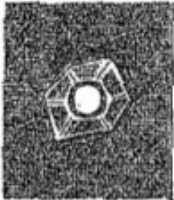


OSGC Trash Incinerator

What did OSGC fail to tell the City and the Public?

- Air and water emissions from a purportedly 'closed loop system'
- Necessity for stacks
- Increasing stack heights if their incinerator still stinks
- Future emissions
- Traffic counts
- Energy production
- Scrubbed out emissions except when they aren't
- Other similar facilities = success here



Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500

Fax: 920-347-0504

To: Oneida Business Committee

From: Kevin Cornelius, CEO Oneida Seven Generations Corporation

Date: 7/21/10

Re: Waste to energy project

For the past year or so Oneida Seven Generations Corporation (OSGC) has been committed to bringing forth a viable renewable energy project that makes both economical and environmental sense on behalf of the tribe. This project is a joint effort between local, state, federal and of course tribal governments. From the onset, OSGC has attempted to meet all protocol in terms of the politics behind the scenes. The biggest hurdle we anticipated was permitting this project because of the location in the Village of Hobart. We were going to follow both Oneida and Hobart zoning processes in an effort to put some differences aside and create a viable project for all communities involved. However, recently we applied for the Conditional Use Permit and the Village of Hobart have made some unreasonable requests as it relates to the land. Oneida Seven Generations Corporation is a staunch supporter of our tribal sovereignty and we have decided that in order to move our project forward we will have to change sites altogether. This change will alter some of the deadlines that we have set upon ourselves, but we feel it is in the best interest of OSGC to make this tough decision. It is very unfortunate that the leadership at the Village of Hobart has determined to not work in a cooperative manner.

We are asking for your full support in this transition to the new site. By having your support our internal Oneida zoning and other Oneida departments will be able to assist us in having this project come to fruition.

Thanks in advance for your time.

OSGC has diligently studied it's incinerator project since about 2009

OSGC's Kevin Cornelius claims there are no stacks to the city...

Mr. Cornelius stated the heat is generated from a natural gas burner that runs on product gas. The system does have to be started up by propane or natural gas. Once you get rolling, you're on your syngas. He added there are no smoke stacks, no oxygen, and no ash. There is carbon and ash which

<http://www.ci.green-bay.wi.us/minutes/20110221MN2796.html>

09/01/2011

Generated by CamScanner from intsig.com

actually could have been tested and go right into organic farming. There are no fallout zones. There are some diosons but no PCB's. This all goes into slag in here.

Kevin Cornelius, chief executive officer of the company, assured aldermen that the 60,000-square-foot biomass plant was a good fit for the city's industrial west side.

Cornelius, however, also said the facility would operate cleanly and would not pollute the environment.

"There are no smokestacks," he said. "For those of us in Green Bay, we know what that means."

Source: 022111 Green Bay City Council Minutes

Source: 030211 GBPG Article

Cornelius tells the city this facility will produce 10 Megawatts. Hydrogen chloride, nitrogen oxide, sulfur dioxide, mercury and dioxin emissions will be “scrubbed out”

Mr. Cornelius stated there are several private waste haulers that have contacted them and are willing to bring the waste in. When they worked with the City staff they mentioned their waste possibly coming to the facility. He stated there is plenty of household garbage out there. He added there are a lot of opportunities out there and several letters of intent have been signed. They want to work with the City if Green Bay is interested.

The facility is limited in size and logistics to roughly ten megawatts because you have so many trucks traveling to different plants, electricity on the grid and places where there are no plants now and less truck traffic.

How much garbage is this? Is this like the entire City of Green Bay that the garbage could possibly go there?

Source: 022111 Green Bay City Council Minutes

Ald. Wiezbiskie thanked the group for the comprehensive report that was supplied to the Commission. In the report under emissions, it refers to some particulate matter, also hydrogen chloride, nitrogen oxide, sulfur dioxide, mercury and dioxins. He asked if this was all in the ash.

Mr. Cornelius stated this is all taken out in the process. It's all scrubbed out. A lot of this stuff is destroyed when it goes through the energy process at the end.

Source: 022111 Green Bay City Council Minutes⁴

REQUEST FOR CITY ACTION - PLAN COMMISSION

(Submit two copies to the City Clerk's Office, Room 106, City Hall)

Date: 2-4-11

Petitioner: TODD PARZICK / BROADWAY MANUFACTURING, LLC Phone Number: 920-336-3400

Address: 311 FRANKLIN STREET City: De Park State: WI Zip Code: 54115

Property Owner: DICK PILGRIM / D&T ENTERPRISES Phone Number: _____

Parcel Numbers (required): 6-3043

Location of Property: HURBUT STREET
Attach maps and legal descriptions (required).

To: Honorable Mayor and Common Council, c/o City Clerk

I, TODD PARZICK, respectfully request that the City of Green Bay take the following action:

Attach Zoning Petition Form with first four items.

- ☐ Rezone Property (\$300.00 Review Fee)
☒ Conditional Use and CUP Amendment (\$300.00 Review Fee), including Single Lot Duplexes
☐ PUCD/PURD and PUCD/PURD Amendments (\$350.00 Review Fee)

- ☐ Approve Preliminary City/Extraterritorial Subdivision Plat (\$150.00 plus \$35.00 per Lot/Outlot Review Fee)
☐ Approve Preliminary City/Extraterritorial Certified Survey Map (\$150.00 Review Fee)
☐ Approve Final City/Extraterritorial Subdivision Plat (\$100.00 Review Fee)
☐ Grant a City/Extraterritorial Subdivision/CSM Variance (\$150.00 Review Fee)
☐ Grant a Postponement of Development Fees (\$100.00 Review Fee) [Review by I&S and/or Park Committees]

- ☐ Development District Map Amendment (\$200.00 Administration Fee)
☐ Driveway Variance (\$200.00 Administration Fee)
☐ Official Map/Area Development Plan Amendment (\$200.00 Administration Fee)
☐ Plat of Right-of-Way (\$200.00 Administration Fee)
☐ Discontinue a Public Utility Easement (\$200.00 Administration Fee)
☐ Street Name Change (\$200.00 Administration Fee)
☐ Declare City Property "City Surplus" (\$200.00 Administration Fee)
☐ Vacate a Street/Alley/Pedestrian Way (\$200.00 Administration Fee)
☐ Other (\$200.00 Administration Fee): _____

Petitioner Signature(s): _____

Review Fee: _____ Voucher No.: _____ Zoning Petition No.: 11-07

2-8-11

Briefly describe action desired, noting the property affected and all other pertinent information.

Attach maps and legal descriptions (required).

Recycling & Processing Facility

See Attached Info

Please contact the Planning Department in Room 608, City Hall, (920) 448-3400, if you have any questions.

The CUP application
was silent about
stacks

Source: 020411 CUP
Application

Stacks are omitted from detailed image renderings
OSGC submitted to the City of Green Bay with the
application



Source: OSGC Plans exhibit submitted for Conditional Use Permit
Application

Stacks are omitted from detailed image renderings
OSGC submitted to the City of Green Bay with the
application



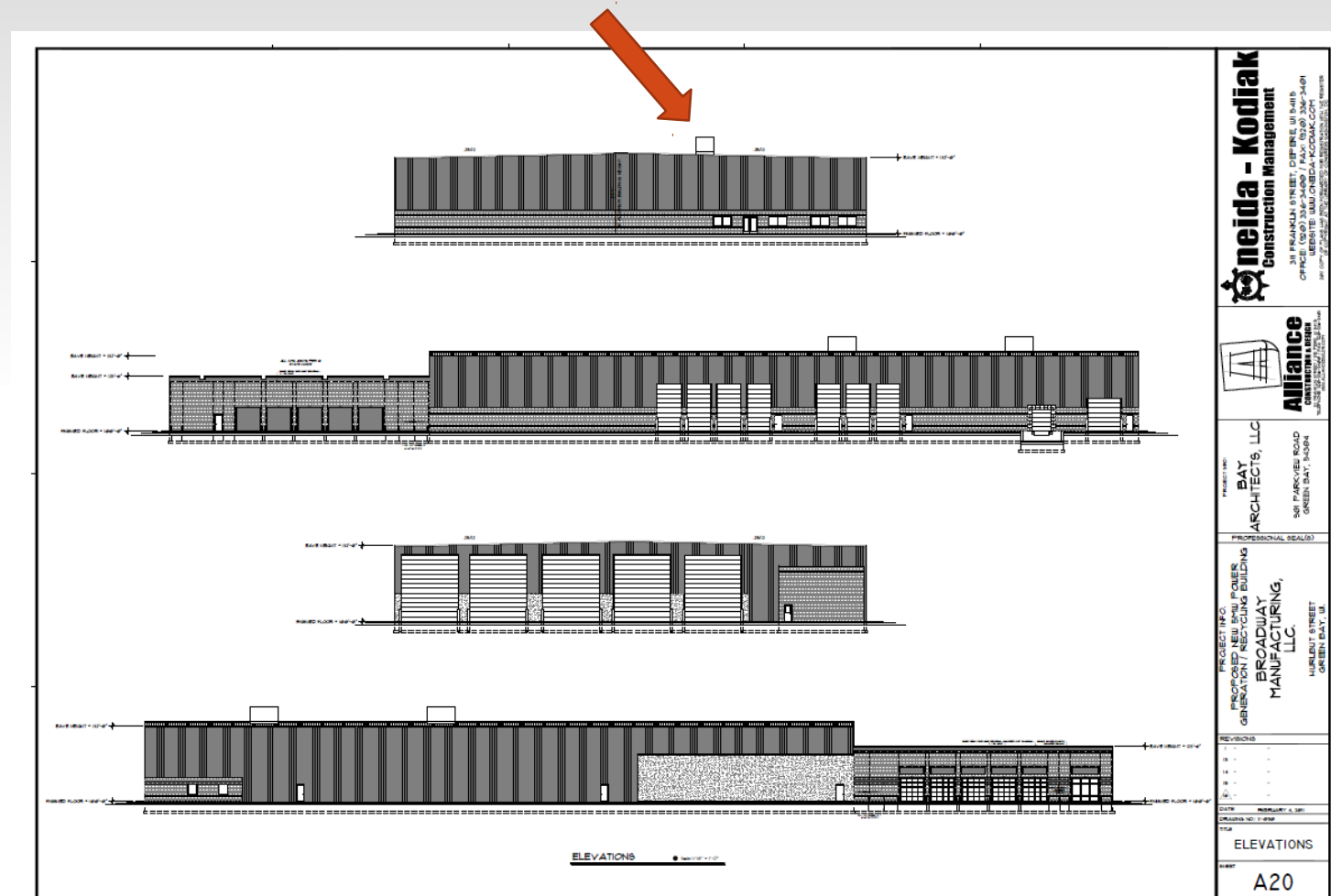
Source: OSGC Plans exhibit submitted for Conditional Use Permit
Application

