

Attachment A

July 15, 2021 Feasibility Report Incompleteness Letter



July 15, 2021

FID # 113127300
Dane County
SW/Correspondence

Mr. John Welch, Director
Dane County Department of Waste & Renewables
1919 Alliant Energy Center Way
Madison, WI 53713

Subject: Incompleteness Determination for the Feasibility Report for the Eastern Vertical Expansion to the Dane County Landfill Site No. 2 (Rodefald), License # 3018

Dear Mr. Welch:

The Department of Natural Resources (department) has reviewed for completeness the report entitled "Feasibility Report, Eastern Vertical Expansion, Dane County Landfill Site No. 2 (Rodefald)" dated May 14, 2021. The feasibility report was prepared by SCS Engineers on behalf of the Dane County Department of Waste & Renewables. The department received the report on May 17, 2021. Based on the report review, the department has determined that the feasibility report does not contain the minimum information required by ch. NR 512, Wis. Adm. Code. Therefore, the report is not complete.

Part A of this letter identifies the information required to fulfill the minimum feasibility report requirements. Part B lists additional information needed to make a determination regarding site feasibility. Part C provides additional comments regarding site feasibility or preliminary design, construction or operation issues.

In your response, please include this information as an addendum to the feasibility report. This information is intended for use by the public as well as the department in reviewing the proposed project. Be sure to provide a copy of all information submitted to the department to each recipient of the feasibility report as required by s. 289.23 (4), stats.

A. INFORMATION REQUIRED TO COMPLETE THE FEASIBILITY REPORT

The minimum requirements and information that must be included in a feasibility report are specified in the initial site report opinion letter, in chs. NR 500, 504, 507, and 512, Wis. Adm. Code, and in ss. 289.24, Wis. Stats.

The following items are required to complete the feasibility report:

1. **Locational Criteria [s. NR 504.04(2)(a) and NR 504.04(3)(f), Wis. Adm. Code]:** Provide a well construction report, well driller information, and information regarding the former and present well owners for the two water supply wells (the biogas facility well and the Michael Niebuhr well [PW-51]) which Dane County is requesting an NR 504 locational criteria exemption from. Section NR 504.04(2), Wis. Adm. Code, states the department cannot grant exemptions from s. NR 504(3)(f), Wis. Adm. Code, unless information on the well location, current and immediate past well owners, well driller, well log and construction details, and the general hydrogeologic setting is submitted to the department.

2. **General Submittal Requirements [s. NR 512.05, Wis. Adm. Code]:** Provide a copy of Appendix G and Appendix N in an addendum. Appendix G and Appendix N are missing from 2 of the 4 feasibility copies sent to the department.
3. **General Submittal Requirements [s. NR 512.05, Wis. Adm. Code]:** Provide justification on why an exemption is warranted for the pond and private water supply well setback requirements. The department acknowledges that these locational criteria were granted exemptions for the Eastern Expansion. However, the department must re-evaluate locational setbacks with each expansion to consider any cumulative effects of the contiguous expansion and the existing landfill.
4. **Existing Conditions Plan Sheet [s. NR 512.11(1)(b), (g), and (h), Wis. Adm. Code]:** Provide a revised existing condition plan sheet (Plan Sheet 2) that includes the following items:
 - a. The intermittent stream/drainage ditch located north and northeast of the landfill limits. Based on Figure 1-1, there is an intermittent stream located north and northeast of the landfill limits within 1,500 feet of the landfill limits, near the wetlands north of the landfill and the intersection of County Highway AB and Femrite Drive. On Plan Sheets 3 and 4, this feature is labeled as a drainage ditch.
 - b. The water supply well located northeast of the landfill near the intersection of Femrite Drive and Hope Road. Based on Figure 2 of the May 7, 2020 ISI Request, this water supply well appears to be located close to 1,500 feet from the landfill limits. If the water supply well is located within 1,500 feet of the landfill limits, it should be depicted on the existing conditions plan sheet.
 - c. The locations of G-5R, G-6R, GP-25R, and GP-26R. The soil boring logs and well construction logs for gas probes G-5R, G-6R, GP-25R, and GP-26R are included in Appendix Q, however, the locations of these borings/monitoring devices are not depicted on the plan sheet.
5. **Waste and Leachate Characterization [s. NR 512.12(1), Wis. Adm. Code]:** Provide an analysis and description of the physical and chemical characteristics of residues from licensed construction and demolition Material Recycling Facilities (MRFs), as required for waste streams that constitute more than 5 percent (%) of landfill capacity. Based on Table 6-1, an average of 7.1% of the waste accepted at the landfill from 2017-2019 was residues from qualified licensed construction and demolition MRFs.
6. **Proposed Preliminary Design [s. NR 512.14(1)(c), Wis. Adm. Code]:** Provide a plan sheet that shows the proposed maximum intermediate waste grades.
7. **Proposed Preliminary Design [s. NR 512.14(1)(d), Wis. Adm. Code]:** Provide an updated site map with the sampling plan in Appendix K that shows the locations of all sampling points and devices. The sampling plan submitted in Appendix K does not include a site map as required by s. NR 507.16(1)(a), Wis. Adm. Code.
8. **Environmental Review – Proposed Physical Changes [s. NR 512.16(2)(d), Wis. Adm. Code]:**
 - a. Provide a discussion of all emissions and discharges such as dust, engine exhaust, odors, noise, gases, leachate, storm water and collected groundwater associated with post-closure of the landfill.
 - b. Provide a discussion of noise and emissions that may be expected from the existing renewable natural gas (RNG) facility and flare. The report mentions vehicle and landfill machinery exhaust

as an emission source but does not appear to address the exhaust or noise emissions from the existing RNG facility or the emissions from the flare. Also, include a discussion on use of the flare when the RNG facility is down or no longer in use. Section 13.2.6 of the report does not include such a discussion.

9. **Environmental Review – Existing Environment [s. NR 512.16(3)(b), Wis. Adm. Code]:** Provide a description of the dominant aquatic and terrestrial plant and animal species and habitats found in the area near the proposed expansion.
10. **Environmental Review [s. NR 512.16 Wis. Adm. Code]:** Provide a discussion of the probable impacts the proposed vertical expansion may have to local residents and the surrounding area, such as air quality, windblown debris, dust, visual impacts, noise, and other emissions and discharges.

B. ADDITIONAL INFORMATION NEEDED TO MAKE A FEASIBILITY DETERMINATION

The information below is needed to make a feasibility determination:

1. Provide the relevant text from Section 1.4.1 of the 2013 Eastern Expansion feasibility report if it is being used to justify exemption requests for the proposed Eastern Vertical Expansion. Section 1.4.1 of the 2013 Eastern Expansion feasibility report is referenced as partial justification for exemption requests related to the proposed vertical expansion's alternative geotechnical investigation program (AGIP). However, the text of Section 1.4.1 from 2013 is not included in the feasibility report.
2. Provide clarification on exemption request No. 2, which requests an exemption from s. NR 507.05(1)(d), Wis. Adm. Code, for wells M6A, M6C, and M9B. Table 1 in Appendix C indicates that a soil test in the screen zone was not performed at wells M6B, M28, and M29, in addition to wells M6A, M6C, and M9B. If this is the case, then these additional wells should be explicitly mentioned in exemption request No. 2.
3. Provide clarification on exemption request No. 13, which requests an exemption from s. NR 512.11(2), Wis. Adm. Code. The final paragraph of the exemption request indicates that the geologic cross-sections that were prepared for the 1992 feasibility report and the landfill's Eastern Expansion will be provided with the proposed vertical expansion feasibility report. However, Section 5.3.1 of the feasibility report states that based on discussions with the department, only those cross sections that pass through the proposed vertical expansion are provided.
4. Provide a revised Table 1-1 that clarifies the following items:
 - a. Clarify whether NR 140 exemptions are being requested for wells that have been abandoned or if the exemptions are being requested for their respective replacement wells. Exemptions are currently being requested for M-302A, M-302B, M-303A, WT-202A (iron), WT-202B, and M-17B, which have been abandoned. Exemptions for their replacement wells (M-302AR, M-302BR, M-303AR, WT-202AR [iron], WT-202BR, and M-17BR) are not being requested.
 - b. Clarify whether a chloride exemption is being requested for WT-202AR and M-302BR. Table 1-1 indicates that a chloride preventative action limit (PAL) exemption is being requested for these two wells, but Table 7-1 indicates that an exemption is not being requested. Revise Table 7-1 if necessary.
 - c. Clarify whether M-303A has been abandoned and replaced by M-303AR or M-302BR. Table 1-1 currently indicates M-303A has been abandoned and replaced by M-302BR.

5. Provide a revised Table 7-1 that includes PAL exceedances for chloride at WT-204A.
6. Provide clarification on why the laboratory that analyzes the landfill's groundwater samples has a Limit of Detection (LOD) for dichloromethane that is above the department's associated PAL. Based on groundwater data submitted to GEMS, the laboratory LOD and Limit of Quantitation (LOQ) for dichloromethane is 1.6 ug/L and 5.0 ug/L, respectively. However, the PAL and enforcement standard (ES) for dichloromethane is 0.5 ug/L and 5.0 ug/L, respectively.
7. Provide a revised Table 1 in Appendix C so it is clear the information from M3's boring log is being used for boring M3A (similar to how well's M6A and M6B reference M6C). A boring log for M3, but not M3A, is included in Appendix C.
8. Provide clarification on why the replacement wells M9AR, M9BR, M28R, M302AR, and M302BR are not included in Table 1 of Appendix C, while the replacement wells M17AR, M17BR, and M303AR are included. In the January 8, 2021 AGIP, it is stated that "Table 1 includes three replacement wells (M 17AR, M17BR, and M303AR) not included with the Eastern Expansion. The replacement wells have not been counted towards the number of existing borings and wells but are included in the Table 1 to provide complete current information." According to Section 5.2 of the feasibility report, M9A, M9B, M28, M302A, M302B, M17A, M17B, and M303A have all been abandoned and replaced since 2014, and all are included in Table 1 of Appendix C.
9. Provide the slug tests results for replacement wells M17AR, M17BR, and M303AR if the tests have been performed. The January 8, 2021 AGIP stated the slug tests for replacement wells M17AR, M17BR, and M303AR were anticipated to be submitted with the feasibility report.
10. Provide clarification on what the yellow-highlighted borings/monitoring wells signify on Plan Sheet 1 in Appendix C.
11. Provide an updated sampling plan. The sampling plan submitted in Appendix K appears to be the same sampling plan submitted in the 2013 Eastern Expansion feasibility report. Items such as plan sheet numbers and monitoring devices have not been updated. Items such as these should be updated to reflect the proposed vertical expansion feasibility report, as well as any other changes to the landfill's monitoring program since 2013.
12. Provide clarification on the location of well nest WT108A/P108B. In Section 5.3.2 of the feasibility report, it states that the strongest downward vertical groundwater flow gradient was at the WT108A/P108B well nest at the east end of the landfill. However, based on the existing conditions plan sheet, WT108A and P108B are located at the west end of the landfill.
13. Provide clarification on why the baseline groundwater quality has not been established for the replacement wells M9AR, M9BR, M-28R, M-302AR, and M-302BR. In Section 5.3.3 of the feasibility report, it states that "the replacement wells installed in 2014, M9AR, M9BR, M-28R, M-302AR, and M-302BR, have been sampled as part of the routine semiannual monitoring program but have not been analyzed for supplemental baseline parameters as indicated in a letter dated March 12, 2015 (Appendix B). Within this letter, it states 'it is understood since monitoring wells (M-9AR, M-9BR, M-28R, M-302AR, and M-302BR) were installed as replacement wells, that specific NR 507 requirements were met by the data collected at previously installed wells.'"

14. Provide clarification on whether the bolded statement below is referencing the proposed vertical expansion or the 2013 Eastern Expansion. In Section 8.8.2 of the feasibility report, it states that “surface water balances for pre- and post- development conditions were evaluated as part of the Eastern Expansion FR (TRC, 2013). **The evaluation showed approximately 20 acres of the approximate 500-acre watershed that drains into Wetland 1 draining to Wetland 4 as a result of the proposed Eastern Vertical Expansion development.**”
15. Provide clarification on whether any of the waste types within the Category 19 – Fee Exempt Waste Used for ADC waste stream would constitute more than 5% of landfill capacity. Based on Table 6-1, an average of 11.9% of the waste accepted at the landfill from 2017-2019 was fee exempt waste used for ADC.
16. Provide clarification on how the 1.08% value for the projected population growth for the landfill’s service area (i.e. Dane County) was determined or calculated. The department did not see this figure on the Wisconsin Department of Administration-Demographic Services Center’s website.
17. Provide clarification on why Section 3 of the feasibility report states that the anticipated date of site closure is 2031, but Section 14.3 and Table 14-8 indicate that the net landfill capacity would be consumed before 2030. Additionally, Section 3 of the feasibility report states that the site life of the proposed vertical expansion would be three to three and a half years. However, the annual estimated waste intake values from Table 14-8 appear to indicate that the site life of the proposed vertical expansion would be less than three years.
18. Provide justification for the proposed maximum intermediate waste grade of up to 10 percent higher than the final waste grades to allow for settlement (Section 8.3.6). Please be aware the department has typically approved 5 percent maximum intermediate waste grades to account for settlement. A 10 percent higher maximum waste grade would require information that supports the higher rate of settlement and financial assurance for removal and disposal of the waste between the 5 and 10 percent elevations.

C. ADDITIONAL COMMENTS

The following additional comments relate to site feasibility or the proposed preliminary design, construction or operation of the proposed facility. These items should be addressed with your response to the items in Parts A and B above.

1. The following wells and parameters were granted NR 140 exemptions in the 2013 Eastern Expansion feasibility determination; however, they do not appear to have approved alternative concentration limits (ACLs) in the 2014 Eastern Expansion plan of operation approval table:
 - a. Chloride, WT-204A (active)
 - b. Antimony, WT-119A (active)
 - c. Cadmium, WT-108A (active)
 - d. Nitrate, M-302A (abandoned and replaced with M-302AR)

The August 7, 2014 addendum to the Eastern Expansion plan of operation contains a proposed PAL for chloride at WT-204A (290 mg/L) that was calculated by TRC, but the PAL does not appear to have been approved. The August 7, 2014 addendum also states that additional sample rounds for antimony at WT-

119A and cadmium at WT-108A were required before an ACL could be calculated, and that following collection of additional data, the appropriate calculations would be completed and that ACLs would be proposed for the department's concurrence. It doesn't appear that data for any additional sample rounds for antimony at WT-119A (two additional rounds based on GEMS) and cadmium at WT-108A (1 additional round based on GEMS) were submitted to the department if they were collected.

It appears that the missing ACLs for the above wells is an outstanding issue that needs to be resolved. If the department issues a favorable feasibility determination, then the department views the plan of operation as an opportunity to bring resolution to these items and may include a condition that the Plan of Operation propose calculated ACLs for the respective substances at wells WT-204A, WT-119A, and WT-108A .

2. An exemption is being requested for waste limits within 1,000 feet of Highway 12 & 18, Hope Park, and the Yahara Hills Public Golf Course. Section 7.1.4. of the feasibility report states that screening measures are planned, but the screening measures will not completely screen the landfill. Note the department has typically required landfills to provide screening of the waste at all times within 1,000 feet of state highways or parks.

This incompleteness determination is not a denial of your proposal, but merely indicates that additional information is needed to continue the review. Submittal of this information does not ensure a favorable determination, nor does it preclude the department from requiring additional information if continued review indicates it is needed. Upon receipt of the additional information, the department has 60 days to determine whether or not the feasibility report is complete.

Please do not hesitate to contact Tyler Sullivan at 608-516-3962 or tyler.sullivan@wisconsin.gov or Ann Bekta at 608-287-4492 or ann.bekta@wisconsin.gov, if you have any questions about this letter.

Sincerely,



Natasha Gwidt, P.E.
Field Operations Director
Waste and Materials Management Program

cc: Betsy Powers - BPowers@scsengineers.com
Roxanne Wienkes – Wienkes.Roxanne@countyofdane.com
Allison Rathsack – Rathsack.Allison@countyofdane.com
Ann Bekta – DNR/WA (e-copy)
Tyler Sullivan – DNR/WA (e-copy)
Valerie Joosten – DNR/WA (e-copy)
Joe Lourigan – DNR/WA (e-copy)
Jared Niewoehner – DNR/DG (e-copy)
Bill Phelps – DNR/DG (e-copy)

Attachment B
Well Construction Reports

Well Construction Report WISCONSIN UNIQUE WELL NUMBER				NG618		Drinking Water and Groundwater - DG/5 Department of Natural Resources, Box 7921 Madison WI 53707				Form 3300-077A	
Property Owner PRESTIGE BUILDERS, NIEBUHR, MI					Phone # (608)839-5225			1. Well Location			Fire # (if avail.)
Mailing Address 407 AUGUSTA DR					Town of COTTAGE GROVE			Street Address or Road Name and Number			
City WAUNAKEE			State WI	Zip Code 53597		CTY AB					
County Dane	Co. Permit # 18992	Notification #		Completed 06-10-1999		Subdivision Name			Lot #	Block #	
Well Constructor (Business Name) SAMS ROTARY DRILLERS INC			Lic. # 370	Facility ID # (Public Wells)		Latitude / Longitude in Decimal Degree (DD)			Method Code		
Address PO BOX 150 RANDOLPH WI 53956-0150			Well Plan Approval #		°N °W		GPS008				
			Approval Date (mm-dd-yyyy)		S	NW	Section 30	Township 7 N	Range 11 E		
Hicap Permanent Well #		Common Well #		Specific Capacity 0.4		2. Well Type New Well			of previous unique well # constructed in		
3. Well serves 1 # of HOME			Hicap Well ? No		Reason for replaced or reconstructed well ?						
Private, potable			Hicap Property ? No		Construction Type Drilled						
Heat Exchange ___ # of drillholes			Hicap Potable ?								
4. Potential Contamination Sources - ON REVERSE SIDE											
5. Drillhole Dimensions and Construction Method						8. Geology Type, Caving/Noncaving, Color, Hardness, etc...		From (ft.)	To (ft.)		
Dia. (in.)	From (ft.)	To (ft.)	Upper Enlarged Drillhole		Lower Open Bedrock						
8.75	Surface	63	Yes Rotary - Mud Circulation								
6	63	277	Rotary - Air								
			Rotary - Air & Foam								
			Drill-Through Casing Hammer								
			Reverse Rotary								
			Cable-tool Bit ___ in. dia...								
			Dual Rotary								
			Temp. Outer Casing ___ in. dia								
			Removed? ___ depth ft. (If NO explain on back side)								
6. Casing, Liner, Screen						9. Static Water Level		11. Well Is			
Dia. (in.)	Material, Weight, Specification Manufacturer & Method of Assembly			From (ft.)	To (ft.)	25 ft. below ground surface		18 in. above grade			
6	STD. BLK. PIPE, .280 WALL, WLD. JNTS. A53 SAWHILL			Surface	63	10. Pump Test		Developed ? Yes			
Dia. (in.)	Screen type, material & slot size			From (ft.)	To (ft.)	Pumping level 80 ft. below surface		Disinfected ? Yes			
						Pumping at 20 GP M for 1 Hrs.		Capped ? Yes			
						Pumping Method ?					
7. Grout or Other Sealing Material						12. Notified Owner of need to fill & seal ?					
Method TREMIE PUMPED						Filled & Sealed Well(s) as needed?					
Kind of Sealing Material		From (ft.)	To (ft.)	# Sacks Cement		13. Constructor / Supervisory Driller		Lic #	Date Signed		
CEMENT GROUT		Surface	63	10 S		JV			06-12-1999		
						Drill Rig Operator		Lic or Reg #	Date Signed		
						SK			06-21-1999		

4a. Potential Contamination Sources

Is the well located in floodplain ? No

Type	Qualifier	Distance
Building Overhang		25

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

Created On: 09-22-1999

Created by: WELL CONST LOAD

Updated On: 09-22-1999

Updated by: WELL PROCESS

Well Construction Report WISCONSIN UNIQUE WELL NUMBER				YZ391		Drinking Water and Groundwater - DG/5 Department of Natural Resources, Box 7921 Madison WI 53707				Form 3300-077A		
Property Owner DANE COUNTY DEPT OF PUBLIC WORKS				Phone #		1. Well Location				Fire # (if avail.)		
Mailing Address 1919 ALLIANT ENERGY CENTER WAY						Town of BLOOMING GROVE				7102		
City MADISON				State WI	Zip Code 53713	Street Address or Road Name and Number						
County Dane				Co. Permit # 00136	Notification # 7335913201	Completed 08-20-2018		Subdivision Name		Lot #	Block #	
Well Constructor (Business Name) SAM'S WELL DRILLING INC				Lic. # 370	Facility ID # (Public Wells)		Latitude / Longitude in Decimal Degree (DD)		Method Code			
Address PO BOX 150 N9935 PLEASANT RD RANDOLPH WI 53956				Well Plan Approval #		43.0428 °N -89.2519 °W		GPS008				
				Approval Date (mm-dd-yyyy)		NW NE Section Township Range		or Govt Lot # 25 7 N 10 E				
Hicap Permanent Well #		Common Well # B		Specific Capacity 0.1		2. Well Type New Well				of previous unique well # constructed in		
3. Well serves 1 # of INDUSTRY				Hicap Well ? No		Reason for replaced or reconstructed well ?						
Heat Exchange ___ # of drillholes				Hicap Property ? No		Hicap Potable ? No				Construction Type Drilled		
4. Potential Contamination Sources - ON REVERSE SIDE												
5. Drillhole Dimensions and Construction Method						8. Geology Type, Caving/Noncaving, Color, Hardness, etc...			From (ft.)		To (ft.)	
Dia. (in.)		From (ft.)		To (ft.)		Upper Enlarged Drillhole		Lower Open Bedrock				
8.75		Surface		123		Yes Rotary - Mud Circulation		No				
6		123		540		No Rotary - Air		Yes				
						No Rotary - Air & Foam		No				
						No Drill-Through Casing Hammer						
						No Reverse Rotary						
						No Cable-tool Bit ___in. dia...		No				
						No Dual Rotary		No				
						Yes Temp. Outer Casing 10in. dia						
						Yes Removed? 3depth ft. (If NO explain on back side)						
6. Casing, Liner, Screen						9. Static Water Level			11. Well Is			
Dia. (in.)		Material, Weight, Specification Manufacturer & Method of Assembly		From (ft.) To (ft.)		23 ft. below ground surface			72 in. above grade			
6		STD BLK, PIPE, .280 WALL, P.E., A53B TEXAS TUBULAR		Surface 123		10. Pump Test			Developed ? Yes			
Dia. (in.)		Screen type, material & slot size		From (ft.) To (ft.)		Pumping level 300 ft. below surface			Disinfected ? Yes			
						Pumping at 15 GP M for 1 Hrs.			Capped ? Yes			
						Pumping Method ? Airlift						
7. Grout or Other Sealing Material						12. Notified Owner of need to fill & seal ? No						
Method BRADENHEAD						Filled & Sealed Well(s) as needed? No						
Kind of Sealing Material		From (ft.)		To (ft.)		# Sacks Cement						
NEAT CEMENT GROUT		Surface		123		35 S						
13. Constructor / Supervisory Driller						Lic #		Date Signed				
JVJG						6026		08-23-2018				
Drill Rig Operator						Lic or Reg #		Date Signed				
JS						7377		08-20-2018				

4a. Potential Contamination Sources

Is the well located in floodplain ? No

Type	Qualifier	Distance	Type	Qualifier	Distance
Sewer - Collector - Storm	=	10	Other Contamination Sources	=	55

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

Variance or Exception Type	Date	Reason	Granted
Separation Distance Variance	08/14/2018	< REQUIRED 100' FROM A STORMWATER INFILTRATION BASIN	Y

Created On: 08-23-2018

Created by: swdlabs

Updated On: 12-11-2019

Updated by: PARCEL_MATCH_LL
_OK

Attachment C

Appendix G from the May 2021 FR

Purpose:

To estimate the approximate volume of leachate that will be collected during operation and after closure of the Eastern Vertical Expansion of the Dane County No.2 Landfill (Rodefild).

Methodology:

The estimate of leachate generation is base on leachate recirculatiojn rates, the leachate generation ratee specified in NR 512.12(3) and the amount of open and closed landfill areas.

NR 512.12(3) states that the following leachate generation rates be used to calculate leachate volumes:

Closed Areas that will have a composite cap:	1.0 inch/year
Closed Areas that will not have a composite cap:	3.0 inch/year
Unclosed Areas that have a composite liner:	6.0 inch/year

Assumptions:

1. The footprint of the entire landfill is 104.6 acres.
2. Approximately 43.4 acres will be open when the Eastern Vertical Expansion area is being filled.
3. Approximately 9.1 acres of the existing final cover is not composite cover and will remain so.
4. 95.5 acres of the landfill will have a composite cover when closed.
5. The leachate generation rate was calculated for filling of the vertical expansion and when the entire landfill is closed.

