

Appendix B

Correspondence

- B1 WDNR Approval Letters/Emails
- B2 FAA Correspondence
- B3 Other Correspondence

B1 WDNR Approval Letters/Emails

- December 7, 2023, Conditional CTH N Clay Borrow Site - Plan of Operation Approval Modification letter
- November 27, 2023, State Historic Preservation Office, Wisconsin Historical Society stipulations on the permits letter
- May 18, 2023, email from Allen Ramminger, WDNR, classifying P-1 as artificial
- March 30, 2023, Artificial Wetland Exemption Determination letter
- November 29, 2022, Initial Site Report Opinion Letter for Dane County Landfill Site No. 3
- June 10, 2022, Endangered Resources Review Verification for Broad Incidental Take Permit/Authorization for No/Low Impact Activities
- May 11, 2022, Initial Site Inspection Response for Dane County Landfill Site No. 3



December 7, 2023

FILE REF: FID# 113127300

Mr. John Welch
Dane County Department of Public Works
1919 Alliant Energy Center Way
Madison, WI 53713

Dane County
SW Approvals

SUBJECT: Conditional CTH N Clay Borrow Site - Plan of Operation Approval Modification, Dane County Landfill No. 2 (Rodefeld), License No. 3018

Dear Mr. Welch:

The Department of Natural Resources (department) is conditionally approving the requested modification for the County Trunk Highway (CTH) N clay borrow site for the Dane County Rodefeld Landfill. Please include the attached approval in the written operating record for the landfill as specified in s. NR 506.17, Wis. Adm. Code.

The proposed 32-acre clay borrow source is on Dane County property located in the NW ¼ of SE ¼ and SW ¼ of SE ¼, Section 33, T7N, R11E Town of Cottage Grove, Dane County, WI (Parcel # 018/0711-334-9235-0). The borrow site was investigated through nineteen geoprobe borings. Clay thicknesses observed at the boring locations ranged from 1 to 5.5 feet, and average about 2.8 feet thick. Borings GT105 and GT117 had clay thicknesses of 0.5 foot or less so the limits of the proposed clay borrow excavation were adjusted to exclude those areas which reduced the borrow source to 26-acres.

The test results submitted to the department indicate the clay meets the requirements of s. NR 504.06(2)(a), Wis. Adm. Code. Additional testing will be performed on the placed clay per ch. NR 516, Wis. Adm. Code. The total volume of clay available is approximately 139,750 cubic yards.

Please keep in mind that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits or regulatory requirements. If you have any questions regarding this approval, please contact Ann Bekta at (608) 287-4492 or email at Ann.Bekta@wisconsin.gov.

Sincerely,

Bridget Kelly
Waste and Materials Management Program Supervisor
South Central Region

cc: Roxanne Wienkes - Wienkes.Roxanne@countyofdane.com
Allison Rathsack - rathsack.allison@countyofdane.com
George Fletcher - Fletcher.George@countyofdane.com
Tyler Sullivan - DNR/WA (e-copy)
Ann Bekta - DNR/WA (e-copy)

**BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**CONDITIONAL PLAN OF OPERATION APPROVAL MODIFICATION
FOR THE CTH N CLAY BORROW SITE
DANE COUNTY LANDFILL NO. 2 (RODEFELD) LIC. NO. 3018**

FINDINGS OF FACT

The Department of Natural Resources (department) finds that:

1. Dane County ("County") owns and operates the Rodefeld Site No. 2 Landfill, a solid waste disposal facility located in the N 1/2 of Section 25, T7N, R10E, City of Madison, Dane County, Wisconsin.
2. Conditional plan of operation approvals for the landfill were issued by the department on August 14, 1984, March 14, 1994, August 13, 2014, and July 19, 2023.
3. On November 2, 2023, Dane County submitted a request to the department for modifications to the plan of operation approval for the County Trunk Highway (CTH) N clay borrow site. The review fee of \$1,650 was received by the department on November 30, 2023.
4. The information submitted in connection with the plan of operation modification request includes the following:
 - a. A report titled "Plan of Operation Modification Request – CTH N Clay Borrow Site, Dane County Landfill Site No. 2 (Rodefeld), Madison, Wisconsin (License #3018)" which was received by the department on November 2, 2023.
 - b. A December 1, 2023, Dane County email containing clarification on the number of samples taken from the borings.
5. Additional documents considered in connection with the modification request include the following:
 - a. The department's October 10, 2023, initial site inspection letter for the proposed clay borrow source.
 - b. The department's August 13, 2014, and July 19, 2023, plan of operation approvals.
 - c. The department's files pertaining to the Dane County Rodefeld Landfill (Lic. No 3018).
6. The special conditions set forth below are needed to assure that the facility is operated in an environmentally sound manner. If the special conditions are complied with, the proposed modification will not inhibit compliance with the standards set forth in the applicable portions of chs. NR 500-538, Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The department has the authority under s. 289.30(6), Wis. Stats., to modify a plan of operation approval if the modification would not inhibit compliance with the applicable portions of chs. NR 500-538, Wis. Adm. Code.
2. The department has the authority to approve a modification to the plan of operation with special conditions if the conditions are needed to ensure compliance with the applicable portions of chs. NR 500-538, Wis. Adm. Code.
3. The conditions of approval set forth below are needed to ensure compliance with the applicable portions of chs. NR 500-538, Wis. Adm. Code.
4. In accordance with the foregoing, the department has the authority under s. 289.30(6), Wis. Stats., to issue the following conditional plan of operation modification approval.

CONDITIONAL PLAN OF OPERATION APPROVAL MODIFICATION

The department hereby approves the proposed plan of operation modification for the Dane County Rodefeld Landfill, subject to compliance with chs. NR 500-538, Wis. Adm. Code, and the following conditions:

1. A copy of the Dane County nonmetallic mining permit for the CTH N clay borrow site shall be provided to the department prior to commencing any clay removal activities.
2. A geologist, geological engineer or soils technician shall be at the clay borrow site at all times that clay is to be excavated from the sources to identify the liner quality clay.

Unless specifically noted, the conditions of this approval do not supersede or replace any previous conditions of approval for this facility.

This approval is based on the information available to the department as of the date of approval. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the department may ask you to provide further information relating to this activity. Likewise, the department accepts proposals to modify approvals, as provided for in state statutes and administrative codes.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing department decisions.

To seek judicial review of the department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the

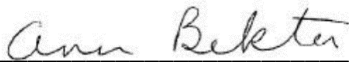
department to file your petition with the appropriate circuit court and serve the petition on the department.
The petition shall name the Department of Natural Resources as the respondent.

Dated: December 7, 2023

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Bridget Kelly
Waste and Materials Management Program Supervisor
South Central Region



Ann M. Bekta, P.E.
Waste Management Engineer
South Central Region



November 27, 2023

Allison Rathsack
Special Projects and Materials Manager
Dane County Department of Waste & Renewables
1919 Alliant Energy Center Way
Madison, WI 53713

Ms. Rathsack,

The SHPO has determined that the proposed project will have an adverse effect on a property that is potentially eligible for the National Register of Historic Places. To mitigate the Adverse Effect on AHI 229217, Yahara Hills Golf Course Clubhouse & Golf Course, DNR HP and the SHPO agreed to the following stipulations on the permits.

1. Production of a Determination of Eligibility (DOE – already completed).
2. Produce a display posted near a public entrance or gathering area of the existing golf course highlighting the historic significance of the golf course/course design and architecture.
3. A webpage hosted on the course home page, or a similar physical publication that can be provided to the public (ie. pamphlet or booklet), that discusses the historic significance of the property.

Content for stipulations 2 and 3 are to be completed by an SOI qualified architectural historian. All stipulations should be completed within 2 years of permit issuance. Documentation of completion of these terms must be submitted to SHPO on WHS case 22-1800.

Please let me know if you have any questions or concerns.
Sincerely,

Felipe Avila

Felipe Avila
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706
608 264-6013
felipe.avila@wisconsinhistory.org

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wisconsinhistory.org

Powers, Betsy

From: Ramminger, Allen J - DNR <Allen.Ramminger@wisconsin.gov>
Sent: Thursday, May 18, 2023 2:04 PM
To: Powers, Betsy
Cc: Rathsack, Allison; John; Jeffrey Kraemer; Matthews, Weston K - DNR; Ramminger, Allen J - DNR
Subject: RE: Wetland EXE decision letter- artificial - Simple_6095514

Categories: Filed by Newforma

This email originated from outside of SCS Engineers. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Betsy;

The Department has decided that P-1 is artificial in nature and no regulatory authority regarding Chapter 30 or 281 applies to this wetland/waterbody.

Hope this helps.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Allen Ramminger

Wetlands Specialist
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road, Fitchburg, WI 53711
Cell: 608-228-4067
Allen.Ramminger@wisconsin.gov

From: Powers, Betsy <BPowers@scsengineers.com>
Sent: Tuesday, May 9, 2023 4:20 PM
To: Ramminger, Allen J - DNR <Allen.Ramminger@wisconsin.gov>
Cc: Rathsack, Allison <rathsack.allison@countyofdane.com>; John <Welch@countyofdane.com>; Jeffrey Kraemer <jeff@heartlandecological.com>
Subject: RE: Wetland EXE decision letter- artificial - Simple_6095514

**CAUTION: This email originated from outside the organization.
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Hi Al,

We appreciate your review and approval of the artificial wetland exemption request submitted by Heartland Ecological Group, Inc. (Heartland) on behalf of Dane County Department of Waste & Renewables for the proposed Dane County landfill site. As part of the Initial Site Report opinion, WDNR indicated that the Waterways Program staff would need to evaluate documentation of the creation of the pond (P-1 in the artificial wetland exemption request) to determine if the pond is a public waterbody and regulated under ch. 30 or 281, Wis. Stats (a copy of the opinion is attached). We would like to clarify if WDNR's agreement that the P-1 wetlands are artificial also constitutes confirmation that the pond is not public and is therefore not regulated under ch. 30 or 281, Wis. Stats.?

Heartland included information on the history of the pond based on historical aerial imagery, original Wisconsin public land survey notes, Bordner land economic inventory, and historical USGS quadrangle maps. If you need anything further, please let me know.

Thanks,

Betsy

Betsy Powers, PE*
Senior Project Manager/Civil Engineer
SCS Engineers
2830 Dairy Drive
Madison, WI 53718-6751 USA
608-333-5408 (Cell)
bpowers@scsengineers.com

*Licensed in WI

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From: Welch, John <Welch@countyofdane.com>

Sent: Thursday, March 30, 2023 1:42 PM

To: Rathsack, Allison <rathsack.allison@countyofdane.com>; Wienkes, Roxanne <Wienkes.Roxanne@countyofdane.com>; Betsy Powers <BPowers@scsengineers.com>

Subject: Fwd: Wetland EXE decision letter- artificial - Simple_6095514

This email originated from outside of SCS Engineers. Do not click links or open attachments unless you recognize the sender and know the content is safe.

John Welch
Director
Dane County Department of Waste & Renewables
608-516-4154

Begin forwarded message:

From: "Ramming, Allen J - DNR" <Allen.Ramming@wisconsin.gov>

Date: March 30, 2023 at 2:00:53 PM EDT

To: "Welch, John" <Welch@countyofdane.com>

Cc: "Ramming, Allen J - DNR" <Allen.Ramming@wisconsin.gov>, "Cooper, Carolyn E - DNR" <carolyn.cooper@wisconsin.gov>, zoning@cityofmadison.com, USACE_Requests_WI@usace.army.mil

Subject: Wetland EXE decision letter- artificial - Simple_6095514

Dear Mr. Welch;

The Department has evaluated your request for Artificial Wetland Exemption Determination for areas P-1, portion W-1 (0.61 acres), W-4, and W-5 described as located in the SE ¼ of Section 25 and N ½ of NE ¼ of Section 36, T7N, R10E, City of Madison, Dane County, Wisconsin. Enclosed is the decision letter for this request. Please keep this document for your records. If you need a hard copy, please let me know so I can mail you one.

Regards;

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Allen Ramminger

Him/His

Wetland Specialist

Wisconsin Department of Natural Resources

3911 Fish Hatchery Road, Fitchburg, WI 53711

Cell Phone: 608-228-4067

Allen.Ramminger@wisconsin.gov

dnr.wi.gov

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
3911 Fish Hatchery Rd.
Fitchburg, WI, 53711

Tony Evers, Governor
Adam N. Payne, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



03/30/2023

John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

EXE-SC-2023-13-00856

RE: Artificial Wetland Exemption Determination for areas P-1, portion W-1 (0.61 acres), W-4, and W-5 described as located in the SE ¼ of Section 25 and N ½ of NE ¼ of Section 36, T7N, R10E, City of Madison, Dane County, Wisconsin.

Dear Mr. Welch:

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation: 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area and 2) a wetland created as a result of a wetland mitigation requirement. In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- Site photographs that show different angles and views of the wetland
- Historic Maps such as the Original Land Survey Plat, Bordner Survey, USGS topographic Quad map, and/or

soil mapping

Conclusion:

Based upon the information provided above, the wetland identified as areas P-1, portion W-1 (0.61 ac.), W-4, and W-5, lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards. Therefore, areas P-1, portion W-1 (0.61 ac.), W-4, and W-5 are exempt from state wetland regulations.

This letter describes DNR's decision regarding the jurisdictional status of area P-1, portion W-1 (0.61 ac.), W-4, and W-5, and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of areas P-1, portion W-1 (0.61 ac.), W-4, and W-5, you will need to contact the U.S. Army Corps of Engineers.

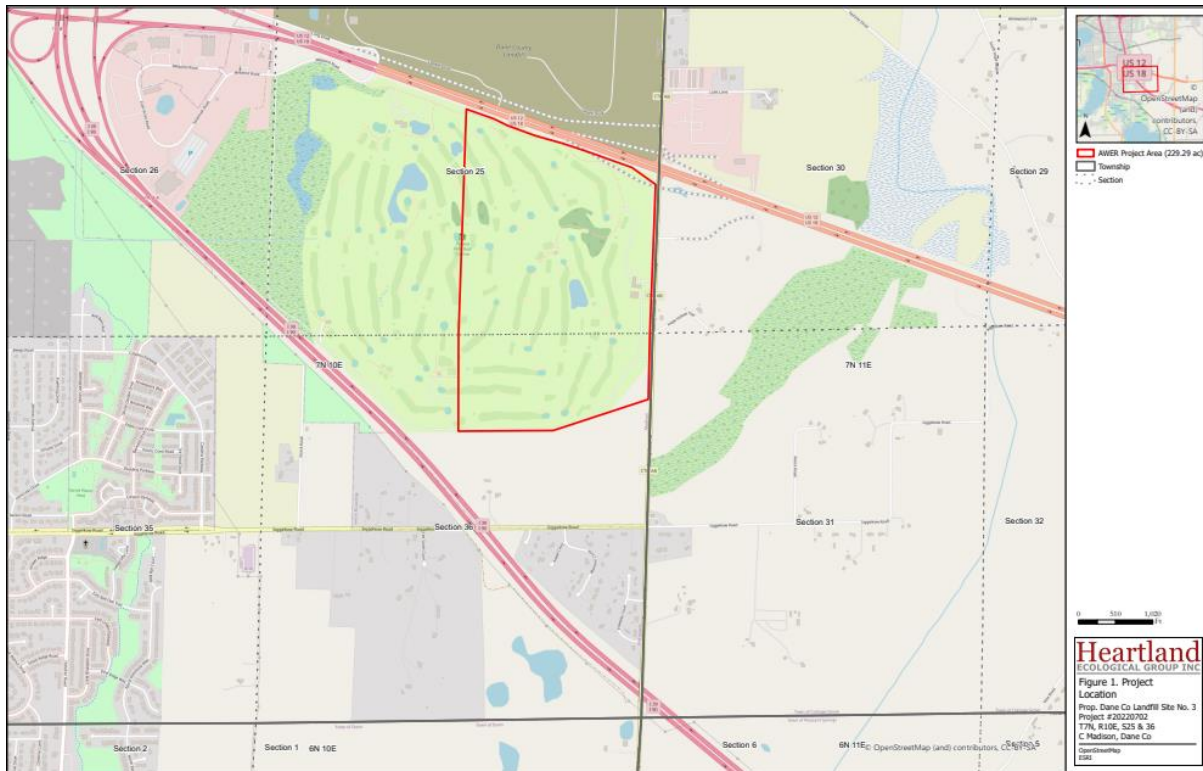
If you have any questions, please call me at (608) 228-4067 or email Allen.Ramminger@wisconsin.gov

Sincerely,

Allen Ramminger
Water Management Specialist

Copy to:

USACE Project Manager
Water Management Specialist
County Zoning Administrator
WDNR - Carolyn Cooper





- AWER Project Area (229.29 ac)
 - DOT Historic Grading Limits
 - Pond (2.82 ac)
 - Wetland - Not Including WisDOT Impacts (0.90 ac)
- AWER Pond and Wetlands**

0 350
Feet

Heartland
ECOLOGICAL GROUP INC.
Prop. Dane Co Landfill
Site No. 3 AWER Map
Project #20220703
TIN, R186, S25 & 36
C. Madison, Dane Co
2022-08-01
Dane Co, WI



November 29, 2022

File Ref: FID 113450480

Dane County
SW/CORR

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

Subject: Initial Site Report Opinion Letter for the Proposed Dane County Landfill Site No. 3,
6701 US Highway 12 & 18, Madison, Wisconsin

Dear Mr. Welch:

The Department of Natural Resources (department) has completed a review of the initial site report (ISR) for the proposed Dane County Landfill Site No. 3. The report, dated September 1, 2022, was prepared on behalf of the Dane County Department of Waste and Renewables (county) by Tetra Tech and received by the department on September 2, 2022. The department sent a letter to the county on September 30, 2022 indicating that the department determined the ISR to be complete.

It is the department's opinion, based on the information presented in the ISR, that the proposed site has limited potential for development as a solid waste disposal facility. A summary of the proposal, specific comments regarding the ISR and potential constraints to the site's feasibility are outlined below.

