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July 22, 2026

Sent via E-mail
File Ref: FID #252076990
Racine County

Michael Gilligan, Environmental Manager
Republic Services of Wisconsin, Limited Partnership
26W850 Schick Road
Hanover Park, Illinois 60133

Subject: Final Determination, Issuance of Initial Long-Term Care License #572
Kestrel Hawk Landfill, EPA ID #WID076171008
BRRTS No. #02-52-592275

Dear Mr. Gilligan:

The Wisconsin Department of Natural Resources (department) has completed its review of the long-term care (LTC) license application submittal for the Kestrel Hawk Landfill, located in the City of Racine, Wisconsin. The application was received via electronic file transfer on November 7, 2025, and included KHL's and TRC's transmittal letters dated November 7, 2025, and a revised Feasibility and Plan of Operation Report (FPOR) dated November 7, 2025. The application also addressed corrective action requirements.

Based on information provided in the application submittal and subsequent submittals, it is the department's determination to issue an initial LTC license for a 10-year term, under the license # 572, subject to the conditions contained in the attached final determination. The department recommends that you carefully review these conditions. Note that the department retains authority to either require the submittal of additional information or to modify this approval at any time if-conditions warrant further modifications.

The department had previously issued a preliminary determination dated May 14, 2026, distributed and published a public notice, and established a 45-day public comment period. The department received no comments from the facility or public during the public comment period. Please note that a final determination can be appealed, as described in the closing section of this attachment.

If you have any questions regarding the attached documents, please contact Kendra Fisher at Kendra.Fisher@wisconsin.gov or 262-219-7335.

Sincerely,

Andrea Keller

Andrea Keller, Section Manager
Hazardous Waste Prevention & Management Section
Waste and Materials Management Program

Douglas Coenen

Douglas W. Coenen, Waste Management Engineer
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BEFORE THE STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

FINAL DETERMINATION
FEASIBILITY AND PLAN OF OPERATION REPORT

Kestrel Hawk Landfill
1969 Oakes Road
Racine, WI 53406
EPA ID # WID076171008
FID 252076990
BRRTS No. #02-52-592275
Hazardous Waste Long-Term Care License #572

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Facility Location and Contacts

Facility Name, and Address

Kestrel Hawk Landfill
1969 Oakes Road
Racine, WI 53406

Facility Owner and Operator

Republic Services of Wisconsin, Limited Partnership
5353 East City North Drive
Phoenix, AZ 85054[1]

Facility Contact Information

Michael Gilligan, Environmental Manager
Republic Services of Wisconsin, Limited Partnership
26W850 Schick Road
Hanover Park, Illinois 60133
Phone: (224) 288-4633

Facility Location (Municipality)

City of Racine, Wisconsin
North ½ of Section 23, Township 3
North, Range 22 East, Racine, Racine County, Wisconsin.
Latitude: 42.708843° North
Longitude: -87.864133° West

Other Affected Municipalities

Village of Mt. Pleasant, Wisconsin
Racine County, Wisconsin

Licensing Process

Wisconsin Hazardous Waste Licensing Program

The Wisconsin hazardous waste regulatory program is administered through the Department of Natural Resources (department) and is generally modeled after the federal program adopted under the Resource Conservation and Recovery Act (RCRA) promulgated in 40 CFR Parts 260 through 273. The RCRA program requires "permits" to be obtained by hazardous waste treatment, storage, and disposal facilities (TSDFs). In Wisconsin, ch. 289, Wis. Stats., requires that these same facilities obtain "licenses" which have the same function and effect. Wisconsin's hazardous waste program has been authorized by U.S. EPA to implement the hazardous waste facility regulatory program in the state.

Chapter 289, Wis. Stats., lays out a minimum two-phased process for the licensing of solid waste facilities, including hazardous waste facilities, and establishes submittal, review, and public involvement processes for each phase. These phases involve the development and approval of a feasibility report and development and approval of a plan of operation. For hazardous waste facilities, subch. B of ch. NR 670, Wis. Adm. Code combines these into a single phase called a feasibility and plan of operation report (FPOR) and adds additional submittal, review,

[1] KHL informed the department of this new address for the owner after submittal of the FPOR.

and public involvement processes. Wisconsin's FPOR-based licensing process for hazardous waste facilities is subject to the applicable requirements of chs. 289 and 291, Wis. Stats., and ch. NR 670, Wis. Adm. Code. The FPOR is generally equivalent to the "Part B Application" called for in the federal RCRA program (40 CFR 270.14).

The final determination of feasibility is often referred to as the conditional "plan approval" or "approval", as that term is used (for example) in s. 289.29(3), Wis. Stats. (feasibility reports) and ss. 289.30(4) through (8), Wis. Stats (plans of operation). The final determination (approval) and its conditions become part of the license, along with the approved application (the FPOR and Part A information) and all approved subsequent license (plan) modifications. This approval is equivalent to the "Part B Permit" called for in the federal RCRA program.

When issued, the license includes the approved FPOR and all conditions of the Final Determination.

Previous Solid Waste Licensing

The Kestrel Hawk Landfill (KHL), then known as Land Reclamation, Ltd. (LRL) was initially approved for solid waste landfilling by the department on April 20, 1970, under the issuance of License #572. On May 16, 1975, the department conditionally reissued LRL's 1974-75 operations license to allow acceptance of toxic and hazardous wastes. A plan of operation was conditionally approved on December 19, 1984, which established requirements and allowed for continued landfill operations within the entire landfill at the time, which involved approximately 70 acres. These 70 acres are referred to as the "Old Site" and consist of the old City of Racine Site, Corridors 1-4, and newer Corridors 5 through 13.

A plan of operation approval was issued for the Northwest Expansion Landfill on August 30, 1996, which approved additional landfilling above a northern portion of the Old Site and on additional land north and west of the Old Site. The Northwest Expansion increased the total approved landfill area to 125.4 acres. Because the Northwest Expansion Landfill was constructed both above and immediately adjacent to the Old Site, requirements were established for the construction of caps and other barriers to isolate and contain the older fill areas prior to filling in the Northwest Landfill Expansion.

Waste disposal operations ceased in December 2022, and construction of the last segments of final cover was completed in 2024.

Previous Hazardous Waste Disposal Authorizations

On May 16, 1975, the department conditionally reissued LRL's 1974-75 license to allow acceptance of "toxic and hazardous wastes" under state solid waste regulations in place at that time. In late 1980, in advance of the effective date of the initial set of RCRA federal hazardous waste regulations, the facility filed a notification of hazardous waste activity with U.S. EPA and continued under federal interim status to dispose of hazardous waste at the facility. The facility ceased hazardous waste disposal in 1982 when its request for an interim hazardous waste license was denied by the department. Since then, applicable Wisconsin hazardous waste program regulatory requirements for inactive landfills awaiting closure (such as the ch. NR 600-series, Wis. Adm. Code, requirements regarding groundwater monitoring, corrective action, and financial assurance) have been incorporated within Wisconsin solid waste program conditional approvals, under Solid Waste Landfill License #572.

Final closure of the facility was postponed to allow for continued non-hazardous solid waste disposal in contiguous landfill areas, as allowed by s. NR 664.0113(4), Wis. Adm. Code. However, a series of caps, barrier

walls, and containment systems were constructed over and around the areas previously used for hazardous waste disposal, to separate them (both vertically- and horizontally) from adjacent, ongoing non-hazardous waste landfilling.

Transition To Long-Term Care (LTC) Licensing

On September 6, 2022, KHL submitted a notice of landfill closure to the department. The landfill subsequently submitted the required ch. NR 500-series, Wis. Adm. Code, solid waste closure documentation information to the department for approval. On November 8, 2024, the department's solid waste program approved the construction documentation report for the 2023-2024 composite cover construction at the KHL. This report documented the final segment of capping involving the construction of approximately 24.8 acres of final cover in Phase 4 and Phase 5 areas of the landfill. The landfill filed a Final Landfill Closure Deed Notation with the Racine County Register of Deeds on March 14, 2025. Accordingly, KHL has met its obligations for closure under the solid waste program.

On April 4, 2025, KHL submitted Form 440-117 (Solid Waste LTC License Application), and applied for a LTC license from the hazardous waste program which included an FPOR that addressed the informational requirements of s. NR 670.028, Wis. Adm. Code.

A hazardous waste LTC license is required under ch. NR 670, Wis. Adm. Code and a solid waste LTC license is required under ch. NR 500, Wis. Adm. Code. In this final determination, the department reviewed both the solid waste and hazardous waste LTC applications. The LTC license that is the subject of this determination will serve to satisfy the licensing requirements of both chs. NR 500-599, Wis. Adm. Code, regarding solid waste landfills, and chs. NR 600-699, Wis. Adm. Code, regarding hazardous waste landfills, rather than establishing two separate licenses. Specifically, the department has determined that KHL will meet the LTC licensing requirements of s. NR 520.04(3), Wis. Adm. Code, and the licensing fee requirements in Table 3 of ch. 520, Wis. Adm. Code, by maintaining this hazardous waste landfill long-term care license.

Solid waste regulations and previous site-specific approvals have established requirements for ongoing long-term care activities, such as continued operations of leachate and gas management systems, site maintenance, monitoring, and reporting for the entire facility that will remain effective as part of this LTC license, per Condition A.4. However, Condition B.2.b of this determination allows certain previous solid waste approval requirements to be modified through the ch. NR 500-series, Wis. Adm. Code, solid waste plan modification process rather than the hazardous waste license modification process as described in s. NR 670.042, Wis,. Adm. Code.

Based on KHL's applications, the department developed a Preliminary Determination, which was published for public comment on May 26, 2026. The department is now issuing a Final Determination and LTC license. Pursuant to s. 289.41(1m)(c), Wis. Stats., long-term care is required in perpetuity. This LTC license must be renewed once every 10 years, consistent with the hazardous waste license obligations found in s. NR 670.050, Wis, Adm. Code. At this time, in consideration of ch. NR 670, Appendix II, footnote 11, Wis. Adm. Code, (See PDF for table), the department is not requiring the issuance of an annual operating license addressed in s. NR 670.050(1), Wis. Adm. Code, during the LTC period.

Hazardous Waste Licensing Process

Wisconsin laws and regulations establish that licenses are required for facilities that store, treat, or dispose of hazardous waste (unless the activity is exempted or excluded) and for closed facilities in LTC. Under s. NR

670.010(3), Wis. Adm. Code, a license application is required to include a feasibility and plan of operation report (often referred to as an FPOR), Part A application information, and any supplemental information which are completed to the department's satisfaction. Regulatory requirements in ch. NR 670, Wis. Adm. Code, are framed in terms of an operating license; the department considers LTC and corrective action to be activities that are a continuing part of facility operations even if the facility has ceased its primary operating activity such as solid waste disposal. In the case of LTC license applications, the minimum requirements are outlined in s. NR 670.028, Wis. Adm. Code.

