based On (check all that apply):

Literature/correspondence (specify major sources)

Personal Contacts (list in item 28)

Field Analysis By: Author Other (list in item 28)

Past Experience With Site By: Author Other (list in item 28)

11. Physical (topography - soils - water - air)

The Fox Valley Glass Aggregate Plant is located on a 3.5-acre portion of a 22 acre parcel formed between 1951 and 1975 by the disposal of paper sludge from the Bergstrom Paper Company. The area is commonly known as the Arrowhead Landfill. The regional geology of the project area can be characterized as glaciolacustrine deposits of silts and clay overlaying the bedrock basement. The bedrock, from oldest to youngest, consists of Precambrian crystalline rock, Cambrian sandstone, and Ordovician dolomite, sandstone, and shale. Site-specific data, as well as historical records, indicate that the site is underlain by paper mill sludge at an average thickness of ten feet. The sludge was placed directly on the natural sediment when this area was used as an active landfill. The paper mill sludge is underlain by lacustrine deposits of silt and clay with occasional organic layers of peat and silty sand. Surface elevations at the site average approximately 745 feet mean sea level.

There are no significant surface watercourses or wetlands on the site.

The air quality of the project site and surrounding area is currently designated as being an attainment area or unclassified for all National Ambient Air Quality Standards.

12. Biological (dominant aquatic and terrestrial plant and animal species and habitats including threatened/endangered species; wetland amounts, types and hydraulic value).

The proposed project will be developed within the confines of a developed site, as was the original installation. There are no aquatic, terrestrial plants or animal species and habitats currently present on the site. An aquatic resource, Little Lake Butte de Morts, is located north (approximately 100 feet) of the project site.

13. Cultural

a. Land use (dominant features and uses including zoning if applicable)

The Fox Valley Glass Aggregate Plant is bordered on the north by Little Lake Butte des Morts, on the south by the Wisconsin Central Limited Railroad right-of-way, on the west by the undeveloped portion of the closed Arrowhead Landfill, and on the east by the P.H. Glatfelter paper mill. A warehouse and vehicle parking lots are located south of the railroad tracks, along with a railroad overpass bridge that is currently being constructed. Residential neighborhoods are located to the south of the railroad overpass. The project site is designated for industrial land uses and the entire project site is zoned industrial, see Figure 2.

b. Social/Economic (include ethnic and cultural groups)

The City of Neenah is located in northeast Wisconsin in Winnebago County. It lies five miles south of Appleton, 11 miles north of Oshkosh, and is directly adjacent to the City of Menasha. The cities of Neenah, Appleton, Menasha, and Oshkosh comprise an area known as the Fox Cities, due to their location along the Fox River. With a population of more than 200,000 people, the Fox Cities area is one of the largest and fastest growing urban centers in Wisconsin. The population of the City of Neenah is currently at 24,507 people. A breakdown of the population is provided below:

23,5467 White/Caucasian
84 Black/African American
134 American Indian
235 Asian
212 Other races
295 Two or more races

Neenah is a community supported by a diverse business mix. Ranked as one of the largest manufacturing centers in the nation, the area's economy is led by prominent companies dealing in paper products, printing, electronics, flexible packaging, cast metals, insurance, finance, and health care.

c. Archaeological/Historical

There are approximately 22 buildings in the City of Neenah listed on the National Register of Historic Places. The structure closest to the site is the Octagon House, located south of the new railroad overpass bridge.

Based upon a records search conducted in 1996 by the State Historic Society of Wisconsin, there are no archeological resources located within close proximity of the project site.

14. Other Special Resources (e.g., State Natural Areas, prime agricultural lands)

There are no special resources such as State designated Natural Areas or land designated as prime agricultural land within close proximity of the project site.

ENVIRONMENTAL CONSEQUENCES (probable adverse and beneficial impacts including indirect and secondary impacts)

15. Physical (include visual if applicable)

The proposed project will require construction of a new conveying system and storage silos at the Fox Valley Glass Aggregate Plant, see Figure 1. The structures include:

- An expansion of the existing enclosed flux unloading building
- Enclosed conveyors from the unloading building to the storage silos
- Enclosed storage silos

The new structures will require new foundations. As a result, some excavation and pile installation will be required to construct the foundations. Installation of piles will be conducted during daylight hours only. Both the proposed structures and the existing plant are located on the closed Arrowhead Landfill. As a result of the landfill, the project will require a "Modification to the Grant for Exemption to Build on the Closed Arrowhead Landfill" as did the original plant construction. The same excavating procedures that were employed during construction of the Fox Valley Plant will be used again for construction of the proposed project. The construction activities will not disrupt the landfill in a negative manner.