Results:

During filling of the Eastern Vertical Expansion, the estimated leachate generation rate is 25,278 gal/day.
During post-closure conditions, the estimated leachate generation rate is 9,135 gal/day.

Job No. 25220091 Job: Dane County No. 2 Landfill Eastern Vertical Expansion

By KRG Date 3/3/21

Client: Dane County Subject: Leachate Generation

Chk'd RJG Date 3/5/21

	Landfill Areas at Start of Eastern Vertical Expansion	Leachate Generation Rate (inch / year)	Total Leachate Generation (Gal / Day)
Composite Cover Area (Ac.)	52.1	1	3,876
Soil Cover Area (Ac.)	9.1	3	2,031
Open Area (Ac.)	43.4	6	19,371
		Total:	25,278

	Landfill Areas at Completion of Eastern Vertical Expansion	Leachate Generation Rate (inch / year)	Total Leachate Generation (Gal / Day)
Composite Cover Area (Ac.)	95.5	1	7,104
Soil Cover Area (Ac.)	9.1	3	2,031
Open Area (Ac.)	0	6	0
		Total:	9,135

Attachment D

Appendix N from the May 2021 FR



State of Wisconsin
Waste Facility Siting Board
4822 Madison Yards Way, 5th Floor,
Madison, WI 53707-7875
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

November 4, 2020

CERTIFIED MAIL

Town of Cottage Grove Clerk
4058 County Road N
Cottage Grove, WI 52527

City of Madison
Attn: Rob Philips
City Engineering Division
210 Martin Luther King Jr. Blvd. Room 115
Madison, WI 53703

Re: Dane County Department of Waste and Renewables
Dane County Landfill #2 (rodefeld)
WFSB # 233

Dear Clerks:

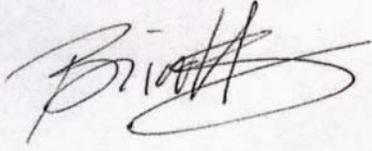
On August 26, 2020 the Waste Facility Siting Board received a copy of a written request for local approval, along with a copy of the certified return receipts, sent by Dane County Department of Waste and Renewables, to the Town of Blooming Grove, Town of Cottage Grove, City of Madison, Dane County, Wisconsin Department of Natural Resources and the Bureau of Waste Management, regarding the expansion of its current solid waste landfill facility located in Dane County. The requests were received by the Town of Blooming Grove, Town of Cottage Grove, City of Madison and Dane County Clerk on September 9, 2020, and the Wisconsin Department of Natural Resources on September 14, 2020.

The law allows an affected municipality to participate in the negotiation process if the governing body adopts a siting resolution and appoints members to the local committee within 60 days after the municipality receives written requests by the applicant. Wis. Stat. § 289.33(6)(a)

In this case, the Town of Cottage Grove and City of Madison have timely adopted and filed siting resolutions with the Waste Facility Siting Board stating their intent to negotiate and, if necessary, arbitrate with Dane County Department of Waste and Renewables concerning its facility. In addition, the City of Madison has appointed Dan Brown, Urvashi Martin, Ald. Michael Tierney, James Voss and Rob Philips to their local committee and the Town of Cottage Grove has appointed Kris Hampton to their local committee. Each of these individuals has timely completed and filed a statement of economic interest.

As a result, pursuant to law, negotiations may begin. If you have questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Hayes", with a large, sweeping flourish at the end.

Brian Hayes
Executive Director

Cc: John Welch, Director



State of Wisconsin
Waste Facility Siting Board
4822 Madison Yards Way, 5th Floor,
Madison, WI 53707-7875
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

September 1, 2020

CERTIFIED MAIL

Town of Blooming Grove
1880 S. Stoughton Road
Madison, WI 53716

Town of Cottage Grove
4058 County Road N.
Cottage Grove, WI 53527

City of Madison Clerks – Room 103
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Dane County Clerks – Room 106A
210 Martin Luther King Jr. Blvd
Madison, WI 53703

Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, WI 53711

Bureau of Waste Management
101 S. Webster St.
P.O. Box 7921
Madison, WI 53707

Re: Dane County Department of Waste & Renewables, Dane County Landfill No. 2 (Rodefeld)
WFSB # 233

Dear Clerks:

On August 27, 2020 the Waste Facility Siting Board received a copy of a written request for a local approval, along with copies of certified return receipts, sent by Dane County to the Town of Blooming Grove, Town of Cottage Grove, E D Locke Public Library, Monona Public Library, Madison Public Libraries, City of Madison Clerks, Dane County Clerks, Wisconsin Department of Natural Resources, and the Bureau of Waste Management regarding the expansion of its current solid waste landfill facility located within the municipalities.

If a municipality wishes to participate in the negotiation-arbitration process, it must adopt a siting resolution and appoint members to the local committee within **sixty days of receiving the written request from the applicant**. Wis. Stats. § 289.33(6)(a). A copy of the siting resolution and the names of the members who are appointed to the committee must be sent to the Waste Facility Siting Board within **seven days of the adoption of the siting resolution**. Each member appointed to a local committee must file a statement of economic interest with the board within **fifteen days of appointment**. A Statement of Economic Interest form can be found on our website at <https://doa.wi.gov/Pages/home.aspx>

Sincerely,

Brian Hayes
Executive Director

cc: John Welch



Office of the Mayor

Satya Rhodes-Conway, Mayor
City-County Building, Room 403
210 Martin Luther King, Jr. Blvd.
Madison, WI 53703
Phone: (608) 266-4611 | Fax: (608) 267-8671
mayor@cityofmadison.com
cityofmadison.com

BY E-MAIL ONLY—NO HARD COPY TO FOLLOW

July 27, 2020

Brian Hayes, Executive Director
Waste Facility Siting Board
4822 Madison Yards Way, 5th Floor North
Madison, WI 53705-5400
DHAMail@wisconsin.gov

Re: Dane County's Vertical Expansion of the Rodefild Landfill

Director Hayes,

Attached please find a copy of the City of Madison's siting resolution adopted on July 21, 2020 by the Common Council, pursuant to the requirements of Wis. Stat. Sec. 289.33(6)(a), authorizing the City's participation in the negotiation and arbitration process regarding Dane County's application to expand its current landfill operations at the Rodefild Landfill facility located at 7102 U.S. Highways 12&18 in the City of Madison.

As provided for by this resolution, I am hereby appointing the following four (4) members as the City of Madison's representatives to the local committee:

Dan Brown
Executive Manager
Ho-Chunk Gaming Madison
4002 Evan Acres Rd.
Madison, WI 53718
Dan.Brown@ho-chunk.com

Urvashi Martin
City of Madison, Planning Division
215 Martin Luther King Jr., Blvd., Suite 017
Madison, WI 53703
umartin@cityofmadison.com

Ald. Michael Tierney
4534 Secret Garden Dr.
McFarland, WI 53558
district16@cityofmadison.com

July 27, 2020

Page 2

James Voss
703 Clardell Drive
Sun Prairie, WI 53590
jvoss@uwalumni.com

Each of these appointees have been informed of the need to file a statement of economic interests with the Waste Facility Siting Board within fifteen (15) days of this appointment.

Please direct further correspondence relating to the local committee to:

Rob Philips, City Engineer
City Engineering Division
210 Martin Luther King Jr. Blvd., Room 115
Madison, WI 53703

This letter is being provided to the Board by email based upon the Department of Administration's directive (<https://doa.wi.gov/Pages/LicensesHearings/DHAContact.aspx>).

Sincerely,



Satya Rhodes-Conway
Mayor

Encl.

Cc: Deputy Mayor Christie Baumel
City Engineer Rob Phillips
Assistant City Attorney Doran Viste
John Welch, Dane County Solid Waste
Dan Brown
Urvashi Martin
Michael Tierney
Jim Voss



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 61119

File ID: 61119	File Type: Resolution	Status: Council New Business
Version: 1	Reference:	Controlling Body: BOARD OF PUBLIC WORKS
Lead Referral: BOARD OF PUBLIC WORKS	Cost:	File Created Date : 06/23/2020

File Name: Authorizing the City to participate in negotiations and, if necessary, arbitration with Dane County regarding the County's Rodefild Landfill Vertical expansion application, creating the Rodefild Landfill Expansion City Negotiating Team Committee and autho

Final Action:

Title: Authorizing the City to participate in negotiations and, if necessary, arbitration with Dane County regarding the County's Rodefild Landfill Vertical expansion application, creating the Rodefild Landfill Expansion City Negotiating Team Committee and authorizing the Mayor to appoint members to the Rodefild Landfill expansion local committee and the Rodefild Landfill Expansion City Negotiating Team Committee.

Notes:

Code Sections:

CC Agenda Date: 07/14/2020

Indexes:

Agenda Number:

Sponsors: Satya V. Rhodes-Conway, Tag Evers, Keith Furman, Syed Abbas and Michael J. Tierney

Effective Date:

Attachments:

Enactment Number:

Author: Rob Phillips, City Engineer

Hearing Date:

Entered by: hfleegel@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
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History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Engineering Division	06/23/2020	Referred for Introduction				
	Action Text:	This Resolution was Referred for Introduction					
	Notes:	7/14 CC intro, 7/21 approval					

Text of Legislative File 61119

Fiscal Note

No Fiscal note required.

Title

Authorizing the City to participate in negotiations and, if necessary, arbitration with Dane County regarding the County's Rodefeld Landfill Vertical expansion application, creating the Rodefeld Landfill Expansion City Negotiating Team Committee and authorizing the Mayor to appoint members to the Rodefeld Landfill expansion local committee and the Rodefeld Landfill Expansion City Negotiating Team Committee.

Body

WHEREAS, State law gives municipalities affected by the expansion of existing landfill operations certain rights in the approval process; and,

WHEREAS, on June 1, 2020 the City of Madison received Dane County's written request for the specification by the City of all applicable City approvals needed regarding the County's plans to vertically expand the Rodefeld Landfill located at 7102 U.S. Highways 12&18 in the City of Madison; and,

WHEREAS, under Wis. Stat. Sec. 289.33, prior to authorizing the expansion of an existing landfill, the State requires landfill operators and the affected municipalities to participate in negotiations, and possibly arbitration, regarding the proposal; and

WHEREAS, pursuant to Wis. Stat. Sec. 289.33(6), in order to participate in the statutory negotiation and arbitration processes regarding the County's landfill expansion plans, the City must, within sixty (60) days from receiving the written request for local approvals, adopt a siting resolution and appoint members to a local committee formed to negotiate regarding the expansion plans (the "Local Committee"); and,

WHEREAS, it is anticipated that there will be an appointee to the Local Committee from the Town of Cottage Grove; and,

WHEREAS, it is necessary to create a City committee, separate from the Local Committee, to meet and discuss the City's interests, negotiating and bargaining strategy to be pursued by City appointees to the Local Committee; and,

WHEREAS, if the City does not enact a siting resolution within sixty (60) days of receiving the written request (July 31, 2020), the City may not participate in any negotiations with Dane County regarding the expansion of operations at the Rodefeld Landfill.

NOW THEREFORE BE IT RESOVLED, that, pursuant to Wis. Stat. Sec. 289.33(6), the Common Council hereby adopts this siting resolution authorizing the City to participate in negotiations and, if necessary, arbitration with Dane County regarding the County's plans to vertically expand operations at the Rodefeld Landfill in the City of Madison; and,

BE IT FURTHER RESOLVED, that the Common Council hereby creates the Rodefeld Landfill Expansion City Negotiating Team Committee as an ad-hoc committee consisting of four (4) members whose purpose is to formulate, with City staff, the City's negotiating and bargaining strategy to be pursued by City appointees to the Local Committee in discussions, negotiations, mediation, or arbitration with Dane County regarding the Rodefeld Landfill expansion; and,

BE IT FURTHER RESOLVED, that the Rodefled Landfill Expansion City Negotiating Team Committee shall be dissolved upon the execution by the City of a negotiated agreement with Dane County regarding the Rodefled Landfill expansion; and,

BE IT FURTHER RESOLVED, that the Mayor shall appoint four (4) members to the Rodefled Landfill expansion local committee formed as a result of the City's enactment of this siting resolution, no more than two (2) of whom shall be elected officials or City employees ; and,

BE IT FURTHER RESOLVED, that the Mayor's four (4) appointees to the Local Committee shall be simultaneously appointed as the four (4) members of the Rodefled Landfill Expansion City Negotiating Team Committee; and,

BE IT FINALLY RESOLVED, that if the Mayor determines that the best interests of the City will be served by the appointment of a non-City resident who is particularly well qualified by reasons of education, background, and experience to represent the City on the Committees, an appointee may be a non-resident of the City.

From: [Viste, Doran](#)
To: [Welch, John](#)
Cc: [Gault, David](#); [Phillips, Robert](#); [Baumel, Christie](#); [Tucker, Matthew](#); [Parks, Timothy](#); [Romines, Charles](#); [Rathsack, Allison](#)
Subject: RE: Local Approvals Letter--City of Madison (Rodefild Vertical Expansion)
Date: Tuesday, July 14, 2020 1:45:14 PM

John,

Thanks for pointing out that language in the 2014 agreement. For the purposes of the proposed vertical expansion, the City is agreeable to removing the requirement, as stated in the City's June 15, 2020 local approval letter, that an erosion control plan will be required under Chapter 37, Madison General Ordinances.

Doran Viste
Assistant City Attorney
Office of the City Attorney
210 Martin Luther King, Jr. Blvd., Room 401
Madison, WI 53703-3345
Phone: (608) 266-4511
Fax: (608) 267-8715
e-mail: DViste@cityofmadison.com

The 2020 Census is here! As we practice social distancing, take the opportunity to complete the census now from the comfort of your own home. You can fill it out online at my2020census.gov, by [phone](#), or by [mail](#).

From: Welch, John <Welch@countyofdane.com>
Sent: Wednesday, July 8, 2020 11:35 PM
To: Viste, Doran <DViste@cityofmadison.com>
Cc: Gault, David <Gault@countyofdane.com>; Phillips, Robert <RPhillips@cityofmadison.com>; Baumel, Christie <CBaumel@cityofmadison.com>; Tucker, Matthew <MTucker@cityofmadison.com>; Parks, Timothy <TParks@cityofmadison.com>; Romines, Charles <CRomines@cityofmadison.com>; Rathsack, Allison <rathsack.allison@countyofdane.com>
Subject: RE: Local Approvals Letter--City of Madison (Rodefild Vertical Expansion)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hi Doran,

Thanks for getting us the local approvals letter so quickly. As we have discussed previously, Dane County agrees with the City's initial assessment of the scope of the proposed expansion, and we do not anticipate anything that would require additional approvals. We do have one item from the City's letter that we would like to get clarification on. Please see the attached correspondence and respond accordingly.

Respectfully,
John Welch, P.E.
Director
Department of Waste & Renewables
cell: 608-516-4154

From: Viste, Doran <DViste@cityofmadison.com>
Sent: Monday, June 15, 2020 1:44 PM
To: Welch, John <Welch@countyofdane.com>
Cc: Gault, David <Gault@countyofdane.com>; Phillips, Robert <RPhillips@cityofmadison.com>;
Baumel, Christie <CBaumel@cityofmadison.com>; Tucker, Matthew
<MTucker@cityofmadison.com>; Parks, Timothy <TParks@cityofmadison.com>; Romines, Charles
<CRomines@cityofmadison.com>
Subject: Local Approvals Letter--City of Madison (Rodefled Vertical Expansion)

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

John,

Attached please find the City's local approvals letter regarding the Rodefled vertical expansion.

As I've separately indicated, the City is likely to be adopting a siting resolution in July in order to participate, with the Town of Cottage Grove, in the local negotiating committee process.

Doran Viste
Assistant City Attorney
Office of the City Attorney
210 Martin Luther King, Jr. Blvd., Room 401
Madison, WI 53703-3345
Phone: (608) 266-4511
Fax: (608) 267-8715
e-mail: DViste@cityofmadison.com

The 2020 Census is here! As we practice social distancing, take the opportunity to complete the census now from the comfort of your own home. You can fill it out online at my2020census.gov, by **phone**, or by **mail**.



DANE COUNTY DEPARTMENT OF WASTE & RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

July 8, 2020

Doran Viste
Assistant City Attorney
City of Madison
City-County Building, Room 401
210 Martin Luther King Jr. Blvd
Madison, WI 53

Re: Rodefild Landfill Vertical Expansion – City of Madison Approvals

Mr. Viste,

Dane County received and reviewed the City of Madison's response regarding the initial notification for the proposed vertical expansion per Wis. Stat. § 289.22(1m), dated June 15, 2020.

Upon review, Dane County noticed one of the local approval conditions was to prepare and submit an erosion control plan under Chapter 37, Madison General Ordinances. Within the existing contract between Dane County and the City of Madison titled "Rodefild Landfill Expansion and Solid Waste Agreement", effective from January 1, 2014 until December 31, 2023, Section 11 (b) states:

Erosion Control and Stormwater Management. Erosion control and stormwater management permits for the landfill shall fall under the jurisdiction of the Dane County Land & Water Resources Department. The County shall not be required to obtain any approvals or permits from the City for erosion control or stormwater at the Landfill.

Therefore, Dane County believes the requirement for an erosion control plan should be removed from the local approval process. Dane County requests that the City of Madison either confirm or deny our findings.

If you have questions, please contact me at (608) 516-4154 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Rodefild Landfill Expansion and Solid Waste Agreement

CC: Allison Rathsack, Dane County
Christie Baumel, Deputy Mayor
Tim Parks, City Planning Division
Rob Phillips, City Engineer
Charlie Romines, City Streets Superintendent
Matt Tucker, City Zoning Administrator

11875

RODEFELD LANDFILL EXPANSION AND SOLID WASTE AGREEMENT

Between the County of Dane and the City of Madison

THIS AGREEMENT, entered into by and between the County of Dane, a quasi-municipal corporation in the State of Wisconsin (hereinafter referred to as "County"), and the City of Madison, a municipal corporation of the State of Wisconsin (hereinafter referred to as "City"), is effective as of the date by which both parties have signed hereunder and according to the terms and conditions set forth herein.

WITNESSETH:

WHEREAS, on August 15, 1973 the County and the City (hereinafter referred to collectively as the "Parties") entered into a waste stream agreement (the "1973 Waste Stream Agreement") in which the City agreed to close its solid waste disposal facilities and use County disposal facilities; and,

WHEREAS, on January 16, 1984 the Parties entered into a land sale agreement, which agreement was recorded with the Dane County Register of Deeds on February 6, 1986 as doc. No. 1920750 (the "1984 Land Sale Agreement"), that allowed the County to construct and operate a solid waste facility located at 7102 U.S. Hwy 12 & 18 in the City of Madison, Dane County, Wisconsin, known as Dane County Landfill Site No. 2, or the Rodefild Landfill (hereinafter referred to as "Landfill"); and,

WHEREAS, on December 20, 1993, the County, the City, the Town of Blooming Grove and the Town of Cottage Grove entered into a negotiated agreement pursuant to Wis. Stat. Sec. 144.445 (now Sec. 289.33) regarding the first expansion of the Landfill (the "1993 Negotiated Agreement"); and,

WHEREAS, on June 3, 1994, the Parties entered into a land sale and Landfill Expansion Real Estate Agreement, which agreement was recorded with the Dane County Register of Deeds on June 6, 1994 as doc. No. 2607108 (the "1994 Land Sale Agreement"), that allowed the County to expand the Landfill; and,

WHEREAS, the County has been providing solid waste disposal at the Landfill for nearly 30 years, and the 1994 expansion capacity has nearly been reached. The County now wishes to expand the Landfill to extend the life of the solid waste facility and has applied to Wisconsin Department of Natural Resources (WDNR) for an operation permit and construction permit to expand the Landfill; and,

WHEREAS, the County, the City, and the Town of Cottage Grove have separately conducted negotiations relating to the proposed second expansion of the Landfill pursuant to Wis. Stat. Sec. 289.33, and, subject to the approval by the County Board of Supervisors, the City Common Council and the Town of Cottage Grove Board, will be entering into a Negotiated Agreement Relating to the Second Rodefild Landfill Expansion (the "2014 Negotiated Agreement") concurrently with this Agreement; and,

WHEREAS, the City supports the proposed second expansion of the Landfill and is agreeable to selling City land to the County to facilitate this expansion; and,

WHEREAS, the Parties further desire to enter into a ten-year waste stream agreement to ensure the economic viability of the Landfill and provide the City with the most cost effective means of solid waste disposal during the next decade; and,

WHEREAS, Section 66.0301 Wisconsin Statutes, authorizes cities, villages, towns, counties, and other public agencies to enter into agreements for receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law.

NOW, THEREFORE, in consideration of the above recitals and mutual covenants of the parties, the receipt and sufficiency of which is acknowledged by each party for itself, the Parties do agree as follows:

1. Purpose. The purpose of this Rodefeld Landfill Expansion and Solid Waste Agreement (“Agreement”) is to set forth the terms and conditions agreed to by the Parties regarding the City’s solid waste stream, tipping fees, daily cover and other City materials, the sale and lease of City land adjacent to the Landfill, and other issues associated with the operation and proposed second expansion of the Landfill.
2. Term. The term of this Agreement shall be from January 1, 2014 through December 31, 2023.
3. Waste Stream. The City guarantees the County a solid waste stream at the Landfill as follows:
 - a. The City will bring all of its solid waste, as defined by Wis. Stat. Sec. 289.01(33), to be landfilled to the Landfill.
 - b. The City will be free to use solid waste diversion programs.
 - c. The City shall not be subject to any minimum tonnage guarantees.
4. Tipping Fees.
 - a. Base Fees. The County will charge the City the following tipping fees for disposal of solid waste:
 - 1) January 1, 2014 – June 30, 2014: \$43.50/ton (\$30.503/ton County charges).
 - 2) July 1, 2014 – December 31, 2014: \$46.50/ton (\$33.503/ton County charges).
 - 3) January 1, 2015 – December 31, 2015: \$48.50/ton (\$35.503/ton County charges).
 - 4) Commencing January 1, 2016: \$50.00/ton (\$37.003/ton County charge).

- b. Future Fee Increases. Commencing January 1, 2017 the County may increase the County portion of the tipping fee by no more than 3.5% over the prior year's County portion of the tipping fee. If an increase is implemented, the County shall notify the City no later than June 30th of the year prior to the effective date of the increase. The County will provide the City with financial information supporting the need for any increase under this subsection. Any proposed increase in tipping fees in excess of 3.5% shall require approval of the City.
- c. State Tipping Fees. The base fees in subsection a. include State imposed tipping fees of \$12.997/ton as of March, 2014. At anytime during the Agreement tipping fees may be increased or decreased to account for increases or decreases in State tipping fees, or additional solid waste fees imposed by the State or other regulatory authority.

5. Daily Cover, Other City Materials and Services.

- a. Primary Source of Cover. The County agrees that its primary source of daily cover and/or alternate daily cover (ADC) shall be the dredge spoils, street sweeping debris, contaminated soils and vector debris received from the City.
- b. Charge for Cover. The County shall charge the City \$13.10/ton for street sweepings debris, vector debris and contaminated soils suitable for use as daily cover and/or ADC, subject to the limitations set forth herein. Any material that is not suitable for use as daily cover and/or ADC will be charged the City's full tipping fee under Subsection 4.
- c. Contaminated Soils. If necessary, the City will work with WDNR to establish the suitability of any contaminated soils for use as ADC before use.
- d. Dredge Spoils.
 - 1) The County will accept dredge spoils from the City at no cost, up to a maximum of 100,000 tons over the term of the Agreement, and no more than 20,000 tons in any calendar year.
 - 2) If necessary, the City shall establish that these dredge spoils are non-hazardous and appropriate to be landspread or piled in mounds outside the area where landfill activities will take place. Any material that must be landfilled will be charged the City's full tipping fee under the Agreement.
 - 3) Representatives from Dane County Solid Waste Division and the City Engineering Division shall meet in October each year to discuss the anticipated quantity of dredge spoils for the upcoming year, to determine timing of material delivery to the Landfill, and to determine locations where these dredge spoils will be deposited upon Landfill property. The City bears all responsibility and expense to properly deposit these dredge spoils on the Landfill property consistent with WDNR requirements. The City is granted reasonable access rights for this purpose. The entire disposal process

involving these dredge spoils shall be coordinated with the County and shall not interfere in any manner with Landfill activities. If there is not sufficient space on the Landfill property for the dewatering process, the City must dewater the material prior to bringing it to the Landfill property.