The following steps typically occur when issuing a hazardous waste license:

a. The applicant must submit a license application.
b. After the department determines that the application is complete and adequate, and notifies the applicant, the department issues preliminary determinations regarding the following:

    - The need for an environmental impact statement per s. 289.25(1), Wis. Stats.;
    - The needs criteria of s. 289.28, Wis. Stats.;
    - Compliance with the water quality standards for wetlands in ch. 103, Wis. Adm. Code; and
    - Whether facility is feasible pursuant to s. 289.29, Wis. Stats, and whether or not to conditionally approve the FPOR per s. NR 670.406(1), Wis. Adm. Code.

c. When issuing the preliminary determinations, the department publishes public notices per s. 289.25(3), Wis. Stats, and s. NR 670.410, Wis. Adm. Code.
d. After the application is declared complete, the applicant distributes the license application as required by s. 289.24(4), Wis. Stats.
e. Public comment is available for 45 days after public notice per s. NR 670.410(2), Wis. Adm. Code. A public hearing may also be requested during this period per s. 289.26(1), Wis. Stats. and s. NR 670.411, Wis. Adm. Code.
f. Within 60 days after the close of the comment period, the department issues a final determination of feasibility per ss. 289.29(3) and (4), Wis. Stats. and s. NR 670.415(1), Wis. Adm. Code. This also includes a determination that there is a need for the facility per s. 289.28(3), Wis. Stats.
g. Within 90 days after the completeness determination or within 60 days after the feasibility determination, whichever is later, the department issues a plan approval (with conditions) of the FPOR per s. 289.30(6), Wis. Stats.
h. The department issues a license per s. 289.31, Wis. Stats. According to s. NR 670.050, Wis. Adm. Code, licenses shall be effective for a fixed term of up to 10 years. LTC licenses may be issued for the same maximum term.

Licensees (Owner and Operator)

Requirements of the license apply to all owners and operators of the facility, who are referred to herein collectively as the "licensee(s)." Actions by any owner or operator, to be compliant with this license or that are non-compliant with this license, constitute an action of all owners and operators as specified in chs. NR 664 and

NR 670, Wis. Adm. Code.[2] For the purposes of this license, licensee(s) means the current owner and operator, identified in the FPOR as:

Republic Services of Wisconsin, Limited Partnership
5353 E City North Drive
Phoenix, AZ 85054

License Term

Per s. NR 670.050, Wis. Adm. Code, licenses shall be effective for a fixed term of no more than 10 years. Long-term care licenses may be issued for the same maximum term as licenses for operating treatment, storage, and disposal facilities (TSDFs). This final determination (approval) and its conditions, along with the Approved FPOR, shall be effective beginning on the date of this approval through a fixed term of 10 years.

Feasibility and Plan of Operation Report Summary

Facility Overview

The FPOR dated November 7, 2025, contains the following summary of key features of the facility:

Kestrel Hawk Landfill (KHL) is in the City of Racine, Racine County, Wisconsin, and is owned and operated by Republic Services. KHL consists of the "Old Site" and the Northwest Expansion Landfill (Northwest Expansion), as shown on Figure 4 of the FPOR. The surrounding land use varies. Generally, residential properties are located to the east, southeast, southwest, and west of the KHL property. Commercial and industrial developments are also located to the southeast, southwest, and west of the KHL property. The City of Racine has recently constructed, and obtained a department license to operate, a municipal solid waste transfer station on the property immediately south of the KHL landfill area, within the general area where groundwater monitoring and corrective action wells remain in operation.

The facility was acquired in 1998 by Republic Services, a nationwide waste services firm. Most of the regulatory determinations, design considerations, and implementation of capping activities for the hazardous waste unit (HWU) were undertaken between the late 1980s and mid-1990s, when the landfill was owned by different entities.

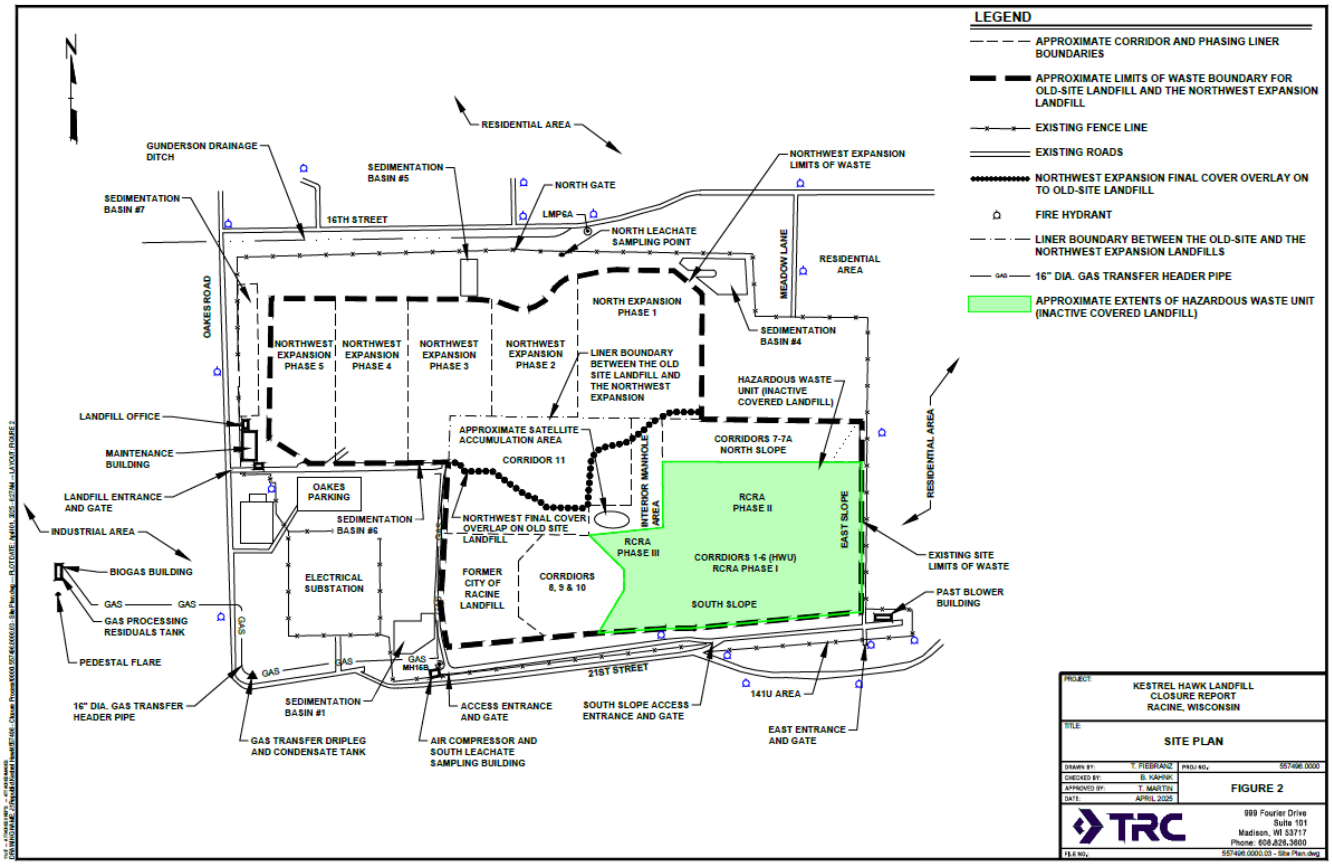
The Old Site is approximately 70.1 acres in size and includes the former City of Racine Landfill, a RCRA hazardous waste and non-hazardous waste unit (referred to as the HWU, consisting of Corridors 1 through 6), and non-hazardous municipal solid waste units (Corridors 7/7A, Corridors 8, 9, and 10 and Corridor 11). Operations within the Old Site began in the early 1960s with the former City of Racine Landfill. In August 1970, operations of the former City of Racine Landfill were assumed by the Land Reclamation Landfill, Inc. Shortly after this change, disposal within the former City of Racine Landfill ended and the area was covered. Waste disposal operations continued into Corridor 1 beginning in 1970, with Corridors 2 through 11 constructed incrementally until 1995. Additional information relating to the construction of the Old Site/HWU components, including the

[2] See s. NR 670.001(2), Wis Adm. Code, s. NR 670.001(3), Wis. Adm. Code, s. NR 670.010(2), Wis. Adm. Code, and s. NR 664.0001(2), Wis. Adm. Code

timeline of initial construction, installed cutoff and barrier walls, and segregating cover installations, are provided in Section 3.0 and Appendix D of the FPOR.

The Northwest Expansion subsequently occupied an expanded footprint area of approximately 55.3 acres consisting of Phases 1 through 5, and a vertical overlay area over the Old Site of approximately 9.5 acres. Unlike previous fill areas, the expanded footprint was fitted with an engineered liner and leachate collection system. The Northwest Expansion received a ch. NR 500-series, Wis. Adm. Code, Plan of Operation Approval in 1996, and was approved to accept non-hazardous municipal, commercial, and industrial solid wastes. KHL officially ceased waste acceptance in December 2022, and construction of the last areas of final cover were completed in 2024.

The following figure presents the general locations of these areas.



The landfill previously accepted hazardous wastes which were co-disposed with non-hazardous waste. In May 1975, the department issued the Land Reclamation Landfill (LRL) (currently known as KHL) a permit for the disposal of hazardous wastes at the site. LRL accepted hazardous waste beginning in the early to mid-1970s. LRL was granted interim status by the U.S. EPA as a hazardous waste disposal facility in 1980. By August 1982, LRL ceased acceptance of hazardous wastes and was denied continuance of interim status by the department in December 1982. As noted above, the areas of interim status hazardous waste disposal are comprised of Corridors 1-6, shown on Figure 4 of the FPOR. Complete data for hazardous waste disposed within Corridors 1 through 6 is limited due to the facility operating under a different organization at the time in which disposal occurred. However, the available summary of hazardous waste received at KHL from 1980 to 1982 is included in Appendix E of the FPOR.

As detailed above, KHL no longer accepted hazardous waste following 1982. However, generation of hazardous waste at the facility continues due to the leachate removed from the HWU and the collection of impacted groundwater associated with the HWU. These liquids are discharged to the Racine Wastewater Utility sanitary sewer system (hereinafter, City of Racine sanitary sewer) in compliance with the industrial wastewater discharge permit. KHL's current industrial wastewater discharge permit is found at Appendix A.2 of the FPOR. In addition to these liquids, hazardous waste is periodically generated during the maintenance of equipment in contact with leachate in the HWU, and annual oily substance removal events.