The new structures will be enclosed in the same tan and white steel siding currently in place on the remainder of the Plant. The new structures will also be located directly adjacent to, and no higher than, the existing buildings. The proposed structures are immediately adjacent to, or are in very close proximity to the current facility and therefore will not result in a new visual impact. The plant exhaust stack will be slightly shorter but may have a higher opacity plume (due to the wet scrubber).

16. Biological (include impacts to threatened/endangered species)

No rare, threatened or endangered resources are known to exist on the site according to the National Heritage Inventory Database as of March 2001.

In addition, based upon previous biological surveys, the undeveloped land located west of the project site does not support any biological species or habitat of protected or special concern.

17. Cultural

a. Land Use (include indirect and secondary impacts)

The proposed project is consistent with existing land use and zoning designations and will not result in a land use impact (direct, indirect, or secondary impact).

The proposed project will help the facility achieve design capacity for sludge throughput on a continuous basis. Achieving design capacity will result in a positive land use impact, as it will eliminate the current practice of sending dried sludge to the landfill.

b. Social/Economic (include ethnic and cultural groups, and zoning if applicable)

Construction and operation of the Fox Valley Glass Aggregate Plant over the past three years has resulted in a positive social and economic impact on the local and regional community. The Plant has created permanent positions and has expended a labor, operating and maintenance budget of approximately \$6-8 million per year. These positive social and economic benefits will continue with construction and operation of the proposed equipment. This proposed project will employ approximately 50 construction jobs and 3 new permanent positions.

Current operation of the Fox Valley Glass Aggregate Plant has resulted in a significant decrease in sludge trucking throughout the local community (over 400,000 truck miles per year saved). The proposed project will result in minimal changes over that of current operations. As noted earlier, the facility currently sends dried sludge to a local landfill (approximately 8 truck trips per day). This practice and the truck trips associated with it will be reduced with implementation of the proposed project. The coal required for the project will be brought to the site via trucks. Approximately 8-9 truck trips per day will be required to deliver the 175 tons per day of coal to the Fox Valley Plant. Implementation of the proposed project may also result in a slight increase in the number of trucks required to transport the glass aggregate product offsite (approximately 2 additional truck trips per day). Overall, the project will increase truck traffic in and out of the facility by approximately 2-3 truck trips per day.

c. Archaeological/Historical

Although there is one historic building (Octagon House on Main Street) located within the general vicinity of the project, implementation of the proposed project is not expected to impact the building either directly or indirectly or detract from its historic significance. As noted earlier, there are not archaeological resources within the project vicinity; therefore the project will not result in any impacts to such resources.

18. Other Special Resources (e.g., State Natural Areas, prime agricultural lands))

Implementation of the proposed project will not impact special resources such as Natural Areas or prime agricultural land.

19. Summary of Adverse Impacts That Cannot Be Avoided (more fully discussed in 15 through 18)

Since the proposed project falls under PSD rules, future expansions of sources in the area may be restricted due to the consumption of the available air resources.

ALTERNATIVES (no action - enlarge - reduce - modify - other locations and/or methods)

20. Identify, describe and discuss feasible alternatives to the proposed action and their impacts. Give particular attention to alternatives, which might avoid some or all adverse environmental effects.

The proposed project is one of many strategies that have been evaluated by Minergy Neenah over the past several years. Of the alternatives evaluated, the use of bituminous coal as a fuel/fluxing agent offered the best results in trial applications for decreasing the melting temperature of the minerals in the sludge, increasing the flame temperatures in the cyclone furnace, and allowing for increased amounts of sludge to be processed in the furnace on a continuous basis.

Strategies evaluated on a trial basis include:

Various types of fluxing agents in the furnace such as cullet (ground glass), iron ore, silica, and dolomite

Further drying of the sludge to 90% solids as opposed to 80% solids

Fuel sizing, screening, crushing, and pelletizing

Some of the above strategies have shown promise, however, none have achieved the project goals of meeting the facility's design capacity for sludge throughput. Therefore, based upon preliminary trials the coal flux was selected as the preferred project to meet the goal of increased sludge throughput.