- e. Wood Chips. The City will provide the Landfill with wood chips from the City's chipping operation, as needed, at no charge to the County.
 - f. Limitations. Notwithstanding any other language in the Agreement, the total quantity of dredge spoils, street sweeping debris, vector debris and contaminated soils that the County is required to accept under this Section is limited to that amount of materials actually needed on site for daily cover and/or ADC as determined by the Solid Waste Manager.
 - g. City Services. The City may agree to provide to the County, upon request (a) annual City Water Utility cleanout of leachate and sanitary sewer pipes at Landfill pursuant to NR 506.07(5)(c); and (b) televising of leachate and sanitary pipes at the Landfill by City Water Utility every 5 years, pursuant to NR 506.07(5)(e). The City may charge the County to recoup its expenses for these services.
6. Land Sale and Land Lease. In order to facilitate the expansion of the Landfill, the City will agree to sell and lease City-owned lands adjoining the Landfill to the County, on the terms and conditions set forth in the accepted March 17, 2014 offer to purchase, and as further set forth herein:
- a. Land Sale. The City will convey fee title to 54.94 acres of City owned land adjoining the Landfill to the County for two-hundred and thirteen thousand two-hundred and eighty dollars (\$213,280). The land to be sold consists of parcels A-1 and B-1 as described on the February 21, 2014 Plat of Survey prepared by AECOM, and attached hereto as Exhibit A.
 - b. Land Lease. The County will lease the City's remaining 9.588 acre parcel of land adjoining the Landfill to the County for one dollar (\$1) per year. The land to be sold consists of parcel C-1 as described on Exhibit A. The lease shall stipulate that the County will maintain the leased area (mowing, other turf maintenance, erosion control and tree maintenance). The City reserves the right to use and enjoy the leased area consistent with the lease terms, provided that such use and occupancy shall not interfere with the County's use of the property for ground water monitoring, soil stockpiles, or other landfill purposes. The City shall have the right to transfer the leased area to WisDOT or to use the leased area for transportation purposes in the event the leased area is needed by WisDOT for said purposes.
 - c. CTH AB Expansion. In the event that WisDOT requires expansion of County Highway AB in its current location, the Parties shall share equally the cost of any necessary land acquisition and relocation costs to accommodate the highway

expansion along County Highway AB on the east and west sides from USH 12 to the northern boundary of the Landfill property.

- d. Kettle Field. The lands making up Parcel A-1 are currently managed by the City Parks Division and include, along the northern portion of the lands, an area known as Kettle Field. Kettle Field is currently used by the Madison Area Radio Controlled Society (MARCS) for the operation of radio controlled flying devices. The County has accommodated this use on these lands since the 1984 land sale agreement between the Parties, and, through agreements with the City and the 1993 Negotiated Agreement, has allowed MARCS members to use the Landfill property to access Kettle Field for nearly thirty years. Accordingly, upon the sale of Parcel A-1 to the County, the County agrees to accommodate the continued use by MARCS of Kettle Field through the end of 2014, subject to any safety concerns that the County may have regarding the use of this land during expansion activity at the landfill.
7. County Solid Waste Revenue. The County agrees that County personnel costs for Corporation Counsel and the Highway Commissioner positions that are partially funded by solid waste revenue will not exceed 2014 amounts, plus any increases necessary to cover the continued costs of those positions. The County agrees to not transfer any other revenues from solid waste funds to support any programs or expenditures that are not related to the solid waste program. This provision in no way limits the use of revenues from the sale of end-products created from the Landfill gas.
8. Records Disclosure. The County will agree to annually provide the City with a summary of revenues and tonnage of waste received by the Landfill. This data shall be specific to each solid waste operation, or just limited to the tonnage and revenue from gate or tipping fees at the Landfill itself.
9. Future Closure, Sale or Transfer of Landfill Operations. The County retains the right to cease landfill operations at the Landfill if it is no longer economically feasible. The County will give the City no less than 12 months notice if it decides to cease operations. If, during the term of this Agreement, the County decides to sell the Landfill, the City shall have a right-of-first-refusal regarding any offers to purchase. If the Landfill is sold to a third party, this Agreement shall be binding upon the third party unless waived by the City.
10. Operational Concerns. In addition to those matters set forth in the 2014 Negotiated Agreement, the County shall be responsible for the cost of public improvements, including highway construction and road building, Landfill operational activities, ongoing maintenance requirements and Landfill monitoring responsibilities, established to be directly related to the Landfill.
11. Local Approvals.
 - a. Rezoning. This Agreement and the Landfill expansion is contingent upon City rezoning approval for the entire existing and newly acquired Landfill properties.

The Parties hereby affirm that they will make good faith efforts to complete the rezoning process as soon as possible, and no later than June 15, 2014. To facilitate prompt consideration of the County's rezoning and SIP applications for the property being sold by City to County, prior to the land sale the City agrees to co-sign the rezoning and SIP petitions as the current land owner upon the County's request.

- b. Erosion Control and Stormwater Management. Erosion control and stormwater management permits for the Landfill shall fall under the jurisdiction of the Dane County Land & Water Resources Department. The County shall not be required to obtain any approvals or permits from the City for erosion control or stormwater at the Landfill.
- c. City Approval Process. Any approvals required from the City to expand the Landfill or perform any work at the Landfill shall not be unreasonably withheld.

12. Other Agreements.

- a. This Agreement is being entered into concurrently with the 2014 Negotiated Agreement, along with the documents necessary to effectuate the land sale and land lease as described in Section 6 above.
- b. Except as set forth in Subsection c., this Agreement specifically supersedes those rights, responsibilities and obligations of the Parties detailed in the 1973 Waste Stream Agreement, the 1984 Land Sale Agreement, the 1993 Negotiated Agreement and the 1994 Land Sale Agreement.
- c. The following provision of the 1984 Land Sale Agreement is not superseded by this Agreement, and shall remain binding upon the Parties based upon the language in the original agreement:
 - 1) Section 13: The City's right of first refusal over the "hope park" lands to the north of the landfill.

13. Contingencies. The Parties' obligations under this Agreement are contingent upon the approval of the 2014 Negotiated Agreement, the land sale and land lease as described in Section 6 above, rezoning approval as described in Section 11.a. above and the issuance of a Landfill expansion construction permit by the WDNR.

14. Amendment. This Agreement may be amended only by the written agreement of both of the Parties hereto.

15. Entire Agreement. Except for the 2014 Negotiated Agreement and the accepted March 17, 2014 offer to purchase, this Agreement represents the entire integrated agreement between the Parties with regards to the Landfill expansion and Landfill operation, and, except as otherwise noted, supersedes all prior negotiations, representations or agreements, either written or oral dealing with the Landfill expansion and the Landfill operation.

16. Non-discrimination. In the performance of the obligations under this Agreement, the Parties agree to abide by their own respective affirmative action plans and in doing so agree not to discriminate, in violation of any state or federal law, against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin or ancestry, income level or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, gender identity, political beliefs, or student status. The parties further agree not to discriminate, in violation of any state or federal law, against any subcontractor or person who offers to subcontract on this Agreement because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin.
17. Enforcement. This Agreement shall be governed by the laws of the State of Wisconsin. Any act by either party in violation of this Agreement shall be remedied by the courts of the State of Wisconsin. This Agreement is intended to provide both Parties with the right and standing to seek any available legal or equitable remedy to enforce or seek damages for the breach of this Agreement.
18. Waiver. Any waiver by any party to a breach of any term or condition of this Agreement shall not be considered a waiver of any subsequent breach by the party of the same term or any other term or condition of this Agreement.
19. Binding Effect. The Parties have entered into this Agreement under the authority of Wis. Stat. Sec. 66.0301. The Parties agree that this Agreement shall be binding upon both parties, as well as their respective successors and assigns, except as otherwise noted in Section 9 above.
20. No Third Party Beneficiary. This Agreement is intended to be solely between the County and the City. Nothing in this Agreement accords any third party any legal or equitable rights whatsoever which may be enforced by any nonparty to this Agreement.
21. Construction. The Parties acknowledge that this Agreement is the product of negotiations between the Parties and that, prior to the execution hereof, each Party has had full and adequate opportunity to have this Agreement reviewed by, and to obtain the advice of, its own legal counsel with respect hereto. Nothing in this Agreement shall be construed more strictly for or against either party because that party's attorney drafted this Agreement or any part hereof. No terms or conditions contained in this Agreement shall be construed to create a situation where performance becomes impossible, nor shall any provision herein be construed to create a conflict with any duty or obligation that the County may have under any existing or future statute, rule or regulation of the United States of America, the State of Wisconsin, or any federal or state agency having jurisdiction over the design and operation of the Landfill.
22. Titles. The titles to sections, subsections and paragraphs used in this Agreement are for informational purposes only, except where it may be necessary to an understanding of the content of the Agreement.

23. Severability. In the event that any portion of this Agreement is invalidated or held unenforceable by a court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.
24. Force Majeure. Neither party to this Agreement shall be liable for failure to perform any duty or obligation that said party may have under this Agreement where such failure has been occasioned by any act of god, fire, strike, inevitable accident, war, court order or binding determination of a governmental agency.

11875

IN WITNESS WHEREOF, the County and the City, by their respective authorized agents, have caused this Agreement to be executed, effective as of the date by which all parties hereto have affixed their respective signatures.

FOR THE COUNTY OF DANE

Joe Parisi
Joe Parisi, County Executive

4-13-14
Date

Scott McDonnell
Scott McDonnell, County Clerk

4-16-14
Date

Execution of this Agreement by the County is authorized by Res 2900, 13-14, adopted by the Board of Supervisors of Dane County on 4-15-2014.

FOR THE CITY OF MADISON

Paul R. Soglin
Paul R. Soglin, Mayor

4/11/14
Date

Maribeth Witzel-Behl FOR
Maribeth Witzel-Behl, City Clerk

4-9-14
Date

Countersigned:

David P. Schmiedicke
David P. Schmiedicke, Finance Director

4-11-14
Date

Eric Voum
Eric Voum, Risk Manager

4/10/14
Date

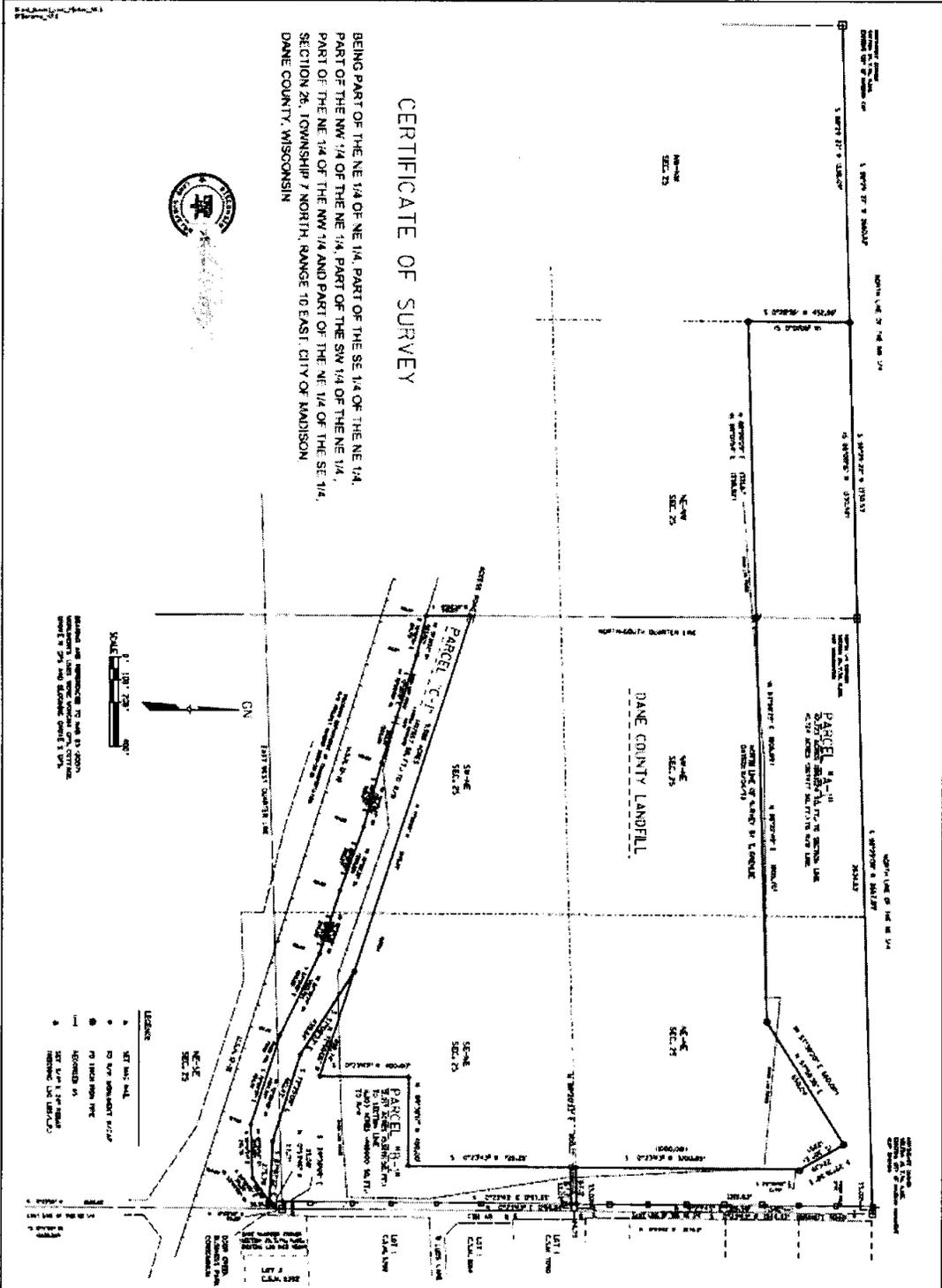
Approved as to form:

Michael P. May
Michael P. May, City Attorney

4/11/14
Date

Execution of this Agreement by the City is authorized by Resolution Enactment No. RES-14-00247, ID No. 33260, adopted by the Common Council of the City of Madison on April 8, 2014.

EXHIBIT A
Plat of Survey by AECOM



PLAT OF SURVEY
DANE COUNTY LANDFILL
DANE COUNTY, WISCONSIN
 DATE: FEBRUARY 12, 2014

AECOM
 SHEET 1 OF 1 Project No.: 60314479

**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2020-06-15**

**RESOLUTION CONFIRMING TOWN'S INTENT TO
PARTICIPATE IN NEGOTIATION AND ARBITRATION PROCESS FOR THE
EXPANSION OF THE DANE COUNTY SOLID WASTE FACILITY
LOCATED AT 7102 U.S. HIGHWAYS 12&18 IN THE CITY OF MADISON**

WHEREAS, the Town of Cottage Grove has been notified by the Dane County Department of Waste and Renewables that it is proposing an expansion of its solid waste facility located at 7102 U.S. Highways 12&18 in the City of Madison and the proposed expansion will be located within 1500 feet of the Town's boundary. Said notification was dated May 29, 2020 and was received by the Town of Cottage Grove on June 1, 2020;

WHEREAS, on June 10, 2020, the Town of Cottage Grove timely notified the Dane County Department of Waste and Renewables that there are no applicable local approvals as required pursuant to Wis. Stat. § 289.22(1m);

WHEREAS, pursuant to Wis. Stat. § 289.33, the Town of Cottage Grove is entitled to participate, as an "affected municipality," in the negotiation and arbitration process for the proposed expansion of this facility;

WHEREAS, the Town of Cottage Grove has participated, as an "affected municipality," in negotiations and arbitration for previous expansions of this solid waste facility, and is party to negotiated agreements dated October 19, 1993 and April 16, 2014;

WHEREAS, to promote public health, safety and welfare of the Town and its residents, it is in the best interests of the Town to participate in the negotiation and arbitration process for the proposed expansion of this facility; and,

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF COTTAGE GROVE, as follows:

1. The Town of Cottage Grove, Wisconsin, whose business address is 4058 County Highway N, Cottage Grove, WI 53527, intends to negotiate and, if necessary, arbitrate with the Dane County Department of Waste and Renewables, whose business address is 1919 Alliant Energy Center Way, Madison, WI, 53713, concerning the proposed expansion of its solid waste disposal facility, which is located in the City of Madison, at 7102 U.S. Highways 12&18.
2. Within seven (7) days of passage of this Resolution, the Town Clerk shall send a copy of this Resolution to the Wisconsin Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400.
3. The Town Board does hereby appoint the following one member to the local committee that will negotiate and, if necessary, arbitrate with the Dane County Department of

Waste and Renewables concerning the proposed expansion. The Town Clerk shall, within seven (7) days of the appointment, send the name, address of the appointee to the Wisconsin Waste Facility Siting Board. Within fifteen (15) days of the appointment, the appointee shall file a statement of economic interests with the Wisconsin Waste Facility Siting Board. Following the name of the member is the address of said member:

Name: Kris Hampton
Address: 3310 County Road N
Cottage Grove, WI 53527

Adopted this 15th day of June, 2020.

TOWN OF COTTAGE GROVE, WISCONSIN

Kris Hampton
Kris Hampton, Town Chairperson

Approved by a vote of 5 for and 0 against, at a duly noticed meeting of the Town Board of the Town of Cottage Grove, Wisconsin.

ATTESTED TO this 15th day of June, 2020.

TOWN OF COTTAGE GROVE, WISCONSIN

Kim Banigan
Kim Banigan, Town Clerk

Published (posted) 6/16/20

AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On June 16, 2020 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

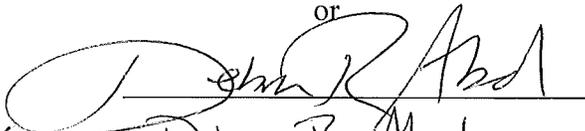
**TOWN BOARD RESOLUTION 2020-06-15
CONFIRMING TOWN'S INTENT TO PARTICIPATE IN
NEGOTIATION AND ARBITRATION PROCESS FOR THE
EXPANSION OF THE DANE COUNTY SOLID WASTE
FACILITY LOCATED AT 7102 U.S. HIGHWAYS 12&18 IN THE
CITY OF MADISON**



Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 16th day of June, 2020.

Signature of Town Chair person


or
Delora R. Abel (print name)
Notary Public, State of Wisconsin
My Commission expires: March 7, 2023





Office of the City Attorney

Michael R. Haas, City Attorney

Patricia A. Lauten, Deputy City Attorney

ASSISTANT CITY ATTORNEYS

Roger A. Allen
Steven C. Brist
Be'Jan G. Edmonds
Lara M. Mainella
Amber R. McReynolds
Marcia A. Paulsen
Adriana M. Peguero

Kevin B. Ramakrishna
Kate M. Smith
Jaime L. Staffaroni
John W. Strange
Doran E. Viste
Brittany A. Wilson
Jennifer A. Zilavy

City-County Building, Room 401
210 Martin Luther King, Jr. Blvd.
Madison, Wisconsin 53703-3345

(Telephone) 608-266-4511
(Fax) 608-267-8715
attorney@cityofmadison.com

LITIGATION ASSISTANT

Patricia V. Gehler

BY E-MAIL ONLY—NO HARD COPY TO FOLLOW

June 15, 2020

Mr. John Welch
Solid Waste Manager
Dane County Solid Waste
1919 Alliant Energy Center Way
Madison, WI 53713

Re: Rodefeld Landfill Vertical Expansion—City of Madison Approvals

Dear Mr. Welch:

On June 1, 2020, the City of Madison Clerk received Dane County's notification of its intention to vertically expand the Rodefeld Landfill.

Please consider this letter the City's response to your request for local approvals required by the City of Madison, pursuant to Wis. Stat. § 289.22(1m), based upon our current understanding of the vertical expansion plans. As we understand the current plans, the County will be seeking to expand the existing landfill vertically, roughly 86 feet, within the existing landfill footprint. There is not expected to be any new building or infrastructure construction on site, nor any direct impacts off site.

Based upon this understanding, we believe that the County will need to secure the following local approvals:

- The certified survey map to create one lot for Rodefeld (incorporating the lands previously acquired from the City) that was approved in 2014 but not recorded will need to be re-approved and recorded prior to the expansion proceeding.
- A Planned Development Zoning District Amendment will be necessary to alter the approved PD for the current Rodefeld site, to incorporate the expansion plans. This amendment will require Urban Design Commission and Plan Commission review, and Common Council approval.
- An erosion control plan will be required under Chapter 37, Madison General Ordinances.

As noted above, this list is based upon our assumptions regarding the County's intentions and the preliminary plans that the City is currently aware of. As the County's plans become more specific and as documents and specific plans are prepared for the proposed landfill expansion

June 15, 2020

Page 2

that can be reviewed by the City or if the County's plans are changed or modified such that other local approvals will be necessary, the City reserves the right to require such approvals. If you are currently aware of any plans that the City is unaware of which may reasonably be expected to invoke other local approvals, please let me know right away.

Sincerely,

Doran Viste

Doran Viste
Assistant City Attorney
dviste@cityofmadison.com

cc Christie Baumel, Deputy Mayor
 Tim Parks, City Planning Division
 Rob Phillips, City Engineer
 Charlie Romines, City Streets Superintendent
 Matt Tucker, City Zoning Administrator

Powers, Betsy

From: Welch, John <Welch@countyofdane.com>
Sent: Thursday, June 11, 2020 3:21 AM
To: 'Kim Banigan'
Cc: Rathsack, Allison
Subject: RE: Landfill expansion

Hi Kim,
Thanks for the email. This will suffice as the written notice referenced in my letter.

Respectfully,
John Welch, P.E.
Director
Department of Waste & Renewables
cell: 608-516-4154

From: Kim Banigan <clerk@towncg.net>
Sent: Wednesday, June 10, 2020 11:45 AM
To: Welch, John <Welch@countyofdane.com>
Subject: Landfill expansion

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

Hi John,
The Town of Cottage Grove does intend to be included in negotiations, and the Town Board will consider a resolution to that effect on June 15th. I will forward it within 7 days of adoption.

As the expansion is not within the Town of Cottage Grove, there are no applicable local approvals required by the Town of Cottage Grove for the vertical landfill expansion. Please confirm that this suffices as written notice regarding local approvals as requested in your letter dated May 29, 2020.

Kim Banigan
Clerk, Town of Cottage Grove
4058 County Road N
Cottage Grove, WI 53527
Phone: 608-839-5021 ext 132
Fax: 608-839-4432
www.tn.cottagegrove.wi.gov

Office Hours: 8:00 a.m. to 12:30 p.m., M-F and weekday afternoons by appointment



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Madison Public Library
Pinney Library
516 Cottage Grove Rd
Madison, WI 53716

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Madison Public Library
Central Library
201 West Mifflin Street
Madison, WI 53703

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

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The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Monona Public Library
1000 Nichols Road
Madison, WI 53716

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
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- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
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Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

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Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

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If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

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Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Ed Locke Public Library
5920 Milwaukee Street
McFarland, WI 53558

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
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The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

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Respectfully,

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Director of Waste & Renewables

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**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
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Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Town of Cottage Grove Clerk
Kim Banigan
4058 County Road N
Cottage Grove, WI 53527

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
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Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

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If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Town of Blooming Grove Clerk
Mike Wolf
1880 South Stoughton Road
Madison, WI 53716

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

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The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
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If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

City of Madison Clerk's Office (RM 103)
210 Martin Luther King Jr Blvd.
Madison, WI 53703

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Dane County Clerk's Office (RM 106A)
210 Martin Luther King Jr Blvd.
Madison, WI 53703

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

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The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

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When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

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Who pays for the mediator?

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What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

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Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

State of Wisconsin Waste Facility Siting Board
Brian Hayes
4822 Madison Yards Way, 5th Floor North
Madison, WI 53705

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,


John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Wisconsin Department of Natural Resources
Cynthia Moore
3911 Fish Hatchery Road
Fitchburg, WI 53711

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As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

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**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

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arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
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- (3) the specific location of the proposed facility, and
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Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

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What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

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When may negotiations begin?

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What issues can be negotiated?

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Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
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Director
John Welch P.E.

May 29, 2020

Wisconsin Department of Natural Resources
Ann Bekta
2514 Morse Street
Janesville, WI 53545

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If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

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**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection, Transportation, Safety and Professional Services and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and

arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Wisconsin Department of Natural Resources
Carolyn Cooper
3911 Fish Hatchery Road
Fitchburg, WI 53711

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

Also, if you wish to be included in the negotiations, please reference the attached standard notice document from the State of Wisconsin Waste Facility Siting Board for more information on the time limits and requirements for municipalities to participate in the negotiation and arbitration process for the siting of a solid waste facility under sec. 289.33 of the Wisconsin Statutes.

If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

John Welch, P.E.
Director of Waste & Renewables

Enclosed: Standard Notice for the State of Wisconsin Waste Facility Siting Board (Rev. 01/25/18)



**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

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An affected municipality is any town, village, city, or county:

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- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

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What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant's initial written request for local approvals. If this deadline is missed, a municipality may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
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- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

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When may negotiations begin?

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What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018



DANE COUNTY DEPARTMENT OF WASTE AND RENEWABLES

County Executive
Joseph T. Parisi

1919 Alliant Energy Center Way ♦ Madison, Wisconsin 53713
Phone: (608) 266-4018 ♦ Fax: (608) 267-1533

Director
John Welch P.E.

May 29, 2020

Bureau of Waste Management
101 South Webster Street, PO Box 7921
Madison, WI 53707

Dane County, Department of Waste & Renewables is planning a vertical expansion of its existing landfill, Dane County Landfill Site No. 2 (Rodefeld), located within the City of Madison at:

7102 U.S. Highway 12 & 18
Madison, WI 53718.

As part of the expansion process, Dane County is required to notify the affected municipalities of our expansion intentions, please consider this letter your formal notification under Wis. Stat. 289.22 (1m).