Final Capping and Facility Closure

The final cover system is a barrier designed to separate the interred waste from the outdoor environment. The KHL final cover system was constructed in phases, over many different years, resulting in differing final cover configurations which include compacted clay/topsoil systems and various types of composite (soil and geomembrane) systems.

In addition to the final cover system, KHL has several separation barrier walls installed between the HWU and non-hazardous waste portions of the landfill. These barrier walls extend from the liner system or native underlying clay to the final cover system, to encapsulate the HWU from nonhazardous waste areas.

In a letter dated November 8, 2024, the department issued a Construction Documentation Approval for KHL's 2023-2024 composite cover construction, which represented the last phase of final cover/capping required to be completed over the landfill. Appendix P of the Approved FPOR includes a copy of the deed notation filed with the City of Racine, with a letter dated March 7, 2025, pursuant to s. NR 664.0119, Wis, Adm. Code. The department intends to release financial assurance for solid waste facility closure in coordination with the issuance of the long-term care license.

Long-Term Care

Long-term care is required by ss. NR 506.081 and NR 664.0117, Wis. Adm. Code, and generally includes leachate and gas system operation, system maintenance/repairs, environmental monitoring, and reporting. Responsibility for long-term care continues in perpetuity pursuant to s. 289.41(1m)(c), Wis. Stat. This License establishes operation and maintenance requirements for long-term care systems to be met throughout the long-term care period, or until the department approves changes to or cessation of activities though a hazardous waste LTC license modification, The following subsections provide a summary of key long-term care activities.

Stormwater Management

Diversion berms and downslope flumes are installed across the final cover system of KHL to assist in managing runoff from the landfill final cover and minimize infiltration into the underlying waste. Associated with the diversion berms, drainpipes are installed within the final cover to convey non-contact infiltrated precipitation trapped above geomembranes to the perimeter storm water infrastructure. The downslope flumes discharge through concrete energy dissipaters located within the perimeter drainage ditches and assist in reducing the discharge velocity to protect the perimeter drainage ditches from erosion.

Perimeter drainage ditches are routed around the perimeter of KHL to convey surface water that has flowed from the diversion berms and downslope flumes along overland flows off the final cover system to the sedimentation basins located around KHL.

Five sedimentation basins are located throughout KHL property. These sedimentation basins collect runoff from the landfill areas prior to discharge through approved WPDES outfall structures to downstream drainageways.

Leachate Management

The leachate containment/collection system consists of landfill infrastructure such as base liners and cutoff walls that were designed to minimize the potential of leachate migration outside the waste limits, or the migration of leachate from HWU into the adjoining non-hazardous waste units. In addition, collection and extraction infrastructure were designed to remove leachate from the waste mass and convey the liquids to the City of Racine sanitary sewer discharge locations.

The collection and extraction system consist of both vertical extraction wells and horizontal leachate collection lines. Extracted leachate is routed from the waste mass into a conveyance system, which routes the leachate and other extracted liquids (condensate/groundwater) to the City of Racine sanitary sewer for discharge via constructed manholes and lift stations.

In addition to the extraction system, leachate head wells are installed to monitor leachate head levels within KHL. Leachate head wells within the HWU are evaluated annually against four performance criteria established by the department in the December 28, 2005, plan modification approval.

Landfill Gas Management

The gas collection system operates to control emissions and migration of landfill gas, and to allow for energy recovery. The gas system within the HWU and former City of Racine Landfill operates in conjunction with the rest of KHL gas system. Gas collected from KHL is routed to the on-site biogas facility. A compressor located at the Biogas East Facility withdraws gas from the extraction wells. The gas is then directed to the S.C. Johnson Inc. facility (located west of KHL at 8311 16th Street, Sturtevant, WI) for energy recovery, and/or burned at a utility flare at KHL's Biogas West Facility. The facility's current air permit (Operating Permit 25207699A-P30) includes comprehensive regulatory requirements for operation of the gas collection system, surface emission monitoring, and utility flare emissions. Gas monitoring probes are located around the perimeter of KHL to detect off-site migration of landfill gas.

These systems will continue to operate throughout the long-term care period, or until the department approves a hazardous waste license modification that allows for the cessation of the gas monitoring, collection and control systems.

***Inspections and Maintenanc*e**

FPOR Appendix I contains the KHL Inspection Manual, which lays out the scope and elements of weekly, monthly, quarterly and annual inspections done at the facility. These inspections address the final cover/capping, the surface water management systems, gas and leachate extraction and conveyance systems, the groundwater remediation system, and the site security system. Deficiencies noted in the inspections are corrected and the corrective action is documented.

Environmental Monitoring

KHL's environmental monitoring program consists of monitoring and sampling of groundwater wells, the leachate and gas extraction systems, the surface water management system, and Northwest Expansion gradient control system. The most recent ch. NR 500-series, Wis. Adm. Code, plan modification summarizing the environmental monitoring requirements is dated August 30, 2017. Monitoring locations are shown in Figure 5 of the FPOR.

The proposed groundwater monitoring plan is summarized in Table 3 of the FPOR and consists of quarterly sampling of a large network of wells. Sampling and analysis will continue to be conducted in accordance with the sampling plan established as part of the Northwest Expansion approval, except for the elimination of certain pesticide-related parameters as explained in Section 3.5.1.3.1 of the FPOR.

The HWU at KHL, which consists of Corridors 1 through 6, is situated adjacent to other solid waste management units, including Corridors 7 through 11 and the Former City of Racine Landfill. The vinyl chloride groundwater contamination is located in the vicinity of well 141U (i.e., the 141U area) and is a known release to groundwater undergoing corrective action pursuant to subch. F of ch. NR 664, Wis. Adm. Code. Due to the unlined nature of both the HWU and the Former City of Racine Landfill, both units are likely to have contributed to the release. Accordingly, the department is approving the groundwater monitoring program pursuant to the alternate monitoring provisions of s. NR 664.0090(6), Wis. Adm. Code.

RCRA Hazardous Waste Cleanup Program (formerly RCRA Corrective Action)[3]

Per s. 291.37(1)(c), Wis. Stats., a solid waste management unit, or SWMU, means any unit designed or used for the storage, treatment or disposal of solid waste or hazardous waste or both, which is located in a hazardous waste facility required to have a license under s. 291.25, Wis. Stats. The FPOR has identified the following solid waste management units (SWMUs) at the facility:

- Former City of Racine Landfill
- Hazardous Waste Unit (Corridors 1 through 6)
- Municipal solid waste units (Corridors 7, 7A, and 8 through 11)
- Northwest Expansion

Corrective action is ongoing at KHL within the area southeast of the facility (the 141U area) due to exceedances of vinyl chloride likely caused by multiple SWMUs. The source of this impact was likely due to landfill leachate and gas that escaped into the partially dewatered Unit A sand early in the site development, before the groundwater containment structure (cutoff wall) was in place. The corrective action system involved the construction of a bentonite slurry groundwater containment wall, located just south of the HWU, corridors 7 through 11, and the former City of Racine Landfill. The system includes a leachate and groundwater collection trench on the north side of the containment wall, and an active groundwater extraction system consisting of three extraction wells to continuously remove contaminated groundwater. Contaminated groundwater from the collection trench and extraction wells is piped to the landfill's leachate conveyance system that pipes it to the city of Racine wastewater treatment facility. Annual treatment to remove iron bacteria is conducted on the three groundwater extraction wells to maintain operating efficiency. The leachate and groundwater containment and

[3] It is noted that October 18, 2024, a memo from U.S. EPA was released announcing EPA's rebranding of the national RCRA Corrective Action Program to the Hazardous Waste Cleanup Program. See Learn about Hazardous Waste Cleanups | US EPA

extraction system was designed to achieve the following objectives: (1) control the source and prevent any further release of vinyl chloride and other volatile organic compounds (VOCs); (2) contain the migration of the previously released vinyl chloride and other VOC contaminant plume; and (3) restore the site by attaining ch. NR 140, Wis. Adm. Code, groundwater quality standards.

Sections 1.3.3 and 3.9 of the FPOR describe the 141U corrective action system. According to the FPOR, the system has demonstrated its effectiveness in containing the vinyl chloride impacts in the Unit A sand, as evidenced by recent non-detects at downgradient monitoring wells. The long-term declines in vinyl chloride concentrations in wells 141U and CS14 are likely due to the migration of unimpacted groundwater through the impacted area, the presence of the groundwater containment structure, the groundwater extraction system, and to the natural attenuation of the vinyl chloride. Corrective action efforts and results are detailed in annual reports submitted by KHL to the department in accordance with prior approvals.

It is expected that the department's Waste and Materials Management program will continue to administer subch. F of ch. NR 664, Wis. Adm. Code, corrective action requirements at KHL. The facility's corrective action activities are also the subject of BRRTS Case # 02-52-592275, overseen by the department's Remediation and Redevelopment program.

Owner Financial Responsibility

Subchapter H of ch. NR 664, Wis. Adm. Code, requires licenses issued to owners and operators of a hazardous waste disposal facility to provide assurances of financial responsibility for closure, long-term care, and corrective action. Financial assurance for closure and long-term care is also required by chs. NR 500-599, Wis, Adm. Code. Landfill closure financial assurance has been previously maintained by KHL and will no longer be required upon issuance of the hazardous waste long-term care license.

Appendix Q.1 of the FPOR includes a cost estimate (and associated key assumptions) for long-term care that has been certified by a Wisconsin registered professional engineer. The long-term care cost estimate for a 40-year period is $20,289,712, in 2025 dollars. Appendix A.9 of the Approved FPOR contains the current corrective action cost estimate. The corrective action cost estimate for a 40-year period is $2,243,166, in 2025 dollars.

The department has established approval conditions that require financial assurance to cover estimated costs of long-term care and corrective action for a 40 year period beginning on the date of the department's approval of final capping construction documentation approval (i.e. November 8, 2024). Beginning 10 years after that approval date (i.e. November 8, 2034), financial assurance to cover these estimated costs will be required for a rolling 30-year window, meaning costs must be adequate at all times for the ensuing 30 years-worth of corrective action and LTC costs, until a shorter period is approved by the department based on a demonstration by the facility.

Regarding the financial assurance period for LTC, the transition from a minimum fixed 40-year financial assurance period to a rolling 30-year window is based in part on several considerations:

a. Authority for extending the period for financial responsibility for the long-term care beyond the fixed 40 year period after closure is established in s. 289.41(1m)(b)1., Wis. Stat. Also, note that the conditions of the Final Determination would serve to notify the KHL of the extended obligation in accordance s. 289.41(1m)(f), Wis. Stat.
b. The department reasonably anticipates that LTC activities will be needed at KHL (similar to many other landfills) beyond the fixed 40 year period after closure, in fact perhaps well beyond. The following represent just a few examples in general support of this posture.