PROPOSAL DESCRIPTION

Site Location and Land Use

The proposed landfill would be located in the SE ¼ of Section 25 and N ½ of NE ¼ of Section 36, T7N, R10E, City of Madison, Dane County, Wisconsin. The site is located south of US Highway (USH) 12 & 18, northeast of Interstate 90/39 (I-90/I-39) and west of County Highway (CTH) AB. The site is located on two parcels of land totaling approximately 230 acres within the existing City of Madison Yahara Hills Golf Course. The proposed limits of waste include approximately 83.1 acres of new waste disposal area.

The proposed landfill property is presently used as a municipal golf course. The existing land uses within one mile of the proposed limits of waste include scattered rural residences, agriculture, woodlands and open land to the east and south. Land uses to the west include recreation, commercial, woodlands, agriculture, open land, water and vacant subdivided land. A residential subdivision is located to the southwest. Land uses to the north include industrial, commercial, open land, agriculture, residential, institutional/governmental and the existing Dane County Landfill Site No. 2 (Rodefeld).

The golf course and an adjacent property to the south of the proposed landfill are currently zoned as parks and recreation and would require zoning changes to allow the proposed landfill development. A conditional use permit from the City of Madison may be required. Preparation of an Agricultural Impact Statement is not required for the proposed landfill.

Proposed Design Capacity, Service Area, and Anticipated Site Life

The proposed landfill would have a design capacity of approximately 10.3 million cubic yards. The anticipated service area includes Dane County. Waste may be accepted from outside the county, depending on local negotiations. Approximately 375,000 to 625,000 tons of waste are anticipated annually between 2030 and 2045. The anticipated tonnage is based on the amount of waste received at the Dane County Rodefild Landfill. Waste volumes tend to increase in summer months by approximately 10% and decrease in winter months by about 15%.

The anticipated site life of the proposed landfill is approximately 14 to 15 years based on estimated filling rates. Information on projected waste volume growth, calculations used to convert tons to cubic yards and other factors used to estimate site life must be provided in the anticipated feasibility report.

Transportation and Access

The proposed landfill site is currently accessed from the north via USH 12 & 18 at the Yahara Hills Golf Course entrance off Millpond Road or from the east via CTH AB using golf course service driveways. A Wisconsin Department of Transportation (WisDOT) project to construct an overpass with a series of roundabouts for the USH 12 & 18 and CTH AB interchange started in September 2022. The changes will impact traffic routes and access to the proposed landfill, resulting in most traffic using the new interchange and roundabouts to travel from USH 12 & 18 to CTH AB or a service road. The proposed access to the landfill might be split between large haulers and residential customers. Under this scenario, large haulers would access the proposed landfill directly off CTH AB, while residential customers would use an entrance off the extended Millpond service road. There are no known weight restrictions for vehicles using USH 12 & 18 or CTH AB.

Waste Types and Characteristics

According to information provided in the ISR, the general waste types and characteristics anticipated at the proposed landfill would be 60-80% municipal solid waste (MSW) and 20-40% other waste, primarily construction and demolition material, with lesser amounts of material recycling facility residuals, other non-hazardous waste and alternative daily cover materials.

Initial Site Inspection

On April 14, 2022, the department conducted an initial site inspection (ISI) in accordance with s. 509.04, Wis. Adm. Code. The department's ISI preliminary opinion letter dated May 11, 2022, identified the site location has potential for development of a landfill.

The ISI letter noted that the proposed landfill would directly impact at least one wetland. Additional wetlands may be present in the northeast corner of the site; the county would be required to conduct wetland delineations and initiate the wetland permitting process in these areas if the field delineations indicated wetlands would be impacted as a result of the proposed development.

The ISI letter also noted that the proposed limits of waste would be located within 1,000 feet of USH 12 & 18. The county would need to propose appropriate screening measures to mitigate visual impacts to surrounding highways and recreational areas. Section NR 504.04(3)(d), Wis. Adm. Code, requires screening so that the landfill is not visible from state and federal highways and from parks or natural areas that are within 1,000 feet of the limits of waste filling.

Three active water supply wells (PW-C, D and E) that serve the Yahara Hills Golf Course are located within the proposed limits of waste. These wells would be proposed for abandonment prior to construction of the proposed

landfill. The department will require additional well filling and sealing requirements for the abandonment of these wells.

Three private water supply wells located on Hope Hollow Trail east of CTH AB are approximately 400, 795 and 1,030 feet, respectively, from the proposed limits of waste. As part of the feasibility report, the county will evaluate if exemption requests are applicable for the wells or if the wells need to be abandoned and redrilled farther away from the proposed limits of waste.

The proposed landfill site is not anticipated to pose significant adverse effects on critical habitat areas. The proposed landfill is located on land previously disturbed by agriculture followed by the construction and operation of the Yahara Hills Golf Course. The county submitted an Endangered Resources Review Request application to the department for the entire 230-acre property. The department determined the project is covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities and does not require an Endangered Resources Review.

Archaeological Consulting Services, Inc. performed an archaeological survey of the proposed landfill property in April and May 2022. No additional archeological work was recommended for the proposed landfill property. The Yahara Hills Golf Course and Clubhouse have been determined to be eligible for the National Register of Historic Places.

Pursuant to Wis. Stats. s.44.40, the proposed project, Sustainability Campus - Dane Co. Landfill Site No. 3 and Sustainable Business Park, is under review by DNR Historic Preservation regarding potential effects to historic properties. If any historic properties may be affected, any permits, licenses, or authorizations issued by the department are contingent on resolution of the s. 44.40 process. Additional information on the State Historic Preservation Office (SHPO) review process can be found at the following web page:
<https://www.wisconsinhistory.org/Records/Article/CS3929>.

Regional Geotechnical Information

The proposed landfill site is located in the Drumlin Zone of Dane County, which is characterized by flat to slightly hilly topography with abundant drumlins or drumlinoid hills. The proposed landfill property is generally flat and gently rises to the southeast and southwest. The current ground surface ranges in elevation from 870 feet above mean sea level (ft-msl) in the northwestern portion of the property to 930 ft-msl in the far southern portions of the property.

The proposed landfill site is located within the Yahara River and Lake Monona Watersheds. The Yahara River, Lake Monona, Lake Waubesa and Lake Kegonsa are the major surface water features in the area. Most streams in the area flow into the lakes and/or the river. Two unnamed streams are the closest surface water features to the proposed landfill site. The stream located west of the proposed landfill site flows to the north and northwest toward a floodplain which then drains towards Lake Waubesa via Upper Mud Lake. The other unnamed stream is located southeast of the proposed landfill site and flows northeast before draining into Door Creek.

The region near the proposed landfill site contains Ordovician dolomite, Cambrian sandstone and Pleistocene to Holocene sediment of glacial origin. The rocks and sediments range in age from about 541 million years old to recent. The uppermost bedrock under a majority of the proposed site consists of Ordovician dolomite of the Prairie du Chien group, and in the northeastern portion of the site, Cambrian sandstone of the Trempealeau, Tunnel City, and Elk Mound groups. Logs from wells and borings drilled at the site indicate competent dolomitic bedrock at depths ranging from 18 feet to greater than 60 feet below ground surface (ft-bgs). The dolomitic rock is thickest (over 400 feet) to the northwest of the site and thins to a few feet to the southeast of the site. According to available well log information, the dolomite is underlain by shale and/or sandstone.

In the area of the proposed landfill, there is a fault complex, informally called the "Yahara Hills Complex", where the disturbed area is subdivided into discrete blocks separated by normal faults. There is no evidence of faults in Wisconsin that are known to have had displacements since Holocene time.

The area of the proposed landfill site is underlain by a thin sequence of unconsolidated glacial drift of the Horicon Formation deposited over Ordovician dolomite bedrock. This sequence thickens to the west. The Horicon Formation generally consists of brown sandy till, but also includes sand and gravel deposited by glacial meltwater and clay, silt and sand deposited in glacial lakes. Logs from wells and borings drilled at the site indicate glacial material (clay, sand and gravel) and drift that extend to 60 ft-bgs. The area west of the proposed site was formerly the bed of a large proglacial lake called Glacial Lake Yahara. Development and construction of the existing Yahara Hills Golf Course included substantial regrading of the historical topography and has impacted the soils on the site.

The elevation of the regional water table in this area is approximately 880 ft-msl. In the area of the proposed landfill, the groundwater system consists of two distinct hydrostratigraphic units: a bedrock aquifer and the surficial glacial deposits. According to regional sources, the flow direction in the bedrock aquifer is generally to the southwest toward the Yahara River basin. The uppermost hydrostratigraphic unit in the vicinity of the site generally occurs within the till and outwash glacial deposits. However, where bedrock is shallower, the first occurrence of groundwater may be in the upper bedrock unit. In general, based on observed conditions at a limited amount of monitoring wells, shallow groundwater flow appears to be to the northwest in the northern portion of the proposed landfill property and to the southeast in the southern portion of the property.

Three major aquifers and one aquitard exist in Dane County. The aquifers consist of the Mount Simon, the Upper Paleozoic, and unlithified aquifers, while the aquitard is the Eau Claire Formation. The unlithified sand and gravel aquifers can yield economically useful quantities of water in some areas of the county. However, the Cambrian sandstone units are considered to be the principal aquifer in the county.

POSSIBLE CONSTRAINTS ON SITE FEASIBILITY

At this time, the department has identified the following locational and performance criteria that may limit the potential for site development.

1. Separation to Bedrock

The ISR indicates that the county may request an exemption to s. NR 504.06(2)(c), Wis. Adm. Code, which requires a 10-foot separation between the top of the bedrock surface and the bottom of the clay component of a composite liner, because the expected design of the proposed landfill and underlying components would encroach or be within the weathered bedrock surface. The feasibility report must include a discussion of the proposed design and any alternatives considered, using the information from the site-specific geotechnical investigation. The feasibility report should also provide information to support the exemption request in accordance with s. NR 500.08(4), Wis. Adm. Code.

2. Separation to Groundwater

The ISR indicates that the county will request an exemption to s. NR 504.06(2)(b), Wis. Adm. Code, to allow the bottom of the clay component of a composite liner to be constructed within the 10-foot separation distance to the seasonal high groundwater table. A groundwater gradient control system would likely be proposed to underlie the entire landfill. Gradient control systems previously approved by the department for MSW landfills have generally been gravity drained systems designed to maintain a seasonal high groundwater table beneath the site at or below

the elevation of the bottom of the clay component of the liner, except for sideslope riser sumps and leachate line undercuts. The feasibility report must provide information to support the exemption request in accordance with s. NR 500.08(4), Wis. Adm. Code.

3. Wetlands

Section NR 504.04(4)(a), Wis. Adm. Code, stipulates that no person may establish, construct, operate, maintain or permit the use of property for a landfill if there is a reasonable probability that the landfill will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code. The county's consultants performed wetland delineation studies in November 2021 on the northern property parcel and in April 2022 on the southern parcel. One pond and five wetlands were identified on the northern parcel. An approximate two-acre manmade pond is located in the central portion of the project area, with 0.11 acres of wetlands surrounding the pond. A 3.66-acre wetland is located in a swale in the northeast corner of the site. Two small wetland areas (0.01 and 0.08 acres) are located in a swale in the northwest corner of the site. An isolated wetland (0.18 acres) is located within a shallow depression on the eastern portion of the site. No wetlands were identified on the southern parcel.

Based on a review of the delineated wetlands, the proposed landfill development may directly impact three of the wetlands, those in the northeast and eastern parts of the site and those around the pond in the central part of the site. Approximately three acres of the 3.66-acre wetland area in the northeast corner of the site will be disturbed in 2022 and 2023 as part of WisDOT's USH 12 & 18 and CTH AB interchange reconstruction. About 0.5 acres of the 3.66-acre wetland area that are outside of the WisDOT project may be impacted by construction related to the proposed landfill.

The county submitted a Jurisdictional Determination request to the U.S. Army Corps of Engineers (USACE) on July 22, 2022. Upon receipt of the determination, the county will initiate the appropriate wetland permitting process for the impacted wetlands as a result of the proposed landfill site. The county would need to obtain a wetland permit for all direct wetland impacts before the department could issue a favorable feasibility determination. The wetland permit information must be provided in the feasibility report submitted to the department, or the feasibility report should contain a proposed design that avoids all direct wetland impacts. The department will consider a wetland permit as meeting the ch. NR 103, Wis. Adm. Code, requirements for direct wetland impacts. Additional information about wetland individual permitting can be found on the department's website at: <https://dnr.wisconsin.gov/topic/Wetlands/permits>.

The feasibility report and plan drawings must identify the full extent of direct and indirect wetland disturbances and discuss measures that would be taken to minimize indirect wetland impacts. Examples of indirect impacts include disruption to wildlife habitat and wildlife corridors from vehicular traffic, sediment accumulation from surface water erosion during construction and soil movement, windblown dust or waste, and changes in surface water or groundwater balances. The feasibility report must also include a hydraulic assessment to evaluate effects from changes to the surface water drainage patterns or groundwater flow.

4. Setback to from a Navigable Pond

The ISR indicates that the county will request an exemption to s. NR 504.04(3)(a), Wis. Adm. Code, to allow the proposed limits of waste to be located within 1,000 feet of a pond. The unnamed, manmade pond located within the proposed limits of waste would be filled in to construct the proposed landfill.

The feasibility report should contain documentation of the creation of the pond. This information will be shared with department Waterways Program staff for evaluation to determine if the pond is a public waterway and regulated under ch. 30 or 281, Wis. Stats. The information will also be shared with the USACE to allow the

USACE to make a jurisdictional determination. If it is determined that the pond is regulated under Wisconsin or federal water quality laws, this may be a constraint to landfill feasibility.

During the feasibility review process, department Waterways Program staff will be provided the opportunity to review the wetland and surface water information provided in the feasibility report to provide comments to the plan review staff. If storm water features or other design features for the proposed expansion are located outside the proposed landfill footprint, the position of these features relative to wetlands and other surface water bodies will need to be considered.

5. Water Supply Well Setback

Section NR 504.04(3)(f), Wis. Adm. Code, requires a minimum distance of 1,200 feet to be maintained between the limits of filling and public or private water supply wells. Three private water supply wells located on Hope Hollow Trail east of CTH AB are approximately 400, 795 and 1,030 feet, respectively, from the proposed limits of waste. As part of the feasibility report, the county must evaluate if exemption requests are applicable for the wells or if the wells need to be abandoned and redrilled farther away from the proposed limits of waste.

The feasibility report would need to include a modified design that maintains the 1,200 foot set-back or a request for an exemption from s. NR 504.04(3)(f), Wis. Adm. Code, for each of the wells that is not relocated. The exemption request must contain the applicable information listed in s. NR 504.04(2)(a), Wis. Adm. Code, for each well and explain why the exemption is warranted, including supporting information showing how the wells would be adequately protected from potential groundwater contamination. The supporting information should outline factors that affect the ability of private water wells less than 1,200 feet away to meet the groundwater protection standards, which include the groundwater flow properties displayed in the site-specific bedrock, the distance to bedrock and groundwater, soil backfill characteristics and the proposed landfill design. Additional factors to consider include the groundwater flow directions, the construction of the water supply wells and the ability to effectively monitor groundwater around the facility.

A variance would also be needed from the locational setback requirement of s. NR 812.08(4)(g)(1), Wis. Adm. Code, for each water supply well located within 1,200 feet of the proposed limits of waste, under the provisions of s. NR 812.43, Wis. Adm. Code.

Because the review times established in ch. NR 812, Wis. Adm. Code, are different than the review times established for the feasibility report, please coordinate submittal of any variance application needed with the department so that the department's decision on the variance is synchronized with the decision on landfill's feasibility determination. The NR 812 variance application is typically submitted just before the public comment period for the feasibility report.

Any NR 812 well variance applications should be submitted to Aaron Kent (aaron.kent@wisconsin.gov) with the department's Drinking Water and Groundwater (DG) program. The NR 812 variance application form can be accessed at the following web page: <https://dnr.wi.gov/files/pdf/forms/3300/3300-209.pdf>. The email and US Mail addresses for sending the completed applications are provided on the form. The department must receive the well construction information and a completed NR 812 well variance application for each well before an NR 504 exemption can be issued.

6. Setback from Highway and Parks

The feasibility report must include line-of-sight drawings from USH 12 & 18 and any park areas that would be located within 1,000 feet of the proposed limits of waste that depict the visual field from different locations with an emphasis on areas that are closest to the landfill and highest points of the landfill. The line-of-sight drawings

should include the proposed screening that would be used and how the visual field may change depending on the type of screening and the seasons of the year.

7. Historic Resources

The Yahara Hills Golf Course and Clubhouse have been determined to be eligible for the National Register of Historic Places. If any historic properties may be affected by the proposed development, any permits, licenses, or authorizations issued by the department are contingent on resolution of the s. 44.40 Wis. Stats. process.

ADDITIONAL COMMENTS REGARDING THE PROPOSED LANDFILL EXPANSION

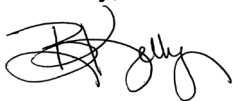
Local Approvals

Following the ISR, the county must prepare a feasibility report in order to continue with the siting process for a landfill expansion. In accordance with ss. 289.22 and 289.23, Wis. Stats., the applicant must notify all affected municipalities and apply for all specified local approvals at least 120 days before a feasibility report can be submitted to the department (the exact time period depends upon the municipal response). The Waste Facility Siting Board has specific requirements which apply to the municipal notification. For additional information on these requirements, please contact the Wisconsin Waste Facility Siting Board at (608) 267-7854. The feasibility report must contain documentation showing that all proper notifications and applications for all specified local approvals have been made, in accordance with s. NR 512.06, Wis. Adm. Code.

This opinion letter is not an approval or denial of the proposed expansion. If the county wishes to pursue the proposed landfill development, the feasibility report must address the concerns listed above and contain the information required in ch. NR 512, Wis. Adm. Code. This includes the requirement to include a request for an exemption for all locational and performance criteria or other code requirements that the proposed landfill cannot meet. Each exemption request needs to include an explanation demonstrating why the exemption is warranted. Please also remember that the department may request additional information as it reviews the feasibility report.

