



April 22, 2021

Mr. Erik Evenson
Director of Public Works
City of New Richmond
156 East First Street
New Richmond, WI 54017

FID # 656014260
St Croix County

SW/APP FILE

Subject: Conditional Plan Modification to the February 18, 1981 Closure Plan Approval, New Richmond Landfill, License No.2492, New Richmond Wisconsin, St. Croix County.

Dear Mr. Evenson:

On April 19, 2021, the department received a request to modify the February 18, 1981 closure plan for the closed New Richmond Landfill in New Richmond, Wisconsin. The request was made via E-mail from Mr. Erik Evenson, P.E. to Martin Herrick of the department. The request is to construct a 34-foot by 24-foot open air shelter with a 6-inch concrete slab extending one foot beyond the drip line of the structure as well as a 50-foot by 60-foot gravel parking area on top of the landfill for a disc golf course. The disc baskets will extend a maximum 18 inches into the rooting and frost protection layer of the cap. In accordance with NR 500.05(4), Wis. Adm. Code the request included a certification by Mr. Erik Evenson, P.E. a professional engineer licensed in Wisconsin.

The department is approving the request as proposed with conditions for operation, documentation of the site revisions as well as payment of the plan review fee. This conditional approval should be attached to your February 18, 1981 Closure Plan Approval. If you have any questions regarding the approval, please contact Martin Herrick at (608) 789-5518 or Martin.Herrick@wisconsin.gov.

Sincerely,

John Morris, Professional Soil Scientist
Waste and Materials Management Program Supervisor
Northern and West Central Region

cc: Martin Herrick-LAX
Aaron Kent -WCR
Candace Sykora- Baldwin

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL CLOSURE PLAN APPROVAL MODIFICATION
NEW RICHMOND MUNICIPAL SOLID WASTE LANDFILL
LICENSE # 2492

FINDINGS OF FACT

The department finds that:

1. The City of New Richmond Wisconsin owned and operated a municipal solid waste landfill facility located at 1935 115th Street, New Richmond, Wisconsin. The facility is in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 31 North, Range 18W, Town of Star Prairie, St. Croix County Wisconsin
2. The department initially issued License No. 310 and corresponding Facility identification Number (FID) 656054960 to the New Richmond Solid Waste Landfill on September 12, 1975.
3. On November 12, 1980 a closure plan for the initial 5 acres of the facility was submitted to the department by SEH Consultants.
4. On February 18, 1981, the department issued a Closure Plan Approval for the initial phase of the landfill License No 310 and the new section of the landfill License No.2492 with FID 656014260.
5. On January 26, 1994, the department stipulated in consent order WD-93-22 for Landfill Lic. No. 310, that the cap and cover system shall be upgraded to meet the requirements in NR 504.07, Wis. Adm, Code.
6. On April 19, 2021, Erik Evenson of the City of New Richmond, Wisconsin, submitted a request via e-mail to Martin Herrick of the department, to place a 34 foot by 24-foot open air shelter, a 50-foot by 60-foot gravel pad on top of the closed landfill cap with disc golf baskets penetrating the frost protection layer of the cap to a maximum depth of 18 inches.
7. On April 21, 2021 the department issued invoice # 3139-12388 for \$1650 for the plan review of the proposed revisions to the cap for the closed municipal solid waste landfill license No. 2492.

CONCLUSIONS OF LAW

1. The department has authority under s. 289.31 Stats. and ch. NR 516, Wis. Adm. Code, to require that the owner of a solid waste disposal facility demonstrate that the facility has been constructed in substantial compliance with the February 18, 1981 Closure Plan Approval.
2. If the conditions of approval set forth below are complied with the applicant will have demonstrated that the facility has been constructed in substantial compliance with chs. NR 500 to NR 538, Wis. Adm. Code and the February 18, 1981 Closure Plan Approval.
3. The department has authority under s. 289.30(6), Stats., to modify a plan of operation approval if the modifications will not inhibit compliance with the applicable portions of chs. NR 500 through NR 538, Wis. Adm. Code.
4. In accordance with the foregoing, the department has authority under ch. 289, Stats., to issue the following conditional approval.

CONDITIONS OF APPROVAL

The department hereby approves the proposed modifications to the New Richmond Landfill cap as proposed in the April 19, 2021 submittal from the City of New Richmond, subject to the following conditions:

1. This exemption shall transfer with changes in property ownership. In accordance with s. 289.46(2), stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal facility was previously operated may not undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
2. No action related to the development of the property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside the limits of solid waste disposal within 200 feet of the property boundary or beyond the property in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside the limits of solid waste disposal within 200 feet of the waste limits or beyond the property boundary in excess of the lower explosive limit for such gases at any time.
3. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard as defined in ch. NR 720, Wis. Adm. Code.
4. This approval is limited to the proposed changes described in the April 19, 2021 request and supplemental information identified in the findings section of this approval. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.
5. The department shall be notified of the intent to initiate construction in waste areas no less than one week prior to the start. The notice shall include a construction schedule and contacts for use in the event department staff inspect the respective activities.
6. Within 90 days of project completion, a construction documentation report of the respective activities shall be prepared under the direction of a professional engineer registered in the State of Wisconsin and submitted to the department's LaCrosse Service Center. The documentation shall include a summary of the area disturbed, capping materials replaced, any mechanical systems installed and proposed operating schedule where applicable as well as a discussion of unexpected problems or conditions and their resolution.
7. Payment of invoice # 3139-12388 shall be made to the department within 30 days of receipt.

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

NOTIFICATION OF APPEAL RIGHTS

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

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

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

Dated: April 22, 2021

DEPARTMENT OF NATURAL RESOURCES
For the Secretary

A handwritten signature in cursive script, appearing to read "John Morris".

John Morris, Professional Soil Scientist
Waste and Materials Management Program Supervisor
Northern and West Central Region

A handwritten signature in cursive script, appearing to read "Martin Herrick".

Martin Herrick, Waste Management Engineer
Waste and Materials Management Program
West Central Region