Stacks are omitted from detailed image renderings
OSGC submitted to the City of Green Bay with the
application



Source: OSGC Plans exhibit submitted for Conditional Use Permit
Application

Stacks heights omitted from detailed plans exhibit identifying elevations that OSGC submitted for the CUP application



Source: OSGC Plans exhibit submitted for Conditional Use Permit Application 9

Half truths in the application exhibits submitted to the City of Green Bay?


Source: OSGC Process and Technology exhibit submitted for Conditional Use Permit Application

Facts

History:

- Waste-to-Energy Systems have been used in Europe since 1890's.

Today there are:

- 87 Waste-to-Energy Plants in the US 
- 400 Waste-to-Energy Plants in Europe
- 190 Waste-to-Energy Plants in Japan
- China plans on investing \$2 Billion in Waste-to-Energy Plants in order to meet its carbon dioxide reduction goal of 45%.

Half truths in the application exhibits submitted to the City of Green Bay?

Emissions from Thermochemical Conversion Technologies

International Environmental Solutions

International Environmental Solutions (IES) operates an Advanced Pyrolytic Treatment Thermal Conversion System that consists of a retort chamber followed by a thermal oxidizer and air pollution control equipment. Material is fed by a screw conveyor into the retort chamber, which maintains a temperature of 1400-1800 °F in a low oxygen environment. Air locks are utilized at each end of the chamber to minimize fugitive emissions. Ash and char exit the chamber through a lock hopper into a collection bin. The pyrolytic gases are ducted to a thermal oxidizer that is equipped with a 5 MM Btu/hr natural gas-fired burner. Exhaust gases from the thermal oxidizer are vented to waste heat boilers for energy recovery. The air pollution control system consists of selective non-catalytic reduction unit for NO_x control, a baghouse for PM control, and a scrubber unit for control of acid gases and volatile metals.

After initial baseline testing to determine the appropriate NO_x control devices for its Advanced Pyrolysis System demonstration plant in Romoland, California, International Environmental Solutions (IES) conducted numerous source tests on various waste streams, including municipal solid waste. The testing conducted with MSW was observed by UC researchers. During 2008, IES and its consultants compiled all of the information necessary to file for a full-term operating permit from the SCAQMD. The permit is currently awaiting approval. In January, 2009, the SCAQMD issued a moratorium on all new permits to operate due to litigation unrelated to the IES application. IES expects the permit to operate will be granted once the moratorium is lifted.

Emissions results were obtained from a compliance source test report. Performance and emissions results are shown in the following Table.⁹

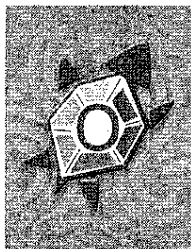
IES Pyrolysis Plant in Romoland, California:

- **Claim:** Company officials refer to a pyrolysis plant in the Los Angeles, California area as an example.
- **Reality:** The only existing commercial pyrolysis plant designed for treatment of solid waste in the Los Angeles area – or anywhere else in the United States to our knowledge – is the demonstration plant in Romoland, California operated by IES.
- **Reality:** The IES facility is a problem-plagued pyrolysis plant. This facility does not have commercial permits despite years of attempts.
- **Reality:** In October 2010, IES was fined \$6000 by the South Coast Air Quality Management District for a 2009 violation of: "Operating equipment which puts contaminants in the air without having a permit to operate."

Source: 030711 Greenaction
Evaluation of Proposed OSGC
Incinerator

Source: OSGC Emissions exhibit
submitted for Conditional Use
Permit Application

OSGC submissions to the City to obtain the CUP



Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500 Fax: 920-347-0504

www.osgc.net

MYTHS VS. FACTS

UPDATED: FEBRUARY 15, 2011

Representation: it's a 'closed loop system' that contains "all gases and wastewater".

Fact: *This is false and misleading.*

The proposed Pyrolysis System is a completely closed loop system so all gases and wastewater are contained. Typical MSW (municipal solid waste) contains 17% moisture. Any moisture that enters the gasifier will come off as a vapor mixed with the gases; the vapor then condenses during the gas cleanup. Water will be treated and filtered, with a portion of the water used in the gas cleanup process and the remained filtered to a level that it can be disposed in a public sewer, just like dish, shower and sink water.

Sources: 021511 OSGC Myths v. Facts

OSGC 'Fact Sheet' submitted to the City to obtain the CUP



Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500

Fax: 920-347-0504

www.osgc.net

Renewable Energy Facility: Fact Sheet

Overview

Oneida Seven Generations Corporation's proposed renewable energy, biomass gasification facility, will be located in an industrial area on Hurlbut Street in Green Bay. The facility will take municipal solid waste that would otherwise be put into a landfill, put it through a pyrolysis gasification process, and create five megawatts of power hourly, which will be sold to Wisconsin Public Service Corp.

Emissions:

Emissions will meet or be better than the standards set by the EPA. There will be no smokestacks such as those associated with coal-fired power plants.

Water:

Any water generated or used will be treated and re-used, or discharged to the sanitary sewer, just as any home or business wastewater. Storm water will be treated like all other new commercial sites. The operation will not affect the ground water table.

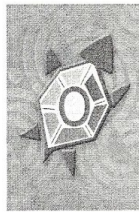
Traffic:

Approximately two trucks per hour will carry waste to the facility from 7 a.m. to 5 p.m. Monday through Friday.

Source: 021611 OSGC Renewable
Energy Facility: Fact Sheet



February 16, 2011



Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500

Fax: 920-347-0504

www.osgc.net

December 29, 2010

Dear neighbor,

Thank you for attending the Oneida Seven Generations Corporation Open House on December 16, 2010. We appreciate your interest in the project and hope you learned more about our renewable energy facility. While for some this is an emotional issue, it's important to understand the facts about this facility.

- It will be located in what is, and has been for many years, an industrial park that is zoned light industrial. The facility meets that definition. The land is held in trust for the Oneida Nation by the U.S. Government.
- The Oneida Industrial Park is flanked on one side by the Ashwaubenon Industrial Park and, on the other side, by Austin Straubel Airport.
- It will meet or exceed current federal standards for safety, emissions and pollutants.
- The gasification technology to be used is not new nor is it an experimental prototype.
- There is no incinerator. There will be no smokestacks (like those associated with coal-fired plants).
- There will be little noise or odor. All work will be done inside a closed facility.
- Traffic counts for that area of Packerland Drive range from 9,200 to 11,400 vehicles per day. At most, the facility will receive up to 25 trucks per day (Monday through Friday only).
- When in operation, the facility will employ approximately 30 people.

A number of people at the Open House asked what the next steps will be and what the timeline is for the project. We are currently reviewing and discussing comments received from the public and continue to evaluate our site location. When we are prepared to move forward, we will keep you informed about the process (including regulatory approval process) and provide an approximate timeline.

At some point, it is likely we will have another public open house. Based on your feedback, we will hold it in a larger venue with a sound system, to better accommodate the number of attendees.

In the meantime, please visit our website: www.osgc.net or www.wtc.org to learn more about the facility. Thank you.

Sincerely,

Kevin Cornelius
Chief Executive Officer
Oneida Seven Generations Corporation

Representation to
the public:
No stacks, before
the CUP was
granted

And no odors either!