EVALUATION OF PROJECT SIGNIFICANCE (Complete each item)

21. Significance of Environmental Effects

- a. Would the proposed project or related activities substantially change the quality of the environment (physical, biological, socio-economic)? Explain.

No, the proposed project will not substantially change the quality of the environment. The Fox Valley Glass Aggregate Plant is currently an industrial land use and will continue to operate as an industrial land use with implementation of the proposed project. Also, the proposed project currently operates within all applicable permit limitations, and will continue to operate within all applicable limitations with implementation of the proposed project.

- b. Discuss the significance of short-term and long-term environmental effects of the proposed project including secondary effects; particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas. (The reversibility of an action affects the extent or degree of impact)

The proposed project is a reversible action. Construction and operation of the project will not affect environmental resources of significance such as historic or cultural resources, scenic and recreational resources, prime agricultural land, or biological resources of special concern.

22. Significance of Cumulative Effects.

Discuss the significance of reasonably anticipated cumulative effects on the environment. Consider cumulative effects from repeated projects of the same type. What is the likelihood that similar projects would be repeated? Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The proposed project does not represent a new cumulative effect that did not already exist with construction and operation of the Fox Valley Glass Aggregate Plant. The Fox Valley Plant is an industrial operation. Implementation of the proposed coal/flux project is consistent with the operations of an industrial facility. Any influence the Fox Valley Glass Aggregate Plant may have on influencing land use decisions (secondary impacts) surrounding the facility will not change with implementation of the project.

Similar projects are unlikely in the immediate area because the facility currently serves the majority of area paper mills. However, if the project were to result in additional "similar" projects the benefits would include:

- An increase in waste recycling
- Further decreases in the amount of sludge landfilled

23. Significance of Risk

- a. Explain the significance of any unknowns, which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analyses would eliminate or reduce these unknowns? Explain why these studies were not done.

There are no significant unknowns in predicting the effects of the proposed project on the environment. The levels of the pollutants that would be generated and the capabilities of the pollution control technologies are well understood and reliably predictable.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires, or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

When delivered, coal flux is the consistency of dry, coarse stone. Because it is non-hazardous, any spills are easily contained and cleaned up. Minergy and its contract haulers will implement existing standard operating procedures to address spill cleanups.

24. Significance of Precedent

- a. Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Explain the significance.

A decision on this project will not influence nor foreclose future options related to operation of the Fox Valley Glass Aggregate Plant or its surrounding land uses. The project is currently an industrial land use, and with this project decision, will continue to be an industrial land use. Any influence this type of industrial operation may have on the surrounding environment will not change as a result of the proposed coal/flux project.

A negative decision will mean continued landfilling of 120 dry tons per day of sludge, plus unnecessary consumption of 350 therms per hour of natural gas.

- b. Describe any conflicts the proposal has with plans or policy of local, state or federal agencies that provide for the protection of the environment. Explain the significance.

The proposed project is consistent with applicable plans and policies of local, state or federal agencies.

25. Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

The proposed project will not result in any new impacts on the environment, but rather will help to eliminate the adverse impact of sending dried sludge to the land and not recycling it into a beneficial product - glass aggregate.

26. Explain other factors that should be considered in determining the significance of the proposal.

The Fox Valley Plant serves many of the areas largest employers. Paper mills are major employers in the area. Continued operation of this Plant improves the economical and environmental competitiveness of the local paper industry and consequently helps maintain the local economy.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

27. Summarize citizen and agency involvement activities (completed and proposed).

Minergy has meet with agency representatives to both provide an overview of the proposed project as well as outline applicable permit applications. These meetings are outlined below.

28. List agencies, groups and individuals contacted regarding the project (include DNR personnel and title).

<u>Date</u>	<u>Contact</u>	<u>Comment Summary</u>
1996	Mr. Eric Parker GAS, INC.	Site Biological Survey
1/2001	Mr. Don Faith WDNR - Madison	Project Overview and Air Permit Application
1/2001	Mr. Jon Brand WDNR - Green Bay	Discussed need for permit modification for construction on a closed landfill
1/2001	Mr. Stan Mermall WDNR - Oshkosh	Discussed Environmental Assessment requirements
3/2001	Mr. R. Buckingham City of Neenah	Discussed building permits and city approvals
7/2001	Neenah Planning Commission	Neenah planning commission hearing and approval
7/2001	Duke Behnke Appleton Post Cresent	Interview for News report
8/2001	Neenah City Council	Special use permit hearing and approval

Project Name:

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

29. Complete either A or B below.

A EIS Process Not Required . . .

Analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B Major Action Requiring the Full EIS Process []

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator <i>Steve Munnell</i>	Date Signed 8/15/01
Noted: Region Staff Specialist or Bureau Director	Date Signed

Copy of news release or other notice attached? Yes [] No

Number of responses to public notice 2

Public response log attached? Yes [] No

CERTIFIED TO BE IN COMPLIANCE WITH WEPA	
Region Director or BEAR Director (or designee) <i>Jim D. Paul</i>	Date Signed 10/16/2001

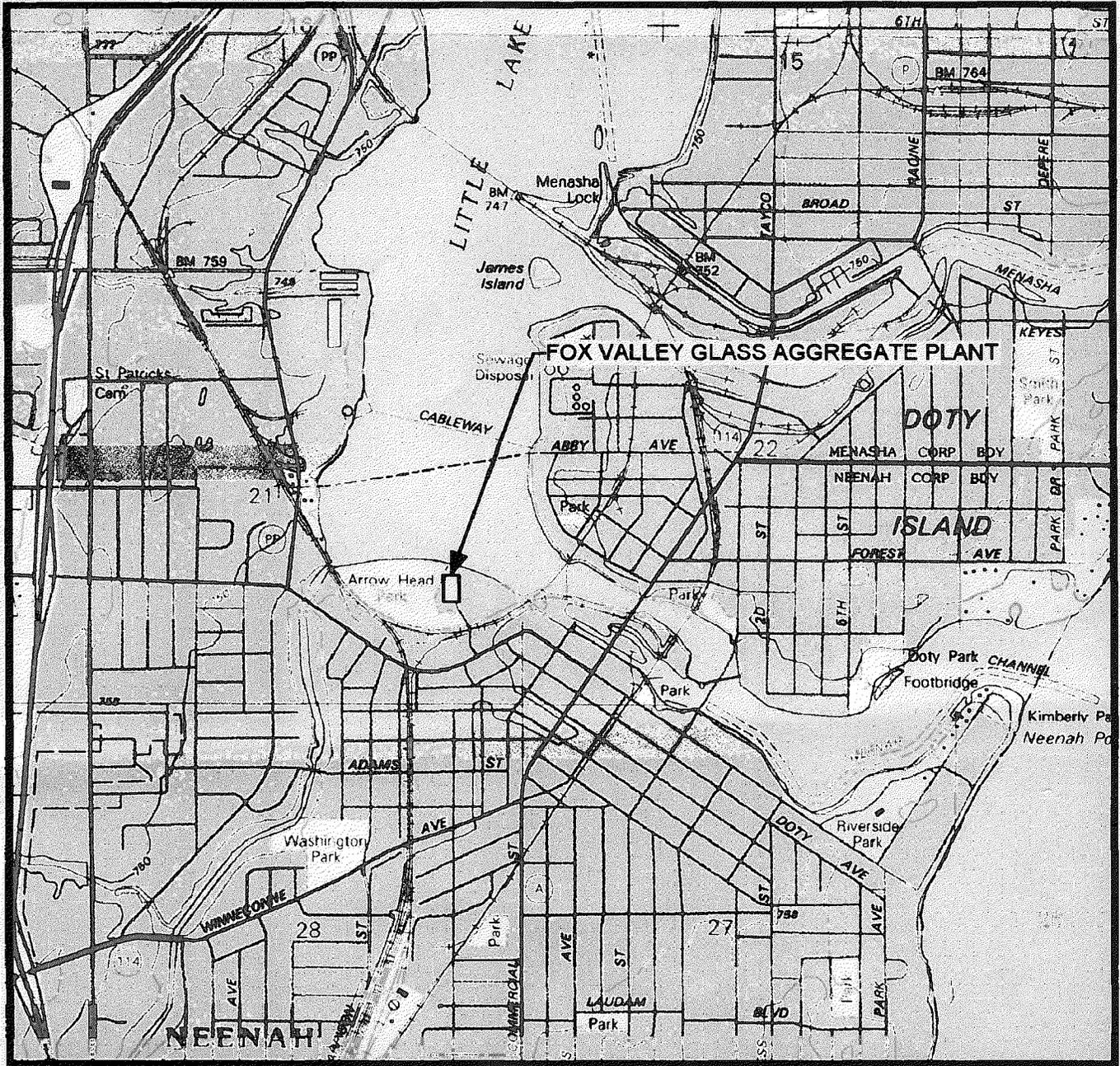
NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 289.01 to 289.97 and 291.001 to 291.97, Stats., are subject to the contested case hearing provisions of section 227.42, Stats. This notice is provided pursuant to section 227.48(2), Stats.