Please contact Carolyn Cooper at 608-931-9387 or by email at carolyn.cooper@wisconsin.gov if you have questions or comments regarding this letter.

Sincerely,



Bridget Kelly
Waste and Materials Management Program Supervisor
South Central Region

cc: Roxanne Wienkes, Dane County (e-copy)
Carolyn Cooper, DNR-WA (e-copy)
Ann Bekta, DNR-WA (e-copy)
Joe Lourigan, DNR-WA (e-copy)
Valerie Joosten, DNR-WA (e-copy)
Teri Daigle, Tetra Tech (e-copy)
John Oswald, Tetra Tech (e-copy)

Notice: This form is authorized by s. 29.604, Wis. Stats. This completed signed form, once submitted to DNRERReview@wi.gov using the Submit by Email button at the bottom of the form, fulfills the requirement of an Endangered Resources Review and should be attached to other permits requiring an ER Review to show that Endangered Resources requirements have been met. Personal information collected on this form will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Instructions: Complete this form if your project is covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities and therefore does not require an Endangered Resources Review.

Section 1: Applicant and Project Information

Requester Name		Organization or Agency Name			
John Welch		Dane County Department of Waste and Renewables			
Project Name		County	Township	Range	Section
Dane County Landfill site No. 3		Dane	07 N	10 <input checked="" type="radio"/> E <input type="radio"/> W	25
Telephone Number	Email Address				
(608) 516-4154	welch@countyofdane.com				

Project Description

The proposed Dane County Landfill Site No. 3 will include an approximately 40-acre waste footprint for a municipal solid waste disposal facility and approximately 20-acre organics management (compost) facility within the eastern 230-acre portion of the existing Yahara Hills Golf Course.

Indicate who you are completing this form as:

- ☒ DNR Staff
☐ Certified Reviewer
☐ Other: _____

Section 2: Broad Incidental Take Permit/Authorization Coverage Information

How is your project covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities?

- ☐ It is included in the list of activities in Table 1 – No/Low Impact Table for All Species at All Times of the Year.
- ☒ It is included in the list of activities in Table 2 – No/Low Impact Table by Taxa Group for DNR Staff and ER Certified Reviewers Only and the Taxa groups for the species of concern are covered.
- ☐ It is included in the list of activities in Table 2 – No/Low Impact Table by Taxa Group for DNR Staff ER Certified Reviewers Only and the species of concern are covered by the Avoidance Measures document.

Activity Number(s)

2-A3: Any activity with no element occurrences (EOs)--no species, natural communities, natural features or high potential zone/range

Section 3: Applicant Certification

By my signature below, I certify that to the best of my knowledge, the information stated above is complete and accurate.

NOTE: If submitting this verification electronically, please type your name on the signature line. Your typed name, along with the email message generated from electronic submittal of this form, will be used as an electronic signature which is the legal equivalent to an actual signature.

Angela White
Signature

6/10/2022
Date Signed

Angela White
Requester/Submitter Name (please print)



May 11, 2022

File Ref: FID 113450480
Dane County
SW/CORR

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

Subject: Initial Site Inspection Response - Proposed Dane County Landfill Site #3
6701 US Highway 12 & 18, Madison, Wisconsin

Dear Mr. Welch:

This letter documents the initial site inspection (ISI) performed by the Department of Natural Resources (department) on April 14, 2022, for the proposed Dane County Landfill Site #3, and the department's preliminary opinion regarding the suitability of the site location. Department staff conducted the initial site inspection with staff from Dane County Waste & Renewables (county) and representatives from Tetra Tech, the county's consultant. The purpose of the inspection was to identify any potential conflicts the proposed development might have with the location and performance standards in s. NR 504.04, Wis. Adm. Code.

As part of the inspection, the department evaluated the information in Tetra Tech's March 17, 2022 ISI request letter submitted on behalf of the county. According to the letter, the proposed development consists of an approximate 230-acre parcel located in the SE¼ of Section 25 and the N½ of the NE¼ of Section 36, T17N, R10E, and is currently developed as the City of Madison Yahara Hills Golf Course.

Based on the review of the March 17, 2022 ISI request and observations from the ISI, the department's preliminary opinion regarding the suitability of site location is that the site location has potential. However, there may be some conflicts with the locational criteria contained in s. NR 504.04(3), Wis. Adm. Code, that will need to be addressed. If there are conflicts that cannot be satisfactorily addressed in accordance with applicable requirements, the conflicts would be constraints to site development.

Summary of Locational Criteria: As described in s. NR 504.04(3)(a) to (i), Wis. Adm. Code, there are several locational criteria that apply to the proposed landfill development. The proposed limits of filling may not be located within:

- (a) *1,000 feet of any navigable lake, pond or flowage.* According to the ISI request, the proposed limits of waste are located within 1,000 feet of a navigable lake, pond or flowage. According to the department's Surface Water Data Viewer (SWDV), an unnamed pond (WBIC 5575561) is located within the proposed limits of waste. A preliminary review of historical aerial imagery indicates this unnamed pond is not naturally occurring but was constructed during development of the golf course. The pond would be removed prior to constructing the landfill liner system.

Based on the information provided in the ISI request and consultation with Al Ramminger, department Water Regulation and Zoning Specialist, the pond is considered to be an artificial wetland which would

likely qualify as exempt from state permitting requirements. Consultation with the department's Watershed Management Program, and possibly the U.S. Army Corps of Engineers (ACOE), will be conducted again by department Waste and Materials Program plan review staff during review of the Initial Site Report (ISR) and the feasibility report to ensure that there are no areas of the pond, or around the pond, that may be regulated under wetland or waterway rules and to assess if an artificial wetland determination would be needed by the department or the ACOE.

- (b) *300 feet of any navigable river or stream.* According to the ISI request, no navigable rivers or streams are located within 300 feet of the proposed site. An unnamed stream (WBIC 803000) is located approximately 850 feet southeast of the proposed limits of disturbance and approximately 950 feet from the proposed limits of waste. The stream flows to the northeast and discharges into Door Creek.
- (c) *A floodplain.* According to the ISI request, the proposed development is not within a floodplain. The SWDV also indicates this area is not in a floodplain.
- (d) *1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park or state natural area, unless the landfill is screened.* According to the ISI request, the proposed limits of waste would be located approximately 425 feet south of US Highway 12 & 18 and 150 feet west of County Highway AB. Interstate 90/39 (I-90/I-39) is approximately 1,350 feet southwest of the proposed limits of waste. The City of Madison intends to maintain 18 holes of the Yahara Hills Golf Course after the proposed landfill is constructed. The proposed limits of waste overlap portions of the currently proposed 18-hole golf course; however, the final reconfiguration of the golf course has not been determined. The department understands that the county will propose screening measures from US Highway 12 & 18 and the Yahara Hills Golf Course, as required in future submittals for the proposed landfill. Screening is also proposed for County Highway AB although it is not considered a state trunk highway that requires screening. Screening should also be considered for I-90/I-39. Screening should be utilized to the maximum extent practicable.
- (e) *An area where the design or operation of the landfill would pose a significant bird hazard to aircraft.* The ISI request states that there are no airports designed or planned within 5,000 feet of the proposed limits of waste. The nearest public airport is the Blackhawk Airfield, located in Cottage Grove, and Dane County Regional Airport (DCRA), located in Madison. Blackhawk Airfield and DCRA are located approximately 5.25 miles and 7 miles from the proposed limits of waste, respectively. The nearest private use airport is the Quale Airport, located in Cottage Grove, about three miles from the proposed site.
- (f) *1,200 feet of any public or private water supply well.* The ISI request states that three private water supply wells (PW-C, PW-D and PW-E) are located within the proposed limits of waste. These wells are owned by the City of Madison and serve the Yahara Hills Golf Course. The county would abandon these wells prior to constructing the proposed landfill. Golf course private water supply wells PW-A and PW-B are located approximately 1,250 feet south and approximately 1,100 feet west of the proposed limits of waste, respectively, and are not anticipated to be abandoned as part of the proposed development. If the county pursues landfill development that would result in the limits of waste to include the areas where water supply wells are located, then the department may require additional well filling and sealing requirements that would involve either complete removal of the well casing or perforation of the well casing to ensure the annular space is filled and sealed with impermeable material. This has successfully been done in the past at other facilities and provides protection to the groundwater quality for the surrounding area. The department is happy to share and discuss the methods and procedures that may be used.

Four assumed private water supply wells are located at residences east of County Highway AB. Based on mapping estimates, the wells are approximately 380, 800, 1,000 and 1,030 feet from the proposed limits

of waste. Another assumed private water supply well associated with a residence is located approximately 1,100 feet southwest of the proposed limits of waste. A known private water supply well (Biogas Well YZ391) is located approximately 990 feet north of the proposed limits of waste, adjacent to the Biogas Facility for the Dane County Landfill Site No. 2. The ISR and feasibility report for the proposed facility should verify and document the actual locations and separation distances of these water supply wells.

- (g) *200 feet of a fault that has had displacement in Holocene time.* The ISI request states that the proposed development is not within 200 feet of a fault that has had displacement since Holocene time and that no faults in Wisconsin are known to have had displacements since the Holocene time. This assessment will be completed during the ISR and feasibility reviews.
- (h) *Seismic impact zone.* The ISI request concludes that the site is not in a seismic impact zone based on United States Geological Survey (USGS) information. This assessment will be completed during the ISR and feasibility reviews.
- (i) *Unstable areas.* The ISI request states that the bedrock beneath the proposed landfill site consists of Prairie du Chien Group dolomite and sandstone and/or the Cambrian Sandstone. Based on previous site geologic studies at the Dane County Landfill Site No. 2 and supply wells drilled at the golf course, there is no evidence of unstable conditions. This assessment will be completed during the ISR and feasibility reviews.

It appears that the site meets, or could be constructed and operated to meet, the performance standards in s. NR 504.04 (4), Wis. Adm. Code.

- (a) *Wetland Areas* –Based on a review of the department’s SWDV, the proposed landfill would directly impact one wetland. The SWDV shows an approximate 2.27-acre wetland overlying the unnamed pond that is proposed for removal and is located within the proposed limits of waste. The SWDV also indicated the presence of “wetlands too small to delineate” in the northeast corner of the proposed limits of disturbance. The department understands that the county will conduct wetland delineations in these areas and will initiate the wetland permitting process if the field delineations indicate wetlands would be impacted as a result of the proposed development.
- (b) *Critical Habitat Areas* - Based on a review of the Natural Heritage Inventory (NHI), it appears unlikely that there would be any significant adverse impact on critical habitat areas or endangered or threatened species due to the proposed landfill development. The department understands that the county will submit an Environmental Resources Review application to the NHI Program. A copy of the application and response from the NHI Program should be included with future submittals for the proposed landfill. The department requests that any documentation identifying locations of specific endangered or threatened species from the NHI review be submitted as a stand-alone document to the department, so the department can maintain confidentiality of this information. Locations of endangered or threatened species are considered confidential information under Wisconsin’s endangered species law in order to protect those species from collectors and poachers.
- (c) *Archaeological Resources:* According to the ISI request, the county’s archaeological consultant reviewed available literature and records on previously reported cultural resources in and around the Yahara Hills Golf Course. The study found no previously reported archaeological sites within the study area and no standing buildings or other structures that are listed on the Wisconsin Architecture and History Inventory. The 1967 Club House, located to the west of the proposed site and within the property that the City of Madison would maintain, has been identified as potentially significant.

Archaeological issues and historical structures for the site were cleared by Richard Kubicek, Departmental Archaeologist/Departmental Historic Preservation Officer, on March 23, 2022. The department understands that the county will conduct additional archaeological investigation at the site to satisfy the requirements of the State Historic Preservation Office.

The performance criteria outlined in s. NR 504.04 (4) (c) through (f), Wis. Adm. Code include evaluation of surface water, groundwater, gas migration and air contaminant impacts. These performance criteria would be evaluated during the department's review of a feasibility report for the proposed development.

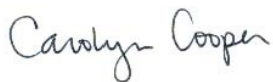
Please remember that s. NR 504.04 (4) (d), Wis. Adm. Code, requires submittal of a 7.5 Minute USGS map or equivalent with a minimum scale of 1 inch=500 feet. The ISI request included a 1 inch=2,000 feet scale topographic map; however, a 1 inch=500 feet scale map will be required in the ISR submittal. Several maps at this scale may be needed to show all items listed in this code section, which include the depiction of contour intervals to sufficiently show relief, surface waters, floodplains, existing land use conditions including the location of public parks, and all water supply wells and residences located within one mile of the property boundaries of the proposed landfill.

Please note that s. NR 504.09 (2) (f), Wis. Adm. Code, requires a minimum separation distance of 100 feet be maintained between the limits of filling and the adjacent property line. A minimum distance of 50 feet must be maintained between any permanent berms or excavations associated with the landfill, excluding stormwater diversion structures, and the adjacent property line.

The locational and performance criteria will be evaluated again as the department reviews the ISR and feasibility report. Please keep in mind that as the department continues its review of the proposed development and as new information is presented, the department may have additional questions, concerns or requests for further information before a feasibility determination is made.

Please do not hesitate to contact me at 608-931-9387 or by email at carolyn.cooper@wisconsin.gov with any questions about this letter.

Sincerely,



Carolyn Cooper
Hydrogeologist
South Central Region

cc: Roxanne Wienkes - Dane County (e-copy)
Bridget Kelly, DNR-WA (e-copy)
Ann Bekta, DNR-WA (e-copy)
Joe Lourigan, DNR-WA (e-copy)
Valerie Joosten, DNR-WA (e-copy)
Teri Daigle - Tetra Tech (e-copy)
John Oswald - Tetra Tech (e-copy)

B2 FAA Correspondence

- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19100-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19101-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19102-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19103-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19104-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19105-OE
- November 14, 2023, Determination of No Hazard to Air Navigation (Correction), Aeronautical Study No. 2023-AGL-19106-OE
- September 1, 2023, Airport Setbacks and Concurrence Dane County Proposed Landfill Site No. 3 Madison, Wisconsin letter from FAA to Tetra Tech
- August 29, 2022, email correspondence from Richard Quale re: closed Quale Airport
- June 22, 2022, Airport Setbacks Concurrence letter from Tetra Tech to FAA
- June 22, 2022, Notice of Proposed Landfill letter from Tetra Tech to Quale Airport
- December 6, 2021, email correspondence from WDNR re: closure of Little Wheel Field Airport



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19100-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-21.31N NAD 83
Longitude:	89-15-14.15W
Heights:	878 feet site elevation (SE) 17 feet above ground level (AGL) 895 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19100-OE.

Signature Control No: 598842017-604645254

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19100-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19101-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-21.21N NAD 83
Longitude:	89-14-58.91W
Heights:	887 feet site elevation (SE) 19 feet above ground level (AGL) 906 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

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NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19101-OE.

Signature Control No: 598842018-604645256

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19101-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19102-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-17.37N NAD 83
Longitude:	89-14-52.12W
Heights:	885 feet site elevation (SE) 28 feet above ground level (AGL) 913 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19102-OE.

Signature Control No: 598842019-604645255

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19102-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19103-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-01.72N NAD 83
Longitude:	89-14-51.62W
Heights:	929 feet site elevation (SE) 17 feet above ground level (AGL) 946 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19103-OE.

Signature Control No: 598842020-604645253

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19103-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19104-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-00.75N NAD 83
Longitude:	89-14-53.97W
Heights:	923 feet site elevation (SE) 24 feet above ground level (AGL) 947 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19104-OE.

Signature Control No: 598842021-604645257

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19104-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19105-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ** (CORRECTION)**

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-00.89N NAD 83
Longitude:	89-15-14.43W
Heights:	908 feet site elevation (SE) 28 feet above ground level (AGL) 936 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

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This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19105-OE.

Signature Control No: 598842022-604645252

(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Additional Information

Additional information for ASN 2023-AGL-19105-OE

A corrected determination is being issued to remove the requirement for a wildlife hazard analysis since this proposed landfill is outside the distance required from the nearest public use airport.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2023-AGL-19106-OE

Issued Date: 11/14/2023

John Welch
John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	New Municipal Solid Waste Landfill Dane County Landfill Site No. 3
Location:	Madison, WI
Latitude:	43-02-08.37N NAD 83
Longitude:	89-15-03.16W
Heights:	895 feet site elevation (SE) 240 feet above ground level (AGL) 1135 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 05/14/2025 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

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If we can be of further assistance, please contact Justin Hetland, at (847) 294-8084, or justin.hetland@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2023-AGL-19106-OE.