The purpose of the notification is to give affected municipalities the opportunity to inform Dane County of any required local approvals and to establish a negotiating committee to discuss the terms of the vertical landfill expansion.

Dane County formally requests that you inform us in writing of any and all applicable local approvals required by your municipality for this vertical landfill expansion. These requirements include any permits or approvals required by pre-existing local ordinances to construct or operate a landfill. This may include, but are not limited to, zoning variances, planning approvals, building permits and other criteria. **Per Wisconsin Statute 289.22(1m), this request must be fulfilled within 15 days after the receipt of this written request for which applications are required or issue a statement that there are no applicable local approvals.**

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If you have questions regarding the negotiation or arbitration, please contact the Waste Facility Siting Board at (608) 266-7709 or dha.mail@wisconsin.gov. If you have questions regarding Dane County's vertical landfill expansion plans, please contact me at (608) 267-8815 or Welch@countyofdane.com.

Respectfully,

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**State of Wisconsin
Waste Facility Siting Board**

4822 Madison Yards Way, 5th Floor North
Madison WI 53705-5400
Phone: (608) 266-7709
Fax: (608) 264-9885
e-mail: dhamail@wisconsin.gov

Dale Shaver
Chairman

Brian Hayes
Executive Director

STANDARD NOTICE

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Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,

- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
- 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 4822 Madison Yards Way, 5th Floor North, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

Revised: 01/25/2018

Attachment E
Category 31 C&D MRF Residuals Photographs



Figure 1. Partially unloaded C&D MRF residuals trailer



Figure 2. Fully unloaded C&D MRF residual trailer



Attachment F
Revised Sampling Plan

Groundwater, Surface Water, Leachate, and Gas Sampling Plan

Dane County Landfill Site No. 2 (Rodefeld)

Prepared for:

Dane County Public Works
1919 Alliant Energy Center Way
Madison, Wisconsin 53713

SCS ENGINEERS

25220091.00 | September 2021

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Attachments

- Attachment A Site Maps
- Attachment B Sampling Schedule and Parameter List
- Attachment C Sampling Containers, Preservation, and Holding Time Requirements
- Attachment D Chain of Custody Form and Field Information Form

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1.0 OVERVIEW

This Groundwater, Surface Water, Leachate, and Gas Sampling Plan (Plan) for Dane County Landfill Site No. 2 (Rodefild Landfill) has been prepared to comply with Wisconsin Administrative Code, NR 507.16.

Prior to initiation of routine or special groundwater sampling events at Rodefild Landfill, the Plan should be reviewed by all sampling team members. Site conditions or site-specific regulatory requirements may necessitate a deviation from the Plan as described herein. Any such deviation from this Plan must be documented by the sampling team leader in coordination with the designated Dane County representative.

This Plan provides guidelines that may be supplemented based on site-specific conditions and/or state-specific requirements, which preclude strict adherence to the Plan as described herein. Possible reasons for variation from this Plan include, but are not limited to, unusual site hydrogeologic conditions, such as low permeability formations resulting in long recharge times; damaged monitoring points awaiting repair; or circumstances preventing sampling, such as a tar-like substance in a leachate headwell.

2.0 NR 507.16 (1)(a) AND (b) – SITE MAP AND SAMPLING SCHEDULE

Drawings included in **Attachment A** show the site and the locations of all inactive and active sampling points and devices adherent to Wisconsin Department of Natural Resources Groundwater Environmental Monitoring System (GEMS). A sampling schedule outlining the months when samples are to be collected, the sampling period, and the list of analytical parameters for each monitoring point is included as **Attachment B**.

3.0 NR 507.16 (c) – FIELD MEASUREMENTS

3.1 ORDER OF SAMPLING

Rodefild Landfill monitoring wells are purged first to allow time for an adequate sampling volume to recharge in the well if it purges dry and to ensure the sample represents the groundwater within the soil formation at the well location as opposed to stagnant water.

3.2 STATIC WATER LEVEL MEASUREMENTS

Water levels are collected on the same day prior to purging to produce a representative static groundwater elevation contour map and minimize interference due to drawdown or barometric pressure effects. To alleviate the potential for errors, previous water level data can be used for comparison purposes during field activities.

Water levels are measured using a Solinst Water Level Meter Model 101 or equivalent meter. The decontaminated probe is lowered into the well until the instrument indicates that the water column has been encountered. The probe is slowly raised and lowered in and out of the water column until the sampler is satisfied that the instrument is providing a reliable water level reading. The depth to water and elevation of the water level (mean sea level [MSL]) is recorded to the nearest hundredth of a foot (i.e., 0.01 foot).

3.3 CONDUCTIVITY, PH, AND TEMPERATURE

The proper measurement and documentation of field analyses are a critical part of the monitoring program. Before going to the field, all equipment is cleaned and checked for any malfunctions. The sampling team will calibrate meters each morning before using them in the field following manufacturer's calibration procedures.

Equipment calibration will be conducted daily at a minimum. Calibration solutions will be freshly prepared or bottled from non-expired stock. In the absence of manufacturer guidance, field equipment will be calibrated to within +/- 5 percent of the standard (or 0.1 standard unit for pH meters). Calibration of field-specific conductance will be verified against a chilled standard to verify temperature compensation.

Equipment that fails calibration will be taken out of service and replaced or repaired prior to sampling. Calibration checks will be conducted periodically (e.g., mid-day and at end-of-day) to document any instrument drift. If there is significant instrument drift (e.g., >10 percent or 0.2 standard unit for pH), then the meters will be recalibrated.

Conductivity, pH, and temperature are measured using a YSI Professional Plus Quick Start or equivalent meter.

3.4 TURBIDITY, ODOR, AND COLOR

The physical descriptions of turbidity, odor and color of will be completed as outlined below.

Odor: Odor will be classified as rotten eggs, earthy, strong, moderate, or slight. Samples will be wafted as opposed to sniffing and no speculations will be made as to cause of odor.

Color: "True" color is the color after turbidity has been removed, if samples are filtered. True color may be caused by metallic ions, humus, peat, or industrial chemicals. Hold the sample up to the light and describe the true color in as much detail as possible (color charts are acceptable descriptive methods). If samples are not filtered, then color may be a function of turbidity.

Turbidity: Turbidity will be classified as described below regardless of whether turbidity measurements are taken:

None: Sample is clear.

Slight: Sediment slightly clouds or colors the sample; sediment does not accumulate in the bottle.

Moderate: Definite cloudiness, sediment accumulates at the bottom of sample bottle.

High: Muddy/dark brown appearance.

4.0 NR 507.16 (d) – GROUNDWATER PURGING PROCEDURES

4.1 TRADITIONAL PURGING METHODS

When minimal drawdown techniques are not utilized, monitoring wells will be pumped or bailed prior to sample withdrawal to prevent collection of non-representative stagnant water in a sample. As a general rule, pump or bail a minimum of four times the volume of water standing in the well casing for moderate-to high-yield formations (those with fast recharge) and at least one borehole volume (includes water within the PVC casing plus the filter pack volume, assuming 30 percent effective porosity, if applicable) for low-yield formations (those with slow recharge), if possible. Well purging should be sufficient to increase the likelihood that the water collected is representative of the groundwater within the formation around the well.

Dedicated bailers (installed in the individual monitoring wells) and portable pumps are used to purge the monitoring wells at the Rodefild Landfill. Dedicated bailers are used for sample collection at the Rodefild Landfill. The bailer cord shall be fastened securely to the bailer and consists of nylon roping. This cord must be clean and in good condition. Care should be taken not to excessively disturb the column of water in the well casing. The bailer shall be gently lowered into the well with each cycle. The bailer should be lowered into the water only to the extent necessary to fill or nearly fill the chamber. Avoid submerging the top of the bailer. Equipment blanks must also be obtained in accordance with **Section 6.3** of this Plan.

Discard purged water to the ground far enough away from the well footing to prevent the possibility of affecting shallow soils or groundwater near the well. Results from previous sampling events may prevent disposal of purge water to the ground. If previous testing suggests groundwater is impacted at a location, it may be necessary to collect all purge water in drums (preferably lined) to dispose of the water within the site leachate collection system or other approved manner as defined by the Dane County representative.

4.2 VERY LOW YIELD SAMPLING METHODS

Some wells at the Rodefild Landfill bail dry due to the low conductivity glacial till with varying amounts of silty sand, silt, and clay. In cases where a well bails dry prior to removal of 4 well volumes (water column within the PVC well casing) of purge water, bail or pump the volume of water standing in the well and allow the well to recharge for up to 24 hours or as stipulated by local or state regulation. If there is not sufficient water for sampling any parameter, then the well is considered dry for the purpose of sampling. If water is available to partially complete sampling requirements, samples should be obtained in the order specified in the approved monitoring plan or as specified by the Dane County representative. Volatile organic analytes (VOAs) should be collected first, followed by the remaining parameters and excessively turbid samples will not be collected. Minimum testing volumes for each analyte are outlined in **Attachment C** or contact the laboratory. If a sample cannot be obtained from a given well which normally provides adequate water for a sample, notify the Dane County representative immediately and note on field forms.

4.3 DECONTAMINATION PROCEDURES FOR NON-DEDICATED, DOWN-HOLE PURGING EQUIPMENT

All non-dedicated, sample-contacting, and down-hole equipment must be thoroughly decontaminated prior to its use in sample collection activities. This includes non-dedicated pumps, non-dedicated bailers, groundwater level measurement devices, field parameter measurement devices, and non-

dedicated filtering apparatuses. A dedicated water level probe shall be used for groundwater monitoring wells. Under no circumstances shall the groundwater level probe be used to measure other liquid levels (such as leachate or grossly contaminated wells).

Decontamination procedures of down-hole equipment must, at a minimum, consist of washing with a non-phosphate detergent solution, followed by two or three rinses (i.e., 2 to 3) with control water (i.e., water of a known chemistry), and one rinse with deionized (DI) water.

Decontamination of non-dedicated pumps must, at a minimum, consist of circulation with clean water for three pump and tubing volumes and all associated discharge tubing. A series of three pre-cleaned liquid storage containers will aid in this effort. The first container should contain a non-phosphate detergent solution. The remaining two should consist of control water.

Other non-dedicated equipment (e.g., field meters and water level indicators) should be triple-rinsed with DI water before and after each use.

At a minimum, one Equipment Blank shall be collected from non-dedicated purging/sampling equipment following decontamination for each day of sample collection (**Section 6.3**). Equipment Blanks will be analyzed for all sample matrices, analytical tests, and equipment configurations.

4.4 TIME BETWEEN PURGING/SAMPLING

Groundwater samples should be collected in the shortest possible time following the well purge. Exceptions can be made to allow sediment to settle-out in turbid wells. However, such wells may need to be redeveloped prior to the next sampling event. Redevelopment refers to spending some additional time with the purging process using well development techniques such as “surge and purge” in an effort to reduce the well’s turbidity. The method of sample collection is usually the same as purging, unless otherwise specified by site conditions or regulation.

5.0 NR 507.16 (e) – GROUNDWATER SAMPLE COLLECTION

5.1 OBTAINING GROUNDWATER SAMPLES

After purging has been completed at those wells with a dedicated, low-flow pump, the pumping rate should be reduced as low as possible to deliver a slow and steady discharge. Do not use a valve to reduce the flow rate. If the well has been purged with a bailer, the sample should be collected from a bailer using a bottom discharge device.

5.2 SAMPLE VOLUME

The volume of sample required for the various analyses is summarized in **Attachment C**.

5.3 SAMPLE FILTRATION

When sample filtration is required, the samples should be filtered in the field. Samples that require filtering must be filtered through a 0.45-micron membrane pressure filter. Typically, only samples for dissolved metals analysis require filtration. Parameters requiring filtration are specified in the approved monitoring plan and regulatory requirements. Surface water and leachate samples are not filtered, unless specifically required by approved monitoring plan. Samples which have been field-filtered must be noted on the field chain of custody records. Where applicable, the laboratory will note which samples require filtering on the individual sample bottle labels and bottle schematics.

It is recommended that filtration be performed using an in-line filtration system or an approved alternative. A small amount of water must be allowed to pass through the filter and tubing before obtaining a sample. A new filter shall be used for each monitoring point, in addition to each sampling event. Under no circumstances are filters to be re-used.

If samples are collected utilizing bailers, pressure filters are an acceptable method of filtering. Where in-line filtration is not possible, pre-filtration bottles may be used to transfer the samples to the field filtration device. Pre-filtration bottles must be obtained from an approved supplier and identified at the time of sampling. The sampling team must notify the supplier ahead of time to arrange for a sufficient number of bottles.

Additional Notes:

- Filtering must always be performed while in the field, during sample collection.
- Filters must be 0.45 micron and dedicated for groundwater only. Do not use any filtering apparatus that is used for other procedures.
- Surface water and leachate samples are never filtered unless specifically required.
- Pre-filtration bottles used for pressure filtering, should not be used for more than one well. If re-use is absolutely necessary, pre-filtration bottles must be thoroughly decontaminated between wells in accordance with **Section 4.3** of this Plan.
- Filtering of preserved samples must never be performed.

5.4 SAMPLE PRESERVATION

In general, sample preservation should be performed in the field (except for pre-preserved VOA vials). Only with explicit approval from the Dane County representative can functions be performed by the laboratory upon receipt. Samples are to be preserved immediately after filtration or collection (if samples are not filtered). VOAs, which are allowed no headspace or no air bubbles trapped in the sample, will have proper preservatives included in the sample bottle.

Bottles will be provided by the laboratory that are pre-preserved and packed in separate plastic bags and labeled as such. If not pre-preserved, then add the preservatives to the sample bottle after it has been filled with the sample. Fill the sample bottle to within 1/2 inch of the top of the sample container. Once the preservative has been added and the sample container capped, invert the sample container to ensure complete mixing with the sample. Do not shake the sample container. Check preservation of the samples in the field periodically to ensure that the sample is properly preserved.

Cool the sample container to 4 degrees Celsius from the time the sample is collected through the time of analysis. Maintain samples in temperature-regulated refrigerators or in coolers containing ice or commercial frozen wet ice packs. Ensure that provisions have been made in advance for facilities that do not have accommodations to freeze the wet ice packs. In such cases, it is recommended to bring pre-chilled coolers and extra ice to the site. The ice should be frozen solid prior to use. Ensure that the samples are properly cooled during shipment to the laboratory. Blue ice or chemical ice packs should not be used. Samples must be shipped daily to the laboratory to ensure proper temperature control and holding time requirements are met.

5.5 DECONTAMINATION PROCEDURES FOR NON-DEDICATED, DOWN-HOLE SAMPLING EQUIPMENT

Procedures for cleaning non-dedicated, down-hole sampling equipment will be similar to procedures used for non-dedicated, down-hole purging equipment. Procedures are outlined in **Section 4.3**.

6.0 NR 507.16 (f) – QUALITY ASSURANCE - TRIP, FIELD, EQUIPMENT BLANKS, AND DUPLICATES

Trip Blanks, Field Blanks, and Equipment Blanks are used to detect constituents that may be introduced in the field (either from the atmosphere or from sampling equipment), in transit to or from the sampling site, in bottle preparation, or sample storage at the laboratory (Quality Assurance). Duplicates are used to confirm analytical results from a given sample point (Quality Control). Upon return to the laboratory, Trip Blanks, Field Blanks, Equipment Blanks, and Duplicates will be analyzed using the same laboratory procedures and methods that are used for the collected field samples.

6.1 TRIP BLANKS

Trip Blanks are samples of volatile organic-free, laboratory quality water (e.g., Type II Reagent grade) that are prepared at the laboratory. They remain with the sample bottles while in transit to the site, during sampling, and during the return trip to the laboratory. Trip blank sample bottles are not opened at any time during this process. Trip Blanks are to be reported in the laboratory results as separate samples, using “TB-#” as their sample point designation. If Trip Blank sample bottles are accidentally opened, note this fact on the field chain of custody record. Generally, one Trip Blank per cooler (that contains at least one VOA field sample) is recommended.

6.2 FIELD BLANKS

Field Blanks are prepared in the field, using laboratory-supplied bottles and the DI or laboratory reagent quality water. Each Field Blank should be prepared by pouring the DI water into the sample bottles at the location of one of the wells in the sampling program. The well at which the Field Blank is prepared must be identified on the Field Information Form, along with any information/observations that may explain any anomalous results (e.g., prevailing winds, upwind sources of potential degradation, etc.). Once a Field Blank is collected, it is handled and shipped in the same manner as the rest of the samples.

Field Blank results will be reported as separate samples; using “FB-#” as their sample designation. A minimum of one Field Blank for every 10 sampled wells or one Field Blank per day is recommended (if less than 10 wells are sampled).

6.3 EQUIPMENT BLANKS

Equipment (or rinsate) Blanks are required for all sampling events where non-dedicated down-hole (i.e., portable pumps or bailers) equipment may contact the sample. Decontamination procedures for non-dedicated equipment are outlined in **Section 4.3** of this document. Equipment Blanks for non-dedicated equipment are collected by pouring the DI or laboratory reagent quality water into or over the sampling device (e.g., the bailer) after it has been properly decontaminated, then pouring the sample into the Equipment Blank bottles.

The well at which the Equipment Blank is prepared must be identified on the Field Information Form along with any information or observations that may explain any anomalous results (e.g., equipment type, prevailing winds, upwind sources of potential degradation, etc.).

Equipment Blank results will be reported as separate samples; using “EB-#” or “RB-#” as their sample designation point. A minimum of one Equipment Blank for each day that monitoring wells are sampled is recommended.

6.4 DUPLICATES AND SPLIT SAMPLES

Duplicate samples are collected in the field using a matching set of laboratory-supplied bottles and sampling from the selected well, as-requested. Each Duplicate should be sampled by alternating between the regular sample bottles and the duplicate sample bottles, in the designated sampling order (i.e., VOAs first). Duplicates should not be physically different in color, turbidity, or other physical parameters.

The well at which the Duplicate is collected must be identified on the Field Information Form, along with any information or observations that may explain any anomalous results (e.g., physical differences between samples, prevailing winds, upwind sources of potential degradation, etc.). All duplicates shall be blind (i.e., the well designation is not listed on the chain of custody). Once a duplicate is collected, it is handled and shipped in the same manner as the rest of the samples.

Duplicate results will be reported as separate samples; using “DUP-#” as their sample designation point. Duplicates will be analyzed by request only.

Split Samples are collected when co-sampling of a well is conducted with a third party (i.e., Regulatory Agency or External Consultant). Split Samples should be collected using the same method as a Duplicate, alternating between regular sample bottle and split sample bottle in the designated sampling order. The well at which the Split Sample(s) is collected must be identified on the Field Information Form.

Note: When samples are split with regulatory agencies, document appropriately on the Field Information Form the condition of the bottles or preservatives, sample collection methods (if different from the Rodefild Landfill), and the selected agency laboratory.

7.0 NR 507.16 (g) – PRIVATE WELL SAMPLING

Private well sampling is usually performed in response to requests by local or state regulatory agencies. Sampling for private wells shall be conducted in a professional manner. Private wells are usually installed with minimal documentation of subsurface geologic conditions, and water is usually obtained through high volume submersible pumps.

The procedures for private well sampling are similar to those used for groundwater sampling. Refer to **Section 3.0** for procedures for measuring pH, specific conductance, and temperature. Samples from private wells are taken from the tap. Therefore, it is necessary to purge the plumbing and storage tanks prior to taking a sample to ensure the sample is representative of the aquifer. To purge the plumbing, open faucets, flush the toilet, etc. to remove stagnant water in the pipes. To ensure the plumbing is being purged, listen for the well pump. The purge should be done for a minimum of 15 minutes or two to three pump cycles before sample collection.

Take samples from as close to the well source as possible, so basement faucets or outside faucets are preferable and document on the Field Information Form where the samples were taken from. Ask the well owner about any treatment equipment installed in the system for softening, iron removal, pH adjustment, or other pre-treatment measures and document on the Field Information Form.

Be sure that an aeration screen has not been installed on the faucet being used. If a screen has been installed, this must be removed before sampling (especially for organics), since the screen tends to agitate the water, and some organics could be lost. If it cannot be removed, note this on the Field Information Form.

Private well samples should not be filtered. Field measurements should be taken as required by the approved monitoring plan. Document field measurements and all sampling information on the Field Information Form.

8.0 NR 507.16 (h) – SURFACE WATER SAMPLE COLLECTION

Surface water sampling occurs from sources such as discharge points, rivers, streams, ponds, and lakes. Prior to commencing the surface water sampling activities, Field Information Forms for each sample location should be initiated. Note any areas of dead or distressed vegetation, odors, discolored water, oily sheen, weather conditions, wind direction, nearby activities, etc. Collect field measurements for pH, electrical conductivity, and temperature at each sample point prior to sampling, unless otherwise specified in the approved monitoring plan or on the laboratory information sheets. All results must be recorded on the Field Information Form.

The location of the sample point should be selected with care to ensure that a representative sample of water is obtained for testing. The sample point should be selected to avoid intrusion of bottom sediments into the sample container. Samples collected from shallow depths can readily be obtained by merely submerging the sample container below the water surface. Position the container mouth or opening so that the mouth faces in the upstream direction if flowing water is encountered. Lower the sample container into the water while still capped, uncap under water to allow the sample bottle to fill, and re-cap before removal from the water. Do not fill pre-preserved bottles using the aforementioned dipping method. The sampler will wear gloves and, when necessary, stand downstream to prevent any sources of cross-contamination and sediment disturbance.

When sampling consecutive points in streams of flowing water, begin at the farthest downstream location and proceed upstream. In separate channels or water bodies, the locations expected to exhibit the greatest impacts should be sampled last. To ensure that the surface water samples are representative, collect samples from the center of the stream or body of water (when possible) and at mid-depth.

Do not field-filter surface water samples, unless specified under local and/or state regulations or as otherwise stated in the approved monitoring plan. Sample preservation, storage, and shipment procedures should follow those described in **Section 5.4**.

9.0 NR 507.16 (h) – LEACHATE SAMPLE COLLECTION

This section of the Plan is applicable to sampling fluids from leachate wells, leachate manholes, or leachate retention basins. Upon arrival at the sample location, record the general condition of the sample location and its surroundings on the Field Information Form. Note any obvious odors in the vicinity of the sample point, foaming, discolored surface fluids, weather conditions, wind direction, nearby activities, leachate color, etc.

All leachate sampling equipment must be dedicated to each monitoring point. Fluid level measuring equipment used at leachate monitoring points should never be used at groundwater monitoring points. Measure leachate fluid levels prior to sample collection. Collect field measurements for pH, electrical conductivity, and temperature at each sample point prior to sampling, unless otherwise specified in the approved monitoring plan or on the laboratory information sheets.

Record all results on the Field Information Form, noting units to three significant figures. Leachate risers and manholes do not require purging prior to sample collection. Collect samples using dedicated pumping equipment or by gently lowering a dedicated or disposable bailer into the sampling location and transferring the collected liquid into the sample bottles. Do not field-filter leachate samples, unless specified in the approved monitoring plan.

Take special care when preserving leachate samples with acid, since a violent reaction may occur. Add acid slowly and carefully to the leachate samples to avoid this violent reaction. Check the pH of the leachate sample prior to shipment, and add acid to counter the buffering capacity of leachate when appropriate. Sample preservation, storage, and shipment procedures should follow those described in **Section 5.4**. Do not place leachate samples in the same coolers used for shipping groundwater, water supply, or other typically non-degraded samples.

Note: It is the sampler's responsibility to follow all appropriate health and safety procedures when collecting leachate samples. Landfill gas may be present in leachate risers. Never enter a manhole without proper gas detection and oxygen monitoring equipment, confined space training, and breathing apparatus. Avoid breathing gases emanating from a riser or manhole while collecting samples.

10.0 NR 507.16 (h) – GAS MONITORING AT GAS PROBES

Gas probe monitoring wells are installed around the perimeter of waste facility to monitor the potential movement of methane gas outside the limits of waste. Prior to gas monitoring, Field Information Forms for each sample location should be initiated and any areas of dead or distressed vegetation, odors, weather conditions, wind direction, nearby activities, etc., should be noted.

Record barometric pressure, any observations of barometric pressure (trending up, down, or remaining steady), or any other pertinent observations on the Field Information Form.

Each gas probe should have a cap with a petcock or valve with a piece of tubing and clip as a means of sealing the probe from the atmosphere. Attach the tubing on the probe to the meter and open to measure gas pressure using an Elkins Envision meter, or equivalent. Record the reading on the Field Information Form or downloaded electronically. Seal the tubing, remove the meter, and attach the gas testing meter (MSA Gasport, Landtec GEM2000, or equivalent). Open the tubing while attached to the gas meter. Run the pump on the meter approximately 2 minutes to purge and obtain stabilized percent methane and percent oxygen readings. Record these readings on Field Information Forms or downloaded electronically.