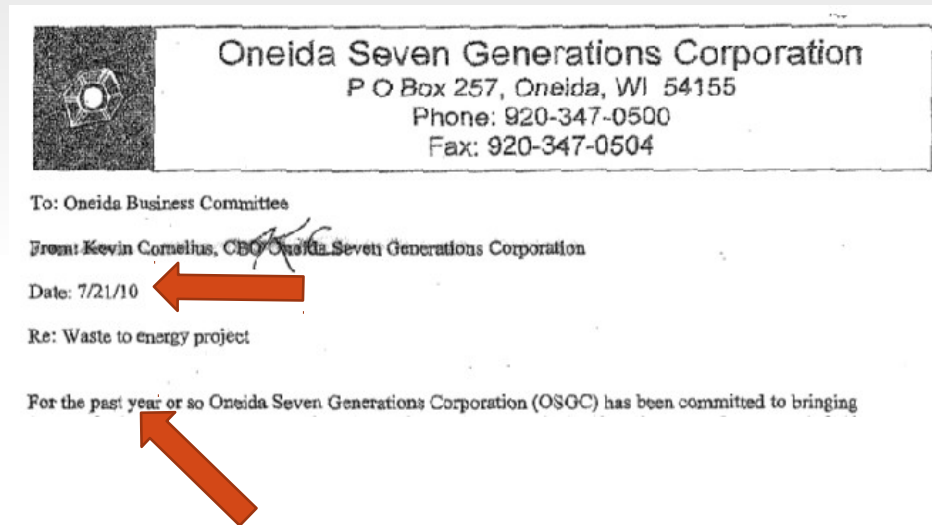
Representation Considerations for the Upcoming Slides

- A comedy of errors and mistakes by OSGC?
- Concealment or suppression of the truth?
- Suggestion of falsehood and suppression of truth?
- Silence where there is a duty to speak?
- Half-truths calculated to mislead?
- Reckless lack of knowledge despite YEARS of prior study and work?
- The U.S. Supreme Court has long held a “statement of a half truth is as much a misrepresentation as if the facts stated were untrue.” (*Equitable Life Ins. Co. v. Halsey, Stuart & Co.*, 312 U.S. 410 (1941)).

CUP Chronology

Date	Event	Representation
02.04.11	Todd Parczick / Broadway Manufacturing Application filed for Conditional Use Permit	CUP application and filed document was silent about stack heights. Exhibits omit stacks from image and elevation renderings of the proposed facility.
02.09.11	Notice to Property Owners of CUP request	
02.15.11	OSGC provides Myths v. Facts to the City of Green Bay	States the "proposed Pyrolysis system is a completely closed loop system so all gases and wastewater are contained."
02.16.11	OSGC provides Renewable Energy Facility: Fact Sheet to the City of Green Bay	States "There will be no smokestacks such as those associated with coal-fired power plants."
02.21.11	Green Bay Plan Commission recommends CUP approval	The Minutes indicate Mr. Cornelius represented to the Plan Commission "there are no smoke stacks..."
02.22.11	Notice to Affected Property Owners	
03.01.11	Green Bay Plan Commission report to the City Council meeting, and City Council approval of the conditional use permit	The report states: "Information provided by the applicant was sent to Plan Commission members in advance of this report." The conditional use permit does NOT specify any stack heights may exceed the city's 35' maximum.
03.02.11	Press Gazette headline: "Gasification plant gets Green Bay Council OK" announcement that Green Bay's City Commission approved a Conditional Use Permit for the incinerator	The article quotes Mr. Cornelius : "There are no smokestacks."
04.21.11	Original Air Permit Application sent to DNR by OSGC	First disclosure of stacks and emissions by OSGC.
05.12.11	Oneida Seven Generations Corporation files its Proposed Plan of Operation with WDNR	States "odors and contaminant dispersion issues may be alleviated through increasing stack heights..."
06.21.11	Amended Oneida Energy, Inc., Permit to Construct Application	Based on information submitted by OSGC, DNR identifies 10 stacks: <ul style="list-style-type: none"> 3 X 60 feet, 1 X 45 feet, 3 X 40 feet, and 3 X 7.5 feet
07.27.11	OSGC Open Letter to Brown County Residents	OSGC omits emissions stacks from its detailed image rendering provided to residents.

Despite Studying Incinerators Since 2009, OSGC Either First Learned of 10 Stacks Within 6 Weeks After Obtaining the CUP, or it Chose Not to Disclose



04.14.11 Original Air Permit Application sent to DNR by OSGC

First disclosure of stacks and emissions by OSGC.

First Disclosure Only 6 Weeks After CUP Granted?

State of Wisconsin
Department of Natural Resources

STACK IDENTIFICATION
AIR POLLUTION CONTROL PERMIT APPLICATION
Form 4530-103 11-93 Information attached? ___ (y/n)

SEE INSTRUCTIONS ON REVERSE SIDE

1. Facility name: <u>Oneida Recycling Solutions</u>	2. <u>Facility identification number:</u>	3. Stack identification number: <u>S02</u>
4. <u>Exhausting Unit(s), use Unit identification number from appropriate Form(s) 4530-104, 106, 107, 108 and/or 109</u> <u>4530-104 4530-106 4530-107 4530-108 4530-109_P02</u>		
5. Identify this stack on the plot plan required on Form 4530-101		
6. <u>Indicate by checking:</u> <input checked="" type="checkbox"/> This stack has an actual exhaust point. <input type="checkbox"/> This stack serves to identify fugitive emissions.		
<i>If this stack has an actual exhaust point, then provide the following stack parameters</i>		
7. <u>Discharge height above ground level:</u> <u>60</u> (feet)		
8. <u>Inside dimensions at outlet (check one and complete):</u> <input checked="" type="checkbox"/> Circular <u>1.0</u> (feet) <input type="checkbox"/> rectangular length (feet) width (feet)		
9. <u>Exhaust flow rate:</u> <u>Normal 11890 (ACFM) Maximum 11890 (ACFM)</u>		
10. <u>Exhaust gas temperature (normal):</u> <u>950</u> (°F)		
11. Exhaust gas moisture content: Normal volume percent Maximum volume percent		
12. <u>Exhaust gas discharge direction:</u> <input checked="" type="checkbox"/> Up <input type="checkbox"/> Down <input type="checkbox"/> Horizontal		
13. <u>Is this stack equipped with a rainhat or any obstruction to the free flow of the exhaust gases from the stack?</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
***** Complete the appropriate Air Permit Application Forms(s) 4530-104, 106, 107, 108 or 109 for each Unit exhausting through this stack. *****		

Take a closer look at the first disclosure – only 6 weeks after the CUP was granted

Did OSGC Subsequently Disclose These 10 Stacks to the City of Green Bay?

4.5 months **AFTER** the CUP was granted, OSGC instead chose to send an open letter to Brown County residents where they were omitted.

Why?

Source: 072711 OSGC Open Letter



Oneida Seven Generations Corporation

An Open Letter to Brown County Residents about OSGC's proposed Renewable Energy Project

Dear fellow Brown County Resident;

There is a lot of deliberate misinformation, and outright scare tactics, circulating about the Oneida Seven Generation Corporation's proposed renewable waste facility to be located on Green Bay's west side. The single, most important thing for the community to understand is that *the facility cannot be built or operated without approval from government agencies (DOE, WDNR, EPA, etc.) that are entrusted to protect public health and safety.* These agencies have technical and scientific experts on staff who are evaluating every aspect of the proposed facility.

The *WDNR has made a preliminary determination that the application meets state and federal air pollution control requirements* and the WDNR's own *Environmental Assessment has determined the proposed project will not cause significant adverse environmental effects.*

What is often lost in the discussions about the proposed facility is its many environmental benefits. OSGC's facility will serve as a recycling center first, and then it will generate electricity by gasifying the waste that is not recyclable. The project brings together three proven technologies into a single process (recycling, Pyrolysis / gasification, and using product gas to generate electricity). The end result will *increase Brown County's recycling volume, decrease the amount of waste going into landfills and significantly benefit the environment.*

Many communities across the country realize the benefits of this type of renewable energy. *Appleton recently proposed a biogas system* which will use methane gas from the city's wastewater treatment plant to fuel boilers that heat the plant's buildings. While that system is not identical OSGC's, the concept and general operation is the same. In addition, generators to be used by the OSGC project are *no different than* generators used throughout Wisconsin to produce electricity. There are currently 31 such gensets in use in Wisconsin. In fact, *Brown County's eastside landfill uses a genset to create electricity from the product gas produced at its landfill.*

The proposed Green Bay facility *continues to receive extensive support.* We believe the small but vocal number who oppose the project either do not understand (or want to understand) that this is not an incinerator (which would require the actual burning of material) or have other renewable energy agendas (such as zero waste or wind energy). Some may simply oppose it because it is an Oneida business project.

It is our pledge to the community that we will build a facility that meets or exceeds all standards, is safe to operate, provides good paying jobs, and reduces the amount of waste going into area landfills. It is part of our mission to make sure whatever projects we undertake have a positive impact on the next seven generations. This facility will do just that.

Sincerely,

Kevin Cornelius
Chief Executive Officer
Oneida Seven Generations Corp.



Rendering of proposed facility.