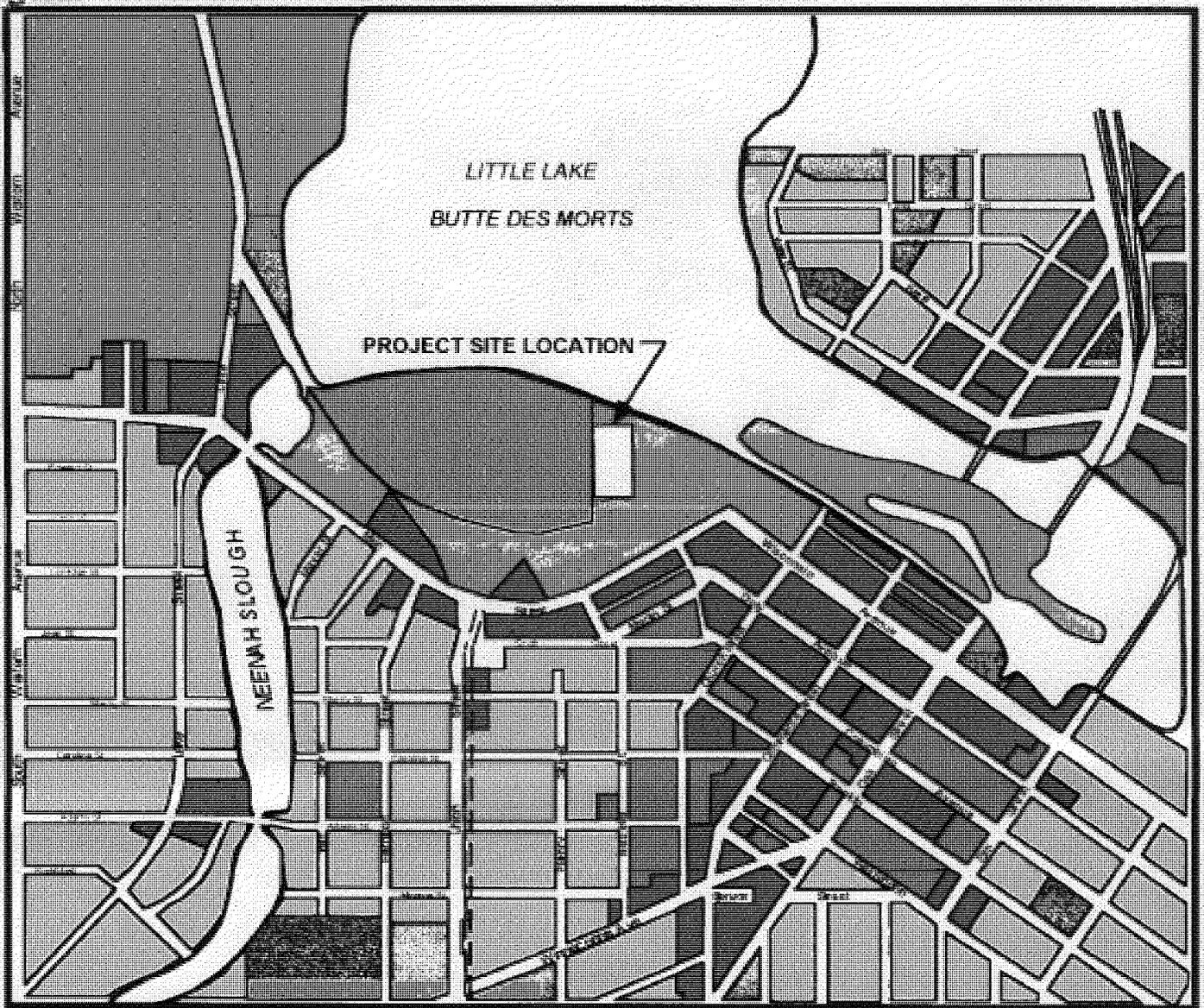


**FOX VALLEY GLASS AGGREGATE PLANT LOCATION
NEENAH, WISCONSIN**



SOURCE: USGS Neenah Quadrangle,
Wisconsin - 1992





- | | | | |
|---|--------------------------|---|----------------------|
|  | Low Density Residential |  | Industrial |
|  | High Density Residential |  | Community Facilities |
|  | Commercial |  | Parks and Recreation |
| | |  | Proposed Streets |