11.0 NR 507.16 (i) – SAMPLE CHAIN OF CUSTODY RECORD

To help maintain the integrity of the samples, strict chain of custody procedures are necessary. These procedures help to ensure that sample tampering does not occur. From the time the sample bottles leave the laboratory until the issuance of the analytical laboratory results, the samples or sample containers must be in the custody of an assigned Dane County representative, consultant, contractor, or laboratory. In order to maintain the chain of custody, the samples must be in sight of

the assigned custodian or locked in a tamper-proof location. A written record of sample bottle possession and any transfers of samples must be maintained and documented on the field chain of custody record.

The sample chain of custody must contain, at a minimum, the following information:

- Site name
- Station numbers (Line No. on chain of custody, ascending order)
- Date samples are collected (by sample)
- Time sample collected (by sample)
- Type of sample (composite, grab, groundwater, leachate, or surface water)
- Number of containers per sample point
- Filtering requirements
- Preservatives
- Analysis required
- Special remarks(i.e., remittance of sealed coolers via courier)

The field chain of custody record must further be signed with the date and time for the following activities:

- Receipt of the sample cooler(s).
- Each time the sample cooler is transferred to the custody of another person.
- Immediately before sealing the sample cooler for transport to the laboratory. Form must be signed and enclosed within the cooler in a watertight bag.

Samples from the same monitoring point that are placed in more than one sample cooler require a field chain of custody record in each sample cooler. Any problems with the sample cooler's contents must also be noted on the form. Upon receipt of the sample cooler by the lab, the condition of the samples, temperature, date, and time are recorded on the field chain of custody record by the log-in personnel receiving the sample coolers. The field chain of custody record indicates by bottle and analysis group whether samples are preserved. The sampling team must record the field filtration, preservative, and any deviations from normal preservation requirements on the chain of custody record (the sampling team should initial the forms if this information is preprinted on forms provided by the lab). Failure to complete the field chain of custody record will render the resulting data useless. An example of the Rodefild Landfill field chain of custody form is provided in **Attachment D**.

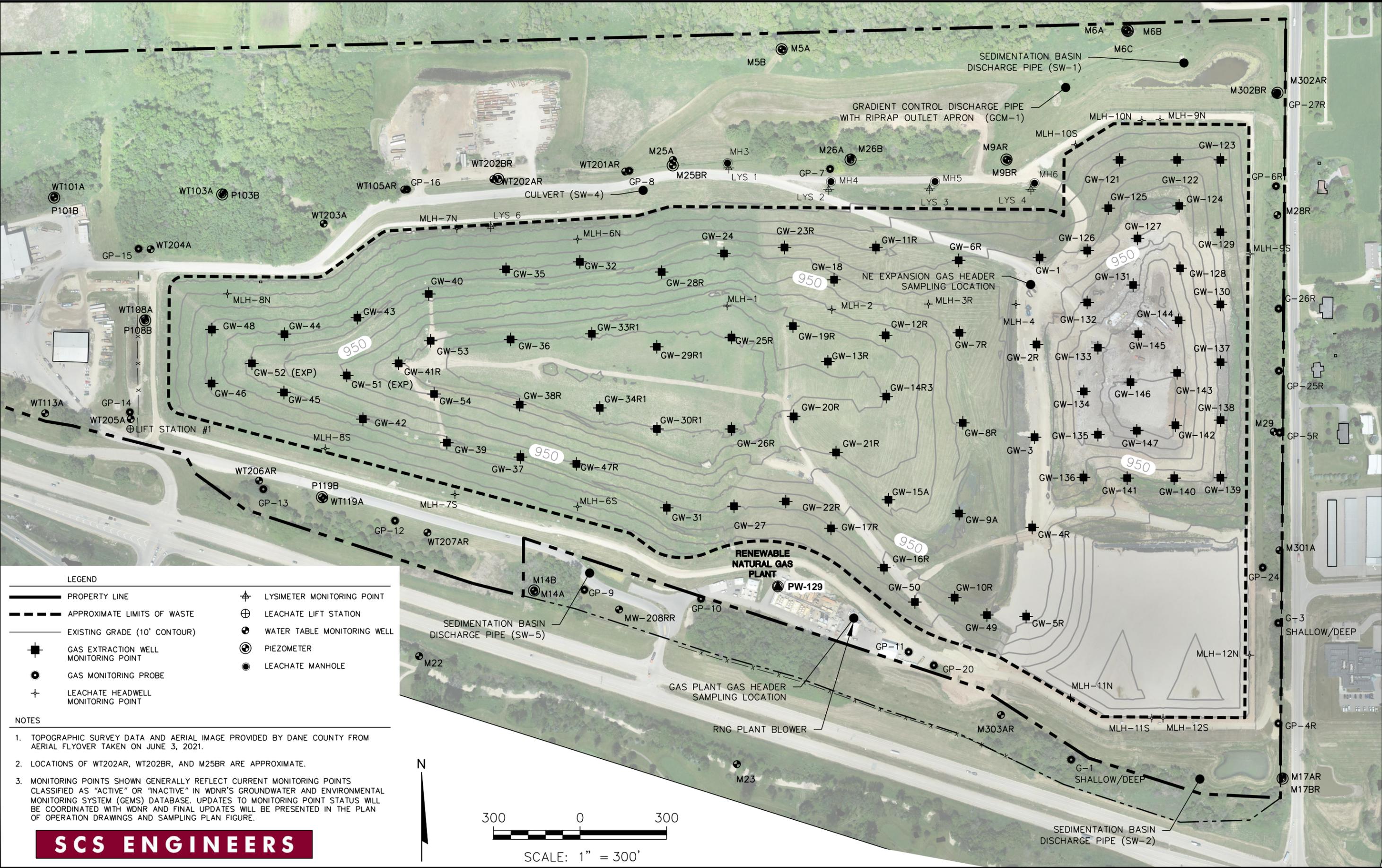
Samples must be shipped to the laboratory as soon as possible, so that there is no exceedance of holding times. Due to the extremely short hold and extraction times involved with many of the methods used at the Rodefild Landfill, all samples with short holding times (e.g., nitrates, coliform) shall be shipped on the same day that the samples are collected. It is the sampler's sole responsibility to ensure expedient delivery of samples to the laboratory, so that the samples arrive at the proper temperature and within the range of specified holding times.

A member of the sampling team must be appointed to arrange sample pickup or transportation to the laboratory. Delivery requested on Saturday must be noted on the shipping or packing air bill for the courier. The laboratory must be notified at least 48 hours preceding the anticipated delivery. In the event of a holiday, contact the laboratory in advance for shipping instructions.

Attachment A

Site Maps

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LEGEND

- PROPERTY LINE
- APPROXIMATE LIMITS OF WASTE
- EXISTING GRADE (10' CONTOUR)
- GAS EXTRACTION WELL MONITORING POINT
- GAS MONITORING PROBE
- LEACHATE HEADWELL MONITORING POINT
- LYSIMETER MONITORING POINT
- LEACHATE LIFT STATION
- WATER TABLE MONITORING WELL
- PIEZOMETER
- LEACHATE MANHOLE

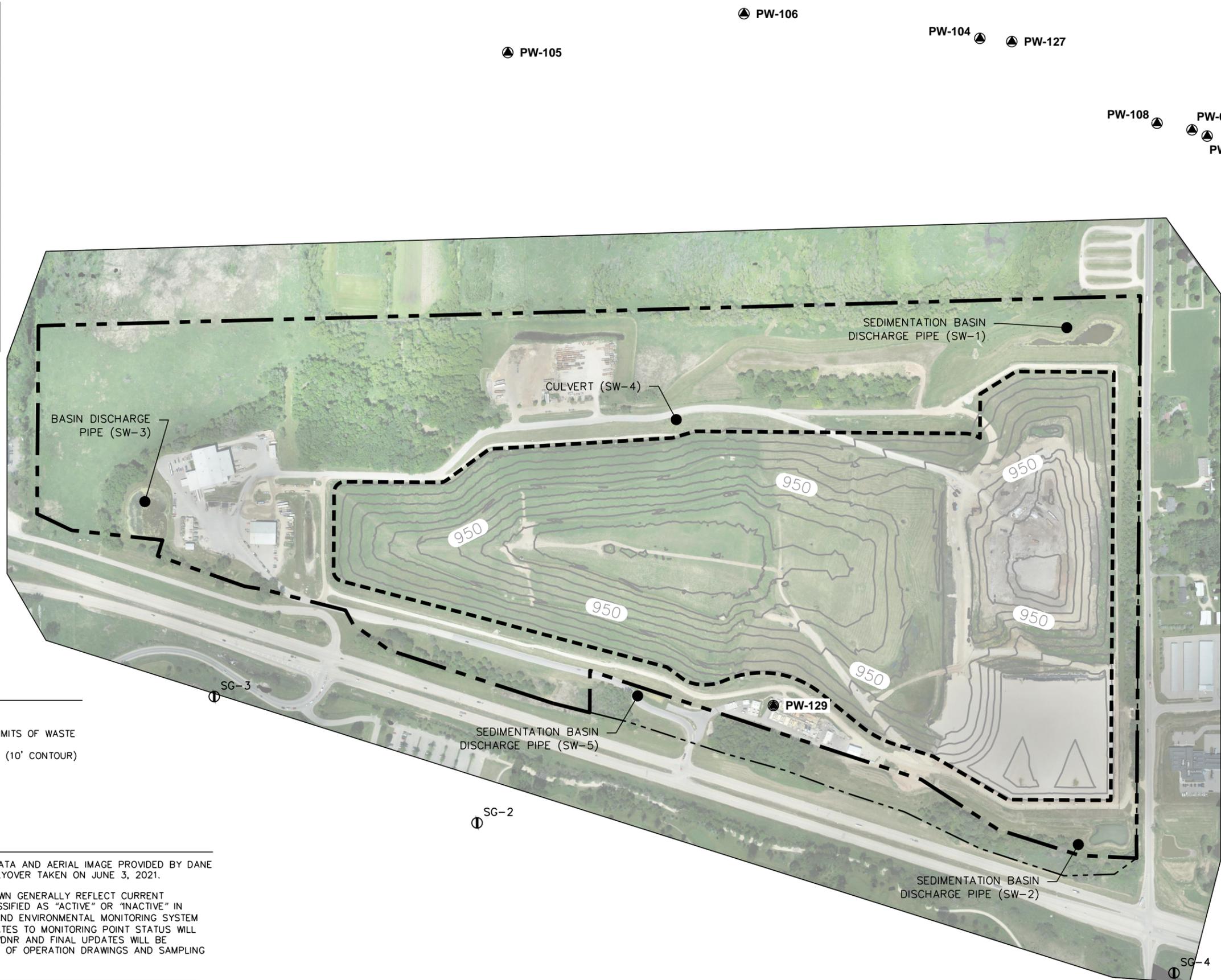
NOTES

1. TOPOGRAPHIC SURVEY DATA AND AERIAL IMAGE PROVIDED BY DANE COUNTY FROM AERIAL FLYOVER TAKEN ON JUNE 3, 2021.
2. LOCATIONS OF WT202AR, WT202BR, AND M25BR ARE APPROXIMATE.
3. MONITORING POINTS SHOWN GENERALLY REFLECT CURRENT MONITORING POINTS CLASSIFIED AS "ACTIVE" OR "INACTIVE" IN WDNR'S GROUNDWATER AND ENVIRONMENTAL MONITORING SYSTEM (GEMS) DATABASE. UPDATES TO MONITORING POINT STATUS WILL BE COORDINATED WITH WDNR AND FINAL UPDATES WILL BE PRESENTED IN THE PLAN OF OPERATION DRAWINGS AND SAMPLING PLAN FIGURE.



SCALE: 1" = 300'

WELL COMMON NAME	WDNR ID
COMM WELL REPLA	080
JULIE ACKER REP	082
HOPE LUTHERAN	084
PW-51 NIEBUHR	096
PW 98 COMM WELL	098
PW 99 ALAR	099
RODEFELD	100
PW 101 CROSS RD	101
PITCHER	102
MATHEWS	103
PW 104 S GUNDL	104
PW 105 SUTER	105
PW 106 R GUNDLA	106
PW 107 ACKER	107
DANE CO OFFICE	108
PW109 HOPELUTH	109
LEONHARDT	110
LANDFILL WELL	111
HOPE PARK	112
GOLF COURSE	113
ANDERSON	127
GAS PLANT WELL	129



- LEGEND**
- PROPERTY LINE
 - APPROXIMATE LIMITS OF WASTE
 - EXISTING GRADE (10' CONTOUR)
 - PRIVATE WELL
 - STAFF GAUGE

- NOTES**
1. TOPOGRAPHIC SURVEY DATA AND AERIAL IMAGE PROVIDED BY DANE COUNTY FROM AERIAL FLYOVER TAKEN ON JUNE 3, 2021.
 2. MONITORING POINTS SHOWN GENERALLY REFLECT CURRENT MONITORING POINTS CLASSIFIED AS "ACTIVE" OR "INACTIVE" IN WDNR'S GROUNDWATER AND ENVIRONMENTAL MONITORING SYSTEM (GEMS) DATABASE. UPDATES TO MONITORING POINT STATUS WILL BE COORDINATED WITH WDNR AND FINAL UPDATES WILL BE PRESENTED IN THE PLAN OF OPERATION DRAWINGS AND SAMPLING PLAN FIGURE.

SCALE: 1" = 500'



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Attachment B
Sampling Schedule and Parameter List

**Dane County Landfill
License # 3018
Environmental Monitoring Tables**

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Table 1a

Detection Groundwater Monitoring NR 507 Wells										
Wells	DNR ID#	WUWN	Comment ¹	Wells	DNR ID#	WUWN	Comment ¹	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
Non-Subtitle D Wells										
Annual VOCs										
M-6A	7	BX879		WT-202AR	132	FF150		Sample <u>Semiannually</u> June and December	04189	Elevation, Groundwater (feet above mean sea level)
M-9AR	072	PX757		WT-202BR	134	JF020			00001	Odor
M-9BR	074	PX758		WT-203A	117	IM422			00002	Color
M-14A	17	BX889		WT-204A	118	IM423			00003	Turbidity
M-14B	18	BX890		WT-205A	119	IM424			00010	Temperature, of water taken in field °C
M-17BR ¹	168	VT575		WT-206AR	125	BX904			00094	Field Conductivity @ 25° C(umho/cm)
M-23	23	BX895		WT-207AR	141	VM944			00400	Field pH (standard units)
M-25A	25	BX897		M-301A	150	VM942			00941	Chloride, filtered (mg/L)
M-25BR	130	FF149		M-302AR	172	PX760			22413	Total Hardness, filtered (mg/L)
M-26A	27	BX899		M-302BR	174	VP500			39036	Alkalinity, filtered (mg/L)
M-26B	28	BX900		M-303AR ¹	176	OX700				
M-28R	170	PX759		WT-208ARR	143	VU611				
M-29	35	EI271								
P-103B	47	FH850								
WT-108A	53	FH852								
P-108B	123	IM428								
WT-113A	57	FH854								
P-119B	67	FH858								
WT-201AR	124	BX903							Sample <u>Annually</u> June	VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)
Subtitle D Wells										
Semiannual VOCs										
M-17A ²	19	BX891	Abandoned					Sample <u>Semiannually</u> June and December	04189	Elevation, Groundwater (feet above mean sea level)
WT-103A	45	FH849							00001	Odor
WT-105AR	126	LO774							00002	Color
WT-119A	65	FH857							00003	Turbidity
M-17AR ¹	166	WB260							00010	Temperature, of water taken in field °C
									00094	Field Conductivity @ 25° C(umho/cm)
								00400	Field pH (standard units)	
								00941	Chloride, filtered (mg/L)	
								22413	Total Hardness, filtered (mg/L)	
								39036	Alkalinity, filtered (mg/L)	
									VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)	

1. M-17AR, M-17BR, and M-303AR are currently monitored under the baseline monitoring program (Table 1b). Upon completing baseline monitoring, they will be monitored per this plan (Table 1a).

2. Monitoring Points that are abandoned are no longer monitored.

3. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period.

Trip Blank (999) and/or Field Blank (997) data must also be submitted electronically.

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Environmental Monitoring Tables

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Table 1b

Detection Groundwater Monitoring NR 507 Well						
Wells	DNR ID#	WUWN	Comment	Sampling & Reporting ¹ Frequency	Parameter Codes	Parameters
Baseline Monitoring Schedule						
M17AR	166	WB260	Sub D Well	Sample <u>Semiannually</u> June and December	04189	Elevation, Groundwater (feet above mean sea level)
M17BR	168	VT575			00001	Odor
M303AR	176	OX700		00002	Color	
					00003	Turbidity
					00010	Temperature, of water taken in field °C
					00094	Field Conductivity @ 25 ^o C(umho/cm)
					00400	Field pH (standard units)
					00941	Chloride, filtered (mg/L)
					22413	Total Hardness, filtered (mg/L)
					39036	Alkalinity, filtered (mg/L)
				Sample <u>Semiannually</u> (December 2021, and June 2022) ²	00620	Nitrate Nitrogen, filtered (Nitrate + Nitrite as N), total (mg/L)
					00945	Sulfate, filtered (mg/L)
					00951	Fluoride, filtered (mg/l)
					01002	Arsenic, filtered (ug/L)
					01007	Barium, filtered (ug/L)
					01027	Cadmium, filtered (ug/L)
					01034	Chromium, filtered (ug/L)
					01042	Copper, filtered (ug/l)
					01051	Lead, filtered (ug/l)
					01055	Manganese, filtered (ug/L)
					01077	Silver, filtered (ug/l)
					01092	Zinc, filtered (ug/l)
					01147	Selenium, filtered (ug/l)
					71900	Mercury, filtered (ug/l)
Subtitle D Wells						
Semiannual VOCs						
M-17AR	166	WB260		Sample <u>Semiannually</u> (December 2021, and June 2022)		VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)

1. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period.

2. After June 2022, an evaluation per NR 507.18(2)(b) will be conducted.

**Dane County Landfill
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Environmental Monitoring Tables**

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Table 1c

Groundwater Monitoring NR 507 Wells and Gradient Control Monitoring

Wells	DNR ID#	WUWN	Comment ¹	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
Groundwater Elevation Only Monitoring						
Vertical Wells						
M-5A	5	BX877		Sample <u>Annually</u> June	04189	Elevation, Groundwater (feet above mean sea level)
M-5B	6	BX878				
M-6B	8	BX880				
M-6C	9	BX881				
M-22	22	BX894				
WT-101A	40	FH847				
P-101B	42	FH848				
Gradient Control/Underdrain Water Level Monitoring						
GCM-1	350			Sample <u>Semiannually</u> June and December	04189	Elevation, Groundwater (feet above mean sea level)

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period.

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Table 1d Private Water Supply Wells with NR 812 Variances							
Well	DNR ID#	WUWN	OWNER	Comment	Sampling & Reporting ¹ Frequency	Parameter Codes	Parameters
PW80	80	YL985	Community Well		Sample <u>Quarterly</u> March, June, September, and December	00001	Odor
PW99	99	LO890	Alar			00002	Color
PW104	104	BX912	S. Gundlach			00003	Turbidity
PW105	105	BX913	Suter			00010	Temperature, of Water taken in field °C
PW106	106	BX914	R. Gundlach			00094	Field Conductivity @ 25 ^o C(umho/cm)
PW82	82	YL980	Acker			00400	Field pH (standard units)
PW108	108	YA371	Dane County			00410	Alkalinity, total (mg/L)
PW84	84	YL983	Hope Church			00900	Hardness, total (mg/L)
PW127	127	RR567	Anderson			00940	Chloride, total (mg/L)
PW51	96	NG618	Niebuhr			74010	Iron, total (mg/L)
						Sample <u>Annually</u> June	00620
					00929		Sodium, total (mg/l)
					00945		Sulfate, total (mg/L)
					00951		Fluoride, total (mg/l)
					01002		Arsenic, total (ug/L)
					01007		Barium total (ug/L)
					01027		Cadmium, total (ug/L)
					01034		Chromium, total (ug/L)
					01042		Copper, total (ug/l)
					01051		Lead, total (ug/l)
					01055		Manganese, total (ug/L)
					01077		Silver, total (ug/l)
					01092		Zinc, total (ug/l)
					01147		Selenium, total (ug/l)
					71900		Mercury, total (ug/l)
						VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)	
Gas Plant Well	129	YZ391	Dane County		Sample <u>Annually</u> June	00010	Temperature, of Water taken in field °C
						00094	Field Conductivity @ 25 ^o C(umho/cm)
						00400	Field pH (standard units)
						00410	Alkalinity, total (mg/L)
						00900	Hardness, total (mg/L)
						00940	Chloride, total (mg/L)
						74010	Iron, total (mg/L)
						00620	Nitrate Nitrogen(Nitrate + Nitrite as N), total (mg/L)
						00929	Sodium, total (mg/l)
						00945	Sulfate, total (mg/L)
						00951	Fluoride, total (mg/l)
						01002	Arsenic, total (ug/L)
						01007	Barium total (ug/L)
						01027	Cadmium, total (ug/L)
						01034	Chromium, total (ug/L)
						01042	Copper, total (ug/l)
						01051	Lead, total (ug/l)
						01055	Manganese, total (ug/L)
					01077	Silver, total (ug/l)	
					01092	Zinc, total (ug/l)	
					01147	Selenium, total (ug/l)	
					71900	Mercury, total (ug/l)	
						VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)	

1. To be reported as per code within 10 days of landfill owner's or operator's receipt of results.
Trip Blank (999) and/or Field Blank (997) data must also be submitted electronically.

Dane County Landfill
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Environmental Monitoring Tables

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Table 2a Leachate Characteristic Monitoring					
Monitoring Pt.	DNR ID#	Comment ¹ :	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
Lift Station #1 (next to MH-101)	402		Sample/Record Total Volumes <u>Monthly</u> Report Quarterly in June and December ³ .	00032	Leachate Volume Pumped (1000s of gallons)
			Sample <u>Quarterly</u> March, June, September, and December	00001 00002 00003 00010 00094 00400 00150 00310 00340 00410 00610 00665 00900 80082 00625	Odor Color Turbidity Field Temperature Field Conductivity @ 25oC (umho/cm) Field pH, (standard units) Suspended Solids, total (mg/l) BOD (5 day @ 20°C (mg/L) COD, unfiltered (mg/L) Alkalinity, total as CaCO3 (mg/L) Nitrogen, Ammonia, total (mg/L as N) Phosphorus, total (mg/l, P) Hardness, total (mg/L as CaCO3) Carbonaceous Biochemical Oxygen Demand ⁴ Nitrogen, Kjeldahl, total (mg/L as N) ⁴
			Sample <u>Annually</u> June	00630 00929 00940 00945 01027 01051 01055 01092 71900 74010 00951 01002 01007 01012 01034 01037 01042 01059 01067 01077 01087 01097 01147	Nitrate + Nitrite as N, total (mg/l) Sodium, total (mg/L) Chloride, total (mg/L) Sulfate, total (mg/L) Cadmium, total (ug/l) Lead, total (mg/L) Manganese, total (mg/L) Zinc, total (ug/l) Mercury, total (mg/L) Iron, total (mg/L) Fluoride, total (mg/L) Arsenic, total (mg/L) Barium, total (ug/L) Beryllium, total (ug/l) Chromium, total (ug/l) Cobalt, total (ug/l) Copper, total (ug/l) Thallium, total (ug/l) Nickel, total (ug/l) Silver, total (ug/l) Vanadium, total (ug/l) Antimony, total (ug/l) Selenium, total (ug/l)
			Sample <u>Semiannually</u> June and December	Semi-volatiles, using EPA Method SW-8270D(NR 507, appendix IV) VOCs (ug/L) Using EPA Solid Waste Method 8260B (NR 507, appendix III)	

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period. For items indicated as "Report Semiannually", the reporting is due within 60 days after the end of the last monitoring period in the semiannual period. The semiannual periods will run January-June and July-December unless an alternative period is proposed and the Department concurs.

3. Also record daily leachate recirculation volumes in operating record per the Leachate Recirculation Plan.

4. CBOD and TKN monitored as part of local requirements.

**Dane County Landfill
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Environmental Monitoring Tables**

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Table 2b					
Leachate Headlevel and Volume Monitoring					
Monitoring Pt.	DNR ID#	Comment ¹ :	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
MLH-1	517		Sample <u>Monthly</u> Report Quarterly	00031	Depth of Leachate from top of liquid level to bottom in feet 99423 Elevation, Leachate Head feet above mean sea level
MLH-2	518				
MLH-3R	599				
MLH-4	520				
MLH-6N	521				
MLH-6S	522				
MLH-7N	523				
MLH-7S	524				
MLH-8N	600				
MLH-8S	602				
MHL-9N	800				
MHL-9S	802				
MLH-10N	804				
MLH-10S	806				
MLH-11N	808				
MLH-11S	810				
MLH-12N	812				
MLH-12S	814				
LV8	408		Sample <u>Monthly</u> Report Annually	00032	Leachate Volume Pumped 99723 Leachate volume recirculated
LV9	409				
LV10	410				
LV11	411				
LV12	412				

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period. For items indicated as "Report Semiannually", the reporting is due within 60 days after the end of the last monitoring period in the semiannual period. The semiannual periods will run January-June and July-December unless an alternative period is proposed and the Department concurs.