To learn more, visit: www.osgc.net

CITY OF GREEN BAY

TO: Mayor Schmitt
Common Council Members

FROM: City Attorney Tony Wachewicz

DATE: April 9, 2012

RE: 1230 Hurlbut St. Conditional Use Permit
Oneida Seven Generations Corporation Gasification Plant

ATTORNEY-CLIENT PRIVILEGE

The facility located at 1230 Hurlbut is zoned General Industrial. As you can see from the relevant code provisions highlighted above, the maximum height allowed is 35 feet; however, that height limit may be exceeded by conditional use if it is a smokestack, water tower, or *similar structure*. City staff interprets an exhaust pipe to be a similar structure to a smokestack; thus, the same provision would apply whether it is a smokestack or exhaust pipe. Accordingly, there is no need to debate the difference between the two terms because our Code treats them the same.

Green Bay's City Attorney says all stacks are stacks under the city code

In addition to failing to obtain a building permit, the City attorney states the city retains the power to enforce its 35 foot height restriction

Notes to Table 9-2

- a. Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.

The facility located at 1230 Hurlbut is zoned General Industrial. As you can see from the relevant code provisions highlighted above, the maximum height allowed is 35 feet;

The City attorney agrees the code limits stack heights to 35 feet



In addition, OSGC has yet to pull any building permits to construct the building itself and any remaining improvements, etc. This still gives the City control with respect to the final structure or facility that will be constructed to make sure that it complies with all code provisions and the CUP.

DNR reports OSGC originally planned 10 stacks – 7.5 to 60 feet in height soon after obtaining the CUP

Stack Parameter Summary.

Stack ID	Actual Exhaust Point or Fugitive	Circular or Rectangular	Discharge Direction	Exhaust Obstacle	Diameter or Width (if rect.)	Length (if rect.)	Height	Temp.	Normal Flow Rate	Maximum Flow Rate
			U, D, H	Yes/No	ft (m)	ft (m)	ft (m)	°F	ACFM	ACFM
S01	Actual	Circular	U	No	1.0	--	40	550	945	945
S02	Actual	Circular	U	No	1.0	--	40	550	945	945
S03	Actual	Circular	U	No	1.0	--	40	550	945	945
S11	Actual	Circular	U	No	1.33	--	60	950	11,890	11,890
S12	Actual	Circular	U	No	1.33	--	60	950	11,890	11,890
S13	Actual	Circular	U	No	1.33	--	60	950	11,890	11,890
S21	Actual	Circular	U	No	5.74	--	7.5	90	32,262	32,262
S22	Actual	Circular	U	No	5.74	--	7.5	90	32,262	32,262
S23	Actual	Circular	U	No	5.74	--	7.5	90	32,262	32,262
S31	Actual	Circular	U	No	2.57	--	45	1,832	20,458	20,458



Source: 071211 WDNR Preliminary Determination 11-JJW-071

All these emissions from OSGC's 'closed loop system'?

Stacks are needed for all these emissions

C. Total Facility Emissions

Criteria Pollutants Emissions.

Pollutant	Potential to Emit (PTE)*	
	Pounds per hour	Tons per year
PM ₁₀ / PM _{2.5}	1.21 / 1.20	5.26 / 5.23
Sulfur Dioxides	4.94	19.4
Nitrogen Oxides	23.2	99.4
Volatile Organic Compounds	10.3	40.6
Carbon Monoxide	23.1	88.8

Hazardous Air Pollutant Emissions.

Pollutant	Potential to Emit (PTE)*		
	Pounds per hour	Pounds per year	Tons per year
Chromium III (7440-47-3) sf	1.6E-03	14.0	7.0E-03
Mercury (7439-97-6) sf	1.8E-04	1.53	7.7E-04
Nickel (7440-02-0) sf	1.7E-04	1.52	7.6E-04
Dioxin/Furans as TEQ (-) sf	9.2E-09	8.1E-05	4.0E-08
Copper (7440-50-8) s	1.9E-03	16.6	--
Iron Oxide (1309-37-1) s	1.7E-03	14.9	--
Tin (7440-31-5) s	3.6E-03	31.5	--
Selenium (7782-49-2) sf	2.4E-03	21.0	1.1E-02
Antimony (7440-36-0) sf	3.7E-03	32.4	1.6E-02
Hydrogen Sulfide (7783-06-4) s	0.21	1,840	--
Formaldehyde (50-00-0) sf	1.73	15,155	7.58
Acetaldehyde (75-07-0) sf	2.1E-02	184	9.2E-02

Including the emissions OSGC's CEO specifically told the City would be "scrubbed out" - Mercury, Hydrogen Chloride, Nitrogen Oxide, Sulfur Dioxide, and Dioxins

Phosphoric Acid (7664-38-2) s	5.9E-02	517	--
Potassium Hydroxide (1310-58-3) s	8.5E-03	74.5	--
Sodium Hydroxide (1310-73-2) s	6.1E-03	53.4	--
Hydrogen Chloride (7647-01-0) sf	2.2E-02	193	9.6E-02
Hydrogen Fluoride (7664-39-3) sf	6.3E-04	5.52	2.7E-03
Total s. 112(b) Federal Hazardous Air Pollutants (individual / combined) =			<10 / <25 TPY

s = state hazardous air pollutant; f = Federal hazardous air pollutant

Source: 071211 WDNR Preliminary Determination
11-JJW-071

More emissions

Table 3

Proposed Facility HAP Emissions

(selected compounds)

Oneida Energy Inc
Estimated Air Toxic Compounds

production 6.250 ton/hr (150 tpd)

From AP-42, table 2.1-9

150 tpd
6.25 tph

Assume 99.95% control of D/F from gas cleaning/condensers
Assume 99.5% control of PM from gas cleaning/condensers

NR 445 Thresholds

Pollutant		uncontrolled lb/ton	uncontrolled			controlled			NR 445 Thresholds	
			lb/hr	lb/yr	tpy	lb/hr	lb/yr	tpy	lb/hr	lb/yr
arsenic	As	6.69E-04	0.0042	36.63	0.018	0.000021	0.18	0.00009	--	4.04
cadmium	Cd	2.41E-03	0.0151	131.95	0.066	0.000075	0.66	0.00033	--	9.66
chromium	Cr (assume Cr3)	3.31E-03	0.0207	181.22	0.091	0.000103	0.91	0.00045	0.211	--
mercury	Hg	5.60E-03	0.0350	306.60	0.153	0.000175	1.53	0.00077	0.0105	--
nickel	Ni	5.52E-03	0.0345	302.22	0.151	0.000173	1.51	0.00076	--	66.8
lead	Pb	ND							--	--
dioxin/furan	CDD/CDF	2.94E-06	1.84E-05	0.16	8E-05	9.19E-09	0.00008	4.02E-08	--	0.0001

From SCR Vendor Clean Fuel Specs

ppmw = ppmv * MW / 19.71

0.0523 lb/cf

460 Btu/cf (LHV)

7.5 MMBtu/hr (three retort)

44.82 MMBtu/hr (three ICE)

52.32 TOTAL

NR 445 Thresholds

max in fuel										Controlled				
			MW	ppmw		lb/cf	lb/MMCf	lb/Btu	lb/MMBtu	lb/hr	lb/yr	tpy	lb/hr	lb/yr
arsenic	As	1	74.92159	3.80**		9.94E-09	0.010	2.16E-11	2.16E-05	0.0011	9.90	0.005	--	4.04
fluoride	F	1	19	0.96**		2.52E-09	0.003	5.48E-12	5.48E-06	0.0003	2.51	0.001	1.05	--
lead	Pb	1	207.2	10.51**		2.75E-08	0.027	5.98E-11	5.98E-05	0.0031	27.39	0.014	--	--
mercury	Hg	1	200.59	10.18**		2.66E-08	0.027	5.79E-11	5.79E-05	0.0030	26.52	0.013	0.0105	--
copper	Cu	1	63.546	3.22**		8.43E-09	0.008	1.83E-11	1.83E-05	0.0010	8.40	0.004	0.0842	--
chromium	Cr	1	51.996	2.64**		6.90E-09	0.007	1.50E-11	1.50E-05	0.0008	6.87	0.003	0.211	--
nickel	Ni	1	58.69	2.98**		7.79E-09	0.008	1.69E-11	1.69E-05	0.0009	7.76	0.004	--	66.8
iron	Fe	1	55.845	2.83**		7.41E-09	0.007	1.61E-11	1.61E-05	0.0008	7.38	0.004	2.11	--
tin	Sn	1	118.71	6.02**		1.57E-08	0.016	3.42E-11	3.42E-05	0.0018	15.69	0.008	--	--
selenium	Se	1	78.96	4.01**		1.05E-08	0.010	2.28E-11	2.28E-05	0.0012	10.44	0.005	0.0842	--
antimony	Sb	1	121.76	6.18**		1.62E-08	0.016	3.51E-11	3.51E-05	0.0018	16.10	0.008	0.211	--
zinc	Zn	5	65.39	16.59**		4.34E-08	0.043	9.43E-11	9.43E-05	0.0049	43.22	0.022	--	--
phosphorus	P	5	123.895	31.43**		8.22E-08	0.082	1.79E-10	1.79E-04	0.0093	81.89	0.041	0.0427	--
siloxanes		1												
potassium	K	5	39.0983	9.92**		2.59E-08	0.026	5.64E-11	5.64E-05	0.0030	25.84	0.013	--	--
sodium	Na	5	22.98977	5.83**		1.53E-08	0.015	3.32E-11	3.32E-05	0.0017	15.20	0.008	--	--
Chlorides	Cl	20	35.4525	35.97**		9.41E-08	0.094	2.05E-10	2.05E-04	0.0107	93.73	0.047	1.77	34762
hydrogen sulfide	H2S	200	34.08	345.81**		9.04E-07	0.904	1.97E-09	1.97E-03	0.1029	901.01	0.451	5.87	--

** gas cleaning system expected to achieve at least 95% reduction below these specification levels
0.05

E:\ORSON\21915 Oneida Recycling Solutions\June 2011 air application update\Oneida Energy Inc Air Permit A

12

WHITING MILL MO

Plus, highly contaminated water emissions from OSGC's 'closed loop system'?