Signature Control No: 598842023-604643047

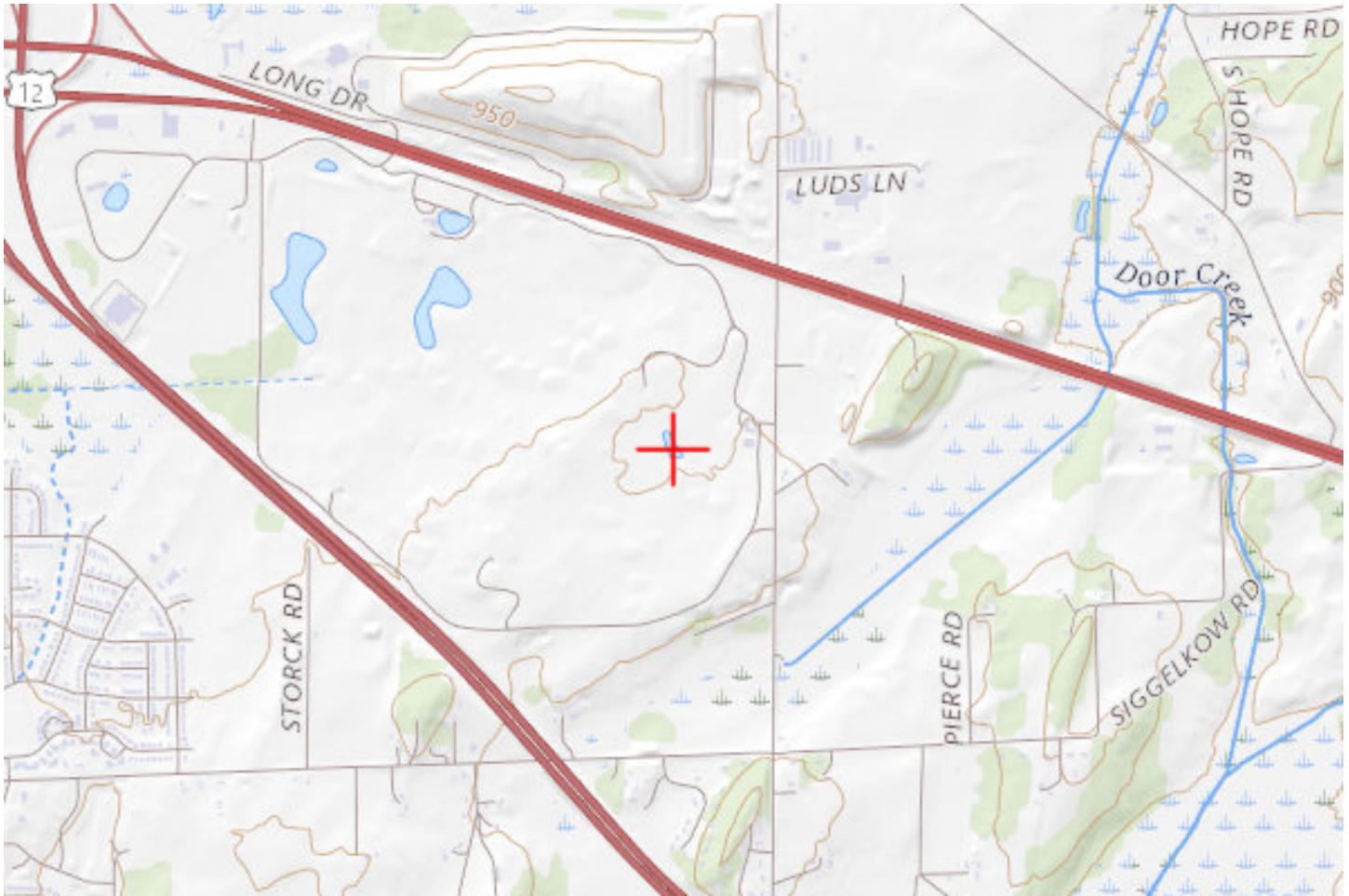
(DNE)

David Maddox

Manager, Obstruction Evaluation Group

Attachment(s)

Map(s)







U.S. Department
of Transportation
**Federal Aviation
Administration**

Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, IL 60018
Phone: (847) 294-7336
Fax: (847) 294-7046

September 1, 2023

Teri Daigle
Project Manager
Tetra Tech
8413 Excelsior Drive, Suite 160
Madison, Wisconsin 53717

RE: Airport Setbacks and Concurrence Dane County Proposed Landfill Site No. 3 Madison,
Wisconsin

Dear Ms. Daigle:

This letter is in response to your letter dated June 22, 2022, in which you notify the Federal Aviation Administration (FAA) of Dane County's proposed new municipal solid waste landfill (MSWLF) at Dane County Landfill Site No. 3 in Dane County, Wisconsin. You requested that the FAA review the information in your letter and attachments and confirm your findings as they relate to Wisconsin Administration Code, the Code of Federal Regulations, and the FAA requirements. The FAA has conducted a review of the documents provided only as they pertain to Federal requirements.

The construction of new municipal solid waste landfills is prohibited within 6 miles of certain public use airports by 49 U.S.C. § 44718(d). The prohibition only applies to public use airports that have received grants under Chapter 471 of the same Title and are primarily served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 passengers or less. The FAA did not identify any airports within 6 miles of the proposed site that meet these criteria; therefore, no further action is required.

FAA Advisory Circular (AC), 150/5200-33C Hazardous Wildlife Attractants on or Near Airports contains guidance on certain land uses that have the potential to attract hazardous wildlife on or near public-use airports. FAA notes that, with regards to the proposed new MSWLF at Dane County Landfill Site No. 3, the standards and practices in the AC are not mandatory but recommended as guidance. The FAA recommends a distance of 5 statute miles between an airport and a hazardous wildlife attractant if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. Two airports, Quale Airport and Little Wheel Field, appear to be within the 5-mile recommended setback. These airports appear to be inactive and are privately owned and operated. Since they do not meet the criteria of a public-use airport as defined in the AC, no further action is required.

Please note that this letter does not serve as a determination of safety. If there are any questions on what the FAA deems safe, or if additional guidance is needed on the construction and

establishment of new MSWLFs near airports, please refer to AC 150/5200-33C Hazardous Wildlife Attractants on or Near Airports and AC 150/5200-34A Construction or Establishment of Landfills Near Public Airports.

Please contact me with any questions or concerns at (847) 294-7551.

Sincerely,



Date: 2023.09.01
11:50:03 -05'00'

Emma Lienau
Environmental Protection Specialist
Chicago Airports District Office

Daigle, Teri

From: Richard Quale <rbquale@att.net>
Sent: August 29, 2022 4:15 PM
To: Daigle, Teri
Subject: airport

You don't often get email from rbquale@att.net. [Learn why this is important](#)

Hi Teri,

This email is to state that the landing strip 87WI located on the farm owned by me at 3114 North Star Rd, Cottage Grove, WI, 53527, has been closed since 1 July, 2021. FYI, the landing strip known as Little Wheel, located one mile north of my farm is also out of service. I do not know if it has been officially closed. It is now a cornfield.

Please confirm receipt. Thank you.

Richard B. Quale

6/22/2022

Bobb Beauchamp
Federal Aviation Administration
Chicago Airports District Office
2300 East Devon Avenue
Des Plaines, IL 60018

Re: Airport Setbacks and Concurrence
Dane County Proposed Landfill Site No. 3
Madison, Wisconsin

Dear Mr. Beauchamp:

On behalf of Dane County Department of Waste and Renewables (Dane County), Tetra Tech is completing permitting documents for the proposed Dane County Landfill Site No. 3. This new municipal solid waste landfill will be located on land currently owned by the City of Madison in the SE ¼ of Section 25 and N ½ of NE ¼ of Section 36, T7N, R10E, City of Madison, Dane County, Wisconsin. The land is currently within a portion of the Yahara Hills Golf Course and pending purchase by Dane County. The proposed landfill boundary and surrounding areas are shown on the attached Site Location Map (Figure 1). This letter is being provided to notify and confirm the findings as they relate to Wisconsin Administration Code, the Code of Federal Regulations, and the Federal Aviation Administration (FAA) requirements.

Wisconsin Administrative Code, 500.03(4), and the Code of Federal Regulations, 40 CFR Part 258.10(d)(1), define an airport as a “public-use airport open to the public without prior permission and without restrictions within the physical capacities of available airport facilities.” Based on our review, there are no airport runways designed and used by turbojet aircraft located within 10,000-feet or designed and used by piston-type aircraft within 5,000-feet of the proposed landfill site, per NR 504.04(3)(e) and 40 CFR Part 258.10(a).

Based on Wisconsin Airport Directory & Pilot's Guide prepared by the Wisconsin Department of Transportation (WisDOT), Bureau of Aeronautics, there are two airports within 6-miles of the proposed landfill. The Blackhawk Airfield (Airport Code: 87Y) in Cottage Grove, WI is a privately owned and publicly used airport located approximately 5.25-miles from the proposed landfill. The Quale Airport (Airport Code: 87WI) in Cottage Grove, WI is a privately owned and privately used airport located approximately 3-miles from the proposed landfill and has a turf runway. The Dane County Regional Airport (Airport Code: MSN) is also a public airport located in Madison, WI and is approximately 7-miles from the proposed landfill. One other private airport was found during an online search of nearby airports; however, the Little Wheel Field (Airport Code: 59WI) in Cottage Grove, WI is no longer an active airstrip. Email correspondence on December 6, 2021 from the current owner, Jodi Coon, documents this airport is no longer active (Attachment 1). An Airport Location Map indicating the proposed landfill boundary and the 5,000-foot, 10,000-foot, and 6-mile radius from the landfill boundary is attached (Figure 2).

In accordance with the NR 504.04(3)(e), owners or operators proposing to site a new or expand an existing municipal solid waste landfill within a 5-mile radius of any airport runway end used by turbojet or piston type

Bobb Beauchamp
6/22/2022

aircraft must notify the owner or operator of the affected airport and the FAA. Based on our review, there is one airport (Quale Airport) within 5 miles of the proposed landfill. The owner and manager of Quale Airport, Richard Quale, will be notified of the proposed landfill in a separate letter. This letter acts as notification to the FAA under NR 504.04(3)(e).

A review of Advisory Circular 150/5200-34A found the 6-mile limit listed may apply in this case. The proposed Dane County Landfill Site No. 3 will be a new municipal solid waste landfill, built after April 5, 2000, located within 6-miles of the Blackhawk Airfield (approximately 5.25-miles). **Please indicate whether the Blackhawk Airfield meets the criteria listed in Section 9 of the Circular.** Note, the current municipal solid waste landfill (Dane County Rodefeld No. 2 Landfill) is located approximately 1,000-feet north of the proposed landfill. The Dane County Rodefeld No. 2 Landfill is located approximately 5-miles from the Blackhawk Airfield. It is believed that there will be no significant change in aviation safety conditions between what currently exists and what is being proposed.

We are requesting that you review the information provided, confirm our findings, and provide a response as soon as possible. If you have any questions or require additional information, please feel free to contact me at teri.daigle@tetrattech.com or (630) 410-7231.

Sincerely,

CORNERSTONE ENVIRONMENTAL GROUP, LLC – A TETRA TECH COMPANY



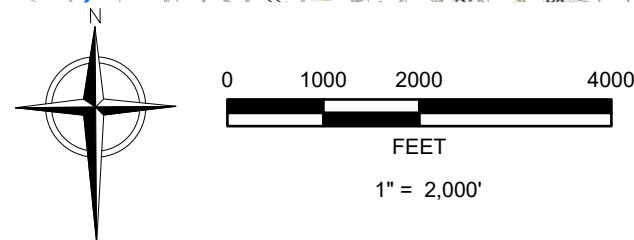
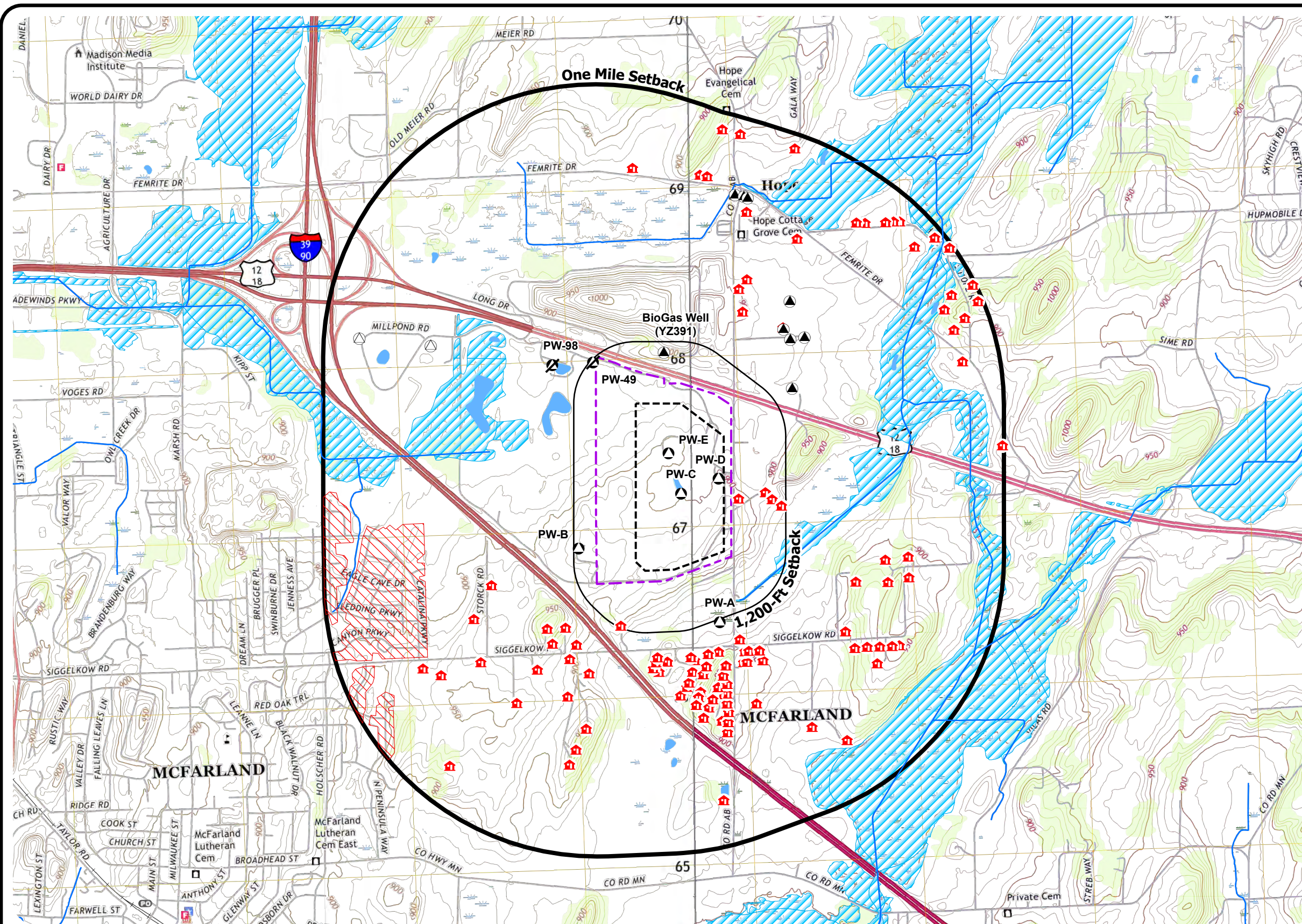
Teri Daigle
Project Manager

Enclosures: Figure 1 - Site Location Map
 Figure 2 - Airport Location Map
 Attachment 1 - Email Correspondence from Jodi Coon RE: Little Wheel Field Airport (12/6/2021)

Cc: John Welch, Dane County (electronic copy)
 Allison Rath sack, Dane County (electronic copy)
 Roxanne Wienkes, Dane County (electronic copy)
 John Oswald, Tetra Tech (electronic copy)

X:\PROJECTS\DANE COUNTY\4221302 - INITIAL GREENFIELD PERMITTING\FAA\FAA NOTIFICATION LETTER 6-22-2022.DOCX

Figures



REV	DATE	DESCRIPTION	DES BY	DWN BY	CHK BY	APP BY
	DATE OF ISSUE	DESIGNED BY SSW			TD	
	3/17/2022	DRAWN BY SSW			JO	
















TETRA TECH

PREPARED BY: TETRATECH
This drawing represents intellectual property of Tetra Tech. Any modification to the original by other than Tetra Tech personnel violates its original purpose and as such is rendered void. Tetra Tech will not be held liable for any changes made to this document without express written consent of the originator.

Dane County Waste & Renewables Department
City of Madison, Dane County, Wisconsin
Proposed Dane County Landfill Site No. 3
INITIAL SITE INSPECTION
SITE LOCATION MAP

FIGURE NO.
1
PROJECT NO.
4221302

Legend

-  Proposed Landfill Limits of Disturbance
-  Proposed Landfill Limits of Waste
-  Setback 1-Mile from Limits of Disturbance
-  Setback 1,200-ft from Limits of Waste
-  Stream
-  Waterbody
-  FEMA 100-Year Floodplain
-  Assumed Offsite Private Well, Approximate Location
-  Known Offsite Private Well, Approximate Location
-  Known Yahara Hills Private Well, Approximate Location
-  Abandoned Private Well
-  Residence and Assumed Offsite Private Well, Approximate
-  Residential Development on City Water Supply



NOTES:
1. Streams, Waterbodies and Floodplains are from WDNR Surface Water Data Viewer.

BASEMAP SOURCE:
USGS Topographic Quadrangles 7.5 Minute
Series: Madison East, WI (2022)
Series: Cottage Grove, WI (2022)

Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
Datum: North American 1983

Attachment 1

From: [Sullivan, Tyler J - DNR](#)
To: [Welch, John](#)
Cc: [Powers, Betsy](#); [Rathsack, Allison](#); [Cooper, Carolyn E - DNR](#); [Bekta, Ann M - DNR](#)
Subject: FW: Dane County Landfill
Date: Monday, December 6, 2021 1:26:50 PM
Attachments: [image002.png](#)

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

Good Afternoon John,

Just an FYI, I received this email from Jodi Coon (of the Little Wheel Field Airport). Per her email, I won't send her any more information that the department is required to send to local airstrip owners during the feasibility process.

Thanks,
Tyler

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tyler Sullivan

Phone: (608) 516-3962

tyler.sullivan@wisconsin.gov



From: Jodi Coon <bjcoon1984@gmail.com>
Sent: Monday, December 6, 2021 11:06 AM
To: Sullivan, Tyler J - DNR <tyler.sullivan@wisconsin.gov>
Subject: Dane County Landfill

**CAUTION: This email originated from outside the organization.
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Tyler,

On November 22, 2021 I received a packet of information from you regarding the Dane County Landfill Site. I am writing to you to see if I received this information because my land is located on highway 12/18 in the Town of Cottage Grove or is it because my land is/was an airstrip? I inherited this land from my dad, who passed away back in 2017, so in 2018 or 2019, we had the airstrip

plowed up and removed from the books as an active airstrip. Wondering if I can be removed from your notification list regarding the landfill or do I still need to receive this information because I have land near the landfill.

My packet comes to Little Wheel Field Airport, Jodi Coon, 2024 Meadow Drive, Stoughton, WI 53589.