- This is generally consistent with the considerations discussed in U.S. EPA's December 15, 2016 Guidelines for Evaluating the Post-Closure Care Period for Hazardous Waste Disposal Facilities under Subtitle C of RCRA.
- Condition 27 of the Plan of Operation Approval dated August 30, 1996, states, "LRC shall continue to collect and treat leachate and landfill gas and remove groundwater from the gradient control system as they are produced until otherwise directed by the Department in writing"; there is no indication that the production of these materials (or the need to monitor and demonstrate such) will cease within the 40-year fixed period.
- Many of the LTC activities overlap with activities needed to complete corrective action. Corrective action financial assurance requirements are separate from those for LTC, and are not connected to the date when unit closure may have occurred.
- Section NR 140.22, Wis. Adm. Code, establishes the point of standards application for units subject to regulation under ss. NR 664.0090 to 664.0100. Wis. Adm. Code, as the design management zone that is zero (0) horizontal feet from the unit, unless otherwise modified per s. NR 140.22(3)(d), which states in part, "The design management zone may not be expanded unless it has been demonstrated to the satisfaction of the department that the preventive action limits and enforcement standards cannot be met at the design management zone specified in Table 4."

c. The conditions of the Final Determination explicitly allow KHL to request approval to reduce this time period and to modify the scope of work assumed as the basis for the cost estimate.
d. Section NR 670.032(2)(b), Wis. Adm. Code, establishes that, "Each license issued under s. 291.25, Stats., shall contain terms and conditions as the department determines necessary to protect human health and the environment."

Recent Compliance History

On June 4, 2021, the department issued a conditional close-out letter for an in-depth assessment of KHL's compliance with the hazardous waste requirements of chs. NR 600-699, Wis. Adm. Code. This letter is included in Appendix A.11 of the FPOR. All conditions of the close-out letter have been satisfactorily addressed by KHL.

Department staff performed a triennial ch. NR 664, Wis. Adm. Code, groundwater operation and maintenance (O&M) inspection on July 23, 2024, and found no compliance issues regarding sampling methodologies. Department staff subsequently reviewed recent groundwater monitoring results and identified no compliance concerns and recommended continued operation of the groundwater extraction system. On June 13, 2024, department personnel conducted a construction and compliance inspection, and no compliance issues were noted. On October 23, 2025, the department performed a ch. NR 500-series, Wis. Adm. Code, compliance inspection, with no compliance issues noted.

Other Permits/Authorizations

The following other key authorizations, licenses, permits, and/or approvals have been identified in the FPOR:

- Solid Waste Landfill Operating License #572
- Air Pollution Control Operating Permit 25207699A-P30
- WPDES Stormwater Permit WI-S067857-5
- Landfill siting agreement with the City of Racine, dated August 19, 1994
- Industrial Wastewater Discharge Permit #1007-L, from the Racine Wastewater Utility sanitary sewer system (City of Racine)

The Solid Waste Landfill Operating License #572 was previously issued to address the requirements of both the solid waste and hazardous waste programs during landfill operations prior to completion of closure. The Hazardous Waste Long-Term Care License #572 will be issued pursuant to this hazardous waste final determination/approval and will address the continuing requirements of both programs. Upon issuance of the LTC license, Solid Waste Landfill Operating License #572 will be considered deactivated.

Substantiation of Determinations

Completeness

The department has determined that the long-term care license application is complete, and that a preliminary determination of feasibility can be made in accordance with s. NR 670.406(1), Wis. Adm. Code.

Environmental Impact

The department has preliminarily determined an environmental impact statement is not needed pursuant to s. 289.25, Wis. Stats. The department's requirement for this environmental impact review is established in ch. NR 150, Wis. Adm. Code, and specific minimum information requirements for a ch. NR 150, Wis. Adm. Code, integrated analysis review are found in s. NR 670.014(2)(x)2., Wis. Adm. Code. The sections below address each of the key items specified in this code section.

Description of the Existing Environment

KHL consists of the Existing Landfill (also known as the Old Unit or Old Site) and the Northwest Expansion Landfill (Northwest Expansion). Generally, residential properties are located to the north, northeast, east, and south of KHL property. Commercial and industrial developments are located to the southeast, southwest, and west of KHL property. The City of Racine operates a solid waste transfer station immediately south of the eastern part of the closed landfill area. No new environmental impacts to this area are expected with the issuance of this license

Proposed Physical Changes

There are no proposed physical changes to the facility in KHL's long-term care license application. Final cover capping has been completed, and long-term care activities have begun and are continuing.

Probable Adverse and Beneficial Impacts

The FPOR identifies and discusses long-term care activities intended to adequately mitigate potential post-closure adverse impacts at KHL. Key examples of these activities include:

- The maintenance of the final cover system that contains interred wastes and landfill gas, and reduces leachate generation by minimizing infiltration of precipitation.
- The maintenance, operation and continued evaluation of the leachate containment/collection system, designed to retain leachate within the waste unit and limit/reduce leachate head levels.

- The maintenance, operation, and continued evaluation of the gas control system, to control emissions and migration of landfill gas and to allow for energy recovery.
- The maintenance of the run-off control systems that assist in routing surface water away from the landfill and that control run-off as it leaves the landfill area, reducing erosion.
- The maintenance of the groundwater containment structure, constructed to control the possible migration of leachate/contaminated water from the unlined portions of the landfill.
- Maintenance and monitoring of corrective action measures involving groundwater extraction through recovery wells, to contain and reduce groundwater contamination south of the landfill from older landfill areas.

The department determined that the Kestrel Hawk Landfill Project is covered under the Broad Incidental Take Permit/Authorization for No/Low Impact Activities and therefore does not require an Endangered Resources Review.

Feasible Alternatives

There are no feasible alternatives to applying for and issuance of a long-term care license.

Needs Analysis

The department is required by s. 289.28, Wis. Stats., to determine the need for a proposed solid or hazardous waste facility prior to licensing. The department has preliminarily determined that there is a need for issuance of a long-term care license for the KHL facility.

Water Quality Standards for Wetlands

Final cover systems have been established to protect runoff from contact with waste or leachate. Surface water runoff from the landfill is retained within the sedimentation basins and is then discharged through outfalls to off-site drainage features as allowed per KHL's Wisconsin Pollutant Discharge Elimination System (WPDES) Permit WI-S067857-5. The department has preliminarily determined that the facility will conform to water quality standards for wetlands pursuant to s. NR 103.03, Wis. Adm. Code though compliance with this License and the WPDES Permit.

Findings of Fact

The department finds that:

1. Republic Services owns and operates a hazardous and solid waste disposal facility located in the N 1/2 of S23, T3N, R22E, City of Racine, Racine County, Wisconsin, known as the Kestrel Hawk Landfill. Previous owners included Land Reclamation, Ltd (LRL) and Land Reclamation Company.

2. The department issued a sanitary landfill approval letter on April 5, 1970.

3. LRL initially reported that toxic and hazardous waste was being disposed of at the facility in its license renewal application dated June 23, 1973.

4. On May 16, 1975, the department conditionally reissued LRL's 1974-75 operations license to allow acceptance of toxic and hazardous waste.

5. LRL submitted a federal RCRA Notification Form to U.S. EPA on August 18, 1980, and a RCRA Part A Application on November 19, 1980, for the purpose of obtaining "Interim Status " from U.S. EPA to continue to dispose of hazardous waste at their landfill. U.S. EPA subsequently recognized interim status, and LRL continued to accept hazardous waste.

6. On January 8, 1982 the department issued a feasibility determination for LRL under ch. NR 180[3], Wis. Adm. Code, which, in part, required development and implementation of additional engineering to reverse outward gradients along the southern border of corridor #1 and the southwest corner of the site.

7. The department reviewed LRL's RCRA Part A Application and other related material and determined that the landfill was not eligible for a State interim license under ch. NR 181[3], Wis. Adm. Code. The interim license was denied on December 10, 1982, based on the absence of sufficient information and detail in LRL's request. This denial required, among other things, the capping of corridors 1 through 4.

8. U.S. EPA issued a call-in letter for LRL's federal RCRA Part B permit application on February 7, 1983. LRL responded to U.S. EPA in a letter dated August 5, 1983, stating that LRL had "decided not to pursue, at this time, a federal permit or state license to operate a hazardous waste landfill", and that the Part B permit application would not be filed. This letter also stated that non-hazardous waste was still being placed in corridors 1 through 4, and that these corridors would be closed when final grades, according to the ch. NR 180[4], Wis. Adm. Code, Plan of Operation, were reached.

9. The department issued a conditional plan of operation approval for approximately 81 acres of the facility for landfill use on December 19, 1984. This was followed by a series of plan of operation modification approvals issued by the department.

10. The department issued a conditional plan of operation approval on March 31, 1988, that required construction of a containment structure, barrier wall, leachate and gas extraction system, slope stabilization measures, and a cap to encapsulate corridors 1-6.

11. On August 30, 1996, the department issued a conditional plan of operation approval for the Northwest Expansion, followed by subsequent plan modification approvals.

12. On December 9, 2019, the department issued a Notice of Noncompliance (NON) related to its hazardous waste compliance assessment of the facility. The department issued an addendum to the NON dated September 16, 2020. On June 4, 2021, the department issued a Conditional Close Out letter for the compliance assessment.

13. On December 8, 2021, the department issued a conditional plan of operation modification approval to KHL for a revised closure report and revised long-term care plan.

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[4] NR 180 represented the Wisconsin solid waste management regulations in place at that time and no longer exists, having been replaced within the current NR 500-series of regulations. NR 181 represented the Wisconsin hazardous waste management regulations in place at that time and no longer exists, having been replaced within the current NR 600-series of regulations.

14. On November 8, 2024, the department issued a construction documentation approval for KHL's 2023-2024 composite cover construction, which represented the final phase of final cover/capping.

15. On April 4, 2025, KHL submitted a hazardous waste LTC license application, dated April 2025. Payment of the $80,000 one-time LTC license fee, in accordance with Appendix II of ch. NR 670, Wis. Adm. Code, was received on May 1, 2025.

16. On July 15, 2025, KHF submitted additional information regarding the hazardous waste LTC license application as requested by the department in its Request for Information #1 dated May 20, 2025. On September 23, 2025, KHF submitted additional information requested by the department in its Request for Information #2 dated August 25, 2025.

17. On November 7, 2025, KHL submitted an updated version of its hazardous waste LTC license application. This submittal included:

    a. A transmittal letter from Republic Services dated November 7, 2025.
    b. A cover letter from TRC dated November 7, 2025.
    c. An FPOR dated November 7, 2025.