Oneida Seven Generations Corporation

P O Box 257, Oneida, WI 54155

Phone: 920-347-0500

Fax: 920-347-0504

www.osgc.net

Water:

Any water generated or used will be treated and re-used, or discharged to the sanitary sewer, just as any home or business wastewater. Storm water will be treated like all other new commercial sites. The operation will not affect the ground water table.

Contrast with the below from the plan of operations:

Liquids The pyrolysis liquids consist mainly of tar, light oil, and liquor. The tar contains f olefins, 62% to 80% aromatics, and 3% to 14.5% paraffins and naphthenes, and the rem compounds that have been identified as acids, bases, ketones, and aldehydes contain carbon atoms. The major components of light oil are benzene and toluene. The pyrolysis 90%-97% water (Sanner et al., 1970).

A high level of char and ash carryover can be assimilated in the liquid product, where pa proportions can influence the product quality. Care must be taken in storage, handling, c upgrading pyrolysis liquids because of the water and high oxygen content. Polymeriza product can be caused by temperatures around 212F. Polymerization adversely affects i such as viscosity, phase separation, and deposition of a bitumenlike substance. Heating viscos for pumping needs to be considered cautiously. Exposure of the pyrolysis liquic storag or transportation may cause deterioration of its chemical and physical properties the liquid product is important and has several effects. It reduces the heating value, affe viscosity, and influences both physical and chemical stability. A high water content in the will affect the refining and upgrading process and increase the wastewater generated du steps. The generated wastewater is highly contaminated by dissolved and suspended or chemical oxygen demands of 150,000 mg/lit. The wastewater will need to be treated anc increasing the operating cost. Pyrolysis liquids require additional processing to be directl conventional fuel-marketing infrastructure. This would allow uses such as synthetic oil fo stations, synthetic oil as refinery feedstock, and synthetic oil for gas turbines and modifie Pyrolysis liquids can be mixed, with upgrading, into bulk fuels by fuel blenders and sc markets. Conventional markets are preferred because they allow multiple customers.

We have included a basic fact sheet that you can feel free to use and photocopy to hand out to your constituents should they have questions.

In the meantime, should you want more information, feel free to visit our website at www.osgc.net or contact me directly. Thank you for your interest and support of the project.

Sincerely,

Kevin Cornelius
Chief Executive Officer
920-347-0500
kevin@osgc.net

OSGC Sent the City its Fact Sheets

Sources: 051211 Plan of Operations
122911 OSGC Update to GB City
Attorney & 'Fact Sheet' attachment

Odors and further “increasing stack heights” against city restrictions if OSGC’s experimental incinerator still stinks?

Oneida Recycling Solutions Environmental Assessment Mitigation

Page 14 of 22
Revised April 2011

Combustion odors and contaminant dispersion issues may be alleviated through increasing stack heights and adding control equipment.

Source: 051211 Plan of

Oneida Recycling Solutions Plan of Operations

Page 8 of 26
May 2011

since there are no other known federal HAPs, the combined federal HAP emissions will be below 25 tons. The emission limits present in WAC NR 445.07 Table A for formaldehyde may limit the electrical generating capacity of the plant. In order to not have the default Table A values impede plant capacity a modeling assessment and/or Best Available Control Technology (BACT) analysis will need to be performed.

There will be odor generated from the combustion of the synthetic gas, similar to combustion of natural gas. Combustion odors can be mitigated through increasing stack heights to disperse the odors. Wet scrubbers can also be added if odor is still an issue. Additional sources of odor may be generated from the storage and processing of the refuse material.

Source: 051211 Plan of
Operations

Future emissions

Emissions will double corresponding to a planned **doubling** in the incinerator's size, plus adding tires, etc.

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-1

Rev. 6-2010

Department of Natural Resources (DNR)

Region or Bureau

Type List Designation

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., Insert Date.

Contact Person:

Title:

Address:

Telephone Number

Applicant: Oneida Recycling Solutions

Address: 1239 Flightway Drive, De Pere, WI 54155

Title of Proposal:

Location: County: Brown City/Town/Village: 1230 Hurlbut Street, City of Green Bay

Township Range Section(s): Bay Port Industrial Center No. 1 Replat, Lot 5, T.24N. - R.20E.

PROJECT SUMMARY

1. Brief overview of the proposal including the DNR action (include cost and funding source if public funds involved)

Oneida Seven Generations Corporation proposes to construct a facility to convert solid waste into electricity. This facility will utilize a process call pyrolysis, which means heating the solid waste material in an oxygen starved environment. The waste will be converted to gas via pyrolysis and will be used as fuel in the combustible turbine engines to generate electricity. This facility will be built on a 5.88 acre parcel located at 1230 Hurlbut Street within the boundaries of the City of Green Bay (see attachment 1 for location map). This facility will utilize municipal solid waste to generated electricity for sale to the energy market. The facility will start by processing 150 tons per day, generating five megawatts (MW) of electricity with three pyrolytic gasification systems and generators, with possible future expansion to processing up to 300 tons per day and generating ten MW (dependent on the negotiated power purchase agreement with the Wisconsin Public Service). Future expansion may also include adding other types of waste such as tires, non-recyclable plastics, and dairy waste.

Future emissions from OSGC's 'closed loop system'

1. Summary

Oneida Seven Generations Corporation proposes to construct a facility to convert solid waste into electricity. The system will utilize municipal solid waste to generate electricity for sale to the energy market. The facility will start by processing 150 tons per day, generating five megawatts (MW) of electricity with three pyrolytic gasification systems and generators, with possible future expansion to processing up to 300 tons per day and generating ten MW (dependent on the negotiated power purchase agreement with Wisconsin Public Service). Future expansion may also include adding other types of waste such as tires, non-recyclable plastics, and dairy waste.

Features of the gasification system include:

- Reduction of the waste stream by up to 90% with a residual created consisting of carbon char and inert materials that can be recycled at a profit.
- EPA approved disposal of Medical and Hazardous materials.
- Systems exceed all EPA and California clean air emission standards.
- The plant offers a continuous feed system for processing materials that can operate 24/7.
- The thermal flow can use off-the-shelf technology to produce from 4 to 10 MW of electricity depending of the waste stream being processed and the specific system being used.
- Power purchasers see benefits of the system using renewable rates of purchase for a system that operates over a consistent power curve on a continual basis. The system can be added to the grid in population centers close to the consumption.
- The dual revenue stream of tipping fees and sale of power via power purchase contracts with utilities offers a profitable business with a payback of investment in only a few years.

Operational Ineptitude? Energy output claims are 50% apart despite 2 years of studying.

The Pyrolysis based waste-to-energy plant is structured to produce renewable electricity that will otherwise be produced in an electric utility power plant burning fossil fuel.

Being a member of the Wisconsin Green Building Alliance, Alliance Construction & Design is proud to be the first company in the country to design and build a fully enclosed Gasification system converting over 150 tons of waste per day into 6.4MW of electricity per hour. The amount of energy produced by this system can be compared to the energy produced by 19 (750kW) wind turbines.

Source: Alliance Construction & Design website

If they knew what they were doing, would the builder and OSGC be 50% apart in their claims about potential power generation?

The facility is limited in size and logistics to roughly ten megawatts because you have so many trucks traveling to different plants, electricity on the grid and places where there are no plants now and less truck traffic.

How much garbage is this? Is this like the entire City of Green Bay that the garbage could possibly go there?

Source: 022111 Green Bay City Council Minutes

Renewable Energy Facility *Benefits Environment & Community*

There is considerable misinformation circulating about the proposed Oneida Seven Generations Corporation (OSGC) Renewable Energy Facility. It's intended to scare and mislead people. All of us at OSGC live here too, and would not undertake a project that would be harmful to the community, our families, or the environment.

It's important to have a thorough understanding of what the project is and isn't. We hope you will find the following information helpful as you learn more about the facility. The proposed facility will take municipal solid waste that would otherwise be put into a landfill, put it through a gasification process, and create five megawatts of power daily, which will be sold to Wisconsin Public Service Corp.

In our ongoing efforts to keep the Oneida community informed on various aspects of the Renewable Energy Facility.

ded and processed inside the closed facility. There rage. The facility will be constructed of eight-inch

Technologies:

This is not an incineration project. The system is oxygen-starved, and will meet all Environmental Protection Agency (EPA) regulations. This gasification process produces synthesis gas that is used to produce electricity. Solid wastes will be heated to temperatures ranging between 800 to 1,200 degrees in the gasification process.