Thank you,
Jodi Coon

6/22/2022

Richard Quale
Quale Airport
3114 North Star Road
Cottage Grove, WI 53527

Re: Notice of a Proposed Landfill
Dane County Landfill Site No. 3
Madison, Wisconsin

Dear Mr. Quale:

On behalf of Dane County Department of Waste and Renewables (Dane County), Tetra Tech is completing permitting documents for the proposed Dane County Landfill Site No. 3. This new municipal solid waste landfill will be located on land currently owned by the City of Madison in the SE ¼ of Section 25 and N ½ of NE ¼ of Section 36, T7N, R10E, City of Madison, Dane County, Wisconsin. The land is currently within a portion of the Yahara Hills Golf Course, located at 6701 US Highway 12&18, and pending purchase by Dane County. The proposed landfill boundary and surrounding areas are shown on the attached map (Figure 1).

The Wisconsin Department of Natural Resources, the approving state agency for the proposed landfill, requires Dane County to notify all airports with a runway end used by turbojet or piston type aircraft within 5-miles of the proposed landfill site. The Quale Airport is located approximately 3 miles east/southeast of the proposed landfill, as shown on the enclosed Airport Location Map (Figure 1). Please consider this letter your formal notification under NR 504.04(3)(e) and 40 CFR Part 258.10(b).

If you have any questions or require additional information, please feel free to contact me at teri.daigle@tetrattech.com or (630) 410-7231.

Sincerely,

CORNERSTONE ENVIRONMENTAL GROUP, LLC – A TETRA TECH COMPANY



Teri Daigle
Project Manager

Enclosure: Figure 1 - Airport Location Map

Cc: John Welch, Dane County
Allison Rathsack, Dane County

John Oswald, Tetra Tech
Roxanne Wienkes, Dane County

From: [Sullivan, Tyler J - DNR](#)
To: [Welch, John](#)
Cc: [Powers, Betsy](#); [Rathsack, Allison](#); [Cooper, Carolyn E - DNR](#); [Bekta, Ann M - DNR](#)
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Tyler

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Tyler Sullivan

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tyler.sullivan@wisconsin.gov



From: Jodi Coon <bjcoon1984@gmail.com>
Sent: Monday, December 6, 2021 11:06 AM
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My packet comes to Little Wheel Field Airport, Jodi Coon, 2024 Meadow Drive, Stoughton, WI 53589.

Thank you,
Jodi Coon

B3 Other Correspondence

- November 27, 2023, State Historic Preservation Office Mitigation Letter
- December 20, 2022, US Army Corps of Engineers Approved Jurisdictional Determination
- October 25, 2022, email from State Historic Preservation Office re: SHPO Review Determination
- May 4, 2022, Lease Agreement between City of Madison and Dane County
- June 8, 1987, Adoption Order to create NR 500 to NR 520, Wis. Admin. Code series



November 27, 2023

Allison Rathsack
Special Projects and Materials Manager
Dane County Department of Waste & Renewables
1919 Alliant Energy Center Way
Madison, WI 53713

Ms. Rathsack,

The SHPO has determined that the proposed project will have an adverse effect on a property that is potentially eligible for the National Register of Historic Places. To mitigate the Adverse Effect on AHI 229217, Yahara Hills Golf Course Clubhouse & Golf Course, DNR HP and the SHPO agreed to the following stipulations on the permits.

1. Production of a Determination of Eligibility (DOE – already completed).
2. Produce a display posted near a public entrance or gathering area of the existing golf course highlighting the historic significance of the golf course/course design and architecture.
3. A webpage hosted on the course home page, or a similar physical publication that can be provided to the public (ie. pamphlet or booklet), that discusses the historic significance of the property.

Content for stipulations 2 and 3 are to be completed by an SOI qualified architectural historian. All stipulations should be completed within 2 years of permit issuance. Documentation of completion of these terms must be submitted to SHPO on WHS case 22-1800.

Please let me know if you have any questions or concerns.
Sincerely,

Felipe Avila

Felipe Avila
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706
608 264-6013
felipe.avila@wisconsinhistory.org

Collecting, Preserving and Sharing Stories Since 1846

816 State Street Madison, Wisconsin 53706

wisconsinhistory.org

From: [Lacount, Benjamin J CIV USARMY CEMVP \(USA\)](#)
To: [Welch, John](#)
Cc: [Rathsack, Allison](#); weston.matthews@wisconsin.gov
Subject: MVP-2022-01337-BJL AJD City of Madison Landfill site 3 JD
Date: Tuesday, December 20, 2022 12:58:12 PM
Attachments: [2022-01337-BJL 20221215 AJD.pdf](#)

This Message Is From an External Sender

This message came from outside your organization.

Hello Mr. Welch,

Please find the attached JD for the City of Madison Landfill Site 3. Let me know if you have any questions.

Have a Happy Holiday Season!

Thanks,
Benjamin LaCount, Project Manager
U.S. Army Corps of Engineers
Regulatory Division
211 N. Broadway, Suite 221
Green Bay, WI 54303
Phone: 920.718.0622

We are pleased to introduce our new paperless communication procedures in Wisconsin. Requests for action (pre-application consultations, permit applications, requests for delineation concurrences, requests for jurisdictional determinations, and mitigation bank proposals) should be sent directly to the following email: usace_requests_wi@usace.army.mil. Please include the county name in the subject line of the email (e.g. Washington County). These changes will improve efficiency, reduce costs and reduce environmental footprint. Additional information can be found in our public notice located here: <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
332 MINNESOTA STREET, SUITE E1500
ST. PAUL, MN 55101-1323

Regulatory File No. MVP-2022-01337-BJL

Dane County
c/o John Welch
1919 Alliant Energy Center Way
Madison, WI 53713

Dear Mr. Welch:

This letter regards an approved jurisdictional determination for the future Dane County Landfill Site Number 3. The project site is in Sections 25, Township 7 North, Range 10 East, Dane County, Wisconsin. The review area for our jurisdictional determination is identified as Wetland Areas W-1, W-2, W-3, W-4, W-5 and Pond P-1 on the enclosed figures labeled MVP-2022-01337-BJL - AJD Figure Page 1 of 1.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Regulatory Branch (File No. MVP-2022-01337-BJL)

If you have any questions, please contact me in our Stevens Point office at (651) 290-5315 or benjamin.j.lacount@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

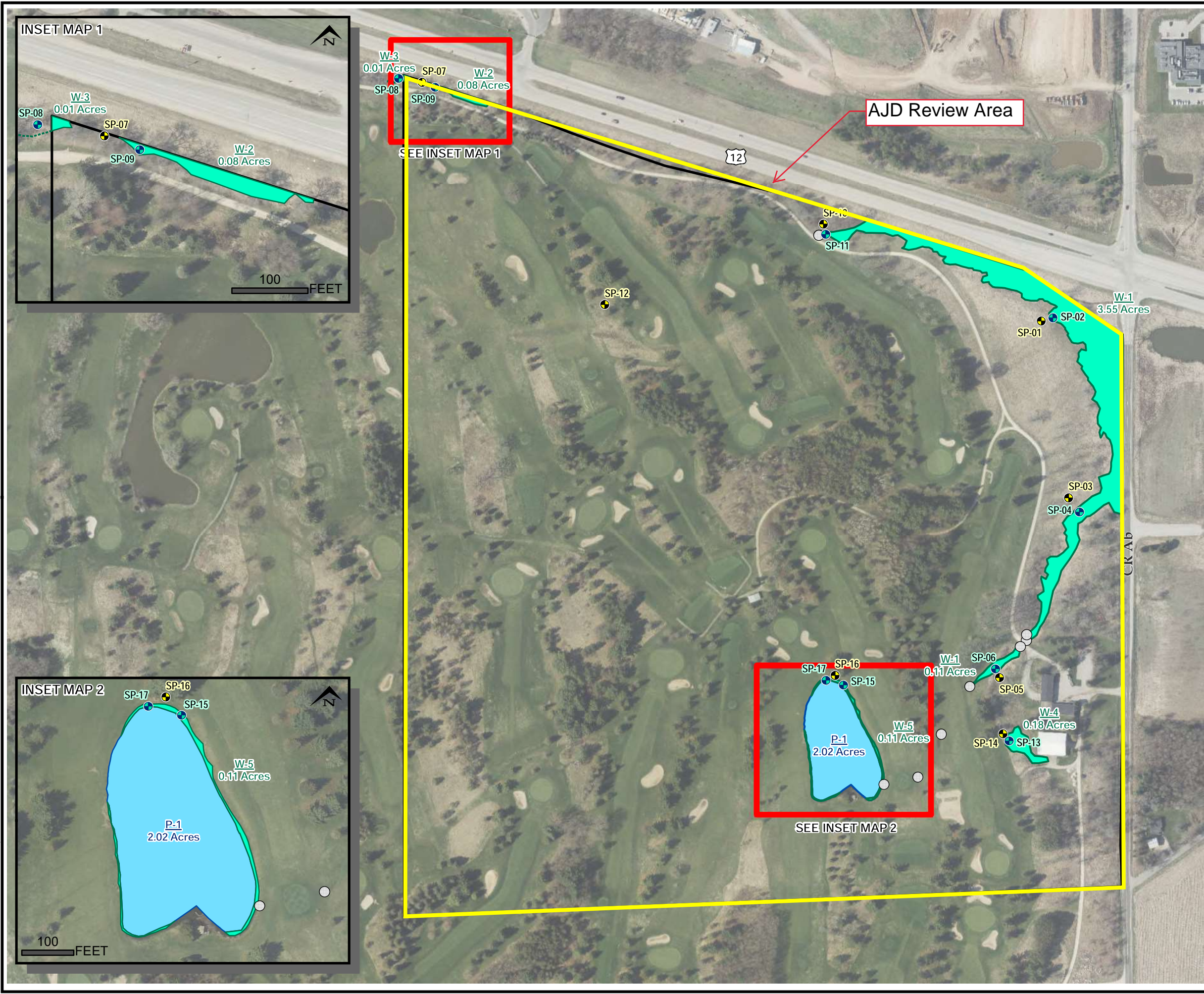
A handwritten signature in black ink, appearing to read "Benjamin LaCount".

Benjamin LaCount
Project Manager

Enclosures

cc: Weston Mathews (WDNR)

Allison Rathsack (Dane County, Department of Waste & Renewables)



LEGEND

- WETLAND SAMPLE LOCATION
- UPLAND SAMPLE LOCATION
- CULVERT
- OFFSITE WETLAND BOUNDARY
- WETLAND
- POND
- STUDY AREA

NOTES

1. BASE MAP IMAGERY FROM DANE COUNTY, 2020.

0 175 350 Feet
1" = 350'
1:4,200

PROJECT: DANE COUNTY WASTE & RENEWABLES DEPARTMENT YAHARA HILLS GOLF COURSE DELINEATION MADISON, DANE COUNTY, WISCONSIN		
TITLE: WETLAND AND WATERWAY DELINEATION MAP		
DRAWN BY: R. SUENICHT	PROJ. NO.:	275981
CHECKED BY: A. LARSEN	EXHIBIT A	
APPROVED BY: R. LONDRE		
DATE: DECEMBER 2021		

6737 W Washington St., Suite 2100
West Allis, WI 53214
Phone: 262.879.1212
www.trccompanies.com

FILE NO.: 275981-010.mxd

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Dane County Landfill Site Number 3		File No.: MVP-2022-01337-BJL	Date: December 15, 2022
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Benjamin LaCount
U.S. Army Corps of Engineers
2926 Post Road, Suite B
Stevens Point, Wisconsin 54481

651-290-5315

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 15, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVP-2022-01337-BJL Dane County Landfill Site Number 3

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: WI County/parish/borough: Dane City: Madison
Center coordinates of site (lat/long in degree decimal format): Lat. 43.0361° N, Long. -89.2512° W.
Universal Transverse Mercator: 16N 316612.51, 4767293.92

Name of nearest waterbody: Unnamed Tributary to Upper Mud Lake

Name of watershed or Hydrologic Unit Code (HUC): 070900020702

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: September 22, 2022
☐ Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **The review area contains five wetlands, labeled W-1 (3.55 acres), W-2 (0.08 acre), W-3 (0.01 acre), W-4 (0.18 acre) and W-5 (0.11 acre) and one manmade Pond, labeled P-1 (2.02 acres) based on the December 8, 2021 wetland delineation report by TRC Environmental Corporation (Delineation Report). The review area is located within the Yahara Hills Golf Course and land adjacent to Interstate 12 County Road AB. The site has been developed for over 40 years. Wetlands W-3 and W-4 are approximately 2,200 feet east of an unnamed tributary to Upper Mud Lake and Wetlands W-1, W-4, W-5 and the manmade Pond (P-1) are approximately 3,900 feet east of an unnamed tributary to Upper Mud Lake.**

Wetland Areas W-1, W-2, W-3, W-4, W-5 and Pond P-1 are isolated features, based on a review of the Delineation Report and other desktop resources. The wetlands and pond appear to have been upland prior to the development of the golf course and Interstate 12. The 1955 aerial photograph shows the site prior to development of the golf course and Interstate 12 and no wet signatures are visible in the wetland areas and pond. The 1968 aerial photograph shows the recently developed golf course with no wet signatures in the wetland areas and pond. The 2000 aerial photograph shows Interstate 12 has been constructed and P-1 has been excavated, no wet signatures are visible in the wetland areas. Wet signatures were observed on the 2014 aerial photograph in the wetland areas. The upland around W-1, W-2, W-3, W-4, W-5 and P-1 has been developed into a golf course, interstate and county road. A storm sewer inlet or outlet and a possible pump house are visible on the south end of P-1. No outlets were identified that provide connection to any aquatic resources located outside of the golf course from P-1. W-4 is contained within a shallow depression. The upland around W-4 is composed of gravel, pavement and maintenance buildings to the east and golf course to the north, south, and west. The upland around W-1 is composed of paved roads to the east and north, pavement, maintenance buildings, and the golf course to the south, and the golf course to the west. W-1 is hydraulically connected to wetlands north of Interstate 12 and east of County Road AB via culverts so those areas were reviewed in detail. Based on county 1-ft

¹ Supporting documentation is presented in Section III.F.

contours, Digital Elevation Model maps, and aerial photographs, the wetlands drain into W-1 and either enter a storm sewer that would connect to the golf course pond system or would be contained within a depression. W-2 and W-3 are isolated concave features entirely surrounded by upland. The upland around W-2 and W-3 is composed of an interstate to the north, golf cart path to the south, and roadside ditch to the east and west. The roadside ditch east of W-2 is constrained by the road grade and rise in elevation. W-3 is west of W-2 and is severed by upland within the roadside ditch. W-3 extends beyond the review area to the west within a roadside ditch, so that area was reviewed in detail. Based on county 1-ft contours, Digital Elevation Model maps, and aerial photographs, the ditch drains west and enters into a culvert that drains stormwater north of Interstate 12 into an enclosed stormwater basin that rises 10 feet in elevation in all directions and has no stormsewer outlet. Based on a review of historic and recent aerial photographs, there are no surface or shallow subsurface connections to a downstream water.

No outlets were identified that provide connection to any aquatic resources located outside of the review area. Wetland Areas W-1, W-2, W-3, W-4, W-5 and Pond P-1 do not have any unbroken surface or shallow subsurface connections to the unnamed tributary to Upper Mud Lake. They are not mapped within the 100-year floodplain. W-1, W-2, W-3, W-4, W-5 and P-1 are not adjacent (bordering, contiguous, or neighboring) to another WOUS and are not separated from other WOUS by man-made dikes or barriers, natural river berms, or beach dunes. Due to the distance from the unnamed tributary to Upper Mud Lake, there is no science-based inference (ex. does not support life cycles of amphibians or anadromous and catadromous fish) that supports an ecological connection. Additionally, there is no link to interstate or foreign commerce and they are not used by interstate or foreign travelers for recreation or another purpose. W-1, W-2, W-3, W-4, W-5 and P-1 do not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and are not known to be used for industrial purposes by industries in interstate commerce. Therefore, the Corps has determined that W-1, W-2, W-3, W-4, W-5 and Pond P-1 are hydrologically isolated and are not regulated by the Corps under Section 404 of the Clean Water Act.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - ☒ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
- ☐ Other (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☒ Lakes/ponds: 2.02 acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☒ Wetlands: 3.93 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **December 8, 2021, TRC Environmental Corporation Wetland Delineation Report**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☒ U.S. Geological Survey Hydrologic Atlas:
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **Madison East and Cottage Grove Quadrangles**
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: **Dane County**
- ☒ National wetlands inventory map(s). Cite name: **Dane County**
- ☒ State/Local wetland inventory map(s): **Wisconsin Wetland Inventory**
- ☒ FEMA/FIRM maps: **FIRM Panels 55025C0442G & 55025C0461H**
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **Dane County Aerials: 1937, 1955, 1957, 1968, 1974, 1976, 1987, 1995, 2000, 2005, 2010, 2014, 2017, and 2020**
or ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): **NRV DEM, hillshade, and slope maps**

B. ADDITIONAL COMMENTS TO SUPPORT JD:

From: [FELIPE A AVILA](#)
To: [Kubicek, Richard H - DNR](#); [John Hodgson](#); [Rathsack, Allison](#); [TYLER B HOWE](#)
Subject: Fw: SHPO Review: 22-1800/DA - Sustainability Campus- Dane Co. Landfill Site No. 3 and Sustainable Business Park
Date: Tuesday, October 25, 2022 10:05:06 AM

This Message Is From an External Sender

This message came from outside your organization.

Feel free to pass this one to anyone else who you think needs to see it.

Cheers,
Felipe

From: felipe.avila@wisconsinhistory.org <felipe.avila@wisconsinhistory.org>
Sent: Tuesday, October 25, 2022 9:28 AM
To: welch@co.dane.wi.us <welch@co.dane.wi.us>
Subject: SHPO Review: 22-1800/DA - Sustainability Campus- Dane Co. Landfill Site No. 3 and Sustainable Business Park

Dear Mr. John Welch,

We have completed our review of WHS #22-1800, Sustainability Campus- Dane Co. Landfill Site No. 3 and Sustainable Business Park.