18. On February 3, 2026, the department provided the Licensee with a draft Preliminary Determination (PD) regarding Kestrel Hawk Landfill's Long-Term Care License Application. In a letter dated April 3, 2026, TRC submitted comments regarding the draft PD. The department has considered these comments in developing the Preliminary Determination.

19. On May 14, 2026, the department issued a Preliminary Determination. The department then distributed and published a public notice of the Preliminary Determination in the manner required by s. NR 670.410(3), Wis. Adm. Code. No comments were received during the public comment period.

Conclusions of Law

The department concludes that:

1. The department promulgated chs. NR 600 through 699, Wis. Adm. Code, establishing minimum requirements for hazardous waste management under the authority of ch. 289 and ch. 291, Wis. Stats. The department promulgated chs. NR 500-599. Wis. Adm. Code, establishing minimum requirements for solid waste management under the authority of ch. 289, Wis. Stats.

2. Pursuant to s. 289.31(1), Wis. Stats., no person may operate a solid waste facility or hazardous waste facility unless the person obtains a license from the department.

3. Pursuant to s. NR 670.050, Wis. Adm. Code, licenses shall be effective for a fixed term of no more than 10 years. Pursuant to s. NR 670.010(8), Wis. Adm. Code, and s. NR 670.051, Wis. Adm. Code, the licensee must submit, at least 180 days before the end of the term, a new, complete operating license application. Pursuant to s. NR 670.010(3), Wis. Adm. Code, the application shall consist of a Part A application form, the feasibility and plan of operation report, and any supplemental information completed to the department's satisfaction.

4. Pursuant to s. 289.29, Wis. Stats., and ch. NR 670, Wis. Adm. Code, the department has determination of feasibility authority for hazardous waste facilities. Pursuant to s. 289.30(6), Wis. Stats., and ch. NR 670, Wis. Adm. Code, the department has the authority to issue hazardous waste facility plan of operation approvals.

5. The department has the authority pursuant to s. 289.30(6), Wis. Stats., and s. NR 670.032, Wis. Adm. Code, to conditionally approve a feasibility and plan of operation report if the conditions are necessary to ensure compliance with ch. 289 and ch. 291, Wis. Stats., and chs. NR 600 through 699, Wis. Adm. Code. The department has the authority pursuant to s. NR 670.032(2)(b), Wis. Adm. Code, to establish license conditions the department determines necessary to protect human health and the environment.

6. The conditions of approval set forth below are necessary to ensure compliance with chs. NR 500-599. Wis. Adm. Code, and chs. NR 600 through 699, Wis. Adm. Code, and to protect human health and the environment.

7. Section 291.37, Wis. Stats., and ch. NR 664, Subch. F, Wis. Adm. Code, authorizes the department to require corrective action when a release has occurred from a solid waste management unit at a facility.

8. Licenses issued under ch. 289 and ch. 291, Wis. Stats., must ensure the location standards, environmental conditions, and mitigations of s. NR 670.014, Wis. Adm. Code and s. NR 103.08, Wis. Adm. Code, have been met.

9. The department is required to comply with the procedural requirements of s. 1.11, Wis. Stats, and ch. NR 150, Wis. Adm. Code, in the reissuance of a hazardous waste long term care license. In accordance with s. NR 150.20(2)(a)7s., Wis. Adm. Code, the review process for the issuance of a license for an existing hazardous waste treatment, storage, or disposal facility is an integrated analysis action because a detailed environmental analysis and public disclosure are conducted as part of the department's programmatic procedures under ch. NR 670, Wis. Adm. Code. Therefore, a separate additional environmental analysis is not required for this proposal.

Final Determination

Pursuant to s. 289.24(3), Wis. Stats. and s. NR 670.010(3), Wis. Adm. Code, the department has determined that the application includes the minimum information required in ss. NR 670.014(1) and NR 670.001(2), Wis. Adm. Code, and is sufficiently complete to make additional determinations.

The department has determined that there is a need for the facility in accordance with s. 289.28(3), Wis. Stats.

The department has determined that the proposed activities meet the applicable requirements of ch. NR 103, Wis. Adm. Code, concerning water quality standards for wetlands, as is required in s. NR 103.08(1), Wis. Adm. Code, based on the requirements of this Approved FPOR, the conditions of this Approval, and the facility's Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

As required by s. NR 670.406(1), Wis. Adm. Code, the department completed the environmental review process under ch. NR 150, Wis. Adm. Code. As required under s. 289.25, Wis. Stats., the department determined that a separate environmental impact statement for this licensing action is not required under s. 1.11, Wis. Stats., and s. NR 150.20(2)(a)7s., Wis. Adm. Code, because the review process for the issuance of a license for a hazardous

waste treatment, storage, or disposal facility is an integrated analysis action as defined in s. NR 150.03(12m), Wis. Adm. Code.

The department has determined that this facility is feasible pursuant to s. 289.29, Wis. Stats, and has determined that it will conditionally approve the application pursuant to s. NR 670.406(1), Wis. Adm. Code.

Based on the Findings of Fact and Conclusions of Law, and as part of this final determination, the department hereby issues final conditional approval of the feasibility and plan of operation report for Kestrel Hawk Landfill dated November 7, 2026, subject to compliance with ch. 289 and ch. 291, Wis. Stats., chs. NR 500 through 599, Wis. Adm. Code, chs. NR 600 through 699, Wis. Adm. Code, and the conditions that follow in this document.

With this conditional Approval, as defined below, and in accordance with s. NR 670.050(1), Wis. Adm. Code, the department intends to issue a License with the following effective and expiration dates:

July 22, 2026
Effective Date

July 22, 2036
Expiration Date

Conditions of Approval

Licensee(s) is subject to the provisions of the following sections, which constitute conditions of its license.

Definitions

For purposes of this License, terms used herein shall have the same meaning as those in chs. NR 600 through 699, Wis. Adm. Code, or other specifically cited provision as appropriate, unless this License specifically provides otherwise. Terms not defined shall have the meaning as given in ch. 289 and ch. 291, Wis. Stats., and/or chs. NR 600 through 699, Wis. Adm. Code. The following terms are defined solely as used in these conditions of approval:

Approval
means this Final Determination, its conditions, and any subsequent modifications issued by the department.

Approved FPOR
means the feasibility and plan of operation report submitted on and dated November 7, 2025, that was conditionally approved by the department on July 22, 2026, and as amended by subsequent license modification approvals.

Facility
means the Kestrel Hawk Landfill located at 1969 Oakes Road, Racine, WI 53406, as generally depicted in the Approved FPOR, unless determined otherwise pursuant to the definition of "Facility" in s. NR 660.10(43), Wis. Adm. Code,

Licensee(s)
means each entity meeting either definition of owner or operator, currently identified as Republic Services of Wisconsin, Limited Partnership.

License
means an Approval, as defined above, issued by the department under Ch. NR 670, Wis. Adm. Code, and the Approved FPOR, as defined above, that grants the Licensee(s) permission to operate a hazardous waste treatment, storage or disposal facility.

The department's designated inspector
means the person assigned to perform hazardous waste inspections at the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The department's designated hazardous waste plan review staff person
means the person assigned to review hazardous waste license modification requests for the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The department's designated owner financial responsibility staff person
means the person assigned to review proof of financial assurance for the Facility. Licensee(s) should contact the Section Manager, Hazardous Waste Prevention & Management, if there are questions about these assignments.

The department's designated landfill engineer
means the person assigned to review landfill engineering plans for this Facility submitted under chs. NR 500-599, Wis. Adm. Code. Licensee(s) should contact the Section Manager, Recycling and Solid Waste, if there are questions about these assignments.

The department's designated landfill hydrogeologist
means the person assigned to review groundwater-related submittals for this Facility submitted under chs. NR 500-599, Wis. Adm. Code. Licensee(s) should contact the Section Manager, Recycling and Solid Waste, if there are questions about these assignments.

A. General

A.1 License

The Facility shall be operated in accordance with the Approved FPOR, the requirements of ch. 289 and ch. 291, Wis. Stats., chs. NR 600 through 699, Wis. Adm. Code, chs. NR 500 through 599, Wis. Adm. Code, and the conditions of this Approval. The Approved FPOR and these conditions are made a part of any license issued for the Facility under ch. NR 670, Wis. Adm. Code, based upon this Approval. Any hazardous waste storage, treatment, and/or disposal at the Facility not authorized in this License. or otherwise allowed by rule, is prohibited. The Approved FPOR consists of the following:

a) The FPOR dated November 7, 2025
b) All subsequent approved license modifications

A.2 Record Upkeep and Accessibility

The Licensee(s) shall maintain the following documents to be available when requested by the department:

a) The License, including the Approval and the Approved FPOR;
b) All final license modification requests and approvals;
c) Any pending requests for license modifications or renewal;
d) Reports submitted or maintained pursuant to the License;
e) Correspondence regarding department inspections and enforcement actions.;
f) All records required by the conditions of this Approval, the Approved FPOR, and any modifications thereof; and
g) Documents required to be maintained within the Operating Record.

A.3 Most Stringent Provision

The Approval conditions, Wisconsin Statutes, or the Wisconsin Administrative Code shall take precedence over any less stringent provisions contained within the Approved FPOR. The Approval conditions shall take precedence over any less stringent provisions contained within the Approved FPOR, Wisconsin Statutes, the Wisconsin Administrative Code, or the provisions of prior approvals issued under ch. 289, Wis. Stat, or chs. NR 500-599, Wis. Adm. Code. Chapters NR 600-699, Wis. Adm, Code, shall take precedence over any less stringent provisions contained within chs. NR 500-599, Wis, Adm. Code, or any other chapters of the Wisconsin Administrative Code. If any provision is inconsistent with another provision in the Approved FPOR, Licensee(s) shall conform to each provision or obtain approval of a license modification to clarify the provision(s). If the provisions are contradictory, Licensee(s) shall conform to the more stringent provision, as judged by the department.

A.4 Previous Approvals Remain in Effect

All prior approvals issued under ch. 289, Wis. Stat, or chs. NR 500-599, Wis. Adm. Code, by the department relating to the Facility, remain in effect until rescinded or modified under s. NR 670.042, Wis, Adm. Code, unless otherwise allowed by this Approval or approved under Condition B.2.b of this approval.

A.5 Owners and Operators

Unless set forth specifically otherwise herein, requirements of this License apply to all owners and operators of the Facility. Actions by any owner or operator to be compliant with this License, or that are non-compliant with this License, constitute an action of all owners and operators (except as otherwise specified).