LAND USE OF PROJECT FACILITY



SOURCE: EAST CENTRAL WISCONSIN
REGIONAL PLANNING COMMISSION

MINERGY
MINERGY NEENAH LLC

FIGURE 2

307 Crescent Dr.
Neenah, WI 54956
Sept. 28, 2001

Mr. Don Faith
DNR, Bureau of Air Management
P.O. Box 7921
Madison, WI 53707

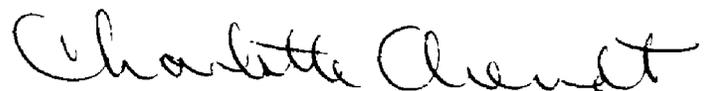
Dear Sir:

I read in the Appleton Post Crescent that you claim Minergy's request to burn coal in their incinerator has generated little outward concern. Several individuals spoke of their concerns at a recent Neenah city council meeting. Minergy's representative was at that meeting. Also, I wrote a letter to Mr. Bazzell which was sent to Mr. Kazmierczak and a copy was sent to you. At least a copy of Mr. Kazmierczak's letter to me was sent to you.

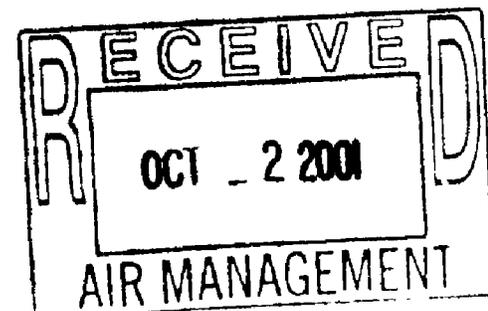
How often do air scrubbers fail (they do fail), and what are the consequences when that occurs?

Have you done an environmental impact study to back your contention that the switch to coal will not add pollution to our air? If not, I request that you do one.

Sincerely,



Charlotte Arendt



**THIS FORM IS TO BE COMPLETED AND SUBMITTED
BEFORE THE START OF THE HEARING.**
Personally identifiable information on this form is not intended to
be used for any other purpose.

State of Wisconsin
Department of Natural Resources

HEARING APPEARANCE
Form 8300-14 Rev. 1-97

PLEASE PRINT

Date 10/09/01	Do you wish to make an oral statement? <input type="checkbox"/> Yes <input type="checkbox"/> No
Name GLENN ARNDT	Telephone Number (please include area code) (920) 725-5872
Street or Route (Mailing Address) 307 CRESCENT DR	
City, State, Zip Code NEWHA, WI 54956	

1. Representing (If you are the authorized representative of some other person or organization, identify who you are representing and your title.)

2. Regarding rule proposals only. Small business representation: Are you representing the interests of a small business as defined by s. 227.114, Wis. Stats., as "a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than 25 full-time employees or which has gross annual sales of less than \$2,500,000"? Yes No

3. Comments: THERE IS NO CLEAN COAL
REQUEST ENVIRONMENTAL IMPACT STUDY

4. Position (Please check one): As interest may appear In support In opposition

September 10, 2001

Mr. Don Faith, III, Review Engineer
Department of Natural Resources
Bureau of Air Management
101 S. Webster Street
Madison, WI 53707

SUBJECT: Notarized Public Notice of Air Pollution Construction and Operation Permit
Nos. 01-DCF-016 and 01-DCF-016 – OP / 471135280-P02 for Minergy Fox Valley Glass
Aggregate Plant

Dear Mr. Faith:

Enclosed is the original affidavit from The Post-Crescent stating that Minergy did post a public notice of the Air Pollution Construction and Operation Permit (Permit Nos. 01-DCF-016 and 01-DCF-016-OP / 471135280-P02). This was posted in the Wednesday, September 5, 2001 edition of The Post-Crescent.

If you have any questions about this affidavit, please feel free to contact me at (920) 727-1411.