The land in question is currently owned by the City of Madison and will be transferred to Dane County. Both of these entities fall under local units of government and are subject to review under §66.1111.

Under §66.1111 if the property is not listed on the National Register of Historic Places, then this office has no jurisdiction on any work or land transfers taking place that may affect the property.

The Yahara Hills golf course and club house have been found potentially eligible for the National Register but no formal nomination has been submitted to the SHPO office or the National Park Service. Therefore it is not on the National Register at this time.

Based on the information provided the SHPO finds that no National Register properties will be affected, as none are present.

This finding does not exempt the property from any state or federal historic preservation reviews or laws.

If your plans change or cultural materials/human remains are found during the project, please halt all work and contact our office.

Please use this email as your official SHPO concurrence for the project. If you require a hard copy signed form, please contact me and I will provide you a signed copy as soon as possible.

Sincerely,
Felipe Avila
State Historic Preservation Office

Wisconsin Historical Society
816 State Street, Madison, WI 53706
608 264-6013
felipe.avila@wisconsinhistory.org

Wisconsin Historical Society
[Collecting, Preserving, and Sharing Stories Since 1846](#)

Dane County Contract Cover Sheet

Revised 01/2022

RES 440

Dept./Division	Dane County Department of Waste and Renewables		
Vendor Name	City of Madison	MUNIS #	
Brief Contract Title/Description	Ground Lease at the Yahara Hills Golf Course		
Contract Term	10/31/2042		
Contract Amount	\$1.00 per year		

Contract # Admin will assign	14746
Type of Contract	
<input type="checkbox"/>	Dane County Contract
<input type="checkbox"/>	Intergovernmental
<input type="checkbox"/>	County Lessee
<input checked="" type="checkbox"/>	County Lessor
<input type="checkbox"/>	Purchase of Property
<input type="checkbox"/>	Property Sale
<input type="checkbox"/>	Grant
<input type="checkbox"/>	Other

Department Contact Information		Vendor Contact Information	
Name	John Welch	Name	City of Madison-Office of Real Estate
Phone #	608-516-4154	Phone #	
Email	welch@countyofdane.com	Email	ores@cityofmadison.com
Purchasing Officer	Pete Patten		

Purchasing Authority	<input type="checkbox"/> \$11,000 or under – Best Judgment (1 quote required)		
	<input type="checkbox"/> Between \$11,000 – \$40,000 (\$0 – \$25,000 Public Works) (3 quotes required)		
	<input type="checkbox"/> Over \$40,000 (\$25,000 Public Works) (Formal RFB/RFP required)	RFB/RFP #	
	<input type="checkbox"/> Bid Waiver – \$40,000 or under (\$25,000 or under Public Works)		
	<input type="checkbox"/> Bid Waiver – Over \$40,000 (N/A to Public Works)		
	<input checked="" type="checkbox"/> N/A – Grants, Leases, Intergovernmental, Property Purchase/Sale, Other		

MUNIS Req.	Req #	Org:	Obj:	Proj:	
		Org:	Obj:	Proj:	
	Year	Org:	Obj:	Proj:	

Budget Amendment	
<input type="checkbox"/>	A Budget Amendment has been requested via a Funds Transfer or Resolution. Upon addendum approval and budget amendment completion, the department shall update the requisition in MUNIS accordingly.

Resolution Required if contract exceeds \$100,000 (\$40,000 PW)	<input type="checkbox"/> Contract does not exceed \$100,000 (\$40,000 Public Works)		
	<input checked="" type="checkbox"/> Contract exceeds \$100,000 (\$40,000 Public Works) – resolution required.	Res #	440
	<input checked="" type="checkbox"/> A copy of the Resolution is attached to the contract cover sheet.	Year	2021

CONTRACT MODIFICATIONS – Standard Terms and Conditions		
<input type="checkbox"/> No modifications.	<input type="checkbox"/> Modifications and reviewed by:	<input checked="" type="checkbox"/> Non-standard Contract

APPROVAL
Dept. Head / Authorized Designee


APPROVAL – Contracts Exceeding \$100,000	
Director of Administration	Corporation Counsel

APPROVAL – Internal Contract Review – Routed Electronically – Approvals Will Be Attached			
DOA:	Date In: 5/4/22	Date Out: _____	<input checked="" type="checkbox"/> Controller, Purchasing, Corp Counsel, Risk Management

Goldade, Michelle

From: Goldade, Michelle
Sent: Wednesday, May 4, 2022 11:13 AM
To: Hicklin, Charles; Gault, David; Patten (Purchasing), Peter; Lowndes, Daniel
Cc: Stavn, Stephanie; Oby, Joe
Subject: Contract #14746
Attachments: 14746.pdf

Tracking:	Recipient	Read	Response
	Hicklin, Charles	Read: 5/4/2022 11:18 AM	Approve: 5/4/2022 11:18 AM
	Gault, David	Read: 5/4/2022 11:16 AM	Approve: 5/4/2022 11:16 AM
	Patten (Purchasing), Peter		Approve: 5/4/2022 11:24 AM
	Lowndes, Daniel		
	Stavn, Stephanie		
	Oby, Joe		

Please review the contract and indicate using the vote button above if you approve or disapprove of this contract.

Contract #14746
Department: Waste & Renewables
Vendor: City of Madison
Contract Description: Ground Lease at the Yahara Hills Golf Course (Res 440)
Contract Term: until 10/31/42
Contract Amount: \$1.00/year

Thanks much,
Michelle

Michelle Goldade

Administrative Manager
Dane County Department of Administration
Room 425, City-County Building
210 Martin Luther King, Jr. Boulevard
Madison, WI 53703
PH: 608/266-4941
Fax: 608/266-4425
TDD: Call WI Relay 711

Please note: I am currently working a modified schedule in accordance with COVID 19 response guidelines. I work in office Mondays and Wednesdays and work remotely Tuesday, Thursdays and Fridays.

Goldade, Michelle

From: Lowndes, Daniel
Sent: Thursday, May 5, 2022 9:48 AM
To: Goldade, Michelle
Subject: Approve: Contract #14746

2021 RES-440

AUTHORIZING THE PURCHASE OF LAND FOR COUNTY LANDFILL AND
SUSTAINABILITY CAMPUS FROM THE CITY OF MADISON

Dane County's Rodefild Landfill, located on US Highway 12/18 and County Highway AB, has an estimated 10 years of capacity remaining and a new location is needed for the County to continue to provide local waste management services. Dane County (County) and the City of Madison (City) have mutual interests in managing solid waste locally, which is a more environmentally sustainable and cost effective approach.

The County and the City have negotiated the purchase of a portion of the Yahara Hills Golf Course, located directly south of the existing landfill across US Highway 12/18. This property provides approximately 232 acres of land to accommodate a Sustainability Campus which will include: a future landfill, composting operation, and a sustainable business park. The intent of the Sustainability Campus is to create opportunities for education, reuse, repair, recycling, research and other activities that will ultimately prevent or divert waste.

The negotiated purchase price for the land is \$24,000/acre. As part of the purchase, the County and the City have agreed upon the terms of a Sustainability Campus and Landfill Development Agreement (Development Agreement) in which the parties will cooperate in the development of the landfill and the Sustainability Campus. Per the Development Agreement, the parties will work jointly in obtaining land use approvals and the permits for construction and operation of the landfill and compost site. W&R and the City will also apply for an amendment to the neighborhood development plan and full inclusion in the Central Urban Service Area to extend water and sewer to the site.

The Development Agreement also addresses joint cooperation in identifying goals of the Sustainability Campus and developing measurable metrics that will serve as a condition for a possible future sale of additional adjacent lands to the County. The Parties have also agreed upon the terms of a revised and amended Solid Waste Agreement to address the City's use and fees at the current Rodefild Landfill and proposed landfill through 2032. The Parties have also agreed upon the terms of a Yahara Area Intergovernmental Agreement to establish cooperation and alignment between the Parties on broader development goals in the Yahara Hills neighborhood.

As planning and permitting for the site will take time, the County will allow the City to continue operating its golf course on a portion of the property for a limited time. In order to accommodate the City's golf course needs and the County's construction plans, the County will lease back portions of the property to the City for the fee of \$1/year. The leased back portions of the property will shrink in time as construction moves forward. Additionally, the County will grant an access easement to the City to relocate its irrigation system as the golf course changes.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors and the Dane County Executive hereby authorize the purchase of approximately 232 acres from the City for \$24,000/acre according to a survey and any miscellaneous costs associated with the transaction per Wis. Stats Chapter 27.03(3); and

THEREFORE, BE IT FURTHER RESOLVED that the Dane County Executive and the Dane County Clerk are authorized to enter into the Sustainability Campus and Landfill

53 Development Agreement, Solid Waste Agreement, Yahara Area Intergovernmental
54 Agreement, Purchase and Sale Agreement, Yahara Hills Golf Course Ground Lease,
55 Maintenance Facility Lease, Temporary Limited Easement, and Right of First Refusal;
56 and

57
58 **BE IT FINALLY RESOLVED**, that the Dane County Department of Waste &
59 Renewables Director, and Real Estate Coordinator are authorized to administer the
60 closing and the transfer of the above-mentioned property to Dane County, and the
61 Controller is authorized to issue checks necessary to effectuate the transaction.

GROUND LEASE
YAHARA HILLS GOLF COURSE

This Lease (the “Lease”) is made and entered into by and between the County of Dane, a Wisconsin quasi-municipal corporation (hereinafter, “Lessor”) and City of Madison, a Wisconsin municipal corporation (hereinafter “Lessee”).

WITNESSETH:

WHEREAS, Lessor has purchased a portion of the Yahara Hills Golf Course from Lessee, which is located at 7101 US Highway 12 & 18 in the City of Madison (hereinafter “the Property”); and

WHEREAS, Lessor intends to redevelop the Property as a Sustainable Campus, which is expected to include a new landfill, a compost site, and a sustainable business park. Lessor does not have the immediate need to use all of the Property for these purposes; and

WHEREAS, Lessee has operated a municipal golf course on the Property since 1968, and intends to continue operating the existing golf course (hereinafter “the Course”) that is partially on the Property and is more particularly described on the attached Exhibit A and depicted on the attached as Exhibit B (hereinafter referred to as the “Leased Premises”) made a part herein; and

WHEREAS, as a condition of the land sale and development of the Property, Lessor and Lessee have agreed that Lessee can continue operating 36 holes of golf on the Property through October 31, 2024, and continue operating 27 holes of golf on the Property through October 31, 2025, and 18 holes of golf on the Property through at least October 31, 2042.

NOW THEREFORE, in consideration of the above premises and covenants hereinafter expressed, the sufficiency of which is acknowledged by each party, Lessor and Lessee do agree as follows:

1. Leased Premises. The Lessor hereby demises and Leases the Leased Premises to Lessee, for Lessee’s use for the purpose of the continued operation of the Course on the Property, together with all other rights, privileges, easements, and appurtenances. The Leased Premises shall be as follows:

- a. From November 1, 2022 through October 31, 2024, the Leased Premises shall be the entire extents of the Property to operate 36 holes of golf for the Course, as depicted on Exhibit B.
- b. From November 1, 2024 through October 31, 2025, the Leased Premises shall be that portion of the Property needed by Lessee to operate 27 holes of golf for the Course, as depicted on Exhibit C.

- c. On or after November 1, 2025, the Leased Premises shall be that portion of the Property needed by Lessee to operate 18 holes of golf for the Course, as depicted on Exhibit D.

During the term of this Lease, the Lessor and Lessee may agree to modify the Leased Premises, provided that Lessee has at least the minimum number of holes for the Course identified herein. In addition, at its own discretion, Lessor may allow Lessee to use portions of the Property for Course purposes beyond these time limits.

2. Lease Term; Renewal. This Lease shall commence upon the later of Lessee's sale of the Property to the Lessor, or November 1, 2022. The initial term shall expire on October 31, 2032. This lease shall automatically renew for an additional 10-year term to run from November 1, 2032 through October 31, 2042. Thereafter, this Lease shall automatically renew on a year-to-year basis unless terminated by Lessor. Lessor shall give written notice of termination by July 1st, preceding the next golf season. This Lease may be terminated for any reason by Lessee.

3. Rent. In consideration of the rights granted hereunder and as part of the sale and development of the Property, Lessee shall pay Lessor annual rent of \$1.00, payable on the first business day of each year during the Lease Term.

4. Right to Construct Improvements. During the Lease Term, Lessee shall have the right to construct improvements reasonably associated with the operation of the Course, subject to Lessor approval. Lessee shall be responsible for all costs of construction. Upon Lessor request, any improvements constructed by Lessee shall be removed by Lessee at the end of the Lease Term. Lessee shall also have the right to operate, maintain, repair and store all materials, tools, consumables, equipment or other items reasonably associated with the operation of the Course.

- a. Any and all costs related to the Lessee's irrigation system, which include relocation, removal and well drilling, are the full responsibility of the Lessee.

5. No Unauthorized Use. The Leased Premises may not be used by Lessee in any manner except as authorized in this Lease, except as authorized in writing by the Lessor.

6. Zoning. Lessor and Lessee acknowledge their understanding that continued operation of the existing golf course will be permissible on the Leased Premises.

7. Quiet Enjoyment. Lessor represents and warrants that it is the owner in fee simple of land, and that it alone has full right to lease the Leased Premises. Lessor further states that on payment of the rent and performance of the covenants and agreements herein and the Development Agreement, Lessee shall peaceably have and enjoy the Leased Premises and the rights granted herein without any hindrance, molestation or ejection by Lessor.

8. Access to Premises. Lessor and Lessor's agents shall have the right to enter upon the Leased Premises at any time with or without notice for the purpose of making any inspection it may deem expedient to the proper enforcement of the covenants or conditions of this Lease, or the future development of the Sustainability Campus, provided that such inspection shall not unreasonably interfere with Lessee's business. To avoid conflicts with golf operations and golf customers, when possible, Lessor shall provide reasonable notice to Lessee of the need for access, and the Parties shall attempt to find a mutually agreeable time and place for access.

9. Conditions of Premises. Lessee accepts the Leased Premises in its condition on the effective date of the Lease. Lessor makes no representations or warranties concerning the Leased Premises except as expressly stated herein.

10. Maintenance. Lessee shall at its sole cost and expense keep the Leased Premises and Lessee's improvements thereon in clean and orderly condition and good repair. Should Lessee fail or neglect to keep the Leased Premises in clean and orderly condition and good repair as reasonably required to preserve and protect the general appearance and value of the Leased Premises, Lessor may enter the Leased Premises and reasonably remedy such failure or neglect, provided Lessor has given Lessee not less than thirty (30) days prior written notice of such failure or neglect, specifying in reasonable detail such items of failure or neglect, and or opportunity to cure said failure or neglect. Prior written notice is not needed in the case of an emergency.

11. Operating Expenses and Utilities. Lessee shall be responsible for payment of all operating and maintenance expenses relating to its use of the Leased Premises, including but not limited to liability insurance, utilities and related services, garbage removal, snow removal, lawn maintenance and pest control.

- a. Direct utilities related to use of the Leased Premises which may include but are not limited to gas, electric, and water shall remain in the Lessee's name during the term of the Lease and shall be the responsibility of the Lessee.
- b. Any and all utilities and special charges billed to the property which may include but are not limited to stormwater charges and urban forestry charges, shall be apportioned to each party by the percentage of square footage occupied by Lessor and by Lessee as determined by this Lease.
 - i. Upon receipt of said charges, Lessor shall calculate the amount due by each party and notify Lessee of its portion due.

12. Construction Liens. Lessee shall pay when due all claims for labor or materials furnished or alleged to have been furnished to Lessee for use on the Leased Premises, which claims are or may be secured by any construction lien against the Leased Premises or any interest therein. The Lessee shall not permit any construction lien or Leasehold mortgage, or similar, to be filed, or if filed, to remain uncontested, against the fee of the Leased Premises, by reason of work, labor, services, or materials supplied or claimed to have been supplied to the Lessee and shall remove any liens before the end of the Lease Term, as applicable. Nothing in this Lease shall be construed in any way as constituting the consent or request of Lessor to any contractor, subcontractor, laborer, or materialman for the performance of any labor or the furnishing of any materials for any alteration, addition, improvement or repair to the Leased Premises or any part of the Property, nor as giving Lessee any right, power or authority to contract for or permit the rendering of services or the furnishing of materials that would give rise to the filing of a construction lien against the Leased Premises.

13. Nondiscrimination. Lessee agrees to abide by its own respective affirmative action plan and in doing so agrees 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. Lessee further agrees not to discriminate, in violation of any state or federal law, against any subcontractor or person who offers to subcontract on the Leased Premises because of race, religion, color, age, disability, sex, sexual orientation, gender identity or national origin.

14. Indemnification. Each party shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, boards, commissions, agencies, officers, and representatives and shall be responsible for any losses, claims, and liabilities, which are attributable to such acts, errors, or omissions including providing its own defense. In situations including joint liability, each party shall be responsible for the consequences of its own acts, errors, or omissions and those of its employees, agents, boards, commissions, agencies, officers and representatives. It is not the intent of either party to waive, limit or otherwise modify the protections and limitations of liability found in Wis. Stat. 893.80 or any other protections available to the parties by law. This paragraph shall survive the termination or expiration of this agreement.

15. Taxes and Fees. Lessor agrees to pay as they become due any taxes, fees, assessments or charges of any type, levied by an entity with authority to do so, against the Leased Premises or against any improvements, activity or Property thereon. Except that any fees or assessments charge in accordance with Course operations shall be the responsibility of the Lessee.

16. Compliance with Laws and Agreements. Lessee shall comply with all laws, regulations, ordinances, codes, orders, zoning, site approvals, and permits of all federal, state or municipal authorities having jurisdiction over the Leased Premises. Lessee shall comply with the terms of the Development Agreement for the Property. Lessee shall give prompt notice to Lessor of any notice it receives of any alleged violation with respect to the Leased Premises.