Energy Creation:

Five megawatts of electrical power will be generated per hour. This is equal to the output of 38 wind turbines and can power between 3,000 to 5,000 homes. Energy production will occur 24/7.

Operational ineptitude? 80% difference in traffic claims for the permit

Source: OSGC Myths v. Facts submitted to City of Green Bay

Traffic:

Approximately two trucks per hour will carry waste to the facility from 7 a.m. to 5 p.m. Monday through Friday.

Fact: This is false.

The maximum number of inbound trucks will be 25 per day.

Multiply X3 for Fridays to incinerate all weekend

Approximately twelve 13-ton trucks will be received daily to tip material onto the processing floor. The route for truck traffic to the site is Highway 172 east to Highway 43 north to Atkinson

“We expect between five to eight garbage trucks to deliver waste every day,” said Pete King III, OSGC Project Manager.

Source: 051211 Plan of Operations, p. 11

Multiply X3 for Mondays to haul away weekend accumulation of incinerated trash

An additional 10 trucks per weekday will be necessary to remove the unacceptable items, end product material, and recyclables.

Source: October 2011, OSGC Materials Separation Plan

Operational ineptitude? Jobs claims vary by 56%

About '30' jobs?

Source: 041311 Green Bay Press-Gazette

Plant/150 tons of garbage daily is goal

► From A-1

After trying unsuccessfully for weeks to gain support for the project in Ashwaubenon, the Oneida Seven Generations Corp. redirected its efforts to Green Bay.

Oneida officials have assured Green Bay city leaders that the 60,000-square-foot plant would not pollute the environment. Those officials calculate that the operation would process up to 150 tons of trash daily and generate 5 megawatts of electricity, enough to power 3,000 to 4,000 homes.

Known as gasification, the process calls for heating trash at 1,200 degrees

Fahrenheit in a way that does not incinerate the waste but creates power that can be converted into electricity.

The facility would represent a \$23 million investment and would create about 30 jobs.

Federal regulators held Tuesday's hearing because Oneida officials are seeking a \$2 million loan from the state, using federal economic stimulus funds. Before any such funding is allocated, the federal government will conduct an assessment to determine if the plant would have a significant impact on the environment.

The state Department of Natural Resources also

must approve an air pollution control permit and possibly a wastewater permit.

Richard Wulk, air management supervisor for the DNR in Green Bay, said the Oneida group has not yet applied for either permit. Once an application is submitted, the state will take public comment and

conduct its own public hearing.

Wulk said his agency cannot find a similar biomass plant anywhere in Wisconsin and possibly anywhere in the country.

"It is being very closely looked at," he said of the Green Bay project. "It's going to be a learning curve."

► From A-1

The land, already purchased by Oneida Seven Generations, is zoned general industrial, is not federal trust land, won't be placed in trust in the future and cannot be used for gaming, Cornelius said.

The federal energy department is expected to

IF YOU GO

The Green Bay Plan Commission meets at 6 p.m. Monday in Room 604 of Green Bay City Hall, 100 N. Jefferson St.

II, project manager for Oneida Seven Generations, said letters have been sent to Ashwaubenon residents near the site where the 60,000-square-foot facility had been set to be built.

Ashwaubenon President Mike Aubinger praised Oneida officials for the decision to relocate.

"Of course we're pleased because we didn't think it was the proper place here, and we wish them the best where they're going," Aubinger said. "It was very nice of the Oneidas to take our feelings into consideration and move the plant."

Derek Lord, development director for the city of Green Bay, said he ap-

proached Oneida Seven Generations about building the facility in the city.

"We looked at a lot of sites that we thought they should consider," Lord said. "We feel this is a very appropriate use of the land. There are no day care centers, corporate offices or residences in the area."

According to Oneida Seven Generations officials, construction of the facility will create 40 to 50

jobs and will reduce the amount of waste going into local landfills by up to 90 percent.

Brown County Executive Tom Hinz, who opposed the Ashwaubenon site, said the proposed new site "looks like a good compromise."

But he said he wants to make sure the tri-county solid waste agreement with Winnebago and Outagamie counties stays in place.

'40-50' jobs?

Source: 021911 Green Bay Press-Gazette

Broadway Manufacturing LLC | 2011

Employment and Job Creation:

The facility will create numerous engineering and construction jobs during construction in addition to creating 22 full time local positions when the facility becomes operational.

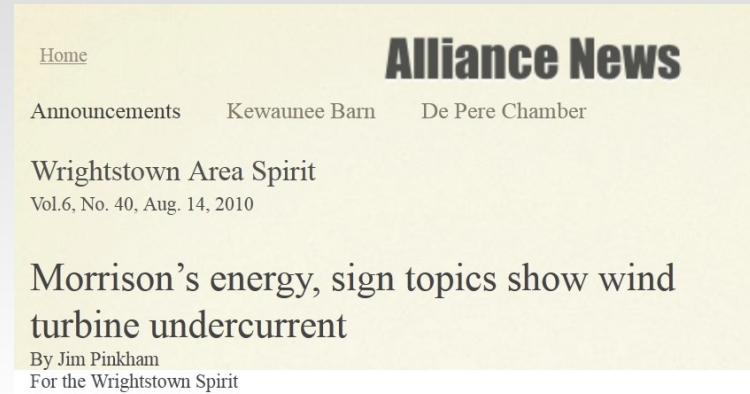
Source: OSGC Summary and Plans submitted for Conditional Use Permit Application 31

'22' jobs?



Operational ineptitude?

First of its kind is... experimental



The waste-to-energy proposal features a system that uses heat to break trash back down into its chemical building blocks, pulling out and cleaning gases to get a blend of carbon monoxide and hydrogen, and then using the blend to generate power for sale to energy utilities.

...

he said, and the company recently reached a deal with a venture owned by the Oneida Tribe to install the first system of its kind in the United States, Parczick said.

The FIRST??



Half truths in the application exhibits submitted to the City of Green Bay?

Source: OSGC Process and Technology exhibit submitted for Conditional Use Permit Application

Facts

History:

- Waste-to-Energy Systems have been used in Europe since 1890's.

Today there are:

- 87 Waste-to-Energy Plants in the US
- 400 Waste-to-Energy Plants in Europe
- 190 Waste-to-Energy Plants in Japan
- China plans on investing \$2 Billion in Waste-to-Energy Plants in order to meet its carbon dioxide reduction goal of 45%.

Compare to:

Unproven technology:

- **Claim:** "Today there are 87 Waste-to-Energy plants in the US."
- **Reality:** Not one of these 87 plants is a commercial, permitted pyrolysis gasification facility for municipal solid waste (MSW).
- **Reality:** ACTI's website doesn't even mention pyrolysis.

Not an Incinerator?

- **Claim:** OSGC and ACTI claim the process is not incineration and does not use "...any type of incineration or burning..."
- **Reality:** The proposed process is a two-stage incineration process. The first step is the heating of the waste and creating syngas, but the second step is incineration and involves the direct burning/combustion of the syngas.


Source: 030711 Greenaction Evaluation of Proposed OSGC Incinerator

Half truths in the application exhibits submitted to the City of Green Bay?

Source: OSGC Emissions exhibit submitted for Conditional Use Permit Application

Independent, Peer-Reviewed Studies

Extensive studies have recently been completed by trusted California authorities. For example, a 2006 peer-reviewed study conducted by the University of California, Riverside, on behalf of the California Integrated Waste Management Board, analyzed third-party emissions data from three thermal technology facilities:



International Environmental Solutions - Operates a pyrolysis facility in Romoland, California that utilizes solid waste

IES Pyrolysis Plant in Romoland, California:

- **Claim:** Company officials refer to a pyrolysis plant in the Los Angeles, California area as an example.
- **Reality:** The only existing commercial pyrolysis plant designed for treatment of solid waste in the Los Angeles area – or anywhere else in the United States to our knowledge – is the demonstration plant in Romoland, California operated by IES.
- **Reality:** The IES facility is a problem-plagued pyrolysis plant. This facility does not have commercial permits despite years of attempts.
- **Reality:** In October 2010, IES was fined \$6000 by the South Coast Air Quality Management District for a 2009 violation of: "Operating equipment which puts contaminants in the air without having a permit to operate."

Compare to:



Operational ineptitude?

Claimed composition of trash to be disposed somehow *EXCEEDS* 100%?

Table 1: Waste Composition for the Proposed Project

Waste Group	Description	Approximate Percentage
Paper	Newspaper, office paper, magazines, cardboard, etc.	20.7
Plastics	PET and HDPE containers, other plastic containers, polystyrene foam, shopping bags, plastic film, etc.	13.6
Metals	Aluminium cans, ferrous (tin) cans, ferrous scrap, non-ferrous scrap, etc.	4.6
Glass	Clear beverage containers, colored beverage containers, glass food containers, other glass	1.6
Organic Waste	Yard materials, food scraps, diapers, animal waste/kitty litter, bottom fines/dirt, other organic material	36.6
Construction and Demolition Waste	Wood, bricks concrete, rock, ceramics, etc.	9.6
Problem Materials	Electronics, appliances, batteries, fluorescent lights	2.6
Hazardous Materials	Paint, automobile oil filters, medical waste, household hazardous waste	0.1
Other Waste	Textiles, carpet, carpet pads, furniture, bulky items	10.7

Maybe it IS a magic machine...