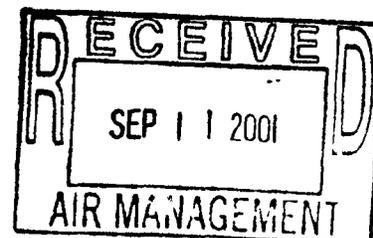
Sincerely,



Terrence W. Carroll
Regional Manager

TC:sb

Enclosure
CC: Jim Fitzpatrick
Rick O'Connor



Sept 3, 01

**BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM**

Wisconsin Department of Natural Resources, Air Management Program,
Preliminary Determination on an Air Pollution Control Permit to Construct and Permit
to Operate an Air Contaminant Source at Neenah, Winnebago County, Wisconsin.
Air Pollution Construction and Operation Permit Nos 01-DCF-016 and 01-DCF-
016-OP / 471135280-P02

Minergy Neenah, LLC - Fox Valley Glass Aggregate Plant, 231 Millview Dr. has
submitted to the Department of Natural Resources (DNR) permit applications includ-
ing plans and specifications for the modification of a glass aggregate facility modif-
ied to allow coal firing.

The Oshkosh Service Center Air Program of the DNR has analyzed these materi-
als and has preliminarily determined that the project should meet applicable criteria
for permit approval as stated in s. 285.63, Wis. Stats., including both the emis-
sion limits and the ambient air standards and should, therefore, be approved.

The issuance of a construction permit allows the construction or modification and
initial operation of a source. An operation permit allows continued operation of a
source. An operation permit may be issued after the permittee demonstrates com-
pliance with the applicable requirements.

If a decision is made by the DNR to issue an operation permit to this source, a
proposed operation permit will be drafted and sent to the United States
Environmental Protection Agency (USEPA) for a 45-day review period. Unless the
USEPA objects in writing to the issuance of the permit as proposed within that 45-
day period, the DNR will issue the final permit as proposed. Any person may peti-
tion the USEPA under 40 CFR Part 70.8(d) within 60 days after the expiration of the
45 day review period to make an objection to the operation permit.

This proposed modification is being reviewed under the Prevention of Significant
Deterioration (PSD) rules (ch. NR 405, Wis. Adm. Code) as a result of a significant
net emissions increase in the emissions of particulate matter (PM and PM₁₀),
Nitrogen Oxides (NO_x), Sulfur Dioxide (SO₂), Carbon Monoxide (CO), and volatile
organic compounds (VOC's).

Increment consumption

Pollutant/ Time Period →	PM ₁₀	PM ₁₀	NO _x	SO ₂	SO ₂	SO ₂
	Annual (µg/m ³)	24 Hr. (µg/m ³)	Annual (µg/m ³)	Annual (µg/m ³)	24-Hr (µg/m ³)	3-Hr (µg/m ³)
TOTAL (all sources)	1.242	10.041	4.642	2.502	59.810	432.378
PSD Limit	17.0	30.0	25.0	20.0	91.0	512.0
% of Standard	7.3%	33.5%	18.6%	12.5%	65.7%	84.4%

In addition, the DNR has prepared an Environmental Assessment and has made
a preliminary determination that an Environmental Impact Statement will not be
required before a final decision is made on the proposed project. The DNR has
determined that the proposed project will not cause significant adverse environ-
mental effects. This preliminary determination does not constitute approval from the
Air Management Program or any other DNR sections which may also require a
review of the project.

The DNR hereby solicits written comments from the public regarding the prelim-
inary determination to approve the construction and operation permit application
and on the environmental assessment preliminary determination. These comments
will be considered in the DNR's final decision regarding this proposal. Information,
including plans, the DNR's preliminary analysis and the Environmental Assessment,
is available for public inspection at the Department of Natural Resources Bureau of
Air Management Headquarters, Seventh Floor, 101 South Webster Street, Madison,
Wisconsin, at the Oshkosh Service Center Air Program, 625 E. County Rd., Y. Ste.
700, Oshkosh, WI 54901-9731, phone (920) 424-3050 and at Neenah Public
Library 240 E. Wisconsin Ave., P.O. Box 569, Neenah, WI 54957-0569 or contact
Don C. Faith III, P.E. at (608) 267-3135. This information is also available for down-
loading from the internet using a world wide web browser at:
<http://www.dnr.state.wi.us/org/aw/air/reg/regs.htm>

NOTICE IS HEREBY GIVEN that, pursuant to secs 285.61(7)(a) and 285.62(5)(a),
Wis. Stats., DNR will hold a public hearing to receive public comments on the air
pollution construction / operation permit application submitted by Minergy and the
environmental assessment for the proposed modification to accommodate coal
within the sludge combustor.

