

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
South Central Region Headquarters
3911 Fish Hatchery Road
Fitchburg, WI 53711

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 7, 2018

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Crook Kenny
President
Coulee Mine
1612 Nakomis Ave
La Crosse, WI 54603

AM/7

FID NO.: 772155120

OPERATION PERMIT NO.: 772155120-ROPA

Subject: Approval of Coverage under Type A Registration Operation Permit and Type A
Registration Construction Permit

Dear Mr. Kenny:

The Air Management Program of the Department of Natural Resources (DNR) has performed a review of the request received on August 20, 2018, for coverage under the Type A Registration Operation Permit (ROP) and Type A Registration Construction Permit (RCP). Enclosed is DNR's decision to approve your application for coverage under these permits.

Type A Registration Permit Coverage No. 772155120-ROPA

Name of Source: Coulee Mine

Street Address: 11575 MacArthur Dr.
Marshfield, Wood County, Wisconsin

Responsible Official, & Title: Crook Kenny, President

The enclosed Registration Permits are issued to provide authorization for your facility to operate in accordance with the requirements and conditions set forth in the Permits. These permits are also available on line at <http://dnr.wi.gov/topic/AirPermits/Options.html#tabx4>. Please read them carefully.

Compliance assistance materials are available at the Small Business Environmental Assistance Program's website at <http://dnr.wi.gov/topic/SmallBusiness/Compliance.html>. It is recommended to sign up for the "Small Business Advisor" newsletter at the same web page to receive the updated regulatory and compliance assistance information. If, in the future, you anticipate that your facility will not be able to continue to comply with the conditions of the Registration Permits, you should apply for and obtain a different type of air permit prior to exceeding any of the limits in the Registration Permits.

A copy of the Registration Permits should be available at the source for inspection by any authorized representative of the Department. All annual compliance certifications and monitoring reports, and any other reports or notifications should be submitted to Wisconsin Department of Natural Resources, 101 South Webster Street, P.O. Box 7921, Madison, Wisconsin 53707-7921.

Any questions about this permit including those about demonstrating compliance with this permit should be directed to Alexander Torres by telephone at (608) 273-5605 or by e-mail at Alexander.TorresNegron@Wisconsin.gov.

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.

To request a contested case hearing pursuant to s. 285.81, Wis. Stats., you have 30 days after the decision is mailed or otherwise served by the Department, to file a petition for a contested case hearing on the Secretary of the Department of Natural Resources. Filing of any such petition must be accomplished in the manner prescribed by Wis. Admin. Code s. NR 2.03 for service of contested case hearing requests upon the Secretary¹ and the petition must set forth specifically the issues sought to be reviewed, the interest of the petitioner, the reasons why a hearing is warranted and the relief desired.

A person other than a permit holder or applicant may file a petition for a contested case hearing if the requirements of s. 285.81(2), Wis. Stats., are met.

For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. 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 in the manner prescribed by those statutes. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Alexander Torres 9/7/2018

Alexander Torres
Registration Permit Program Coordinator
Bureau of Air Management

cc: Crook Kenny - President, Coulee Mine (via e-mail)
Jarrod Nelson – Air Compliance Inspector, DNR (via e-mail)
Facility File AM/7

Enclosure

¹ Wis. Admin. Code s. NR 2.03 reads:

Wis. Admin. Code § Service on the department.

All petitions for hearings, petitions for rules, petitions for declaratory rulings, petitions for review of contested case decisions under s. NR 2.20, answers and complaints required by any statute or rule shall be served on the department by personal delivery to the office of the secretary, by mailing to the secretary by certified mail, at the following address: PO Box 7921, Madison, Wisconsin 53707-7921, or by facsimile transmission to the secretary at (608) 266-6983. If the petition is served by facsimile transmission, a copy of the petition shall be mailed to the secretary by regular mail within one week of service. Service by mailing shall be deemed to have been made on the date the petition is received by the department. Service by facsimile received after 4:30 PM shall be deemed to have been made on the following day.

**BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AIR MANAGEMENT PROGRAM
FINDINGS OF FACTS
CONCLUSIONS OF LAW
AND DECISION**

Findings of Fact

The Department of Natural Resources (DNR) finds that:

- 1) Coulee Mine, 11575 MacArthur Dr., Marshfield, Wood County, Wisconsin, has applied for coverage under a Type A Registration Operation Permit (ROP) and Registration Construction Permit (RCP).
- 2) Coulee Mine submitted a request for coverage under the Type A ROP and RCP and plans and specifications and any additional information describing the air pollution sources on August 20, 2018.
- 3) DNR has reviewed Coulee Mine's ROP and RCP coverage request, plans, specifications, and other information available to DNR.
- 4) DNR has prepared an analysis on the approvability of applications for the ROP and RCP.
- 5) Coulee Mine is a natural minor non-Part 70 source.
- 6) DNR has complied with the procedures set forth in ss. 285.62, Wis. Stats.
- 7) DNR has determined that Coulee Mine meets the criteria for permit approval contained in s. 285.63, Wis. Stats.
- 8) DNR has complied with the requirements of s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code.

Conclusions of Law

DNR concludes that:

- 1) DNR has authority under s. 285.11(1), Wis. Stats., to promulgate rules contained in chs. NR 400 to 499, Wis. Adm. Code, including but not limited to rules containing emission limits, compliance schedules and compliance determination methods.
- 2) DNR has the authority under ss. 285.11(1), (5) and (6), 285.27(1) and (2) and 285.65, Wis. Stats., and chs. NR 400 to 499, Wis. Adm. Code, to establish emission limits for sources of air pollution.
- 3) DNR has the authority to issue air pollution control registration permits and to include conditions in such permits under ss. 285.60, 285.62, 285.63, 285.64, and 285.65, Wis. Stats.
- 4) The emission limits included in the ROP and RCP are authorized by ss. 285.65, Wis. Stats., and NR 400 499, Wis. Adm. Code.
- 5) DNR is required to comply with s. 1.11, Wis. Stats., and ch. NR 150, Wis. Adm. Code, in conjunction with approving coverage under a ROP and RCP.

Permit Decision

Coulee Mine is authorized to construct and operate a facility with low actual air pollution emissions in conformity with the emission limits, monitoring, record keeping and reporting requirements set forth in the attached Type A Registration Permits.