A.6 Reserved

A.7 Site Identification and Part A Form

With the exception of changes in generator related information, changes to the information in the Site Identification Form and associated addendums (EPA Form 8700-12), or the Part A Form (EPA Form 8700-23), from that contained in the Approved FPOR, must be approved through a license modification per s. NR 670.042, Wis. Adm. Code, to the department's designated hazardous waste plan review staff person. The Licensee shall use myRCRAid for changes to the information in the Site Identification Form and Part A Form. A cover letter summarizing the requested changes shall be submitted to the department's designated hazardous waste plan review staff person at the same time as the myRCRAid submittal, to facilitate the processing of the modification request. Approvals will not be processed through myRCRAid until the cover letter summarizing the modification request is sent to the department's designated hazardous waste plan review staff person.

A.8 Reserved

A.9 Proper Operation and Maintenance

Proper operation and maintenance, as the term is used in s. NR 670.030(5), Wis. Adm. Code, shall also include, but not be limited to, effective performance, adequate funding and staffing, effective and accurate inspections, timely and effective actions to correct deficiencies, effective staffing and training, and supervision of all personnel that direct or support operational workers, effective contingency planning, effective emergency response, and adequate laboratory and process controls, including appropriate quality assurance/quality control procedures. This provision requires the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of this License.

A.10 Reserved

A.11 Inspection and entry

The Licensee(s) shall allow any employee, officer or authorized representative of the department, with notice provided no later than upon arrival, to do all the following:

a) Enter the Facility.
b) Have access to and copy, at reasonable times, any records relating to Waste, including but not limited to the Operating Record.
c) Inspect any facilities, vehicles, equipment (including monitoring and control equipment), practices or operations, and any construction.
d) Monitor or sample any substances.

A.12 Property Rights

Issuance of this License does not convey any property rights of any sort or any exclusive privilege.

A.13 Legal Obligation

Nothing in this Approval shall relieve Licensee(s) of the legal obligation to comply with applicable federal, state, and local regulatory requirements. Issuance of this License does not authorize any injury to persons or property, any invasion of other private rights, or any infringement of tribal, state, or local law or regulations.

A.14 Defense

Compliance with the terms of this License does not constitute a defense to any other law providing for protection of public health or the environment.

A.15 Severability

The provisions of this License are severable, and if any provision of this License is in any circumstance contested or held invalid, the contested or invalid provision(s) will not affect other License provisions that are uncontested and valid. All other provisions of the License remain fully effective and enforceable.

A.16 Prevention of Discharges or Emissions

Licensee(s) shall operate and maintain the Facility in a manner that prevents discharges or emissions from the Facility from negatively impacting the safety of the Facility, the health and safety of personnel at or affected by the Facility, or the environment.

A.17 – A.21 Reserved

A.22 Other Authorizations

Within 15 days of the request, Licensee(s) shall submit to the department's designated hazardous waste plan review staff person a copy of any application or request to modify or re-issue authorizations that are referred to or

included in the FPOR, or are otherwise required to be identified by s. NR 670.013(11), Wis. Adm. Code. This shall also include, at a minimum, requests related to environmental permits, land use authorizations, and approvals established or required to operate the Facility and/or to construct, modify or expand the Facility. Examples include but are not limited to those involving:

a) zoning/land use; if land use is established without a site-specific land use authorization (such as a conditional use permit) such as via a zoning ordinance or via grandfathered use
b) solid waste storage, transfer and/or processing
c) air emissions; current air permit(s) (e.g., construction and operating)
d) wastewater discharges (e.g., authorizations for discharges to the local sewer or waterway)
e) stormwater discharges (e.g., Tier 2 stormwater discharge permit (applicable for all licensed facilities per s. NR 216.21(2)(b)6., Wis. Adm. Code)
f) environmental remediation/cleanup activities (e.g. authorizations or approvals issued under chs. NR 700-799, Wis. Adm. Code)
g) DATCP tank registrations

B. Licensing

B.1. Reserved

B.2 License Modification Initiated by Licensee(s)

a) In the event the Licensee(s) plans to implement changes or activities that are not consistent with the License, Licensee(s) shall acquire a License modification prior to implementing the change. Unless otherwise specified in Condition B.2.b below, the license modification shall be requested in accordance with s. NR 670.042, Wis. Adm. Code. The Licensee(s) shall ensure all License modification requests are complete and technically adequate to support the request. The filing of a request for a license modification or any notification of planned changes on the part of the Licensee(s) does not stay the applicability or enforceability of any condition. Modifications to the License do not constitute a reissuance of the License.

b) Modifications to the Northwest Expansion Plan of Operation (originally approved on August 30, 1996) that only involve the solid waste Northwest Expansion, may be approved under ch. NR 514, Wis. Adm. Code. The modification request shall be submitted to the department's designated landfill engineer and the department's designated landfill hydrogeologist. The modification request shall be certified as required by s. NR 500.05(4), Wis. Adm. Code, indicating that the modification would only pertain to and impact the Northwest Expansion, and no other portions or aspects of the facility. All such requests shall be subject to the administrative requirements of chs. 500-599, Wis. Adm. Code, including but not limited to ss. NR 520.04(4) and NR 514.09**,** Wis. Adm. Code. A copy of Licensee's request shall be transmitted to the department's designated hazardous waste plan review staff person. Such modifications, when approved by the department, shall become part of this License. Regardless of the regulatory basis for the modification approval, the Licensee is obligated to follow all requirements under ch. NR 664, Wis. Adm. Code, and the Approved FPOR for the entire Facility.

B.3. Reserved

B.4 License Reapplication

In consideration of the completeness requirements in s. NR 670.010(3), Wis. Adm. Code, and supplemental information to meet technical adequacy, the Licensee(s) shall submit the license renewal application at least 24 months before the expiration date of the License, for department review, comment, and identification/review of

supplemental information to develop a complete and technically adequate FPOR, unless permission for a later date has been granted by the department.

B.5 Complete Renewal Application

To be complete under s. NR 670.051(1), Wis. Adm. Code, an application shall include all of the information identified in s. NR 670.013, Wis. Adm. Code, and applicable sections in ss. NR 670.014 to 670.029, Wis. Adm. Code. The application will not be deemed technically adequate until any relevant supplemental information identified by the department is submitted by the Licensee. Notwithstanding ss. 289.24(3), 289.26(5), 289.29(4), and 289.30(6), Wis. Stats., if the department determines a complete application is submitted, the conditions of an expired license continue in force until the department issues a final determination and any appeal period is exhausted.

B.6 Improvements Consideration

Any application for a License renewal must consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

B.7 License Modifications to Update the FPOR

a. On April 3. 2026, KHL informed the department of a change in address for the owner (Republic Services of Wisconsin, Limited Partnership). Within 3 months of the date of this Approval, Licensee shall submit a license modification request to correct applicable sections of the FPOR.
b. On April 3. 2026, KHL informed the department of minor language changes to correct the FPOR's description of the landfill gas conveyance system. Within 3 months of the date of this Approval, Licensee shall submit a license modification request to correct applicable sections of the FPOR.

C. – H. Reserved

I. Inspection

I.1 Inspection Documentation

All observations, inspections, and monitoring required by chs. NR 500-599, Wis. Adm. Code, approvals issued under chs. NR 500-599, Wis. Adm. Code, chs. NR 664 and NR 670, Wis. Adm. Code, the FPOR, and the conditions of this Approval shall be documented. This documentation shall also identify the inspector, the date and time of, and results of these observations, inspections, and monitoring activities. Documentation shall be maintained in the Operating Record for the duration of the long-term care period.

I.2 Identified Deficiencies

All deficiencies identified during these required observations, inspections, or monitoring activities shall be clearly identified and documented on the inspection form. For any deficiency identified on the inspection form, the completion date and description of remedial or corrective action(s) such as repairs or replacement shall be recorded or referenced on the inspection form in a manner that such action(s) can be readily connected with the noted deficiency on the inspection form.

J. Training

J.1 General Training Program

All Facility personnel shall successfully complete a comprehensive training program that teaches them to perform their activities in a way that ensures the Facility's compliance with applicable requirements of chs. NR 600

through 699, Wis, Adm. Code and the conditions of this Approval, and to operate or maintain the Facility in a safe manner. Training shall occur at least annually, or as frequently as needed to meet this requirement. The training program must address, but is not limited to, Facility personnel, visitors, contractors, vendors, temporary workers, and transportation workers that perform tasks relating to, or that could affect, Waste acceptance, storage, treatment, handling, or recordkeeping, or that execute, monitor, or supervise activities described in the Approved FPOR. Personnel shall not perform such a task without supervision until they are fully trained for that task. Tasks shall include, but not be limited to, the following activities:

a) Facility inspections described in the Approved FPOR
b) Correction of deficiencies (such as repairs) noted in inspections or otherwise required
c) Preparedness and prevention planning and actions
d) Emergency response activities and contingency plan implementation
e) Spill prevention actions and response
f) Proper collection and analysis of samples, including but not limited to environmental monitoring, waste determinations, and corrective action work
g) Proper air monitoring of landfill cover and gas extraction wells

J.2 Training Accommodations

All personnel shall be provided necessary accommodations to be successfully trained in accordance with the License and the applicable requirements of chs. NR 600-699, Wis, Adm. Code. For the purposes of this condition, the term accommodations means modifications to the learning environment or procedures that provide individuals with equal access to training content and the ability to demonstrate their knowledge.

J.3 Prerequisite Qualifications

All personnel shall have necessary prerequisite qualifications to properly execute the tasks they undertake that are needed to ensure the Facility's compliance with the License and applicable requirements of chs. NR 600-699, Wis, Adm. Code to operate or maintain the Facility in a safe manner.

J.4 Training Documentation

All records documenting qualifications and training program content and completion shall be maintained as part of the Operating Record for at least 3 years, or longer if required by s. NR 664.0016(5), Wis. Adm. Code.

K. Reserved

L. Air Emissions

L.1 Air Pollution Control Requirements

Licensee(s) shall comply with the Licensee(s)'s air permit(s), all applicable requirements of air pollution control regulations in chs. NR 400 to 499, Wis. Adm. Code, Ch. 285, Wis. Stats., and applicable requirements under the federal Clean Air Act. This shall include, but is not limited to,

a) maintaining copies of any air compliance certifications, and supporting documentation, including record-keeping associated with any construction or operation permit exemptions.
b) If Licensee(s) applies for, or obtains, a new or modified air quality construction or operations permit, Licensee(s) shall provide a copy to the department's designated hazardous waste plan review staff person.

M. – N. Reserved

O. Hazardous Waste Cleanup Program, formerly known as the Corrective Action Program

O.1 Corrective Action Authority
The department reserves the right to impose corrective action requirements under the authority of s. 291.37, Wis. Stats., and/or subch. F, NR 664, Wis. Adm. Code.