17. Conflicting Terms. Lessor and Lessee will be entering into other Agreements relating to the Property contemporaneously with this Lease. In the event of any inconsistency, conflict or ambiguity as to the rights and obligations of the parties under this Lease or the related agreements, it is the intent of the Parties that the terms of this Lease shall control and supersede any such inconsistency, conflict or ambiguity as to the subject matters contained herein.

18. No Sublet, Assignment or Renewal. There shall be no sublet, assignment or automatic renewal of this Lease without written consent of the Lessor.

19. Breach and Remedies. If Lessee fails to comply with any provision of this Lease for more than thirty (30) days following notification by Lessor of the breach, Lessor shall have the right, in addition to any other rights and remedies that the Lessor may have in law and equity, to terminate the Lease, and the exercise of a right to terminate shall be without prejudice to any other rights and remedies.

20. Modification. This Lease may be modified or amended only in writing executed by the duly authorized representatives of the respective parties.

21. Notices. All notices to be given under the terms of the Lease shall be signed by the person sending the same and shall be sent by certified mail, return receipt requested and postage prepaid, to the addresses of the parties specified below:

To Lessor: Dane County Department of Waste & Renewables
Attn: Director
1919 Alliant Energy Center Way
Madison, WI 53713

To Lessee: City of Madison
Attn: Manager, Office of Real Estate Services
PO Box 2983
Madison, WI 53701-2983

22. No Third Party Beneficiaries. This Lease is intended to be for sole benefit of the parties hereto. No part of this Agreement shall be construed to add to, supplement, amend, abridge, or repeal existing duties, rights, benefits or privileges of any third party, including but not limited to employees of either party.

23. Entire Agreement. The entire agreement of the parties is contained herein and this Agreement supersedes any and all oral agreements and negotiations between the parties.

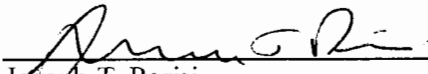
24. Controlling Law and Venue. This Lease and the performance thereof shall be governed, interpreted and construed by the laws of the State of Wisconsin and venue for any dispute shall be in the Wisconsin Circuit Court for Dane County.

25. Counterparts and Transmittal of Signatures. This Lease may be executed in one or more counterparts, and all such executed counterparts shall constitute the same Lease. A signed copy of the Lease transmitted by facsimile electronic scanned copy (.pdf) or similar technology and shall be as valid as original. This Lease may be converted into electronic format and signed or given effect with one or more electronic signature(s) if the electronic signature(s) meets all requirements of Wis. Stat. ch. 137 or other applicable Wisconsin or Federal law. Executed copies or counterparts of this Lease may be delivered by facsimile or email and upon receipt will be deemed original and binding upon the parties hereto, whether or not a hard copy is also delivered. Copies of this Lease, fully executed, shall be as valid as an original.

END OF CONDITIONS

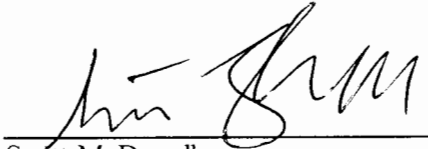
IN WITNESS WHEREOF, the parties hereto have by their duly authorized representatives executed this Lease as of the dates so indicated.

LESSOR: DANE COUNTY



Joseph T. Parisi
County Executive

Date: 5-23-22



Scott McDonell
County Clerk

Date: 5-25-22

LESSEE: CITY OF MADISON

Satya Rhodes-Conway, Mayor

Date

Maribeth Witzel-Behl, City Clerk

Date

Countersigned:

David P. Schmiedicke, Finance Director

Date

Approved as to form:

Michael Haas, City Attorney

Date

Execution of this Agreement by the City of Madison is authorized by Resolution Enactment No. RES ____ - _____,
ID No. _____, adopted by the Common Council of the City of Madison on _____, 22__.

EXHIBIT A
Legal Description

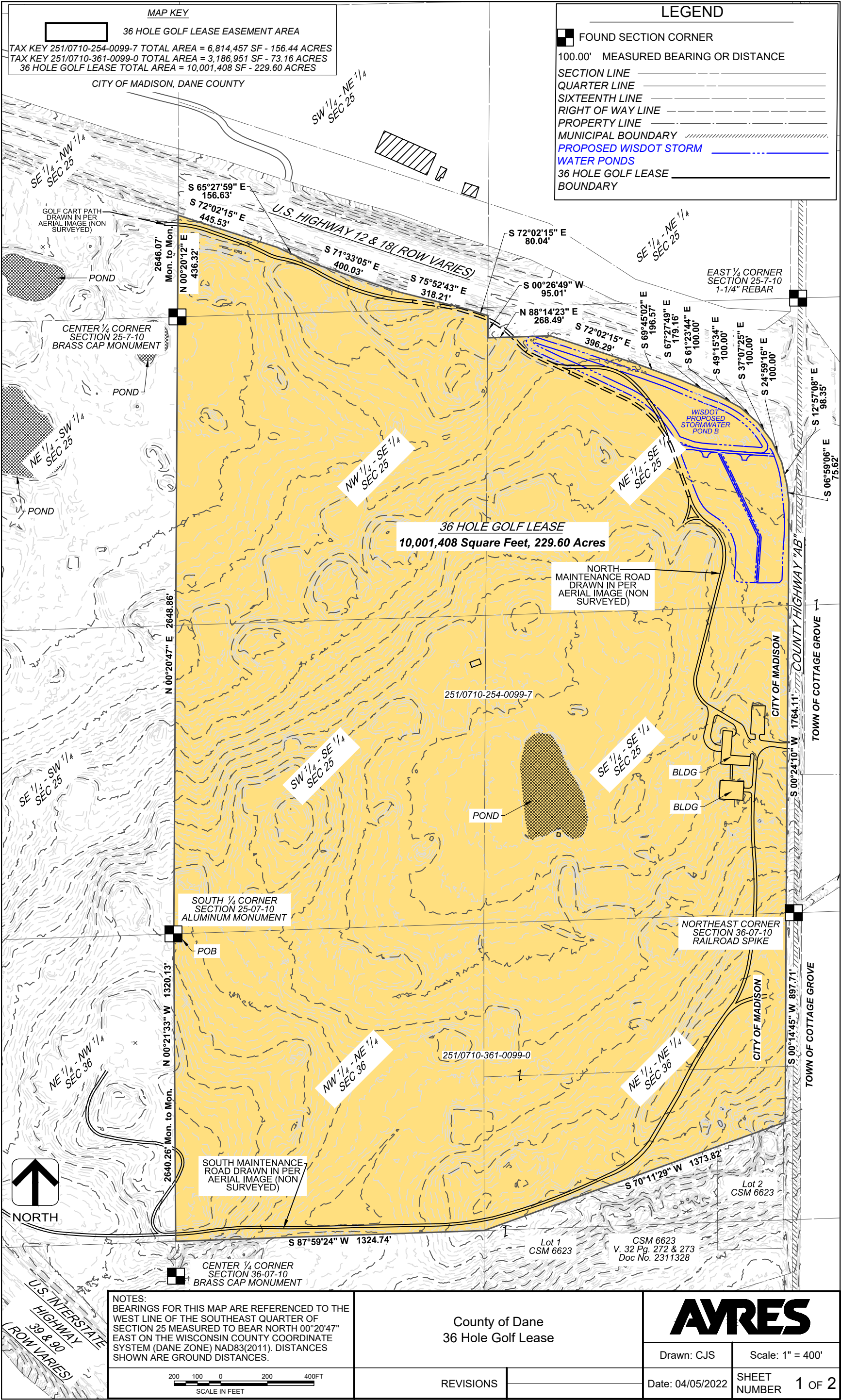
Part of the Northeast Quarter of the Southeast Quarter, part of the Northwest Quarter of the Southeast Quarter, part of the Southeast Quarter of the Southeast Quarter, part of the Southwest Quarter of the Northeast Quarter, the Southwest Quarter of the Southeast Quarter of Section 25, part of the Northeast Quarter of the Northeast Quarter, the Northwest Quarter of the Northeast Quarter of Section 36, all located in Township 7 North, Range 10 East, City of Madison, Dane County, Wisconsin described as:

Beginning at the Northeast Corner of Section 36;
thence South 00°14'45" West, along the East line of the Northeast Quarter of Section 36, 886.93 feet to the Northeast corner of Certified Survey Map 6623 recorded in Volume 32 of Certified Survey Maps on Pages 272 and 273 as Document 2311328;
thence South 70°11'29" West, along the North line of said Certified Survey Map 6623, 1,408.95 feet to the Southeast Corner of the Northwest Quarter of the Northeast Quarter of said Section 36;
thence South 87°59'24" West, along the South line of said Northwest Quarter of the Northeast Quarter, 1,324.74 feet to the Southwest corner of said Northwest Quarter of the Northeast Quarter;
thence North 00°21'33" West, along the West line of said Northwest Quarter of the Northeast Quarter, 1,320.13 feet to the South Quarter Corner of said Section 25;
thence North 00°20'47" East, along the West line of the Southeast Quarter of said Section 25, 2,648.86 feet to the Center Quarter Corner of said Section 25;
thence North 00°20'12" East, along the West line of the Northeast Quarter of said Section 25, 436.32 feet to the Southerly right of way line of United States Highway 12 and 18 as described in the State of Wisconsin Transportation Project Plat 3080-01-26;
thence along said Southerly right of way line for the next 16 courses:
South 72°02'15" East, 445.53 feet;
South 65°27'59" East, 156.63 feet;
South 71°33' 05" East, 400.03 feet;
South 75°52'43" East, 318.21 feet;
South 72°02'15" East, 80.04 feet;
South 00°26'49" West, 95.01 feet;
North 88°14'23" East, 268.49 feet;
South 72°02'15" East, 396.29 feet;
South 69°45'02" East, 196.57 feet;
South 67°27'49" East, 179.16 feet;
South 61°23'44" East, 100.00 feet;
South 49°15'34" East, 100.00 feet;
South 37°07'25" East, 100.00 feet;
South 24°59'16" East, 100.00 feet;
South 12°57'08" East, 98.35 feet;
South 06°59'06" East, 75.62 feet to the West right of way line of County Highway AB;
thence South 00°24'10" West, along said West right of way line, 444.66 feet to the South line of the Northeast Quarter of the Southeast Quarter of Section 25;
thence North 88°09'25" East, along said South line, 33.02 feet to the East line of the Southeast Quarter of said Section 25;
thence South 00°24'10" West, along said East line, 1,319.38 feet to the **Point of Beginning**.

These described lands hereof, contain 10,074,391 square feet or 231.28 acres, more or less, and is subject to restrictions, reservations, rights of way and easements of records.

EXHIBIT B

Map of Leased Premises – 36 holes



NOTES:
BEARINGS FOR THIS MAP ARE REFERENCED TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 25 MEASURED TO BEAR NORTH 00°20'47" EAST ON THE WISCONSIN COUNTY COORDINATE SYSTEM (DANE ZONE) NAD83(2011). DISTANCES SHOWN ARE GROUND DISTANCES.

200 100 0 200 400FT
SCALE IN FEET

County of Dane 36 Hole Golf Lease	
REVISIONS	

AYRES

Drawn: CJS

Date: 04/05/2022

Scale: 1" = 400'

SHEET NUMBER 1 OF 2

TAX PARCELS 251/0710-254-0099-7 & 251/0710-361-0099-0
36 HOLE GOLF LEASE LEGAL DESCRIPTION:
Part of the Southwest Quarter of the Northeast Quarter, a part of the Northwest Quarter of the Southeast Quarter, a part of the Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter, a part of the Southeast Quarter of the Southeast Quarter of Section 25, the Northwest Quarter of the Northeast, a part of the Northeast Quarter of the Northeast Quarter of Section 36, all in Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin described as:

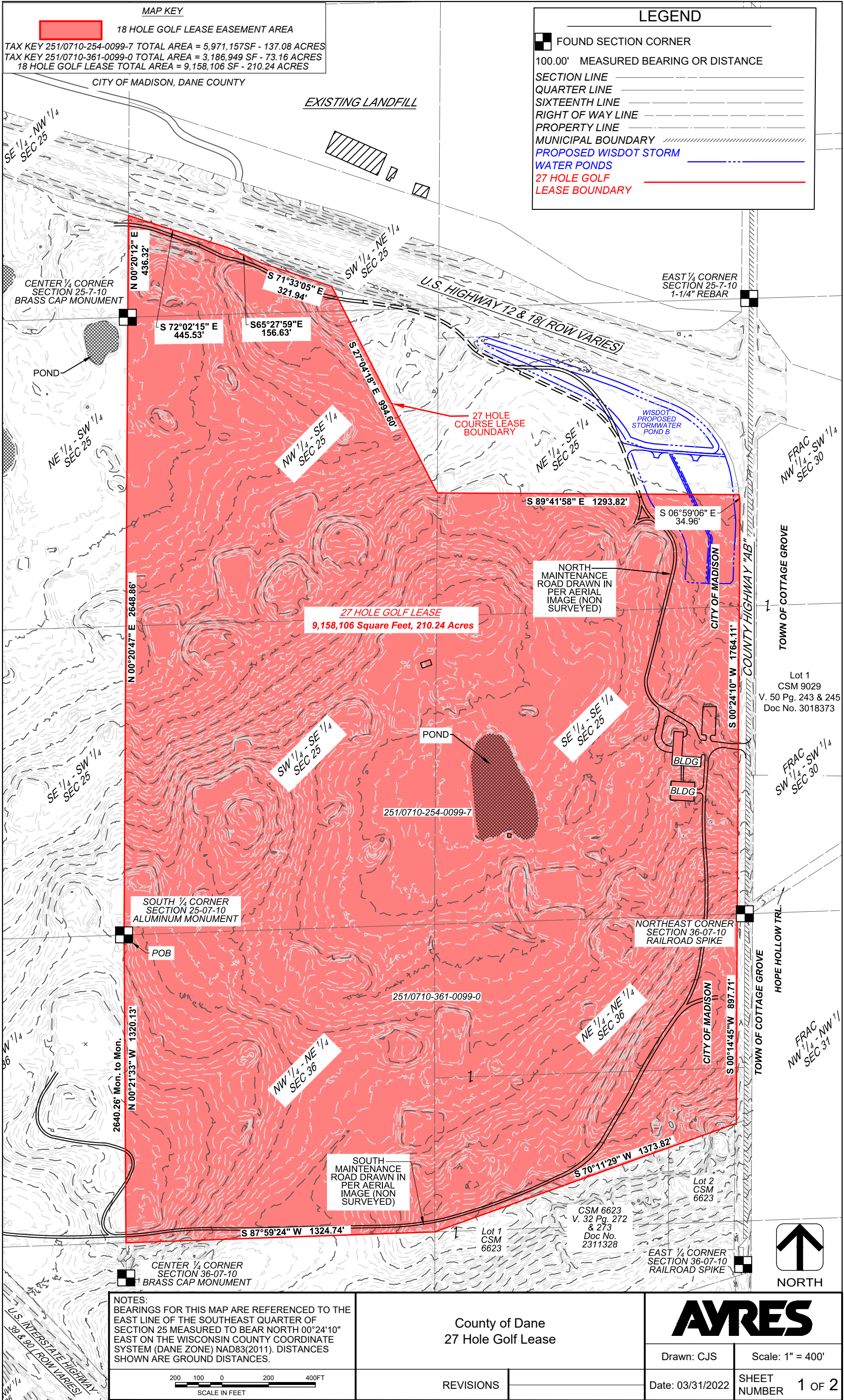
Beginning at South Quarter corner of Section 25 ;
thence North 00°20'47" East, along the West line of the Southeast Quarter of said Section, 2648.86 feet to the Center Quarter corner of said Section;
thence North 00°20'12" East, along the West line of the Northeast Quarter of said Section, 436.32 feet to the Southerly right of way line of United States Highway 12 & 18;
thence along said Southerly right of way line for the next 16 courses;
South 72°02'15" East, 445.53 feet;
South 65°27'59" East, 156.63 feet;
South 71°33'05" East, 400.03 feet;
South 75°52'43" East, 318.21 feet;
South 72°02'15" East, 80.04 feet;
South 00°26'49" West, 95.01 feet;
North 88°14'23" East, 268.49 feet;
South 72°02'15" East, 396.29 feet;
South 69°45'02" East, 196.57 feet;
South 67°27'49" East, 179.16 feet;
South 61°23'44" East, 100.00 feet;
South 49°15'34" East, 100.00 feet;
South 37°07'25" East, 100.00 feet;
South 24°59'16" East, 100.00 feet;
South 12°57'08" East, 98.35 feet;
South 06°59'06" East, 75.62 feet to the West right of way line of County Highway AB;
thence South 00°24'10" West, along said right of way line 1764.11 feet;
thence continuing along said right of way line, South 00°14'45" West, 897.71 feet to the Northeast corner of Certified Survey Map 6623, recorded in Volume 32 of Certified Survey Maps on Pages 272 and 273 as Document 2311328;
thence South 70°11'29" West, along the North line of said Certified Survey Map 6623 1373.82 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter;
thence South 87°59'24" West, along the South line of said Northwest Quarter of the Northeast Quarter, 1324.74 feet to the Southwest corner of said Northwest Quarter of the Northeast Quarter;
thence North 00°21'33" West, along the West line of said Northwest Quarter of the Northeast Quarter, 1320.13 feet to South Quarter corner of said Section 25 and the **Point of Beginning**.

The described land contains 10,001,408 square feet or 229.60 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of records.

