



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

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September 11, 2009

BRUCE BUSCH
FREMONT INDUSTRIES
4400 VALLEY INDUSTRIAL BLVD N
SHAKOPEE MN 48674

Subject: APPROVAL FOR USE OF *FREMONT*[®] HEAT TRANSFER FLUIDS

The Private Water Supply Section has received and reviewed your application for approval, for use in Wisconsin, of your firm's *FREMONT*[®] heat transfer fluids for use in HVAC systems that utilize ground-coupled closed-loop geothermal heat exchange systems. These fluids include the following: Fremont 9134FG; Fremont 9134FG-25D; Fremont 9134FG-30D; Fremont 9134FG-35D; Fremont 9134FG-40D; Fremont 9134FG-45D and Fremont 9134FG-50D.

According to information submitted with your application, these products are non-toxic propylene glycol based antifreeze fluids containing additive dipotassium phosphate as an additive for corrosion inhibition purposes. Both the propylene glycol and the dipotassium phosphate additive are recognized by the U.S. FDA (under Title 21, parts 184 and 182) as being safe for contact with food.

Based on this information, these, *FREMONT*[®] heat transfer fluids may be used in Wisconsin for approved closed-loop geothermal systems. In conformance with s. NR 812.09(4)(L), approval for the use of these Fremont fluids is hereby granted subject to the following condition:

That the composition of these *FREMONT*[®] fluids not be changed by your firm without written notification to this Department. Any such change will require a written Department approval prior to its continued use in Wisconsin. Failure to comply with this condition voids the approval.

As authorized by Todd L. Ambs, Administrator, Division of Water, Department of Natural Resources.

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 must 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.

All hearing requests must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and must identify the grounds for the petition and the desired modification or change to the Order and include specific information demonstrating the following:

1. The substantial interest of the petitioner which is injured in fact or threatened with injury by Department action or inaction;
2. That there is no evidence of legislative intent that this interest is not to be protected;
3. That the injury to the petitioner is different in kind or degree from injury to the general public caused by Department action or inaction; and
4. That there is a dispute of material fact. (You must specify the disputed facts).

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark F. Putra', with a long, sweeping horizontal line extending to the right.

Mark F. Putra, R.S. Chief
Private Water Supply Section
Bureau of Drinking Water and Groundwater

MFP:tvr

cc: Private Water Systems Program Personnel