O.2 Newly Identified SWMU/AOC
Licensee(s) shall submit a Class 1-1 license modification request within 30 days of discovery to modify the FPOR to incorporate any newly identified solid waste management unit or area of concern other than those identified in the Approved FPOR, unless otherwise approved by the department's designated hazardous waste plan review staff person.

O.3 Corrective Action for Releases
The Licensee shall take corrective action as deemed appropriate by the department for releases from the solid waste management units (SWMU) and areas of concern (AOC). Any release or discharge is required to be reported under s. 292.11(2), Wis. Stats., and ch. NR 706, Wis. Adm. Code.

O.4 New Obligations
If the Licensee(s) determines the Facility has new obligations under s. 291.37, Wis. Stats., and/or subch. F, NR 664, Wis. Adm. Code, due to a new release or new information regarding any previous release, Licensee(s) must immediately notify the department's designated inspector and the department's designated hazardous waste plan review staff person and adjust the scope of the corrective action work accordingly. The department reserves the right to require the scope of corrective action address any new obligations.

O.5 Modifications to Incorporate Corrective Action Requirements
The department reserves the right to take action under s. NR 670.041, Wis. Adm. Code, to incorporate corrective action requirements into the License.

O.6 The Spills Law and NR 700 Requirements
Licensee(s) shall comply with the requirements of ch. 292, Wis. Stats., and chs. NR 700-799, Wis. Adm. Code, including, but not limited to, the continuing obligations and other conditions and requirements imposed at the time of interim or remedial action approval and at the time of case closure approval, for BRRTS case 02-52-592275, and as outlined in chs. NR 725 through NR 727, Wis. Adm. Code.

O.7 NR 700 Reporting
Within one (1) week of any written or electronic correspondence from the Licensee(s) to the department's designated remediation and redevelopment (R&R) program project manager regarding releases reported, investigated, or remediated under chs. NR 700-799, Wis. Adm. Code, the Licensee(s) shall provide copies to the department's designated inspector and the department's designated hazardous waste plan review staff person, unless otherwise approved by the department.

O.8 Site Investigations
Licensee(s) shall perform investigations to determine the nature, degree and extent of contamination in all environmental media as required under s. NR 716.11(3)(a), Wis. Adm. Code, and to define corrective actions needed to properly remediate the contamination. Investigations shall be planned, designed, scheduled, and performed in accordance with the department's R&R program requirements, as established in ch. 292, Wis. Stats., and chs. NR 700-799, Wis. Adm. Code, and as otherwise directed by the R&R Program for BRRTS case #02-52-

592275. The department reserves the right to require the Licensee(s) to develop cost estimates and financial assurance for completing such investigations within a time frame as specified by the department.

O.9 Corrective Action Plan

At a minimum, Licensee shall perform the corrective action-related activities described in the Approved FPOR, including but not limited to, current FPOR sections 1.3.3, 2.7, 3.9, and 7. These activities shall constitute the Corrective Action Plan (CAP).

O.10 Corrective Action Plan Update

Beginning in the first full calendar year following this Approval, and by June 30 of every fifth year thereafter, Licensee(s) shall submit a corrective action plan update (CAPU) to the department's hazardous waste licensing engineer and designated landfill hydrogeologist. The CAPU shall be submitted as a Class 1-1 modification request to update those sections of the Approved FPOR (such as current FPOR sections 1.3.3, 2.7, 3.9, and 7, and FPOR Appendix Q2) that address the corrective action activities and the corrective action cost estimate. At a minimum, this report shall address the following:

a) Update. A description of corrective action activities and results, as well as applicable monitoring activities and results, for the previous period since the previous CAP or CAPU. This shall include a report on the progress and effectiveness of the corrective action program.
b) Remaining Work and Reporting Period. A detailed description of all work needed or reasonably anticipated to complete the corrective actions in accordance with chs. NR 700-799, Wis. Adm. Code, ("Remaining Work"), as of December 31st of the previous calendar year, a schedule to complete these corrective actions, a summary of changes in the estimated Remaining Work from the most-recent approved CAP or CAPU (currently in Appendix Q2 of the Approved FPOR), and an explanation of the reasons for the changes.
c) Cost Estimate and Financial Assurance. A financial assurance section that includes the estimated costs for the Remaining Work. This shall include the previous cost estimate and a detailed explanation of any changes in the cost estimate. If inflation of previous estimated costs is utilized in the cost estimate, the general process and inflation factor specified in s. NR 664.0144(2), Wis. Adm. Code, shall be used. The cost estimate shall meet the requirements as identified in the conditions within in Section P, Cost Estimates and Financial Assurance.
d) Certification. The CAPU shall be developed, certified, and stamped by a qualified registered professional engineer and/or geologist.

O.11 Changes to Remaining Work and Cost Estimate

The department reserves the right, upon its review of the CAPU or corrective action activities or results, to require changes to the projected Remaining Work, cost estimate, and financial assurance amount. Examples of such changes are modifications the department deems necessary to the Remaining Work such as additional investigations, effectiveness of remedial action options, pilot or trial treatment testing, changes in the estimated duration of the work, monitoring program changes, and corrections to the cost estimate's tasks, units, quantities, and unit costs.

P. Cost Estimates and Financial Assurance

P.1 Cost Estimates Structure and Contents

Licensee(s) shall maintain, in the Operating Record, up to date long-term care and corrective action cost estimates. All cost estimates shall:

a) clearly outline any assumptions used in the establishment of the cost estimate;

b) be based on utilizing a third party (or third parties) to properly execute all long-term care and corrective action activities;
c) include third party costs to manage and administer the work (e.g., project management, procurement, contract administration, invoice review and payment, etc.);
d) not consider cost efficiencies or special pricing for work that might otherwise be performed or facilitated by Licensee(s);
e) include a minimum 10% contingency for unanticipated or unforeseen work;
f) be broken out by discrete tasks and sub-tasks and include unit costs, quantities, and extended costs for each task and subtask;
g) use tasks and subtasks that are easily identified within the Approved FPOR and, in total, represent all of the Remaining Work.
h) describe the basis for or source of the number of units and unit costs used in the cost estimate, in a manner consistent with the assumptions outlined in the Approved FPOR;
i) clearly indicate the year for which each unit cost is based, such that inflationary adjustments can be accurately presented and applied; and
j) be presented using tables that:
    i. contains separate rows for each separate cost item, or task (and subtask as appropriate). Each task/subtask name and scope of work shall be as identified and described, respectively, in the associated plan;
    ii. contains separate columns that identify the task/subtask name, with the corresponding estimated cost for that task/subtask including units (e.g. lump sum, hours, gallons, acres), number of units, unit costs, and extended subtotals;
    iii. as applicable, incorporates separate tables for each year, and a summary table for all years;
    iv. clearly accounts for and presents inflationary adjustments;
    v. includes a single table that clearly identifies the total current estimated cost, supported as needed by additional tables for individual tasks;
    vi. identifies the date of the cost estimate;
    vii. identifies changes from the previous cost estimate presented to the department;
    viii. is also separately provided electronically in a spreadsheet format that is unprotected.

P.2 – P.3. Reserved

P.4 Annual Inflationary Adjustments – Long-Term Care

The LTC cost estimate shall be adjusted annually for either inflation in accordance with s. NR 664.0144(2), Wis. Adm. Code[5], or to reflect current year unit costs. Proof of financial responsibility reflecting the adjusted cost estimate shall be:

a) in an amount equal to or greater than the adjusted cost estimate,
b) established by the anniversary date of the establishment of the financial instrument, i.e., no later than April 1, and,
c) submitted to the department's owner financial responsibility staff person and department's designated hazardous waste plan review staff person, including a narrative explanation of the adjustment.

[5] Inflation factors are currently published at Wisconsin Waste Facility Owner Financial Responsibility Inflation Factors Table

P.5 Annual Inflationary Adjustments – Corrective Action

The CA cost estimate shall be adjusted annually for either inflation in the manner described for long-term care costs in s. NR 664.0144(2), Wis. Adm. Code[4], or to reflect current year unit costs. Proof of financial responsibility reflecting the adjusted cost estimate shall be:

a) in an amount equal to or greater than the adjusted cost estimate,
b) established by the anniversary date of the establishment of the financial instrument, i.e., no later than September 28, and
c) submitted to the department's owner financial responsibility staff person and department's designated hazardous waste plan review staff person, including a narrative explanation of the adjustment.

P.6. Reserved

P.7 Changes Impacting Cost Estimates

The long-term care and corrective action cost estimates shall be updated and submitted to the department's designated inspector and the department's designated hazardous waste plan review staff person, within three (3) months of any point in time when Licensee(s) becomes aware of any change (other than inflationary increases) that increases the cost estimate by more than five (5)%. Proof of financial responsibility reflecting the new cost estimate shall be established and, if necessary, submitted to the department's owner financial responsibility staff person within three (3) months of such an increase in the cost estimate.

P.8 Long-Term Care Financial Assurance

Licensee(s) shall establish and maintain proof of financial assurance for long-term care as required by this License and by subch. H, NR 664, Wis. Adm. Code. Original documents of this proof shall be submitted to the department. The amount of financial assurance established for long-term care shall be adjusted as needed based on updates to cost estimates (e.g., inflationary, or change in the scope of work).

P.9 Corrective Action Financial Assurance

Licensee(s) shall establish and maintain the proof of financial assurance for corrective action. Financial assurance requirements regarding corrective action shall be consistent with ss. 289.41 (2) to (12), Wis. Stats. Original documents of this proof shall be submitted to the department. The amount of financial assurance shall be adjusted as needed based on updates to cost estimates (e.g., inflationary adjustments, unit cost changes, changes in the number of units, or change in the scope of work).

P.11 Reduction in Financial Assurance

The dollar amounts used for proof of financial assurance for long-term care and corrective action shall not be reduced until a license modification in accordance with s. NR 670.042, Wis. Adm. Code, is approved.

P.12 Reserved

P.13 Period of Financial Assurance

Beginning on the date of the department's approval of final capping construction documentation approval (i.e. November 8, 2024), financial assurance shall be maintained for the estimated costs of 40 years-worth of long-term care and corrective action activities. Beginning 10 years after that approval date (i.e. November 8, 2034), financial assurance to cover these estimated costs shall be maintained at all times for the ensuing 30 years (i.e. for a rolling 30-year window), until otherwise established in a license modification approved by the department after a thorough demonstration by the Licensee(s) that, in the event of Licensee's inability or unwillingness to perform

necessary long-term care and corrective actions, a shorter period is sufficiently protective of human health and the environment.