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Environmental Monitoring Tables

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Table 3a					Landfill Gas Extraction		
Gas Extraction Well - DNR ID #					Sampling & Reporting ²	Parameter Codes	Parameters
Monitoring Pt	ID#	Comment ¹	Monitoring Pt	ID#	Frequency		
GW-1	531		GW-53	758	Sample Monthly Report Quarterly	46385	Well Head Pressure (inches of water column)
GW-2R	571	Inactive	GW-54	760		99098	Gas Flow Rate (scfm)
GW-3	533		GW-121	860		46388	Gas Temperature (° F)
GW-4R	593		GW-122	862		46387	Valve Opening (% open)
GW-5R	594		GW-123	864		85547	Percent Methane, by volume
GW-6R	734		GW-124	866		85550	Percent Oxygen, by volume
GW-7R	595		GW-125	868		46382	Header Pressure (inches of water column)
GW-8R	596		GW-126	870		00056	Volume of liquid pumped from well (gallons/month)
GW-9A	562		GW-127	872			
GW-10R	597		GW-128	874			
GW-11R	610		GW-129	876			
GW-12R	620		GW-130	878			
GW-13R	622		GW-131	880			
GW-14R3	736		GW-132	883			
GW-15A	566		GW-133	886			
GW-16R	598		GW-134	889			
GW-17R	612		GW-135	892	Sample Annually June	00023	Elevation, Leachate Head feet above mean sea level
GW-18	548		GW-136	895		00031	Depth of Leachate from top of liquid level to bottom in feet
GW-19R	624		GW-137	900			
GW-20R	626		GW-138	902			
GW-21R	628		GW-139	904			
GW-22R	614		GW-140	906			
GW-23R	738		GW-141	908			
GW-24	554		GW-142	910			
GW-25R	740		GW-143	912			
GW-26R	742		GW-144	914			
GW-27	557		GW-145	916			
GW-28R	574		GW-146	918			
GW-29R1	744		GW-147	920			
GW-30R1	746						
GW-31	561						
GW-32	577						
GW-33R1	748						
GW-34R1	750						
GW-35	580						
GW-36	581						
GW-37	582						
GW-38R	752						
GW-39	584						
GW-40	585						
GW-41R	756						
GW-42	587						
GW-43	588						
GW-44	589						
GW-45	590						
GW-46	591						
GW-47R	754						
GW-48	604						
GW-49	606						
GW-50	608	Inactive					
GW-51EXP	616						
GW-52EXP	618						
Gas Blower							
RNG Plant Blower			899		Sample Monthly Report Quarterly	46382	Header Pressure (inches of water column)
West Gas Plant			530	Inactive		98927	Gas Extracted, Total Monthly Volume (1000 cu. Ft. /month)
Flare (West Gas Plant)			699	Inactive		99098	Gas Flow Rate (scfm)
East Gas Plant ³			698	Inactive		46388	Gas Temperature (° F)
						85547	Percent Methane, by volume
						85550	Percent Oxygen, by volume
					Sample Annually June	VOCs using USEPA Method TO-15	

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period. For items indicated as "Report Semiannually", the reporting is due within 60 days after the end of the last monitoring period in the semiannual period. The semiannual periods will run January-June and July-December unless an alternative period is proposed and the Department concurs.

Dane County Landfill
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Environmental Monitoring Tables

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Table 3b

Landfill Gas Monitoring Probes															
Monitoring Point - DNR ID #			Sampling & Reporting ^{2,3} Frequency		Parameter Codes	Parameters									
Landfill Gas Monitoring Probes															
Monitoring Pt	ID#	Comment ¹	Monitoring Pt	ID#	Comment ¹										
GP-1S	500		GP-20	703		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; text-align: center;">Sample</td> <td style="width: 15%; text-align: center;">46389</td> <td style="width: 65%;">Soil Gas Pressue (inches)</td> </tr> <tr> <td style="text-align: center;"><u>Quarterly</u></td> <td style="text-align: center;">85547</td> <td>Percent Methane, by volume</td> </tr> <tr> <td style="text-align: center;">March, June, September, and December</td> <td style="text-align: center;">85550</td> <td>Percent Oxygen, by volume</td> </tr> </table>	Sample	46389	Soil Gas Pressue (inches)	<u>Quarterly</u>	85547	Percent Methane, by volume	March, June, September, and December	85550	Percent Oxygen, by volume
Sample	46389	Soil Gas Pressue (inches)													
<u>Quarterly</u>	85547	Percent Methane, by volume													
March, June, September, and December	85550	Percent Oxygen, by volume													
GP-1D	501		GP-24	707											
GP-3S	504		GP-25R	723											
GP-3D	505		GP-26R	724											
GP-4R	714		GP-27R	726											
GP-5R	717														
GP-6R	718														
GP-7	512														
GP-8	513														
GP-9	514														
GP-10	515														
GP-11	516														
GP-12	525														
GP-13	526														
GP-14	527														
GP-15	528														
GP-16	529														
Site Conditions															
Site Conditions			Record <u>monthly</u> at same time as blower Report Quarterly		<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%; text-align: center;">00021</td> <td style="width: 85%;">Ambient Air Temperature (° F)</td> </tr> <tr> <td style="text-align: center;">00025</td> <td>Barometric Pressure (mm of Hg)</td> </tr> <tr> <td style="text-align: center;">46381</td> <td>Trend in Barometric Pressure</td> </tr> <tr> <td style="text-align: center;">00007</td> <td>Ground Conditions 1=frozen, 2=wet, 3=dry</td> </tr> </table>	00021	Ambient Air Temperature (° F)	00025	Barometric Pressure (mm of Hg)	46381	Trend in Barometric Pressure	00007	Ground Conditions 1=frozen, 2=wet, 3=dry		
00021	Ambient Air Temperature (° F)														
00025	Barometric Pressure (mm of Hg)														
46381	Trend in Barometric Pressure														
00007	Ground Conditions 1=frozen, 2=wet, 3=dry														

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period. For items indicated as "Report Semiannually", the reporting is due within 60 days after the end of the last monitoring period in the semiannual period. The semiannual periods will run January-June and July-December unless an alternative period is proposed and the Department concurs.

3. Immediate notification may be necessary under NR 507.22(1)(c) Wis. Adm. Code.

**Dane County Landfill
License # 3018
Environmental Monitoring Tables**

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Table 4					
Lysimeter and Surfacewater Monitoring					
Monitoring Pt.	DNR ID #	Comments	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
Lysimeters					
LYS-1 LYS-2 LYS-3 LYS-4 LYS-6	300 301 302 303 304		Sample <u>Monthly</u> Report Semiannually	74064	Lysimeter discharge volume pumped (gal)
			Sample <u>Annually</u> June	00001 00002 00003 00094 00340 00400 00410 00630 00900 00929 00940 00945 01055 74010	Odor Color Turbidity Field Conductivity @ 25 ⁰ C(umho/cm) COD, Unfiltered Field pH (standard units) Alkalinity, total as CaCO ₃ (mg/L) Nitrate + Nitrite as N, total (mg/l) Hardness, total (mg/L as CaCO ₃) Sodium, total (mg/L) Chloride (mg/L) Sulfate, total (mg/L) Manganese, total (mg/L) Iron, total (mg/L)
					VOCs (ug/L) Using EPA Solid Waste Methods 8021 or 8260 (NR 507, appendix III)
Staff Gauges					
SG-Park MSG2 MSG3 MSG4			Sample <u>Semiannually</u> June and December	99520	Elevation, Surface Water (ft. above mean sea level)
Sedimentation Basins					
SW-1 SW-2 SW-3 SW-4 SW-5			Inspect <u>Quarterly</u> March, June, September, and December		Visual inspection for: Odor, Turbidity, Floating Solids, Foam, Oil Sheen ³

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period. For items indicated as "Report Semiannually", the reporting is due within 60 days after the end of the last monitoring period in the semiannual period. The semiannual periods will run January-June and July-December unless an alternative period is proposed and the Department concurs.

3. See Storm Water Pollution Prevention Plan.

**Dane County Landfill
License # 3018
Environmental Monitoring Tables**

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Table 5			
Settlement Monitoring			
Monitoring Point ¹	Sampling & Reporting ² Frequency	Parameter Codes	Parameters
Two cross sections as proposed, see condition 29. d.	Measure <u>Annually</u> June Until 5 years after closure; then every 5 years Report in Annual Report	99422	Elevation, Ground Surface feet above mean sea level

1. Monitoring Points that are abandoned are no longer monitored.

2. Unless specifically stated, reporting is as per code typically within 60 days after the end of the specified monitoring period.

Attachment C

Sampling Containers, Preservation, and Holding Time Requirements

Eurofins TestAmerica, Milwaukee
 4125 N. 124th Street
 Suites E & F
 Brookfield, WI 53005

Prepared for:

Zana Bajalan
 SCS Engineers
 2830 Dairy Drive
 Madison, WI 53718-6751
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Prepared by Campbell, Donna L
 Date
 Expiration Date
 Est. Start Date 4/16/2018

Project: Rodefeld LF - 25218021.21

Quote Number: 50014474 - No Version

Analytical Sample Information

Analysis Method	Matrix	Preservative	Client Sub List Desc Container	Volume Required	Holding Time
Ammonia SM4500NH3_G	Solid	None	Ammonia Clear Glass 8oz Wide - unpreserved	5 g	28 Days
Anions, Ion Chromatography 300	Solid	None	Chloride/Fluoride/Sulfate Clear Glass 8oz Wide - unpreserved	10 g	48 Hours
Chlorine, Total 9251_Total_Cl	Solid	None	Chlorine, Total Clear Glass 8oz Wide - unpreserved	0 g	28 Days
Chromium, Hexavalent 7196A	Solid	None	Chromium, Hexavalent Clear Glass 8oz Wide - unpreserved	5 g	30 Days
Cyanide 9014	Solid	None	Cyanide Clear Glass 8oz Wide - unpreserved	5 g	14 Days
Cyanide, Total and/or Amenable 9012B	Solid	None	Cyanide, Total Clear Glass 8oz Wide - unpreserved	0 g	14 Days
Ignitability, Pensky-Martens Closed-Cup Method 1010A	Solid	None	Ignitability Clear Glass 8oz Wide - unpreserved	150 g	
Mercury (CVAA) 7470A	Solid	None	Mercury (CVAA) Clear Glass 16oz Wide - unpreserved	150 g	14 Days
Mercury (CVAA) 7471B	Solid	None	Mercury (CVAA) Clear Glass 8oz Wide - unpreserved	5 g	28 Days
Metals (ICP) 6010C	Solid	None	Metals (18) Clear Glass 8oz Wide - unpreserved	5 g	180 Days
Metals (ICP) 6010B	Solid	None	Metals - Hg Clear Glass 16oz Wide - unpreserved	150 g	14 Days
Metals (ICP) 6010C	Solid	None	Sulfur Clear Glass 4oz Wide - unpreserved	5 g	180 Days
Nitrogen, Nitrate-Nitrite 353.2	Solid	None	N+N Clear Glass 8oz Wide - unpreserved	10 g	28 Days
Nitrogen, Total Kjeldahl SM4500_TKN_H	Solid	None	TKN Clear Glass 8oz Wide - unpreserved	5 g	28 Days
Paint Filter 9095B	Solid	None	Paint Filter Clear Glass 8oz Wide - unpreserved	125 g	
Percent Moisture			Percent Moisture		

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Moisture	Solid	None	Clear Glass 8oz Wide - unpreserved	20 g	14 Days
pH			pH		
9045C	Solid	None	Clear Glass 8oz Wide - unpreserved	30 g	IMMEDIATELY
pH			pH		
9045D	Solid	None	Clear Glass 8oz Wide - unpreserved	30 g	IMMEDIATELY
Phosphorus			Phosphorus		
4500_P_E	Solid	None	Clear Glass 8oz Wide - unpreserved	5 g	28 Days
Polychlorinated Biphenyls (PCBs) by Gas Chromatography			PCB		
8082A	Solid	None	Clear Glass 8oz Wide - unpreserved	20 g	14 Days
Semivolatile Organic Compounds (GC/MS)			SVOC		
8270D	Solid	None	Clear Glass 16oz Wide - unpreserved	150 g	14 Days
Semivolatile Organic Compounds (GC/MS)			SVOC		
8270D	Solid	None	Clear Glass 8oz Wide - unpreserved	20 g	14 Days
Specific Gravity, Density			Specific Gravity		
2710F	Solid	None	Clear Glass 8oz Wide - unpreserved	30 g	28 Days
Sulfide, Acid soluble and Insoluble (Titrimetric)			Sulfide		
9034_Calc	Solid	None	Clear Glass 8oz Wide - unpreserved	5 g	7 Days
Sulfide, Acid soluble and Insoluble (Titrimetric)			Sulfide, Acid soluble and Insoluble (Titrimetric)		
9034_Calc	Solid	None	Clear Glass 8oz Wide - unpreserved	5 g	7 Days
Sulfide, Reactive			Sulfide, Reactive		
9034_Reactive	Solid	None	Clear Glass 8oz Wide - unpreserved	5 g	14 Days
Total, Fixed, and Volatile Solids			Total Solids		
2540G	Solid	None	Clear Glass 8oz Wide - unpreserved	15 g	7 Days
Volatile Organic Compounds (GC/MS)			VOC		
8260B	Solid	None	Clear Glass 4oz Wide - unpreserved	100 g	14 Days
Volatile Organic Compounds (GC/MS)			VOC		
8260B	Solid	None	VOA Terracore Kit Pre-pkg MeOH Only	1 NONE	14 Days
Alkalinity			Alkalinity		
2320B	Water	None	Plastic 1 liter - unpreserved	100 mL	14 Days
Ammonia			Ammonia		
SM4500NH3_G	Water	Sulfuric Acid	Plastic 500ml - with Sulfuric Acid	175 mL	28 Days
Anions, Ion Chromatography			3 Anions - Cl, SO4, F		
300	Water	None	Plastic 250ml - unpreserved	75 mL	48 Hours
Anions, Ion Chromatography			Anions by IC - Cl		
300	Water	None	Plastic 250ml - unpreserved	75 mL	48 Hours

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Anions, Ion Chromatography 300	Water	None	Anions by IC - Cl, SO4 Plastic 250ml - unpreserved	75 mL	48 Hours
Anions, Ion Chromatography 300	Water	None	Anions by IC - SO4 Plastic 250ml - unpreserved	75 mL	48 Hours
Anions, Ion Chromatography 300	Water	None	Chloride/Fluoride/Sulfate - Diss Plastic 250ml - unpreserved	75 mL	48 Hours
Anions, Ion Chromatography 300	Water	None	Chloride/Sulfate Plastic 250ml - unpreserved	75 mL	48 Hours
Anions, Ion Chromatography 300	Water	None	Sulfate, Dissolved Plastic 250ml - unpreserved	75 mL	48 Hours
BOD, 5-Day 5210B	Water	None	BOD, 5-Day Plastic 1 liter - unpreserved	500 mL	48 Hours
BOD, 5-Day 5210B	Water	None	CBOD, 5-Day Plastic 1 liter - unpreserved	500 mL	48 Hours
Chromium, Hexavalent 3500_CR_B	Water	None	Chromium, Hexavalent Plastic 500ml - unpreserved	175 mL	24 Hours
COD 5220C	Water	Sulfuric Acid	COD Plastic 500ml - with Sulfuric Acid	50 mL	28 Days
Cyanide, Total 4500_CN_E	Water	Sodium Hydroxide	Cyanide Plastic 250ml - with Sodium Hydroxide	75 mL	14 Days
Cyanide, Total 335.4	Water	Sodium Hydroxide	Cyanide, Total Plastic 250ml - with Sodium Hydroxide	75 mL	14 Days
Cyanide, Total 4500_CN_E	Water	Sodium Hydroxide	Cyanide, Total Plastic 250ml - with Sodium Hydroxide	75 mL	14 Days
Dissolved Gases (GC) RSK_175	Water	Hydrochloric Acid	Dissolved Gases (GC) Methane Voa Vial 40ml - Hydrochloric Acid	120 mL	14 Days
Dissolved Gases (GC) RSK_175	Water	Hydrochloric Acid	Methane Voa Vial 40ml - Hydrochloric Acid	120 mL	14 Days
Field Sampling FieldSampling	Water	None	Field Data Entry Field Container	0 NONE	
Mercury (CVAA) 7470A	Water	Nitric Acid	Mercury Plastic 250ml - with Nitric Acid	50 mL	28 Days
Mercury (CVAA) 245.1	Water	Nitric Acid	Mercury (CVAA) Plastic 250ml - with Nitric Acid	50 mL	28 Days
Mercury (CVAA) 7470A	Water	Nitric Acid	Mercury (CVAA) Plastic 250ml - with Nitric Acid	50 mL	28 Days
Metals (ICP)			Metals (9)		

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200.7	Water	Nitric Acid	Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010C	Water	Nitric Acid	Metals (9) Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) (10) Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - 11 elements Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - 18 elements Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - 19 elements Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - 3 elements Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - 9 elements Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010B	Water	Nitric Acid	Metals (ICP) - Iron only Plastic 250ml - with Nitric Acid	75 mL	180 Days
Metals (ICP) 6010C	Water	Nitric Acid	Metals (ICP) - Sulfur only Plastic 250ml - w/nitric - dis	50 mL	180 Days
Metals (ICP) 6010C	Water	Nitric Acid	Metals (ICP) - Sulfur only Plastic 250ml - with Nitric Acid	50 mL	180 Days
Metals (ICP) 6010C	Water	Nitric Acid	Sulfur Plastic 250ml - w/nitric - dis	50 mL	180 Days
Metals (ICP) 6010C	Water	Nitric Acid	Sulfur Plastic 250ml - with Nitric Acid	50 mL	180 Days
Metals (ICP) 6010C	Water	None	Sulfur Plastic 250ml - unpreserved	50 mL	180 Days
Nitrogen, Nitrate-Nitrite 353.2	Water	Sulfuric Acid	Nitrogen, Nitrate-Nitrite Plastic 500ml - with Sulfuric Acid	75 mL	28 Days
Nitrogen, Total Kjeldahl SM4500_TKN_H	Water	Sulfuric Acid	Nitrogen, Total Kjeldahl Plastic 500ml - with Sulfuric Acid	175 mL	28 Days
Phosphorus 4500_P_E	Water	Sulfuric Acid	Phosphorus Plastic 500ml - with Sulfuric Acid	100 mL	28 Days
Semivolatile Organic Compounds (GC/MS) 8270D	Water	None	Semivolatile Organic Compounds (GC/MS) Amber Glass 1 liter - unpreserved	2000 mL	7 Days

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Semivolatiles Organic Compounds (GC/MS) 8270D	Water	None	Semivolatiles Organic Compounds (GC/MS) Amber Glass 250ml - unpreserved	500 mL	7 Days
Semivolatiles Organic Compounds (GC/MS) 625	Water	None	SVOC Amber Glass 250ml - unpreserved	500 mL	7 Days
Solids, Total Suspended (TSS) 2540D	Water	None	Solids, Total Suspended (TSS) Plastic 1 liter - unpreserved	300 mL	7 Days
Sulfide, Total SM4500_S2_F	Water	Zinc Acetate and Sodium Hydroxide	Sulfide Plastic 1 liter - Zn Acetate and NaOH	400 mL	7 Days
Sulfide, Total SM4500_S2_D	Water	Zinc Acetate and Sodium Hydroxide	Sulfide, Total Plastic 250ml - with Zinc Acetate & NaOH	250 mL	7 Days
Sulfide, Total SM4500_S2_F	Water	Zinc Acetate and Sodium Hydroxide	Sulfide, Total Plastic 1 liter - Zn Acetate and NaOH	400 mL	7 Days
Sulfide, Total SM4500_S2_F	Water	Zinc Acetate and Sodium Hydroxide	Sulfide, Total Plastic 250ml - with Zinc Acetate & NaOH	50 mL	7 Days
Total Hardness (as CaCO3) by calculation SM2340B	Water	Nitric Acid	Total Hardness (as CaCO3) by calculation Plastic 250ml - with Nitric Acid	75 mL	180 Days
Volatile Fatty Acids, Ion Chromatography VFA_IC	Water	None	Volatile Fatty Acids Voa Vial 40ml Amber - unpreserved	120 mL	28 Days
Volatile Fatty Acids, Ion Chromatography VFA_IC	Water	None	Volatile Fatty Acids, Ion Chromatography Voa Vial 40ml Amber - unpreserved	120 mL	28 Days
Volatile Organic Compounds (GC/MS) 624_5ml	Water	Hydrochloric Acid	VOC Voa Vial 40ml - Hydrochloric Acid	120 mL	14 Days
Volatile Organic Compounds (GC/MS) 524.2_Preserved	Water	Hydrochloric Acid	Volatile Organic Compounds (GC/MS) Voa Vial 40ml - Hydrochloric Acid	120 mL	14 Days
Volatile Organic Compounds (GC/MS) 8260B	Water	Hydrochloric Acid	Volatile Organic Compounds (GC/MS) Voa Vial 40ml - Hydrochloric Acid	120 mL	14 Days

Hold Times listed above represent the minimum allotted time between sampling and lab extraction, prep or analysis.

Multiple analyses may be consolidated into fewer containers. Please contact your Project Manager for clarification when requesting sample containers.

Except for some special tests, all samples should be kept cold at 6 degrees C.



Attachment D

Chain of Custody Form and Field Information Form

**DANE COUNTY LANDFILL SITE #2
MONTHLY LEACHATE MONITORING
WNR LANDFILL SITE #03018**

Personnel: _____
 Water Level Tape Serial Number: _____

DNR ID	Monit. Point	Date	Type of Measurement	Measurement
Vertical Leachate Head Wells				
			Bottom of Well Elevation (feet) =	
			Leachate Elevation (ft) (<i>Depth + Bottom of Well Elev.</i>) =	
			Estimated Clay Liner Elevation (ft) =	
			Depth to leachate (ft) =	
			Depth to bottom of LHW (ft) =	
			Leachate Depth (<i>Depth to bottom of LHW - Depth to leachate</i>)(ft) =	
			Bottom of Well Elevation (feet) =	
			Leachate Elevation (ft) (<i>Depth + Bottom of Well Elev.</i>) =	
			Estimated Clay Liner Elevation (ft) =	
			Depth to leachate (ft) =	
			Depth to bottom of LHW (ft) =	
			Leachate Depth (<i>Depth to bottom of LHW - Depth to leachate</i>)(ft) =	
			Bottom of Well Elevation (feet) =	
			Leachate Elevation (ft) (<i>Depth + Bottom of Well Elev.</i>) =	
			Estimated Clay Liner Elevation (ft) =	
			Depth to leachate (ft) =	
			Depth to bottom of LHW (ft) =	
			Leachate Depth (<i>Depth to bottom of LHW - Depth to leachate</i>)(ft) =	
Horizontal Leachate Head Wells				
			Depth of leachate (inches) =	
			Elevation of Landfill Liner (ft) =	
			Leachate Elevation (ft) (<i>Depth + Liner Elevation</i>) =	
			Depth of leachate (inches) =	
			Elevation of Landfill Liner (ft) =	
			Leachate Elevation (ft) (<i>Depth + Liner Elevation</i>) =	
			Depth of leachate (inches) =	
			Elevation of Landfill Liner (ft) =	
			Leachate Elevation (ft) (<i>Depth + Liner Elevation</i>) =	
			Depth of leachate (inches) =	
			Elevation of Landfill Liner (ft) =	
			Leachate Elevation (ft) (<i>Depth + Liner Elevation</i>) =	
Manhole Observations				
			Free Draining? (Yes/No)	
			Obstructions? (Yes/No) (If yes, describe.)	
			Free Draining? (Yes/No)	
			Obstructions? (Yes/No) (If yes, describe.)	
			Free Draining? (Yes/No)	
			Obstructions? (Yes/No) (If yes, describe.)	
			Free Draining? (Yes/No)	
			Obstructions? (Yes/No) (If yes, describe.)	

