

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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April 23 2021

FID# 113195280

Dane County
SW Approvals

Mr. Dan Leclaire
Madison Prairie Landfill
6002 Nelson Road
Sun Prairie, WI 53590

Subject: Conditional Plan of Operation Approval Modification for Portage Canal Project Dredge as
Alternate Daily Cover for Madison Prairie Landfill (License #3318)

Dear Mr. Leclaire:

The Department of Natural Resources (department) approves the modification to the plan of operation to use dredge material from the Portage Canal Project as alternative daily cover at the Madison Prairie Landfill, subject to the conditions of approval. Please include the attached approval in the written operating record for the landfill as specified in s. NR 506.17, Wis. Adm. Code.

The plan modification requests using dredge material from the Portage Canal Project as Alternate Daily Cover (ADC) for the Madison Prairie Landfill. Condition 1 of the department's September 24, 2012 Plan Modification Approval for acceptance of dredge materials states that dredge material shall not be used as daily cover. WM is requesting an exception to this condition for the Portage Canal Project because the material is a sandy and silty sand river dredge mixed with 0-10% Calciment Bed Ash to solidify the material. The Project site is well characterized and reportedly consists of low levels of contaminants in the dredge.

The total tonnage of dredge project is estimated be less than 44,000 tons (total estimated project amount). Some of the material has already been accepted at the landfill and is being comingled with waste. Therefore, not all of the material will be used as ADC.

If you have any questions regarding this approval, please contact Ann Bekta at (608) 287-4492 or email at Ann.Bekta@wisconsin.gov.

Sincerely,

Cynthia Moore
Waste and Materials Management Program Supervisor
South Central Region

cc: Joe Harkbarth - jhackbar@wm.com
Ann Bekta – DNR/WA (e-copy)
Tyler Sullivan – DNR/WA (e-copy)
Valerie Joosten – DNR/WA (e-copy)

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

**PLAN OF OPERATION APPROVAL MODIFICATION
FOR THE MADISON PRAIRIE LANDFILL (LICENSE #3318)**

FINDINGS OF FACT

The department finds that:

1. Waste Management of Wisconsin, Inc. (WM), owns and operates a solid waste disposal facility located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 23, T8N, R10E, Town of Burke, Dane County, Wisconsin.
2. Conditional plan of operation approvals were issued by the department for the Madison Prairie Landfill, License #3318, on October 3, 1990 and December 19, 1994.
3. On April 22, 2021, WM submitted a plan modification request to the department for modifications to the plan of operation approval to use dredge material from the Portage Canal Project as alternative daily cover (ADC). The department issued invoice # 4344-12391 for the review fee of \$1,650 on April 23, 2021.
4. The information submitted in connection with the modification request includes:
 - a. An April 22, 2021 WM letter titled "Plan Modification, Portage Canal Sand Dredge used as ADC, Madison Prairie Landfill, WDNR License No. 3318" which was emailed to the department on April 22, 2021.
5. Additional documents considered in connection with the modification request include the following:
 - a. An April 21, 2021 email from Scott Inman (RR program) regarding the suitability of the dredge material as ADC.
 - b. The department's September 24, 2012 plan of operation approval modification for the acceptance of dredge material.
 - c. The department's December 19, 1994 plan of operation approval.
 - d. The department's files pertaining to the Madison Prairie Landfill #3318.
6. Additional facts relevant to the review of the plan modification request include:
 - a. Dredge material samples were analyzed for volatile organic compounds, semi-volatile organic compounds, metals, polychlorinated biphenyls and other inorganics. The material does not contain PCBs above 1 mg/kg.

- b. Condition 1 of the department's September 24, 2012 plan of operation approval modification states dredge material may not be used as ADC. However, due to the soil type (sand and silty sand), low contaminant levels, and addition of a solidifying agent the Portage Canal Project dredge material is appropriate for use as ADC.
7. The special conditions set forth below are needed to assure that the facility is operated in an environmentally sound fashion. If the special conditions are complied with, the proposed modification will not inhibit compliance with the standards set forth in the applicable portions of chs. NR 500-538, Wis. Adm. Code.

CONCLUSIONS OF LAW

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

CONDITONAL PLAN OF OPERATION APPROVAL MODIFICATION

The department hereby approves the proposed modification to the plan of operation for the Madison Prairie Landfill to use dredge material from the Portage Canal Project as ADC subject to ch. NR 500-538, Wis. Adm. Code and the following conditions:

1. The Portage Canal Project dredge material shall not be used as daily cover in areas of the landfill where storm water contacting this material has the potential to run off beyond the limits of waste, such as exterior side slopes or final grades. Measures shall be taken to prevent tracking of alternate daily cover materials to outside the limits of waste placement.
2. The Portage Canal Project dredge material intended for use as ADC shall not contain free liquids.
3. If storage is necessary, the Portage Canal Project dredge material intended for use as ADC shall be stored within the lined footprint of the landfill.

This approval is based on the information available to the department as of the date of approval. If additional information, project changes or other circumstances indicate a possible need to modify this approval, the

department may ask you to provide further information relating to this activity. Likewise, the department accepts proposals to modify approvals, as provided for in state statutes and administrative codes.

NOTICE OF APPEAL RIGHTS

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

To seek judicial review of the department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the department to file your petition with the appropriate circuit court and serve the petition on the department. The petition shall name the Department of Natural Resources as the respondent.

Dated: April 23, 2021

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Cynthia Moore
Waste and Materials Management Program Supervisor
South Central Region



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