NOTICE IS FURTHER GIVEN that the public hearing will be held:

Tuesday, October 9th, 2001 at 2:30 PM
Neenah City Hall (Council Chambers)
Neenah, WI

Interested persons wishing to comment on the proposal, environmental assess-
ment or preliminary determinations may attend the hearing and/or submit written
comments by October 9th, 2001:

Wisconsin Department of Natural Resources, Bureau of Air Management, P.O.
Box 7921, Madison, Wisconsin 53707, (608) 266-7718 Attn: Don C. Faith III, P.E.

Reasonable accommodation, including the provision of informational material in
an alternative format, will be provided for qualified individuals with disabilities upon
request.

Dated at Madison, Wisconsin August 29, 2001.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary
By /s/Lloyd L. Eagan, Director
Bureau of Air Management
RUN: September 5, 2001

P.A. Plamann

Subscribed and sworn to before me this

6 day of Sept 2001

Sandy Pruiser

Notary Public, Outagamie County, WI

STATE OF WISCONSIN }
OUTAGAMIE COUNTY } SS.

Patricia A. Plamann being duly sworn on her oath, says that she is an employee of The Post-Crescent, a newspaper published by The Post Crescent, Division of Gannett Midwest Publishing Inc., a Corporation organized under and by virtue of the laws of Wisconsin, whose principal place of business is at Appleton, Wisconsin, and that as such employee she makes this affidavit in its behalf and is authorized so to do;

That the said corporation, is the publisher and printer of The Post-Crescent, a newspaper published and printed in the city of Appleton, Outagamie County, State of Wisconsin, and that the notice of which the annexed is a copy, taken from the paper in which it was published, was published in the said newspaper on the following days or days:

Sept 5, 01

**BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM**

Wisconsin Department of Natural Resources, Air Management Program, Preliminary Determination on an Air Pollution Control Permit to Construct and Permit to Operate an Air Contaminant Source at Neenah, Winnebago County, Wisconsin.

Air Pollution Construction and Operation Permit Nos. 01-DCF-016 and 01-DCF-016-OP / 471135280-P02

Minergy Neenah, LLC - Fox Valley Glass Aggregate Plant, 231 Millview Dr. has submitted to the Department of Natural Resources (DNR) permit applications including plans and specifications for the modification of a glass aggregate facility modified to allow coal firing.

The Oshkosh Service Center Air Program of the DNR has analyzed these materials and has preliminarily determined that the project should meet applicable criteria for permit approval as stated in s. 285.63, Wis. Stats., including both the emission limits and the ambient air standards and should, therefore, be approved.

The issuance of a construction permit allows the construction or modification and initial operation of a source. An operation permit allows continued operation of a source. An operation permit may be issued after the permittee demonstrates compliance with the applicable requirements.

If a decision is made by the DNR to issue an operation permit to this source, a proposed operation permit will be drafted and sent to the United States Environmental Protection Agency (USEPA) for a 45-day review period. Unless the USEPA objects in writing to the issuance of the permit as proposed within that 45-day period, the DNR will issue the final permit as proposed. Any person may petition the USEPA under 40 CFR Part 70.8(d) within 60 days after the expiration of the 45-day review period to make an objection to the operation permit.

This proposed modification is being reviewed under the Prevention of Significant Deterioration (PSD) rules (ch. NR 405, Wis. Adm. Code) as a result of a significant net emissions increase in the emissions of particulate matter (PM and PM₁₀), Nitrogen Oxides (NO_x), Sulfur Dioxide (SO₂), Carbon Monoxide (CO), and volatile organic compounds (VOC's).

Increment consumption

P. A. Plamann

Subscribed and sworn to before me this

6 day of Sept 2001

Sally Pruner

Notary Public, Outagamie County, WI

BEFORE THE DEPARTMENT OF NATURAL RESOURCES AIR MANAGEMENT PROGRAM

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Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Dated at Madison, Wisconsin October 29, 2001.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

By /s/ Lloyd L. Eagan
Lloyd L. Eagan, Director
Bureau of Air Management