	County of Dane 36 Hole Golf Lease		<div>AYRES</div>	
			Drawn: CJS	Scale = NA
		REVISIONS	Date: 04/05/2022	SHEET NUMBER 2 OF 2

EXHIBIT C

Map of Leased Premises – 27 holes



TAX PARCELS 251/0710-254-0099-7 & 251/0710-361-0099-0

27 HOLE GOLF LEASE LEGAL DESCRIPTION:

A part of the Dane County Sustainability Campus Plat, recorded in Volume _____ of Plats on Pages _____ as Document _____, being located in part of the Southwest Quarter of the Northeast Quarter, a part of the Northwest Quarter of the Southeast Quarter, a part of the Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter, a part of the Southeast Quarter of the Southeast Quarter of Section 25, the Northwest Quarter of the Northeast, a part of the Northeast Quarter of the Northeast Quarter of Section 36, all in Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin described as:

Beginning at the South Quarter corner of Section 25 ;
thence North 00°20'47" East, along the West line of the Southeast Quarter of said Section, 2648.86 feet to the Center Quarter corner of said Section;
thence North 00°20'12" East, along the West line of the Northeast Quarter of said Section, 436.32 feet to the Southerly right of way line of United States Highway 12 and 18;
thence along said Southerly right of way line for the next three courses;
South 72°02'15" East, 445.53 feet;
South 65°27'59" East, 156.63 feet;
South 71°33'05" East, 321.94 feet;
thence South 27°04'18" East, 994.60 feet;
thence South 89°41'58" East, 1293.82 feet to the West right of way line of County Highway AB;
thence along said West right of way line for the next three courses;
South 06°59'06" East, 34.96 feet;
South 00°24'10" West, 1764.11 feet;
thence South 00°14'45" West, 897.71 feet to the Northeast corner of Certified Survey Map 6623, recorded in Volume 32 of Certified Survey Maps on Pages 272 and 273 as Document 2311328;
thence South 70°11'29" West, along the North line of said Certified Survey Map 6623, 1373.82 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 36;
thence South 87°59'24" West, along the South line of said Northwest Quarter of the Northeast Quarter, 1324.74 feet to the Southwest corner of said Northwest Quarter of the Northeast Quarter;
thence North 00°21'33" West, along the West line of said Northwest Quarter of the Northeast Quarter, 1320.13 feet to the South Quarter corner of said Section 25 and the **Point of Beginning**.

The described land contains 9,158,106 square feet or 210.24 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of records.

	County of Dane 27 Hole Golf Lease		<div>AYRES</div>	
			Drawn: CJS	Scale: NA
		REVISIONS	Date: 03/31/2022	SHEET NUMBER 2 OF 2

EXHIBIT D

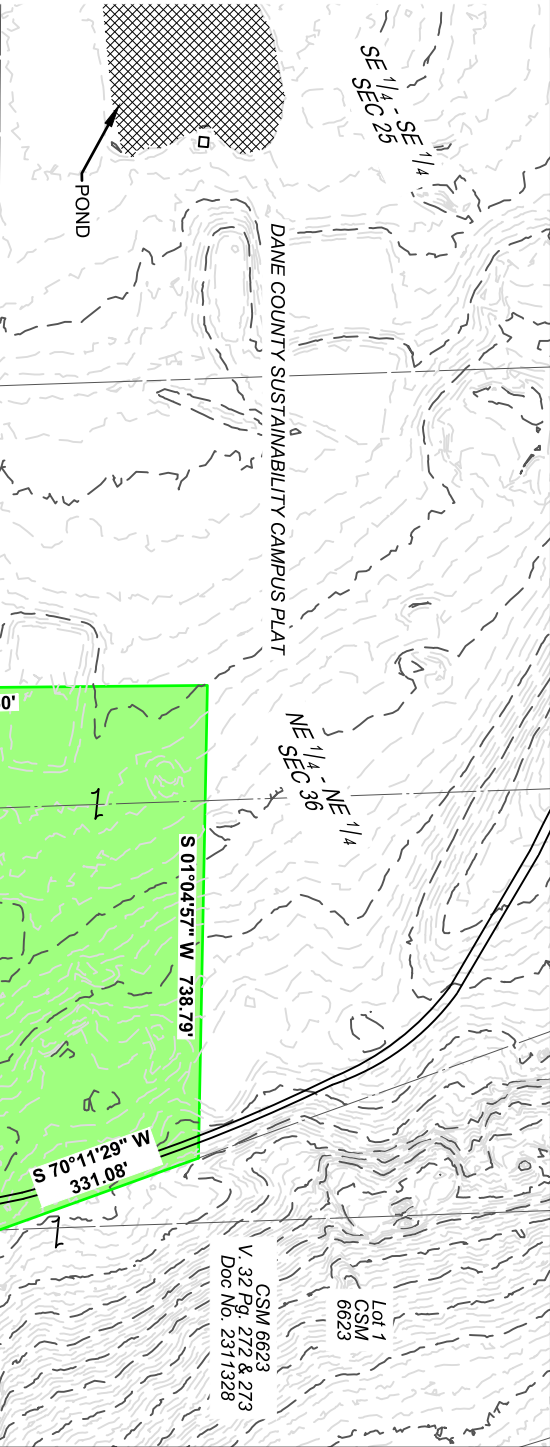
Map of Leased Premises – 18 holes

TAX PARCELS 251/0710-254-0099-7 & 251/0710-361-0099-0
18 HOLE GOLF LEASE LEGAL DESCRIPTION:

A part of the Dane County Sustainability Campus Plat, recorded in Volume _____ of Plats on Pages _____ as Document _____, being located in part of the Northwest Quarter of the Southeast Quarter, a part of the Southwest Quarter of the Southeast Quarter of Section 25, a part of the Northwest Quarter of the Northeast Quarter, a part of the Northeast Quarter of the Northeast Quarter of Section 36, Township 07 North, Range 10 East, City of Madison, Dane County, Wisconsin described as:

Beginning at the South Quarter Corner of Section 25; thence North 00°20'47" East, along the West line of the Southeast Quarter of said Section 25, 2,442.97 feet; thence South 42°05'36" East, 1,171.95 feet; thence South 00°39'57" West, 2,004.45 feet; thence North 89°27'50" East, 880.60 feet; thence South 01°04'57" West, 738.79 feet to the North line of Lot 1 of Certified Survey Map 6623, recorded in Volume 32 of Certified Survey Maps on Pages 272 and 273 as Document 2311328; thence South 70°11'29" West, along said North line, 331.08 feet to the Southeast corner of the Northwest Quarter of the Northeast Quarter; thence South 87°59'24" West, along the South line of said Northwest Quarter of the Northeast Quarter, 1,324.74 feet to the Southwest corner of said Northwest Quarter of the Northeast Quarter; thence North 00°21'33" West, along the West line of said Northwest Quarter of the Northeast Quarter, 1,320.13 feet to the **Point of Beginning**.

The described land contains 3,319.123 square feet or 76.20 acres, more or less, and is subject to restrictions, reservations, rights-of-way and easements of records.



LEGEND

- FOUND SECTION CORNER
- 100.00' MEASURED BEARING OR DISTANCE
- SECTION LINE
- QUARTER LINE
- SIXTEENTH LINE
- RIGHT OF WAY LINE
- PROPERTY LINE
- MUNICIPAL BOUNDARY
- PROPOSED WISDOT STORM
- WATER PONDS
- 18 HOLE GOLF LEASE BOUNDARY

MAP KEY

18 HOLE GOLF LEASE EASEMENT AREA

TAX KEY 251/0710-254-0099-7 TOTAL AREA = 1,570,802 SF - 36.06 ACRES
TAX KEY 251/0710-361-0099-0 TOTAL AREA = 1,748,321 SF - 40.14 ACRES
18 HOLE GOLF LEASE TOTAL AREA = 3,319.123 SF - 76.20 ACRES



NORTH

NOTES:
BEARINGS FOR THIS MAP ARE REFERENCED TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 25 MEASURED TO BEAR NORTH 00°20'47" EAST ON THE WISCONSIN COUNTY COORDINATE SYSTEM (DANE ZONE) NAD83(2011). DISTANCES SHOWN ARE GROUND DISTANCES.

County of Dane	
18 Hole Golf Lease	
REVISIONS	

AYRES	
Drawn: CJS	Scale: 1" = 300'
Date: 03/31/2022	SHEET NUMBER 1 OF 1

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. _____

Form 1100-1
iv. 11-82**SUBJECT:**

Adoption of Order SW-64-86 to repeal Chapter NR 180 and create a series of chapters between NR 500 and 520, Wis. Adm. Code, pertaining to solid waste management.

FOR June (month) BOARD MEETING

TO BE PRESENTED BY: Richard G. Schuff and Mark Gordon

SUMMARY:

The proposed revisions to NR 180 incorporate changes in response to legislation enacted between March 1980 and today. The statutory changes which provide the basis for the new and revised code provisions include Chapter 374, Laws of 1981 (Siting) and 1983 Wisconsin Acts 27 (Waste Flow Control), 90 and 91 (Permit Center Notification), 93 (Needs), 282 (Waste Facility Siting Process), 410 (Groundwater Bill) and 426 (Recycling), and 1985 Wisconsin Act 46 (High Volume Industrial Waste Recycling). In addition, technical advances in the last seven years have resulted in many improvements in landfill technology. The new rules incorporate landfill design, construction, operational, monitoring and quality assurance/quality control specifications.

Hearings were held on March 4 and 6, 1987. A copy of the hearing examiner's report, and the responsiveness summary are attached. Many changes to the rules have been made. An additional meeting with our Technical Advisory Committee to discuss these changes showed that most issues appear to have been resolved. Remaining issues where agreement with the Technical Advisory Committee could not be reached, included the requirements for Waste Reduction and Recovery to be addressed in feasibility reports, the provisions defining violations which could result in license revocations & the provisions further defining "need" in a feasibility report. A more complete discussion on these issues and how they were addressed can be found in the Environmental Assessment analysis attached to the Background Memo.

RECOMMENDATION:

That the Natural Resources Board adopt Order No. SW-64-86.

EXHIBIT

15**LIST OF ATTACHED REFERENCE MATERIAL:**

No ☐ Fiscal Estimate Required
 No ☐ Environmental Assessment or Impact Statement Required
 No ☐ Background Memo

Yes ☒ Attached
 Yes ☒ Attached
 Yes ☒ Attached

APPROVED:

Paul P. Didier
 Bureau Director Paul Didier

6/3/87
 Date

Lyman Wible
 Administrator Lyman Wible

6/4/87
 Date

C.D. Besadny
 Secretary C.D. Besadny

6-8-87
 Date

MEG:jb
 Attach.

cc: Judy Scullion - AD/5
 Carol Turner - LC/5
 Paul Didier - SW/3
 Richard Schuff - SW/3
 Mark Gordon - SW/3
 Chuck Leveque - LC/5

of design capacity. Expansions of existing facilities are not subject to the 10-year minimum design capacity requirement.

(3) CLAY-LINED LANDFILLS. All facilities designed with a clay liner shall meet the following requirements:

(a) Soil used for the clay liner shall meet the specifications contained in sub. (5).

(b) A leachate collection system shall be included in each horizontal phase of the facility. This system shall be designed to limit the post closure average leachate head level on the liner to one foot or less.

(c) The separation distance between the seasonal high groundwater table and the bottom of the clay liner shall be at least 10 feet.

(d) The separation distance between the competent bedrock surface and the bottom of the clay liner shall be at least 10 feet.

(e) The minimum slope on the top of the clay liner toward the leachate collection lines shall be at least 2%.

(f) The minimum thickness of the clay liner at all locations shall be at least 5 feet measured perpendicular to the liner surface.

(g) The clay-lined base and interior sidewalls shall be constructed in lift heights no greater than 6 inches after compaction.

(h) The slope of the interior sidewalls shall not exceed 3 horizontal to one vertical.

(i) A minimum 1-foot thick granular drainage blanket shall be placed on top of the clay-lined base and sidewalls. The granular drainage blanket shall contain no more than 5% material by weight which passes the 200 sieve, have a uniformity coefficient of less than 4 for gravel soils and less than 6 for sandy soils, and a hydraulic conductivity which is greater than or equal to 1×10^{-9} cm/sec at the anticipated field density.

(j) Clay-lined phases of the facility constructed adjacent to each other

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: June 2, 1987

FILE REF: 4400

TO: C. D. Besadny - AD/5

FROM: Paul Didier - SW/3 *Paul*

SUBJECT: Responsiveness Summary to Comments Received Either in Writing or at the Public Hearings Held in Wausau and Madison on Proposed Revisions to ch. NR 180 (Newly Created chs. NR 500-520) on Solid Waste Management

A summary of the comments received and the Department's response to the comments is outlined below. The comments are divided into three categories. Comments 1 through 6 address the issues of most concern to the regulated community, comments 7 through 23 address general issues which do not fall under a specific code section and comments 24 through 382 address the remainder of the comments received on specific code sections.

I. MAJOR COMMENTS

Comment #1 - The most comments regarding any issue were received on the proposed final cover requirements - Wisconsin Manufacturers and Commerce, Carl Schmidt, Monroe County, Winnebago County, Outagamie County, Marathon County, Brown County, Wisconsin Electric, Wisconsin Utility Association, Dairyland Power, Manitowoc County, Marinette County, Lincoln County, North West Regional Planning Commission, Wisconsin Public Service, National Solid Waste Management Association and the Wisconsin Paper Council were opposed to the new requirements primarily because of the increased costs and the unproven nature of the proposed technology. Foth & Van Dyke, Vilas County, La Crosse County, Bayfield County, Browning-Ferris Industries, Waste Management Inc., Graef-Anhalt and Schloeman and Becher-Hoppe were opposed to certain portions of the final cover system primarily the "wick effect" layer.

Response - The proposed final cover system design has been revised to account for a majority of the comments received. This has been done in the following manner: First, the requirement for a one-foot thick gas venting layer has been removed. The requirement is now more general in nature and states: "facilities which accept waste which have the potential to generate gas must have a final cover system capable of allowing removal of the generated gas." This will give applicants more design flexibility but will still meet the intent of the rules. Second, the requirement for a one-foot thick "wick effect" layer has been removed. Last, the cover soil layer has been retained. The thickness of the layer will vary between 1.5 feet and 2.5 feet based on site specific characteristics. This cover soil layer is important in order to protect the clay soil layer from damage due to freezing and to minimize leachate generation over the long-term. These modifications will make the up-front costs of the new cover system more reasonable but will still provide for long-term reduction in costs through reduced leachate generation.

TO: C. D. Besadny - June 2, 1987

"unless the applicant can demonstrate that no significant quantity of leachate will be generated due to the unique character of the waste or facility type" at the end of the first sentence

Comment #123 - Concerned that the requirement in s. NR 504.05(1)(b) to complete construction within two years of the Plan of Operation approval may be difficult - Foth & Van Dyke, Inc., Wisconsin Paper Council and Appleton Papers.

Response - This was an issue which was discussed in detail with the technical advisory committee. The language which is currently in the code was agreed to by the committee and is appropriate as written.

Comment #129 - Waste used as construction material should not be counted as design capacity - Wisconsin Paper Council.

Response - The proposed modification was made to s. NR 504.05(2) of the rules.

Comment #125 - Allow owners to fill higher than the approved final elevation if they can show that settlement will occur to the previously approved elevation - Wisconsin Paper Council.

Response - Allowing the filling of waste beyond the final approved grades would result in the owner disposing of more waste than the approved design capacity. This is not allowed under State Statutes.

Comment #126 - The word "erosional" should be removed from s. NR 504.05(3)(d) - Wisconsin Paper Council.

Response - The word "erosional" was removed and the word "competent" was added in its place.

Comment #127 - Remove the word "erosional" from s. NR 504.05(3)(d) or define "erosional bedrock" - National Solid Waste Management Association.

Response - The word "erosional" was replaced with the word "competent."

Comment #128 - Allow leachate head levels to be 5 feet or less instead of 1 foot as required by s. NR 504.05(3)(b).

Response - This section of the code is a design standard not a performance standard. Using state-of-the-art landfill design, this is an achievable goal and one that has been used for many landfill designs. The operational code (NR 506) requires that the leachate collection system be free draining which would allow some leachate head buildup in manholes or sumps. The actual amount would be determined on a case-by-case basis.

Comment #129 - A 10-foot separation to groundwater or bedrock is inappropriate - Waste Management, Inc.

Response - The required separation distances have been used as guidelines for many years and in most cases, are the minimum necessary. The 10-foot separation to groundwater is necessary to ensure that unsaturated zone monitoring devices can be installed above the water table and that a rising water table does not damage the clay liner. There have been several instances where a lesser separation distance has been approved when groundwater control systems were included with the design. The proposed code contains the flexibility to allow these alternative designs. The bedrock separation is also necessary because the bedrock surface can be highly variable. Problems have occurred at a number of sites where competent rock was encountered above the proposed base grades, resulting in the need for major design changes. Again, the ability to propose alternatives exist.

Comment #130 - Five feet of clay may be excessive, especially in areas of Wisconsin that are clay short - Dairyland Power, North West Regional Planning Commission, City of Superior and Becher-Hoppe.

Response - The original draft of NR 504 contained requirements for different liner thicknesses depending on facility size and the hydrogeologic setting. The Technical Advisory Committee recommended using the 5-foot standard. The code does contain the ability for exemptions on a case-by-case basis.

Comment #131 - The measurement of liner thickness should be measured vertically and not perpendicular to the slope. Measuring the thickness perpendicular to the slope results in an additional thickness of 0.26 feet for a 5-foot thick liner - Foth & Van Dyke.

Response - The requirement to measure liner thickness perpendicular to the slope has been a standard requirement for many years. Given the small amount of additional clay necessary, it doesn't appear warranted to measure the thickness vertically.

Comment #132 - The requirement to construct lifts which are 6-inches thick following compaction is not possible. The thickness should be changed to 1 foot - Manitowoc County, National Solid Waste Management Association and City of Superior.

Response - Numerous facilities have constructed clay liners in 6-inch lifts. The importance of compacting clay in thin lifts is well documented throughout the technical literature. Constructing clay liners in lift thicknesses of 12 inches following compaction is not technically sound.

Comment #133 - Interior sidewalls of greater than 3:1 (horizontal to vertical) should be allowed - Waste Management, Inc. and National Solid Waste Management Association.

Response - The code does allow for alternative designs. However, slopes greater than 3:1 are seldom approved for a number of reasons. First, the drainage blanket which is required to be placed in the sidewalls for leachate and gas removal is not stable at slopes greater than 3:1.