Attachment G
Revised Tables 1-1 and 7-1

**Table 1-1, Revision 1. NR 140 Exemption Requests
Rodefeld Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091.00**

NR 140 Category	Exceedance For Which Exemption Previously Granted/ Requested	Parameter	Point Name	Exemption Granted for Eastern Expansion?	Exemption Requested for Vertical Expansion?	Comments	
Public Health (other than Nitrate)	PAL	Manganese	M-301A	Y	Y	No new results	
			M-302B	Y	N	Well replaced by M-302BR	
			M-302BR	N	Y	Exemption requested based on M-302B results, no baseline sampling for manganese at replacement well	
	ES	Tetrahydrofuran	M-9B	Y	N	Well has been replaced by M-9BR; no recent THF detections	
			Antimony	WT-119A	Y	Y	No new results
		Cadmium	WT-108A	Y	Y	No new results	
		Manganese	M-302A	Y	N	Well replaced by M-302AR	
			M-302AR	N	Y	Exemption requested based on M-302A results, no baseline sampling for manganese at replacement well	
		Public Welfare and Nitrate	PAL	Chloride	M-17B	Y	N
M-23	N				Y	Upgradient well, new PAL exceedance starting 12/2020	
WT-105AR	Y				N	Exemption rescinded in 8/13/2014 POO approval due to decrease in concentrations	
Nitrate+Nitrite Nitrogen	M-302A			Y	N	Well replaced by M-302AR	
	M-302AR			N	Y	Exemption requested based on M-302A results, no baseline sampling for nitrate+nitrite at replacement well	
	M-302B			Y	N	Well replaced by M-302BR	
M-302BR	N			Y	Exemption requested based on M-302B results, no baseline sampling for nitrate+nitrite at replacement well		
ES	Chloride			M-14A	Y	Y	Chloride levels have decreased but still frequently exceed PAL
				M-14B	Y	Y	Chloride levels have decreased but still exceed PAL
			M-17AR	N	Y	Baseline monitoring in progress	
			M-17BR	N	Y	Baseline monitoring in progress, exemption previously approved for M-17B	
			M-28R	N	Y	New well, replaced M-28	
			M-302BR	N	Y	Replaced M-302B; exceeded ES in 2014 and 2016, PAL in Dec 2020	
			WT-113A	N	Y	Previously monitored for water level only	
			WT-201AR	Y	Y	Chloride levels still exceed PAL	
			WT-202A	Y	N	Well replaced by WT-202AR in 2008; exemption requested for WT-202AR	
Iron	Iron		M-5B	Y	Y	No new results	
			WT-202A	Y	N	Well replaced by WT-202AR	
		WT-202AR	N	Y	Exemption requested based on WT-202A results, no baseline sampling for iron at replacement well		
		WT-202B	Y	N	Well replaced by WT-202BR		
		WT-202BR	N	Y	Exemption requested based on WT-202B results, no baseline sampling for iron at replacement well		
		WT-202AR	N	Y	Two results above PAL (6/2016 and 6/2019)		

**Table 1-1, Revision 1. NR 140 Exemption Requests
Rodefeld Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091.00**

NR 140 Category	Exceedance For Which Exemption Previously Granted/ Requested	Parameter	Point Name	Exemption Granted for Eastern Expansion?	Exemption Requested for Vertical Expansion?	Comments
Public Welfare and Nitrate (cont.)		Manganese	M-301A	Y	Y	No new results
			M-302A	Y	N	Well replaced by M-302AR
			M-302AR	N	Y	Exemption requested based on M-302A results, no baseline sampling for manganese at replacement well
			M-302B	Y	N	Well replaced by M-302BR
			M-302BR	N	Y	Exemption requested based on M-302B results, no baseline sampling for manganese at replacement well
			M-303A	Y	N	Well replaced by M-303AR, baseline monitoring for replacement well in progress, no PAL exceedance yet; exemption for M-303AR will be reevaluated on completion of baseline monitoring
			M-303AR	Y	N	Well replaced M-303A, baseline monitoring in progress, no PAL exceedance yet; exemption for M-303AR will be reevaluated on completion of baseline monitoring

PAL - Preventive Action Limit
ES - Enforcement Standard

Prepared by: SCC, 3/7/2021
Updated by: JR, 8/16/2021; SCC, 8/24/2021; SCC, 9/10/2021; JR, 9/16/2021

I:\25220091.00\Deliverables\FR Addendum No 1\G_NR 140 Exemption Information\[1-1, 7-1, 7-2 Groundwater Quality Table_R1.xlsx]1-1 NR 140

**Table 7-1, Revision 1. Monitoring Well NR 140 Standard Exceedances, Public Health and Welfare Parameters, 2018-2020
Rodefild Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091.00**

NR 140 Category	Type	Parameter	Point Name	Sample Date	Result	Flag	Exceedance	Exemption Requested?	Exemption Comments
Public Health	Inorganic	Cadmium, dissolved (ug/l as Cd)	M-17AR	12/10/2020	0.63	J	PAL	N	New well, PAL exceedance not confirmed
			M-303AR	12/10/2020	0.8	J	PAL	N	New well, PAL exceedance not confirmed
			WT-208ARR	12/31/2019	0.55	J	PAL	N	Estimated results below LOQ, PAL exceedance not confirmed
				12/9/2020	0.66	J	PAL		
	Organic	Lead, dissolved (ug/l as Pb)	WT-208ARR	12/31/2019	3.9	J	PAL	N	Estimated result below LOQ, PAL exceedance not confirmed
			M-303A (Aban)	6/20/2018	0.53		PAL	N	Well abandoned, PAL exceedance not confirmed
		Benzene (ug/l)	M-302AR	6/18/2019	0.85	J	PAL	N	Estimated result below LOQ, PAL exceedance not confirmed
			M-302BR	6/18/2019	0.78	J	PAL	N	Estimated result below LOQ, PAL exceedance not confirmed
		Dichloromethane (ug/l)	M-303A (Aban)	6/20/2018	4	J	PAL	N	Well abandoned, estimated result below LOQ, not confirmed, likely laboratory contaminant
			P-103B	6/20/2018	3	J	PAL	N	Estimated result below LOQ, not confirmed, likely laboratory contaminant
WT-201AR	6/14/2019		2.2	J	PAL	N	Estimated result below LOQ, not confirmed, likely laboratory contaminant		
WT-208ARR	12/31/2019		5.2		ES	N	PAL exceedance not confirmed, likely laboratory contaminant		
Public Welfare	Inorganic	Chloride, dissolved (mg/l as Cl)	M-14A	6/19/2018	143		PAL	Y	Exemption granted in 2/4/2014 Feasibility Determination
				12/12/2018	137		PAL		
				6/15/2019	197		PAL		
				6/3/2020	140		PAL		
			M-14B	6/19/2018	147		PAL	Y	Exemption granted in 2/4/2014 Feasibility Determination
				6/15/2019	129		PAL		
				12/9/2019	145		PAL		
				6/3/2020	156		PAL		
			M-17AR	12/10/2020	343		ES	Y	Replacement well
				M-17BR	12/10/2020	980			
			M-23	12/9/2020	213		PAL	Y	New exceedance, confirmed 6/2021, upgradient well
			M-28R	6/20/2018	228		PAL	Y	Replacement well installed in 2018, adjacent to Hwy AB
				12/13/2018	268		ES		
				6/18/2019	312		ES		
				12/10/2019	168		PAL		
				6/4/2020	227		PAL		
					229		PAL		
				12/10/2020	306		ES		
			M-29	6/4/2020	144		PAL	N	New exceedance, not yet confirmed, sidegradient well adjacent to Hwy AB
			M-302BR	12/10/2020	141		PAL	Y	Replaced M-302B; exceeded ES in 2014 and 2016, PAL in Dec 2020
			WT-113A	6/19/2018	699		ES	Y	East of landfill, not downgradient
				12/12/2018	278		ES		
				6/15/2019	177		PAL		
				12/9/2019	199		PAL		
				6/3/2020	242		PAL		
			WT-201AR	12/13/2018	126		PAL	Y	Exemption granted in 2/4/2014 Feasibility Determination
					129		PAL		
				12/9/2019	135		PAL		
				6/4/2020	135		PAL		
				12/9/2020	180		PAL		
WT-202AR	6/14/2019	173		PAL	Y	Replacement well, exemption granted for WT-202A in 2/4/2014 Feasibility Determination, PAL also exceeded 6/8/2016			
		178		PAL					

**Table 7-1, Revision 1. Monitoring Well NR 140 Standard Exceedances, Public Health and Welfare Parameters, 2018-2020
Rodefild Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091.00**

NR 140 Category	Type	Parameter	Point Name	Sample Date	Result	Flag	Exceedance	Exemption Requested?	Exemption Comments	
Public Welfare	Inorganic	Chloride, dissolved (mg/l as Cl)	WT-204A	6/19/2018	275		ES	Y	Near landfill road	
				12/12/2018	158		PAL			
				6/15/2019	162		PAL			
				12/9/2020	257		ES			
			WT-207AR	6/19/2018	253		ES	Y		Exemption granted in 2/4/2014 Feasibility Determination
				12/12/2018	245		PAL			
				6/15/2019	229		PAL			
				12/9/2019	260		ES			
		6/3/2020		249		PAL				
		12/9/2020	277		ES					
		Manganese, dissolved (ug/l as Mn)	M-17BR	12/10/2020	57		ES	N	New well, ES exceedance not yet confirmed	

Note: Includes results exceeding public health and public welfare groundwater standards established under Ch. NR 140, Wis. Admin. Code.

J - Estimated concentration below the laboratory's Limit of Quantitation
 PAL - Preventive Action Limit
 ES - Enforcement Standard
 mg/l - milligrams per liter
 ug/l - micrograms per liter

Prepared by: SCC, 3/7/2021
 Updated by: JR 8/16/2021; SCC, 8/24/2021; SCC, 9/10/2021

I:\25220091.00\Deliverables\FR Addendum No 1\G_NR 140 Exemption Information\[1-1, 7-1, 7-2 Groundwater Quality Table_R1.xlsx]7-1 PH and W PAL

Attachment H
Revised AGIP Table 1

**Table 1, Revision 1. Summary of Borings and Monitoring Wells
Rodefild Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091**

Boring/ Well ID	Distance from Vertical Expansion Limits	Hydraulic Position	Approximate Ground Surface Elevation (feet amsl)	Depth (feet)	Approximate Bottom Elevation of Boring (feet amsl)	Sample Interval (feet)	Well Bottom Elevation (feet amsl)	Screened Interval	Well Type	FR Well (meets NR 512 requirements) (See Note 1)	FR Boring (meets NR 512 requirements) (See Note 1)	Hydraulic Conductivity (cm/sec)	Standard Penetration Test	Comments
M1C	97	within	906.0	95	811.0	5	NA	NA	NA	N	Y	1.4 - 1.5 X 10 ⁻³	N	Well abandoned /Exemption for standard penetration test
M3A	274	upgradient	894.1	40	854.1	5	NA	NA	NA	N	Y	--	Y	M3A replaced abandoned well M3, refer to M3 boring log for information
M6A	588	downgradient	860.5	17	843.5	M6C	844.5	844.5-854.5	WT	Y	N	2.3 - 3.3 X 10 ⁻³	See M6C	Exemption for well development log / exemption for soil test in screen zone / exemption for distance
M6B	578	downgradient	861.6	35	826.6	M6C	828.6	828.6-831.6	P	N	N	4.2 - 4.5 X 10 ⁻³	See M6C	Exemption for well development log / exemption for soil test in screen zone / exemption for distance
M6C	582	downgradient	861.7	55	806.7	5	808.8	808.8-811.8	P	Y	Y	8.8 - 9.4 X 10 ⁻⁵	Y	Exemption for well development log / exemption for soil test in screen zone / exemption for distance
M9A	461	downgradient	872.8	30	842.8	M9B	844.7	844.7-854.7	WT	Y	N	8.5 X 10 ⁻⁶ - 1.5 X 10 ⁻⁵	See M9B	Abandoned; Exemption for well development log / exemption for distance
M9AR	450	downgradient	877.2	30.6	846.6	M9B	846.6	861.6-846.6	WT	Replacement		--	See M9B	Replaced abandoned well M9A
M9B	449	downgradient	872.8	55	817.8	5	819.3	819.2-822.2	P	Y	Y	4.2 X 10 ⁻⁶	Y	Abandoned; Exemption for well development log / exemption for soil test in screen zone / exemption for distance
M9BR	454	downgradient	877.1	57.5	819.6	M9B	820.9	824.1-820.9	P	Replacement		--	See M9B	Replaced abandoned well M9B
M10A	133	within	883.7	45	838.7	5	NA	NA	NA	N	Y	2.4 - 5.1 X 10 ⁻⁵	Y	Abandoned
M13B	within	sidegradient	911.0	83	828.0	5	NA	NA	NA	N	Y	--	Y	Abandoned
M16	within	sidegradient	900.0	70	830.0	5	NA	NA	NA	N	Y	--	Y	
M17A	307	upgradient	879.3	28	851.3	M17B	852.3	852.3-862.3	WT	Y	N	2.8 - 3.2 X 10 ⁻³	See M17B	Abandoned; Exemption for well development log
M17AR	550	upgradient	886.1	31	855.1	M17BR	856.1	856.1-866.1	WT	Replacement		1.4 X 10 ⁻³	N	Slug test performed July 2021
M17B	311	upgradient	879.4	50	829.4	5	832.2	832.2-837.2	P	Y	Y	4 X 10 ⁻⁴	Y	Abandoned; Exemption for well development log
M17BR	358	upgradient	886.1	51	835.1	5	837.1	837.1-842.1	P	Replacement		1.4 X 10 ⁻¹	N	Slug test performed July 2021
M18	60	within	903.8	80	823.8	5	NA	NA	NA	N	Y	--	Y	Well abandoned
M28	301	sidegradient	886.3	45	841.3	5	847.5	847.5-862.5	WT	Y	Y	2.2 - 3.1 X 10 ⁻²	N	Abandoned; Exemption for soil test in screen zone / exemption for standard penetration tes
M28R	344	sidegradient	886.1	38	848.1	5	849.1	864.1-849.1	WT	Replacement		--	N	Replaced abandoned well M28
M29	417	sidegradient	904.2	59	845.2	5	847.7	847.7-862.7	WT	Y	Y	9.4 X 10 ⁻³	N	Exemption for soil test in screen zone / exemption for standard penetration test
M301A	376	sidegradient	892.0	42	850.0	5	855.0	855.0-865.0	WY	Y	Y	7.06 X 10 ⁻⁴	Y	
M302A	362	downgradient	878.0	26	852.0	M302B	854.0	854.0-864.0	WT	Y	N	1.11 X 10 ⁻³	Y	Abandoned
M302AR	498	downgradient	876.9	23.5	853.4	M302BR	854.0	864.0-854.0	WT	Replacement		--	M302A	Replaced abandoned well M302A
M302B	357	downgradient	877.9	63	814.9	5	816.9	816.9-821.9	P	Y	Y	4.22 X 10 ⁻³	Y	Abandoned
M302BR	494	downgradient	876.9	61	815.9	5	816.9	821.9-816.9	P	Replacement		--	M302B	Replaced abandoned well M302B
M303A	316	upgradient	884.9	44	840.9	5	855.9	855.9-865.9	WT	Y	Y	4.30 X 10 ⁻³	Y	Abandoned
M303AR	412	upgradient	883.2	25	858.2	5	862.2	862.2-872.2	WT	Replacement		4.1 X 10 ⁻⁵	N	Slug test performed August 2021
M304A	within	within	882.7	31	851.7	M304B	853.2	853.2-863.2	WT	Y	N	9.03 X 10 ⁻⁴	Y	
M304B	within	within	882.5	64	818.5	5	819.5	819.5-824.5	P	Y	Y	3.74 X 10 ⁻²	Y	
M305A	within	within	890.4	34	856.4	M305B	856.4	856.4-868.4	WT	Y	N	4.22 X 10 ⁻²	Y	
M305B	within	within	890.2	70	820.2	5	824.2	824.2-829.2	P	Y	Y	1.54 X 10 ⁻³	Y	
B311	88	within	881.9	43	838.9	5	NA	NA	NA	N	Y	N	Y	
B312	within	within	885.3	41	844.3	5	NA	NA	NA	N	Y	N	Y	
B313	174	within	887.8	75	812.8	5	NA	NA	NA	N	Y	N	Y	
B314	79	within	884.5	45	839.5	5	NA	NA	NA	N	Y	N	Y	
B315	112	within	889.2	70	819.2	5	NA	NA	NA	N	Y	N	Y	

**Table 1, Revision 1. Summary of Borings and Monitoring Wells
Rodefild Landfill Eastern Vertical Expansion / SCS Engineers Project #25220091**

- Note:
1. Information in this table is based on Table 6-1 from the Eastern Expansion Feasibility Report, with the exception of replacement wells and the "Distance from Vertical Expansion" distances listed.
 2. Replacement wells are not included in the FR boring/well counts because the original well was already included for the AGIP.

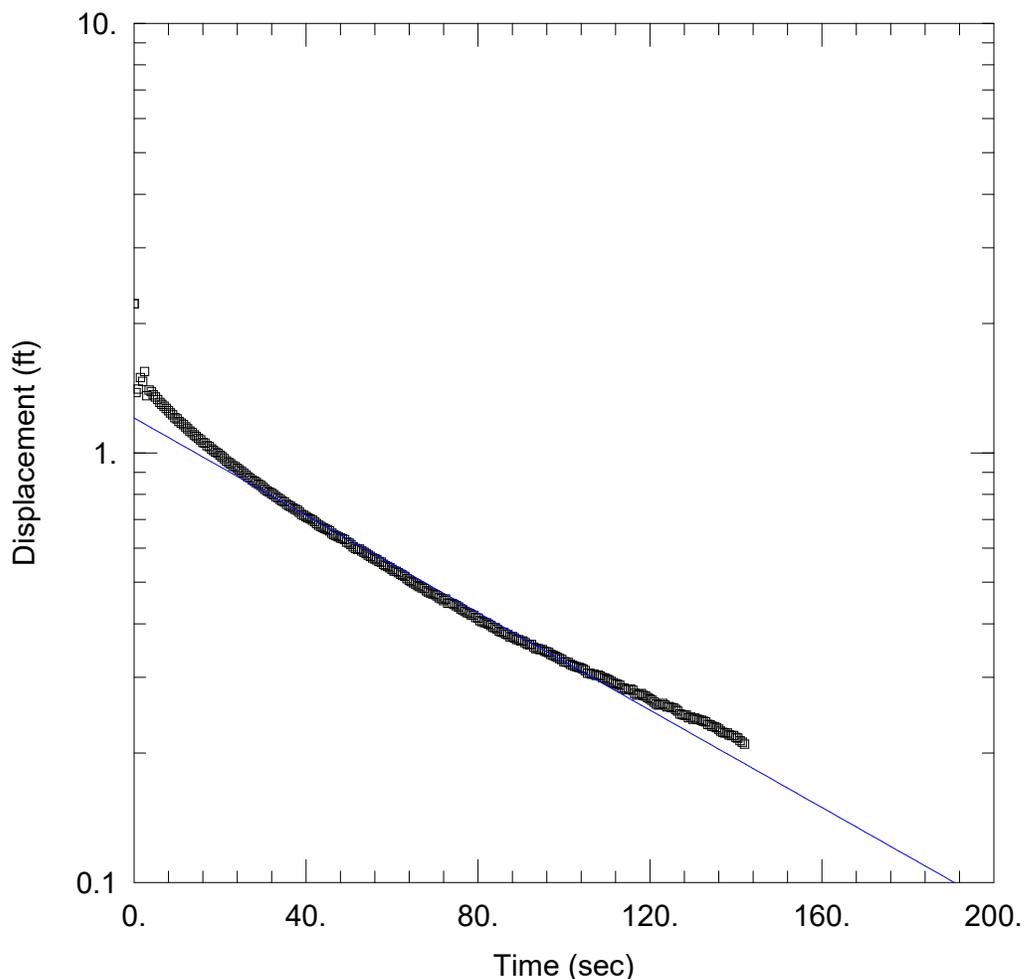
Abbreviations:
U = Boring/wll located upgradient from proposed limits of waste
S = Boring/wll located sidegradient from proposed limits of waste
D = Boring/wll located downgradient from proposed limits of waste
Within = Boring/well located within proposed landfill footprint
NA = Not Applicable/Not Available
WT = Water table
P = Piezometer
amsl = Above mean sea level
Y = Yes
N = No

Created by:	<u>EO</u>	Date:	<u>12/4/2020</u>
Last revision by:	<u>JR</u>	Date:	<u>9/10/2021</u>
Checked by:	<u>JKK</u>	Date:	<u>9/10/2021</u>
Proj Mgr QA/QC:	<u>BP</u>	Date:	<u>9/15/2021</u>

I:\25220091.00\Deliverables\FR Addendum No 1\H_Revised AGIP Information\[Table 1_Summary of Borings and Wells_B.2..xlsx]Table 1

Attachment I

M17AR, M17BR, and M303AR Hydraulic Conductivity Test Results



WELL TEST ANALYSIS

Data Set: I:\25217087.21\Data and Calculations\Slug Test\M17AR\M17AR_revised.aqt
 Date: 08/16/21 Time: 12:36:26

PROJECT INFORMATION

Company: SCS Engineers
 Client: Dane County
 Project: 25217087.21
 Location: Madison, WI
 Test Well: M17AR
 Test Date: 7/27/2021

AQUIFER DATA

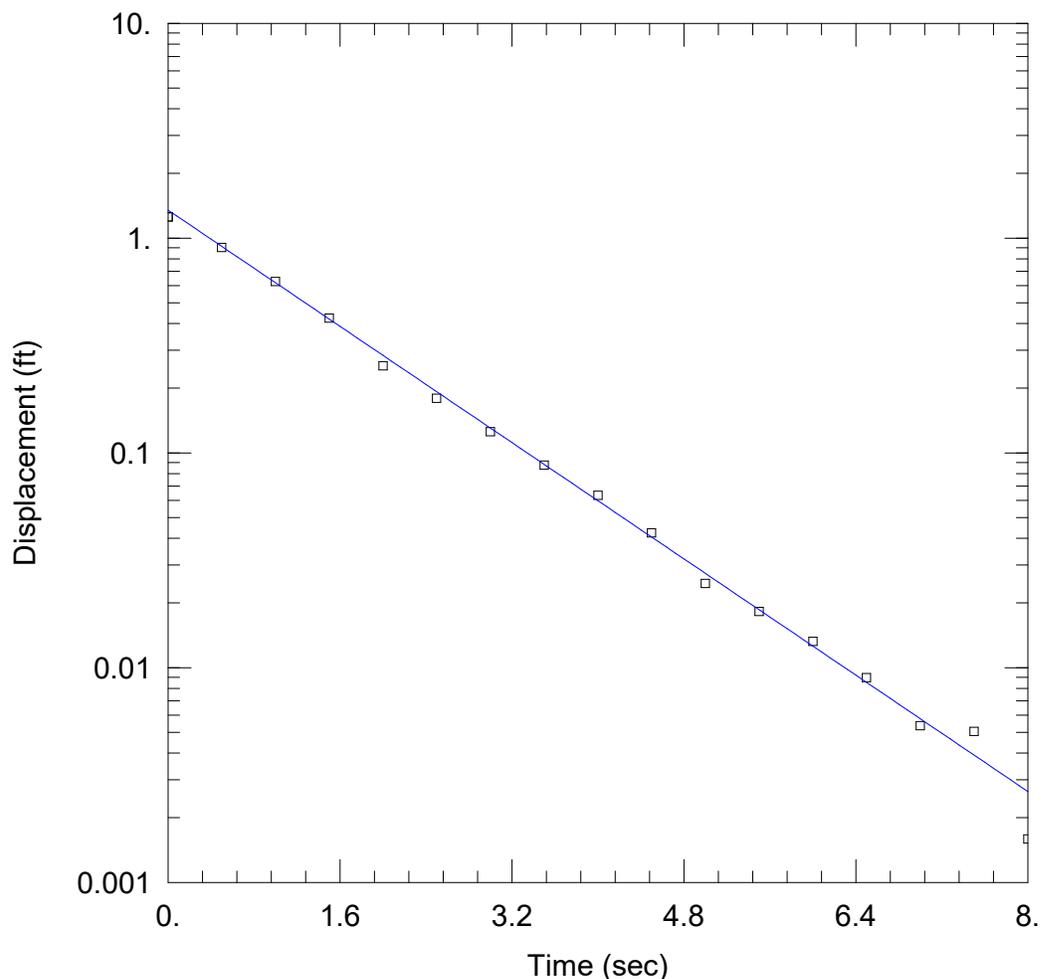
Saturated Thickness: 100. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (M17AR)

Initial Displacement: 2.224 ft Static Water Column Height: 13.35 ft
 Total Well Penetration Depth: 13.35 ft Screen Length: 12. ft
 Casing Radius: 0.09 ft Well Radius: 0.35 ft
 Gravel Pack Porosity: 0.25

SOLUTION

Aquifer Model: Unconfined Solution Method: Bower-Rice
 K = 0.001367 cm/sec y0 = 1.205 ft



WELL TEST ANALYSIS

Data Set: I:\25217087.21\Data and Calculations\Slug Test\M17BR\M17BR_revised.aqt
 Date: 08/16/21 Time: 12:37:15

PROJECT INFORMATION

Company: SCS Engineers
 Client: Dane County
 Project: 25217087.21
 Location: Madison, WI
 Test Well: M17BR
 Test Date: 7/27/2021

AQUIFER DATA

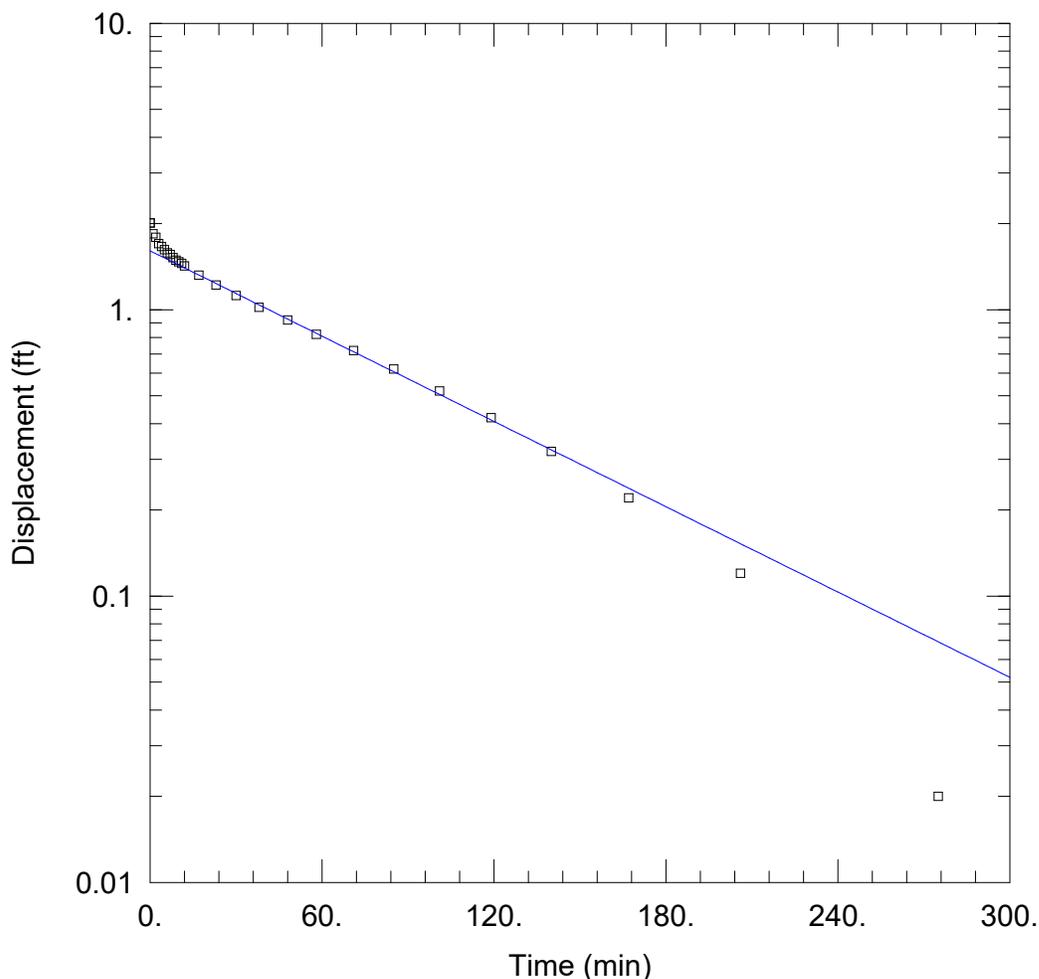
Saturated Thickness: 100. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (M17BR)

Initial Displacement: 1.253 ft Static Water Column Height: 29.55 ft
 Total Well Penetration Depth: 29.55 ft Screen Length: 7. ft
 Casing Radius: 0.09 ft Well Radius: 0.35 ft
 Gravel Pack Porosity: 0.25

SOLUTION

Aquifer Model: Unconfined Solution Method: Bower-Rice
 K = 0.1399 cm/sec y0 = 1.35 ft



WELL TEST ANALYSIS

Data Set: I:\25217087.21\Data and Calculations\Slug Test\M303AR - bail down\M303AR_bail down.aqt
 Date: 08/19/21 Time: 11:39:38

PROJECT INFORMATION

Company: SCS Engineers
 Client: Dane County
 Project: 25217087.21
 Location: Madison, WI
 Test Well: M303AR - bail down
 Test Date: 8/10/2021

AQUIFER DATA

Saturated Thickness: 100. ft Anisotropy Ratio (Kz/Kr): 1.