Q. Reporting Requirements

Q.1 Contingency Plan Implementation Reporting

The Licensee shall submit a written report on incidents requiring contingency plan implementation within 15 days after the incident, as required by s. NR 664.0056(9), Wis. Adm. Code.

a) The language used in s. NR 664.0056(9), Wis. Adm. Code, "any incident that requires implementing the contingency plan" includes, but is not limited to, the following:
   i. Incidents that result in on-site response by an external emergency response agency or entity.
   ii. Spills or releases that are not completely confined within a licensed storage area by a secondary containment structure, including, but not limited to, those that reach or affect soil, surface water, groundwater, sanitary sewers, storm sewers, or ambient air.
   iii. Releases that require reporting under ch. 706, Wis. Adm. Code.
   iv. Releases that caused or contributed to illness or injury.
   v. Releases that result in an exceedance of a discharge or emission limit in other authorizations or permits.
   vi. Incidents where Waste produced or contributed to heat or pressure that was unanticipated, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases, or flammable fumes or gases.
   vii. Flooding, in which hazardous wastes, hazardous waste containers, or any part of a tank system was partially or fully submerged.

b) The report shall contain at a minimum the information described in s. NR 664.0056(9), Wis. Adm. Code, and shall also fully describe the incident, including:
   i. the date, time, and duration of the spill or release;
   ii. the date and time the spill or release was discovered, and how it was discovered;
   iii. the source of the spill or release;
   iv. the cause of the spill or release, including the results of the root cause analysis;
   v. a description of the Waste that was spilled or released, and the waste codes;
   vi. the estimated quantity of Waste spilled or released;
   vii. the specific location and areal extent of spilled or released material;
   viii. whether or not the Waste was completely confined by a containment structure;
   ix. whether or not the Waste reached or affected soil, surface water, groundwater, sanitary sewers, storm sewers, or ambient air;
   x. the actions taken to respond to and clean up the spill or release, and the length of time elapsed, and
   xi. actions taken or that will be taken to prevent a similar incident from recurring and improve response planning and capability, including but not limited to, any Facility modifications, changes in operating procedures, preparedness and prevention elements, contingency planning or training.

c) The report shall be submitted to the department's designated inspector and the department's designated hazardous waste plan review staff person.

d) After any incident that results in implementation of the contingency plan, the Licensee(s) shall promptly perform all the following actions, when it is safe to do so:
   i. Take photos to visually document the incident.
   ii. Identify the employees or other individuals who have knowledge of or were involved in the incident.
   iii. Perform interviews with the employees, document in writing the results of the interviews, and retain this documentation.
   iv. Retain and secure any data and other information associated with the incident.
   v. Retain and secure any equipment and/or parts that were involved in the incident.

vi. Retain and secure Wastes or Waste residues that were involved in the incident.
vii. Other response activities as specified in the Approved FPOR.
viii. Licensee(s) shall maintain any items identified above until closure of the licensed unit, or unless otherwise approved by the department.

Q.2 Emergency Reporting

Pursuant to s. NR 670.030(12)(f)1, Wis. Adm. Code and s. NR 664.0056(4), Wis. Adm. Code, the Licensee(s) must report to the department any noncompliance which may endanger health or the environment, or when the Facility has had a release, fire or explosion which could threaten human health, or the environment, outside the facility.

a) Verbal Twenty-Four Hour Reporting. The information specified in s. NR 670.030(12)(f)2, Wis. Adm. Code shall be reported verbally within 24 hours from the time the Licensee(s) becomes aware of the circumstances using the 24-hour emergency hotline at 1-800-943-0003.

b) Written Incident Reporting. Pursuant to s. NR 670.030(12)(f)3., Wis. Adm. Code, a written submission must also be submitted to the department's designated inspector and the department's designated hazardous waste plan review staff person within five (5) days of the initial twenty-four report. The written submission must contain a description of the noncompliance and its cause; the period(s) of noncompliance (including exact dates and times); whether the noncompliance has been corrected, and, if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The department may waive the five-day written notice requirement in favor of incorporating its information into the written report within 15 days.

Q.3 Reporting Requirements – Noncompliance

Licensee(s) shall report all instances of noncompliance not otherwise reported under s. NR 670.030, Wis. Adm. Code, or under a condition of this Approval. The report shall be provided in writing or via e-mail to the department's designated inspector and the department's designated hazardous waste plan review staff person no later than 15 days after Licensee(s) becomes aware of the noncompliance.

Q.4 Reporting Requirements – Other Information

If Licensee(s) becomes aware that there was a failure to disclose relevant facts in any reports, plans, or other documents submitted, or that incorrect information was submitted to the department, Licensee(s) shall promptly notify the department of such facts and/or correct information and of its plans to cease or modify its operations or activities as may be appropriate. If the facts or information affect the License, Licensee(s) shall promptly submit a license modification request under s. NR 670.042, Wis. Adm. Code, but no later than 30 days of becoming aware of the issue.

Q.5 Reporting Planned Changes

The Licensee(s) must give advance notice to the department in writing, as soon as possible, but not less than 30 days, of any planned physical alterations or additions affecting licensed units or at the Facility which may require modification of the Approved FPOR. Any notice provided under this section must include or be followed by a request for a license modification as may be required under s. NR 670.042, Wis. Adm. Code. The Licensee(s) shall not commence the alterations or additions prior to receiving an approved license modification, if required.

Q.6 Reserved

Q.7 Review for Land Disposal Facility

In consideration of s. NR 670.050(4), Wis. Adm. Code, no later than four (4) years from the effective date of the License and every five (5) years thereafter, the Licensee(s) shall conduct a review of the License and all related

documents and submit a summary of the review to the department including recommended modifications as appropriate. At a minimum, the review shall include an analysis of the effectiveness of long-term care and corrective action activities that have been undertaken and recommended modifications.

R. Submittals

R.1 Signatory Requirements

All reports submitted by Licensee(s) pursuant to ch. NR 664, Wis. Adm. Code, ch. 670, Wis. Adm. Code, or this Approval and its conditions shall be certified in the manner described in s. NR 670.011, Wis. Adm. Code. All submittals containing technical data, such as engineering computations, cost estimates for financial assurance, analyses and studies, design drawings, and design specifications, and similar documents involving the technical application of engineering knowledge or principals shall be certified by a qualified professional engineer consistent with certification statement in s. NR 670.011 (4), Wis. Adm. Code, and registered in accordance with s. 443.08, Wis. Stats. The department may consider reciprocity for professional engineers registered in another state if the Licensee can demonstrate equivalence to s. 443.08(2)(b), Wis. Stats.

R.2 Submittal Requirements

All submittals and reports made pursuant to this License and chs. NR 600 – 699, Wis. Adm. Code shall:

a) Unless otherwise specified, be submitted to the department's designated inspector and the department's designated hazardous waste plan review staff person;
b) Include a transmittal letter that explains the purpose of the submittal and, if related to a condition of this Approval, refers to the number of the condition and approval date and if related to a requirement in the Wisconsin Administrative Code, refers to the application section of the Codes;
c) Be submitted electronically via email in lieu of submitting a paper version, or if submitted via another method (such as a department approved file sharing website), an email notification of the submittal shall be simultaneously provided. Licensee(s) shall bear responsibility for confirming that emails and emailed reports were received by the department; and
d) Contain the signature and certification statement in s. NR 670.011, Wis. Adm. Code.

R.3 Submittal Structure and Organization

Unless otherwise approved by the department, all submittals required by this Approval shall be developed and submitted as follows:

a) A single portable digital file (PDF) of the entire submittal shall be provided, including a signed and dated transmittal letter and all attachments and appendices.
b) The single PDF shall be built as a searchable/readable PDF, [e.g., ran through an optical character recognition (OCR) software (such as Enhance Scans in Adobe Pro), to make the document a searchable/readable PDF].
c) The single PDF shall not be read-only, or copy protected.
d) As applicable, all parts (e.g., chapters, sections, subsections) and attachments (e.g., appendices, figures, tables) of a document shall be designated bookmarks in the PDF, and the name of the bookmark shall reflect the name of the part/section/subsection or attachment.
e) For documents with attachments (e.g., appendices, figures, tables), all cross-references to attachments shall be internally hyperlinked to the appropriate attachment (e.g., all references to Appendix A within the document would provide a hyperlink to Appendix A).
f) If requested by the department, separate digital files of select PDF pages (or sections) shall be provided in the requested digital format (e.g., in Word or in Excel, as applicable).
g) All digital files submitted to the department shall be submitted as an email attachment or via a file sharing website acceptable to the department.

h) If requested, printed pages of the submittal (either in part or in full) shall be provided to the department. This may, for example, include certain FPOR sections or full-sized prints of maps and drawings,
i) For an FPOR, and for other reports as appropriate, a Table of Contents shall be included.
j) For an FPOR, and for other reports as appropriate, all pages shall contain a header that identifies the Facility name, and a footer that identifies the date and the page number.

R.4 License Modification

For any license modification request under s. 670.042, Wis. Adm. Code, the Licensee(s) shall include, for all FPOR pages proposed to be modified:

a) The modified pages bearing new dates;
b) An updated revision log that identifies the type, description, and date of the revision; and
c) A separate digital file clearly depicting the proposed modifications (e.g., using a track changes tool).

R.5. NR 500 Reporting

All submittals and reports required by or submitted pursuant to chs, NR 500-599, Wis. Adm. Code, or pursuant to previous approvals issued by the department's solid waste program, shall be submitted to the department's designated landfill engineer and/or the department's designated landfill hydrogeologist, as appropriate, with applicable fee payment in accordance with s. NR 520.04, Wis. Adm. Code. Copies of these reports shall be submitted at the same time to the department's designated hazardous waste plan review staff person. Reports shall be submitted as a single PDF; however, formatting requirements noted in Condition R.3 do not apply.

NOTICE OF APPEAL RIGHTS

The Wisconsin statutes establish time periods for requesting review of department decisions.

A petition for judicial review of a decision pursuant to s. 227.52, Wis. Stats. and s. 227.53, Wis. Stats., shall be filed with the appropriate circuit court and served on the department in the manner prescribed by those statutes, within 30 days after the decision is mailed, or otherwise served by the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: July 22, 2026

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Andrea Keller

Andrea Keller, Section Manager
Hazardous Waste Prevention & Management Section
Bureau of Waste and Materials Management

Douglas Coenen

Douglas W. Coenen, Waste Management Engineer
Hazardous Waste Prevention & Management Section
Bureau of Waste and Materials Management

Signature: Douglas Coenen
Douglas Coenen (Jul 22, 2026 09:05:21 CDT)

Email: Douglas.Coenen@wisconsin.gov

Signature: Andrea Keller

Email: Andrea.Keller@Wisconsin.gov

2026-07-22 Kestrel Hawk Landfill Final Determination and LTC License

Final Audit Report 2026-07-22

Created:	2026-07-22
By:	Kendra Fisher (kendra.fisher@wisconsin.gov)
Status:	Signed
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