100.1%?

Source: October 2011, OSGC Materials Separation Plan

Additional OSGC Permit Woes

- OSGC failed to obtain a Conditional Use Permit in its own name because it **NEVER** applied for one from Green Bay
- Even if OSGC did obtain a valid CUP, it is required to comply with the municipal code
- Even if OSGC did obtain a valid CUP, it is PROHIBITED from raising stacks in excess of 35 feet by the municipal code like it's original scheme called for
- OSGC's DNR permit originally had MINIMUM stack heights (7 of which exceed the City's maximum heights)

**Oneida Energy? Oneida Seven Generations Corporation?
Doesn't matter. Neither applied for the CUP.**

 **REQUEST FOR CITY ACTION - PLAN COMMISSION**
(Submit two copies to the City Clerk's Office, Room 106, City Hall)

Date: 2-4-11

Petitioner: TODD PARZICK /
BROADWAY MANUFACTURING, LLC Phone Number: 920-336-3400

Address: 311 FRANKLIN STREET City: DUPAGE State: IL Zip Code: 60115

Property Owner: DICK PILGRIM / D&T ENTERPRISES Phone Number: _____

Parcel Numbers (required): 6-3043

Location of Property: HURBUT STREET

Attach maps and legal descriptions (required).

To: Honorable Mayor and Common Council, c/o City Clerk

I, TODD PARZICK, respectfully request that the City of Green Bay take the following action:

Source: 020411 CUP
Application

The Municipal Code Only allows Permits for the Property Owner or Resident (OSGC and Oneida Energy is NEITHER)

13-205. Conditional uses.

(a) Definition. There are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:


(1) Uses publicly operated or traditionally affected with a public interest.

(2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

(b) Initiation

(1) Proposed conditional use permits may be initiated by the Common Council, City Plan Commission, or the owner or owner's designated agent of the particular property requesting the conditional use permit.

(c) Conditional use permit

 (1) Application by property owner or resident. A property owner or resident wishing to receive a conditional use permit shall meet with Planning Department staff to discuss the proposed CUP and may then file an application form with the Planning Department accompanied by a nonrefundable application fee as may be established by the Council from time to time by resolution to cover costs of public notice and administrative review.

(2) A neighborhood meeting may be required by staff as part of a conditional use. The coordination and costs of such meeting shall be the responsibility of the petitioner.

(3) Action by Plan Commission. After review and consideration of the CUP request, the Plan Commission shall forward its recommendations to the Common Council.

(4) Public hearing. The Common Council or Plan Commission, by designation of the Common Council, shall hold a public hearing with public notice.

(5) Action by Common Council. Council action to approve the CUP shall be done by resolution.

(6) Reapplication time-period. (Cr. GO 17-08) The Plan Commission will not consider any application of a property owner or owner's designated agent for a conditional use permit within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is significantly altered or at the discretion of the Zoning Administrator for a different use or for amended property boundaries.

Neither OSGC, Parczick, or Broadway Manufacturing, LLC, owned the property

THIS DEED, made between Thomas A. Pierquet and Richard A. Pierquet,
individually and formerly d/b/a D & T Enterprises, a general partnership
Grantor,

And

Oneida Energy, Inc., a Wisconsin corporation
Grantee

WITNESSETH, that the said Grantor, for a valuable consideration of one dollar
and other good and valuable consideration conveys to Grantee the following
described real estate in BROWN County, State of Wisconsin:

Lot 1, Volume 56 of Certified Survey Maps on Page 241, Map No. 8116, as
Document No. 2524067, and as set forth in Surveyor's Affidavit recorded as
Document No. 2524155; said map being part of Lot 5, according to the recorded
Bayport Industrial Center No. 1 Re-Plat, a County Plat, in the City of Green Bay,
West side of Fox River, Brown County, Wisconsin.

Tax Parcel No. Part of 6-3043

Dated this 5th day of May, 2011.

Source: 050511 Oneida
Energy, Inc., deed

Oneida Energy, Inc. became the owner
050511



State of Wisconsin
Department of Financial Institutions

ARTICLES OF ORGANIZATION - LIMITED LIABILITY COMPANY

Executed by the undersigned for the purpose of forming a Wisconsin Limited Liability Company under Chapter 183 of the Wisconsin Statutes:

- Article 1. **Name of the limited liability company:**
Broadway Manufacturing, LLC
- Article 2. **The limited liability company is organized under Ch. 183 of the Wisconsin Statutes.**
- Article 3. **Name of the initial registered agent:**
C T CORPORATION SYSTEM
- Article 4. **Street address of the initial registered office:**
8040 EXCELSIOR DR STE 200
MADISON, WI 53717
United States of America
- Article 5. **Management of the limited liability company shall be vested in:**
A member or members
- Article 6. **Name and complete address of each organizer:**
John L. Schliesmann
Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202
United States of America
- Other Information. **This document was drafted by:**
John L. Schliesmann

Broadway Manufacturing, LLC sprang into
existence January 13, 2011

Organizer Signature:
John L. Schliesmann

Date & Time of Receipt:
1/13/2011 10:07:30 AM



Source: 011311 Broadway Manufacturing
Articles of Incorporation

Search for:

oneida energy, inc.

Search Records

[Search](#)

[Advanced Search](#)

[Name Availability](#)

Corporate Records

Result of

ONEIDA ENERGY, INC.



Effective Date	Transaction	Filed Date	Description
06/22/2010	Incorporated/Qualified/Registered	06/22/2010	

Oneida Energy, Inc., sprang into existence June 22, 2010, and hasn't changed

Source: 042311 Oneida
Energy, Inc., Wis. Dept. FI
Screen Capture



Oneida Seven Generations Corporation is a separate legal entity not formed under Wisconsin law

As separate legal entities, Mr. Parczick, Broadway Manufacturing, Oneida Energy, Inc., and Oneida Seven Generations Corporation are not interchangeable nor can they share the permit only Parczick/Broadway obtained as filers of the application

OSGC has no interest in a Conditional Use Permit granted to Parczick/Broadway Manufacturing regarding land owned by yet a third entity

The CUP requires compliance with all provisions of the GB Municipal Code

RESOLUTION AUTHORIZING
CONDITIONAL-USE APPROVAL
AT 1230 HURLBUT STREET
(ZP 11-07)

March 1, 2011

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 11-07 and the recommendation of the Plan Commission on February 21, 2011, the City of Green Bay does authorize a conditional-use permit to allow for a solid waste disposal facility within the General Industrial (GI) District located on the following described property at 1230 Hurlbut Street:

BAYPORT INDUSTRIAL CENTER NO 1 RE-PLAT LOT 5 A
COUNTY PLAT (Parcel Number 6-3043)

Said conditional-use permit shall be granted subject to:

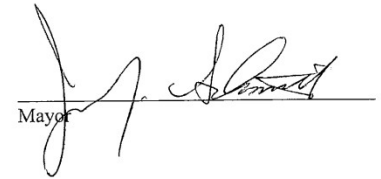
- Compliance with all other regulations of the Green Bay Municipal Code not covered under the conditional-use permit, including the City building code, building permits, standard site plan review and approval.
- All Federal and State regulations and standards related to the proposed use including air and water quality.
- The front façade, facing the street, shall be faced with all masonry or a mix with stucco as required under Section 13-905, Green Bay Municipal Code.
- Service areas shall be screened with an approved combination of berms, landscaping, and walls or fences architecturally complementary to the principal building per Section 13-905(d) Site Design Criteria, Green Bay Municipal Code.
- All ground and/or roof mounted mechanicals shall be screened per Section 13-1815, Green Bay Municipal Code.
- In the event the state determines the proposed use is a tax exempt recycling and/or a solid waste facility, as provided under State statute, the property owner voluntarily agrees to a payment in lieu of taxes for the City portion of taxes based upon the City's assessed value.

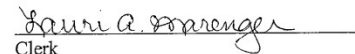
Page 2

g. The land is not eligible to be put into Trust with the Bureau of Indian Affairs; however, the property owner agrees that it shall at no time attempt to put the land into Trust.

Adopted March 1, 2011

Approved March 2, 2011


Mayor


Clerk

bc

Attachment – Map

Even if permitted by the Code for General Industrial properties, the CUP does NOT specify any stack heights may exceed the city's 35 foot maximum

Green Bay municipal code limits General Industrial stack heights to 35 feet that may not be increased by a Conditional Use Permit anyway

SECTION 2. DIMENSIONAL STANDARDS

13-908. Dimensional and area requirements. Lot area and setback requirements shall be as specified in Table 9-2.

Table 9-2. Dimensional and Area Requirements, Industrial Districts

	LI	GI	BP
Minimum Lot Area (sq. ft.)^d	10,000 sf	20,000 sf	20,000 sf
Maximum Floor Area Ratio	none	none	0.75
Maximum Height (feet)	35 ^a	35 ^a (none by CU)	35 ^a (none by CU)
Maximum Impervious Surface Coverage	80%	80%	70%
Building Setbacks			
Front Yard minimum	none	none	15
Side Yard	6 ^{b,c}	6 ^{b,c}	10 ^b
Rear Yard	6 ^c	6 ^c	15

Notes to Table 9-2

- a. Smokestacks, water towers, and similar structures may exceed the maximum height limit as specified by conditional use.