WELL DATA (M303AR)

Initial Displacement: 2.01 ft Static Water Column Height: 2.66 ft
 Total Well Penetration Depth: 2.66 ft Screen Length: 2.66 ft
 Casing Radius: 0.085 ft Well Radius: 0.35 ft
 Gravel Pack Porosity: 0.25

SOLUTION

Aquifer Model: Unconfined Solution Method: Bower-Rice
 K = 4.066E-5 cm/sec y0 = 1.605 ft

Attachment J
C&D MRF Fines Testing Results

2020 Fines Testing

Sieve - Omni Associates

Test Date	Month	Year	<3"	<2"	<1 1/2"	<1"	<3/4"	<1/2"	<3/8"	<#4
1/21/2020	Jan	2020	100%	100%	93%	85%	76%	60%	50%	17%
2/19/2020	Feb	2020	100%	100%	85%	73%	55%	47%	25%	13%
3/23/2020	Mar	2020	100%	97%	88%	79%	64%	47%	48%	22%
4/17/2020	April	2020	100%	99%	96%	88%	84%	70%	69%	38%
5/27/2020	May	2020	100%	98%	97%	100%	96%	88%	87%	85%
6/12/2020	June	2020	100%	98%	99%	84%	88%	65%	61%	58%
7/7/2020	July	2020	100%	95%	92%	91%	82%	69%	52%	43%
8/19/2020	Aug	2020	100%	97%	94%	82%	72%	46%	40%	15%
9/22/2020	Sept	2020	100%	100%	94%	84%	75%	66%	57%	67%
10/2/2020	Oct	2020	100%	96%	92%	84%	64%	48%	33%	41%
11/18/2020	Nov	2020	100%	98%	93%	82%	72%	58%	39%	14%
12/29/2020	Dec	2020	100%	97%	85%	78%	64%	59%	54%	17%

Asbestos - EMSL

Misc - CT Labs

Test Date	Month	Year	Asbestos	Test Date	Month	Year	% Organic (Must be <35%)	Sulfate (mg/kg) (Must be <60,000 mg/kg)
1/21/2020	Jan	2020	ND	1/21/2020	Jan	2020	18.9%	37,200
2/19/2020	Feb	2020	ND	2/19/2020	Feb	2020	27.8%	25,900
3/23/2020	Mar	2020	ND	3/23/2020	Mar	2020	9.9%	18,900
4/17/2020	April	2020	ND	4/17/2020	April	2020	23.3%	20,900
5/27/2020	May	2020	ND	5/27/2020	May	2020	15.9%	26,300
6/12/2020	June	2020	ND	6/12/2020	June	2020	13.7%	22,500
7/7/2020	July	2020	ND	7/7/2020	July	2020	19.9%	26,200
8/19/2020	Aug	2020	ND	8/19/2020	Aug	2020	25.8%	20,300
9/22/2020	Sept	2020	ND	9/22/2020	Sept	2020	10.5%	23,800
10/2/2020	Oct	2020	ND	10/2/2020	Oct	2020	10.3%	25,600
11/18/2020	Nov	2020	ND	11/18/2020	Nov	2020	11.1%	21,700
12/29/2020	Dec	2020	ND	12/29/2020	Dec	2020	12.9%	27,300

Annual Testing

Test Date	Year	Arsenic (mg/L)	Cadmium (mg/L)	Chromium (mg/L) (Must be <5 mg/L)	Lead (mg/L) (Must be <5 mg/L)	Nickel (mg/L)	Mercury (mg/L) (Must be <0.2 mg/L)	Reactive Sulfide (mg/kg) (Must be <500 mg/kg)
1/15/2020	2020	0.0212	0.00241	0.022	0.398	0.013	0.000089	<100

*** Samples registering <1% per DNR are not considered Asbestos Containing

2019 C&D Processing Facility Fines Sampling

Sieve - Omni Associates

Test Date	Month	Year	<3"	<2"	<1 1/2"	<1"	<3/4"	<1/2"	<3/8"	<#4
1/15/2019	Jan	2019	100%	99%	95%	91%	78%	53%	49%	33%
2/14/2019	Feb	2019	100%	97%	85%	69%	57%	47%	39%	25%
3/30/2019	Mar	2019	100%	97%	96%	92%	87%	80%	73%	55%
4/30/2019	April	2019	100%	99%	96%	87%	80%	72%	65%	43%
5/29/2019	May	2019	100%	99%	94%	88%	83%	75%	69%	42%
6/27/2019	June	2019	99%	98%	92%	87%	87%	76%	71%	40%
7/26/2019	July	2019	98%	91%	83%	76%	72%	64%	61%	48%
8/22/2019	Aug	2019	99%	98%	91%	90%	82%	69%	67%	47%
9/28/2019	Sept	2019	100%	95%	93%	89%	87%	77%	65%	45%
10/28/2019	Oct	2019	100%	99%	94%	82%	77%	68%	61%	41%
11/17/2019	Nov	2019	100%	99%	96%	88%	78%	72%	68%	43%
12/29/2019	Dec	2019	100%	97%	95%	90%	82%	70%	70%	40%

Asbestos - EMSL

Misc - CT Labs

Test Date	Month	Year	Asbestos**	Test Date	Month	Year	% Organic (Must be <35%)	Sulfate (mg/kg) (Must be <60,000 mg/kg)
1/5/2019	Jan	2019	ND	1/5/2019	Jan	2019	22.8%	29,500
2/20/2019	Feb	2019	ND	2/20/2019	Feb	2019	31.4%	33,200
3/1/2019	Mar	2019	ND	3/1/2019	Mar	2019	18.9%	31,000
4/25/2019	April	2019	ND	4/25/2019	April	2019	14.3%	52,600
5/23/2019	May	2019	ND	5/23/2019	May	2019	31.8%	26,900
6/6/2019	June	2019	ND	6/6/2019	June	2019	21.9%	21,800
7/1/2019	July	2019	ND	7/1/2019	July	2019	9.3%	33,000
8/13/2019	Aug	2019	ND	8/13/2019	Aug	2019	8.5%	22,600
9/12/2019	Sept	2019	ND	9/12/2019	Sept	2019	19.6%	21,300
10/23/2019	Oct	2019	ND	10/23/2019	Oct	2019	22.5%	30,100
11/19/2019	Nov	2019	ND	11/19/2019	Nov	2019	7.2%	21,900
12/28/2019	Dec	2019	ND	12/28/2019	Dec	2019	19.8%	21,500

Annual Testing

Test Date	Year	Arsenic (mg/L)	Cadmium (mg/L)	Chromium (mg/L) (Must be <5 mg/L)	Lead (mg/L) (Must be <5 mg/L)	Nickel (mg/L)	Mercury (mg/L) (Must be <0.2 mg/L)	Reactive Sulfide (mg/kg) (Must be <500 mg/kg)
3/1/2019	2019	0.024	0.0061	0.021	0.51	0.024	0.000097	<100

*** Samples registering <1% per DNR are not considered Asbestos Containing

2018 Fines Testing

Sieve - Omni Associates

Test Date	Month	Year	<3"	<2"	<1 1/2"	<1"	<3/4"	<1/2"	<3/8"	<#4
1/10/2018	Jan	2018	100%	100%	95%	87%	78%	60%	51%	31%
2/22/2018	Feb	2018	100%	95%	94%	77%	64%	47%	39%	22%
3/14/2018	Mar	2018	100%	99%	93%	85%	74%	56%	47%	28%
4/30/2018	April	2018	100%	100%	97%	88%	68%	52%	31%	21%
5/31/2018	May	2018	100%	97%	91%	87%	81%	75%	68%	47%
6/29/2018	June	2018	100%	99%	98%	93%	80%	64%	55%	17%
7/11/2018	July	2018	100%	99%	97%	92%	85%	73%	64%	33%
8/16/2018	Aug	2018	100%	97%	94%	88%	85%	76%	68%	48%
	Sept	2018								
	Oct	2018								
	Nov	2018								
	Dec	2018								

Asbestos - EMSL

Misc - CT Labs

Test Date	Month	Year	Asbestos	Test Date	Month	Year	% Organic (Must be <35%)	Sulfate (mg/kg) (Must be <60,000 mg/kg)
1/10/2018	Jan	2018	ND	1/10/2018	Jan	2018	16.3%	36,600
2/22/2018	Feb	2018	ND	2/22/2018	Feb	2018	27.1%	26,000
3/14/2018	Mar	2018	ND	3/14/2018	Mar	2018	11.1%	25,900
4/18/2018	April	2018	ND	4/30/2018	April	2018	19.8%	32,800
5/31/2018	May	2018	ND	5/31/2018	May	2018	10.2%	18,900
6/29/2018	June	2018	ND	6/29/2018	June	2018	10.1%	20,900
7/11/2018	July	2018	ND	7/11/2018	July	2018	22.2%	26,300
8/16/2018	Aug	2018	ND	8/16/2018	Aug	2018	17.5%	22,500
	Sept	2018		9/28/2019	Sept	2018	11.6%	22,700
	Oct	2018		10/31/2019	Oct	2018	9.7%	22,600
	Nov	2018		11/20/2019	Nov	2018	9.7%	22,600
	Dec	2018		12/21/2019	Dec	2018	15.3%	26,600

Annual Testing

Test Date	Year	Arsenic (mg/L)	Cadmium (mg/L)	Chromium (mg/L) (Must be <5 mg/L)	Lead (mg/L) (Must be <5 mg/L)	Nickel (mg/L)	Mercury (mg/L) (Must be <0.2 mg/L)	Reactive Sulfide (mg/kg) (Must be <500 mg/kg)
	2018	0.035	0.0048	0.043	3	0.031	0.00002	200

*** Samples registering <1% per DNR are not considered Asbestos Containing

2017 Fines Testing

Sieve - Omni Associates

Test Date	Month	Year	<3"	<2"	<1 1/2"	<1"	<3/4"	<1/2"	<3/8"	<#4
1/30/2017	Jan	2017	100%	100%	91%	84%	76%	65%	55%	18%
2/13/2017	Feb	2017	100%	100%	83%	64%	48%	30%	22%	11%
3/17/2017	Mar	2017	100%	98%	88%	75%	64%	47%	37%	20%
4/20/2017	April	2017	100%	99%	96%	88%	84%	76%	72%	53%
5/10/2017	May	2017	100%	100%	100%	99%	96%	91%	87%	74%
6/9/2017	June	2017	100%	98%	95%	89%	83%	69%	61%	42%
7/28/2017	July	2017	100%	10%	95%	85%	77%	65%	57%	37%
8/16/2017	Aug	2017	100%	97%	93%	84%	72%	46%	40%	16%
9/20/2017	Sept	2017	100%	100%	94%	88%	77%	65%	57%	34%
10/31/2017	Oct	2017	100%	96%	88%	77%	66%	48%	37%	18%
11/29/2017	Nov	2017	100%	98%	93%	82%	72%	51%	39%	14%
12/27/2017	Dec	2017	100%	94%	87%	75%	66%	53%	44%	18%

Asbestos - EMSL

Misc - CT Labs

Test Date	Month	Year	Asbestos	Test Date	Month	Year	% Organic (Must be <35%)	Sulfate (mg/kg) (Must be <60,000 mg/kg)
1/30/2017	Jan	2017	ND	1/30/2017	Jan	2017	20.8%	33,400
2/13/2017	Feb	2017	ND	2/13/2017	Feb	2017	8.7%	23,200
3/30/2017	Mar	2017	ND	3/30/2017	Mar	2017	17.5%	29,800
4/19/2017	April	2017	ND	4/19/2017	April	2017	17.5%	25,900
5/10/2017	May	2017	ND	5/10/2017	May	2017	12.1%	22,200
6/9/2017	June	2017	ND	6/9/2017	June	2017	18.6%	24,300
7/26/2017	July	2017	ND	7/26/2017	July	2017	15.9%	24,200
8/18/2017	Aug	2017	ND	8/18/2017	Aug	2017	33.1%	39,800
9/20/2017	Sept	2017	ND	9/20/2017	Sept	2017	17.4%	34,100
10/30/2017	Oct	2017	ND	10/30/2017	Oct	2017	15.6%	30,700
11/29/2017	Nov	2017	ND	11/29/2017	Nov	2017	22.1%	29,800
12/27/2018	Dec	2017	ND	12/27/2018	Dec	2017	18.1%	27,700

Annual Testing

Test Date	Year	Arsenic (mg/L)	Cadmium (mg/L)	Chromium (mg/L) (Must be <5 mg/L)	Lead (mg/L) (Must be <5 mg/L)	Nickel (mg/L)	Mercury (mg/L) (Must be <0.2 mg/L)	Reactive Sulfide (mg/kg) (Must be <500 mg/kg)
	2017	0.062	0.005	0.016	0.33	0.038	<0.000020	<100

*** Samples registering <1% per DNR are not considered Asbestos Containing

2016 Fines Testing

Sieve - Omni Associates

Test Date	Month	Year	<2 1/2"	<2"	<1 1/2"	<1"	<3/4"	<1/2"	<3/8"	<#4
	Jan	2016								
2/29/2016	Feb	2016	100%	100%	78%	62%	52%	40%	32%	17%
3/31/2016	Mar	2016	100%	100%	65%	34%	23%	12%	9%	5%
4/22/2016	April	2016	100%	100%	75%	62%	53%	40%	33%	20%
5/31/2016	May	2016	100%	98%	91%	85%	83%	80%	78%	72%
6/29/2016	June	2016	100%	92%	87%	77%	70%	60%	53%	23%
7/21/2016	July	2016	100%	65%	48%	34%	29%	23%	20%	15%
8/15/2016	Aug	2016	100%	95%	87%	80%	75%	65%	57%	28%
9/12/2016	Sept	2016	100%	97%	88%	74%	60%	37%	28%	12%
10/7/2016	Oct	2016	100%	100%	93%	83%	73%	56%	46%	19%
11/18/2016	Nov	2016	100%	99%	94%	81%	75%	63%	57%	34%
12/27/2016	Dec	2016	96%	96%	91%	81%	74%	64%	57%	34%

Asbestos - EMSL

Misc - CT Labs

Test Date	Month	Year	Asbestos	Test Date	Month	Year	% Organic (Must be <35%)	Sulfate (mg/kg) (Must be <60,000 mg/kg)
	Jan	2016			Jan	2016		
2/29/2016	Feb	2016	ND	2/29/2016	Feb	2016	23.9%	29,200
3/31/2016	Mar	2016	ND	3/31/2016	Mar	2016	15.3%	19,700
4/22/2016	April	2016	ND	4/22/2016	April	2016	15.7%	27,600
5/31/2016	May	2016	ND	5/31/2016	May	2016	27.2%	22,600
6/27/2016	June	2016	ND	6/28/2016	June	2016	23.4%	20,900
7/21/2016	July	2016	ND	7/21/2016	July	2016	21.5%	29,200
8/15/2016	Aug	2016	ND	8/15/2016	Aug	2016	10.4%	29,100
9/23/2016	Sept	2016	ND	9/8/2016	Sept	2016	18.1%	26,100
10/7/2016	Oct	2016	ND	10/28/2016	Oct	2016	20.2%	27,900
11/18/2016	Nov	2016	ND	11/14/2016	Nov	2016	18.0%	29,300
12/27/2016	Dec	2016	ND	12/27/2016	Dec	2016	13.6%	34,000

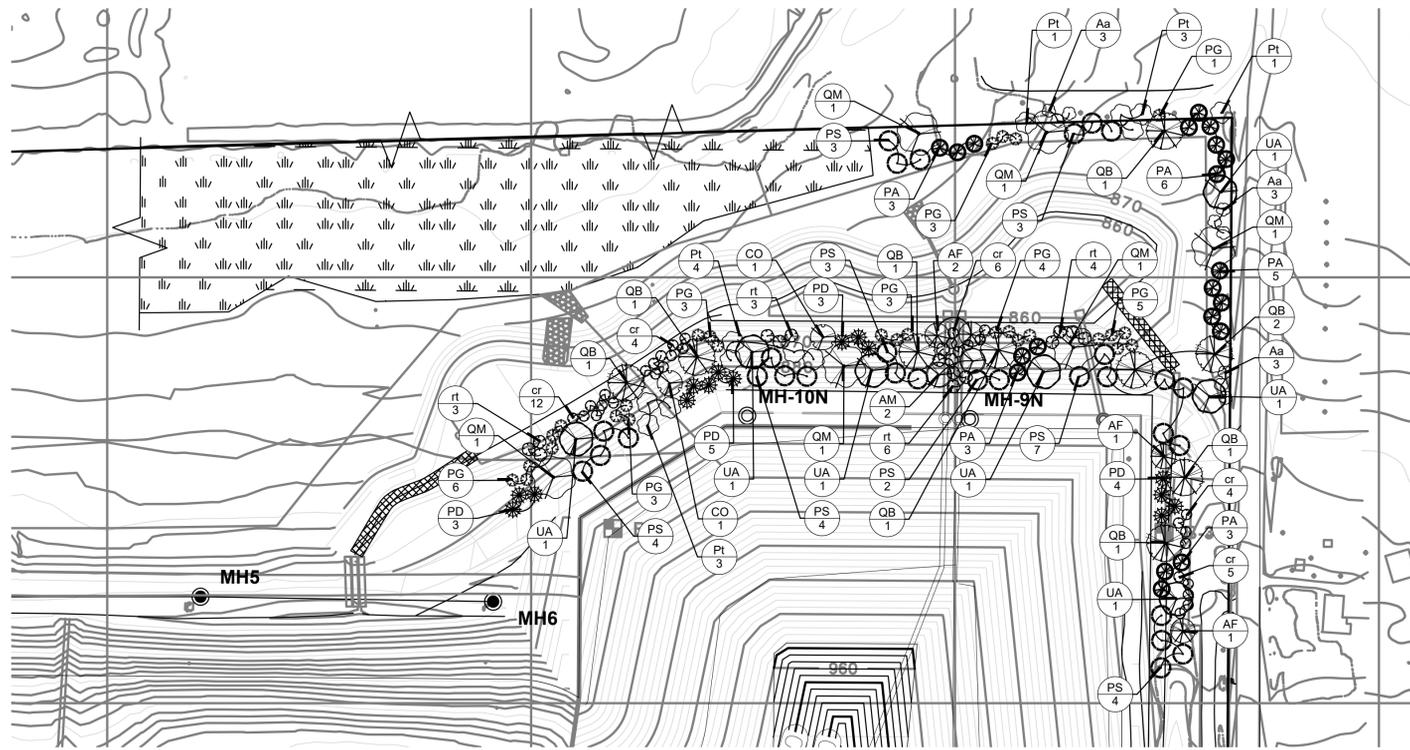
Annual Testing

Test Date	Year	Arsenic (mg/L)	Cadmium (mg/L)	Chromium (mg/L) (Must be <5 mg/L)	Lead (mg/L) (Must be <5 mg/L)	Nickel (mg/L)	Mercury (mg/L) (Must be <0.2 mg/L)	Reactive Sulfide (mg/kg) (Must be <500 mg/kg)
12/27/2016	2016		0.0042	0.0041	0.077	0.017	0.0001	ND < LOD

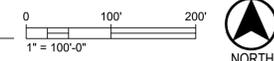
Attachment K
Landscape Plan

PLANT SCHEDULE

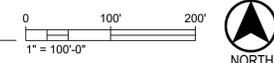
EVERGREEN TREES	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	QTY
	PA	Picea abies / Norway Spruce	B & B	6' HT. (MIN.)	47
	PG	Picea glauca / White Spruce	B & B	5' HT. (MIN.)	54
	PD	Picea glauca var. densata / Black Hills Spruce	B & B	5' HT. (MIN.)	53
	PS	Pinus strobus / White Pine	B & B	6' HT. (MIN.)	61
ORNAMENTAL TREES	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	QTY
	Aa	Amelanchier arborea / Downy Serviceberry	B & B	5' HT. (MIN.)	24
	Cv	Crataegus viridis 'Winter King' / Winter King Hawthorn	B & B	1.5' Cal	12
	Pt	Populus tremuloides / Quaking Aspen	B & B	1.5' Cal	13
SHADE TREES	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	QTY
	AM	Acer miyabei 'Morton' TM / State Street Miyabei Maple	B & B	2' Cal	10
	AF	Acer x freemanii 'Sienna' / Sienna Glen Maple	B & B	2' Cal	11
	CO	Celtis occidentalis 'Chicagoland' / Common Hackberry	B & B	2' Cal	11
	QB	Quercus bicolor / Swamp White Oak	B & B	2' Cal	17
	QM	Quercus macrocarpa / Burr Oak	B & B	2' Cal	16
	UA	Ulmus americana 'Valley Forge' / American Elm	B & B	2' Cal	17
DECIDUOUS SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	SIZE	QTY
	cr	Cornus racemosa / Gray Dogwood	5 gal		68
	rt	Rhus typhina / Staghorn Sumac	5 gal		49



1 Northeast Area
SCALE: 1" = 100'



2 South Area
SCALE: 1" = 100'



NOT FOR CONSTRUCTION

NO.	REVISION	DATE
CLIENT	Dane County Department of Waste and Renewables 1919 Alliant Energy Center Way Madison, WI 53713	
PROJECT	Dane County Landfill Site No. 2 Eastern Vertical Expansion	
DRAWING	Landscape Plan	
SCALE	DATE	
1" = 100'	March 2021	
DRAWN BY	CHECKED	REVIEWED
JW	CS	
APPROVED	DEPT. APPROVAL	
SEAL	SEAL	
DEPT. PROJECT NO.	DRAWING NO.	
CONSULTANT'S NO.	L100	
TENDER NO.		