Conclusions, Reactions and Options

The lack of stack heights provisions in the CUP and the hearing notice to residents likely means the City was never put on notice about them:

- Conscious failure to inform the City about multiple 60 foot stacks?
- OSGC lacked accurate knowledge or information to avoid a critical error in it's permitting process?
- OSGC trying to use a permit granted for a different applicant?
- Voter reaction

Revisionist history – disconnected non-sequiturs failed to put the City on notice

Emissions:

Emissions will meet or be better than the standards set by the EPA. There will be no smokestacks such as those associated with coal-fired power plants.

Source: 021611 OSGC Renewable Energy Facility: Fact Sheet

» From A-1

Seven Generations president Kevin Cornelius dismissed the opponents' claim of misrepresentation.

He said his company has claimed the project would not need the kind of smokestacks associated with power plants and paper mills but would need exhaust pipes "which are common to almost every industry." He said the state Department of Natural Resources permitting documentation refers to the exhaust pipes as stacks but that there are no smokestacks in the sense that opponents are claiming.

Mr. Cornelius stated the heat is generated from a natural gas burner that runs on product gas. The system does have to be started up by propane or natural gas. Once you get rolling, you're on your syngas. He added there are no smoke stacks, no oxygen, and no ash. There is carbon and ash which

http://www.ci.green-bay.wi.us/mins_agd/minutes/20110221MN2796.html

09/01/2011

Source: 022111 Green Bay City Council Minutes

We agree with the Green Bay city attorney, a stack is a stack. OSGC might also point to other irrelevant statements like trash incinerators being unable to turn lead into gold

Source: 030211 GBPG Article

Kevin Cornelius, chief executive officer of the company, assured aldermen that the 60,000-square-foot biomass plant was a good fit for the city's industrial west side.

Cornelius, however, also said the facility would operate cleanly and would not pollute the environment.

"There are no smokestacks," he said. "For those of us in Green Bay, we know what that means."

Source: 032612 GBPG Article

Why did OSGC fail to put the city on notice about stacks for the OSGC incinerator?

Voters beginning to defend themselves

Mather Heights Neighborhood Association

Clean Water Action Council of Northeast Wisconsin

P.O. Box 9144

Green Bay, WI 54308

Incinerator Free Brown County

Incineratorfreebrowncounty@gmail.com

March 16, 2012

The Honorable Mayor Schmitt and City Council Members

Green Bay City Hall

100 N. Jefferson Street

Green Bay, WI 54301

Re: Request for action on Oneida Seven Generation Corporation's Conditional Use Permit

Dear Mayor Schmitt and City Council Members,

We submit these comments in support of the Mather Heights Neighborhood Association(MHNA) and over 900 local residents that have signed a petition to oppose the construction of Oneida Seven Generations Corporation's pyrolysis/gasification facility in Green Bay. (Exhibit A, petition signatures and summary sheet)

We believe Oneida Seven Generations Corporation (OSGC) misrepresented the true nature of its incinerator project by presenting false and misleading information to the public and the City of Green Bay for the dual purposes of gaining public acceptance of the project and obtaining a conditional use permit from the City. The following were some of actions taken by OSGC to in pursuing this scheme

Residents believe
inaccurate
information was
used to obtain the
CUP

Biomass Permits Recently Overturned

Permits can be rescinded for negligent or intentional misrepresentation, which is action Springfield, MA recently took

Springfield biomass plant b x Cleveland Incinerator | Ohio x

www.masslive.com/news/index.ssf/2012/01/springfield_biomass_plant_buil.html

Springfield biomass plant building permits overturned by Zoning Board of Appeals

Published: Wednesday, January 25, 2012, 9:39 PM Updated: Wednesday, January 25, 2012, 9:39 PM

By **Peter Goonan, The Republican**

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SPRINGFIELD – The Zoning Board of Appeals on Wednesday overturned two building permits granted for a \$150 million **wood-burning plant in East Springfield**, siding with an appeal filed by residents.

The appeal was upheld by unanimous vote.

Residents, and a separate appeal filed by the **City Council** said the granting



Options for Consideration

- Do nothing or endorsing the representations made to obtain the CUP despite knowing:
 - no OSGC experience in the industry;
 - no CUP obtained by OSGC
 - with no known successful business track record;
 - no known private investment to reduce public funds/risk;
 - no currently operating project in the United States;
 - and an abundance of conflicting information submitted to the City and the public; and
- If allowed to proceed, affected city residents might then seek a class action against the City, the Oneida Tribe, and OSGC for any losses and legal costs they may suffer arising from the above; or
- Simply unwind the permit
 - OSGC failed to inform the City the proposed facility was non-compliant
 - The permit was neither applied for by OSGC nor granted to OSGC (by whatever name it chooses to portray itself)
 - OSGC failed to identify where it fully disclosed the stacks and emissions pertaining to this facility and not some other types of facilities
 - OSGC's intent regarding its conduct is irrelevant as to rescinding the CUP because all that's needed is a failure to fully inform the City or a lack of property interest by OSGC

Reality Roundup

Ask yourselves:

Do you want the City of Green Bay to endorse the circumstances of this application process as precedent for future permit applications?

Can an entity which perpetrated a failure to disclose successfully explain away it's numerous failures in litigation?

Links to Source Documents

021911 GBPG New Plant Site Article

<http://ubuntuone.com/3IZcWDQa2RIx5tPZISNWvf>

041311 GBPG Biomass Plant Comes Under Fire Article

<http://ubuntuone.com/3vzWhq5Mk3uIbWMcVUBUED>

030211 GBPG Article

<http://ubuntuone.com/40tmys9Vhg9XrLNTbVOA7z>

022111 GB Council Minutes

<http://ubuntuone.com/0Bby1A4HQpCP6yKgHwAnQJ>

051211 Plan of Operations

<http://ubuntuone.com/4eVQtlRnH8ZkkytgOkf7nF>

071211 DNR 11-JJW-071 Preliminary Determination

<http://ubuntuone.com/5D19gnKxaj1jz38l5U73kY>

122910 OSGC Flyer

<http://ubuntuone.com/4DiZF4akImUVKZy7oBdbKr>

012711 Kalihwisaks

<http://ubuntuone.com/6PqdlAM1e2ZHU3oKBdlRFH>

072711 OSGC Open Letter

<http://ubuntuone.com/5zmFvdaEcZBvmDKKIFvLFi>

020411 CUP Application

<http://ubuntuone.com/46L34VxPm58Caw0AJKwWj4>

CUP Application Exhibits

<http://ubuntuone.com/3mDOiQKvWcKtFelpgBJREn>

050511 Oneida Energy Deed to 1230 Hurbt St.

<http://ubuntuone.com/7CCGFome0IdSIkRpP52HN>

011311 Broadway Mfg, Articles of Organization

<http://ubuntuone.com/1Gg0GQHwgQkINH2FIh8Aid>

030211 CUP

<http://ubuntuone.com/6tExvKwIjyskGVj53ywqES>

October 2011 OSGC Materials Separation Plan

<http://ubuntuone.com/6ccCJFtrvra403CHbUMZdh>

030711 Greenaction Evaluation of Proposed OSGC Incinerator

<http://ubuntuone.com/4zJfBQIjivymvnydPdIB4h>

021511 OSGC Myths v. Facts

<http://ubuntuone.com/0KswZDPuCSzcsRDrKyBs2C>

021611 OSGC Renewable Energy Facility: Fact Sheet

<http://ubuntuone.com/1OeVJ3Z9AtY2kYAjkf4GQd>

021111 Email to City Attorney

<http://ubuntuone.com/1YfvaWKzK2TRBf7eeAKZsC>

122911 OSGC Update to GB City Attorney & 'Fact Sheet'

<http://ubuntuone.com/0pUOZaT5CHAVE54tGfPx6y>

022211 Notice to Affected Property Owners

<http://ubuntuone.com/00IX9e1XmA ZV03krSQbtWE>

022111 Planning Commissions Minutes of OSGC CUP

<http://ubuntuone.com/74TyF47ACy9tlTMf4l1jlm>

040912 GB City Atty OSGC CUP Memo

<http://ubuntuone.com/6LCZAZ3FgAR86KdHnb5dk8>

072110 Confidential OSGC Memo to Oneida Business Cmte

<http://ubuntuone.com/6Q5jByP4AwUYmSpFVxl2xC>

042311 Oneida Energy, Inc., Wis. Dept. FI Screen Capture

<http://ubuntuone.com/590RcHFzu36OTdw7MeDDxR>

OSGC Homepage Screen Capture

<http://ubuntuone.com/0KtEhclQ07MMfzXldy3Z92>

041212 WTAQ Website Screen Capture

<http://ubuntuone.com/4UVYS6w86wE6qbEVArocQI>

Springfield Permit Overturned Screen Capture

<http://ubuntuone.com/7cgRKRwvDGeGYUxudDKJY6>

Wrightstown Area Spirit Screen Capture

<http://ubuntuone.com/5EVAsh4cehJ989KHKG5UF0>

Alliance Construction Screen Capture

<http://ubuntuone.com/2CC0LZXWS7y8279YVKQe4W>