



May 23, 2024

Marita Stollenwerk
WEC Energy Group-Business Services
333 W. Everett St, A231
Milwaukee, WI 53203
Via Email Only to: marita.stollenwerk@wecenergygroup.com

Subject: Conditional Approval for Development on a Property where Solid Waste has been Disposed
WEPCO Valley Power Plant
1035 W. Canal St., Milwaukee, Wisconsin
DNR BRRTS Activity #07-41-594459, FID #241007800

Dear Ms. Stollenwerk:

The Wisconsin Department of Natural Resources (DNR) reviewed and approves the proposed development on the solid waste disposal facility located at 1035 W. Canal St., Milwaukee, Wisconsin, in accordance with Wisconsin Administrative (Wis. Admin.) Code § NR 506.085, subject to the conditions listed in the attached approval. This approval is limited to the specific activities described in the application submitted to the DNR dated April 16, 2024. If any changes or additional activities are considered beyond those described in the application, a new application must be submitted to the DNR for approval.

The proposed activities include the following:

- Constructing an open top, 625,000-gallon aboveground storage tank for waste water collection, a concrete ring wall foundation, and piping supports/piping rack in the area indicated on attached Document No. 66713, "General Site Plan – Property Layout, Valley Power Plant REV C," dated August 14, 2023.

This approval does not relieve you of obligations to meet all other applicable federal, state and local permits, or zoning and regulatory requirements.

If you have questions or concerns regarding this letter, please contact J. Gregory Moll, at (262) 202-3921 or john.moll@wisconsin.gov.

Sincerely,

Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation and Redevelopment Program

Attachments: Conditional Approval
Document No. 66713, General Site Plan – Property Layout, Valley Power Plant REV C

cc: Julie Zimdars, Ramboll US Consulting, Inc. – julie.zimdars@ramboll.com
Jezamil Arroyo-Vega, Milwaukee Building Inspection Services – javega@milwaukee.gov

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON A PROPERTY WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Wisconsin Department of Natural Resources (DNR) finds that:

1. Wisconsin Electric Power Company owns the historic fill site located at 1035 W. Canal St., Milwaukee, Wisconsin, Parcel No. 4270403100.
2. Solid waste, specifically foundry sand, ash, coal, concrete, wood, rubble and debris, is present at the site.
3. On April 23, 2024, the DNR received an application from Ramboll US Consulting, Inc. on behalf of Wisconsin Electric Power Company for approval to develop on the WEPCO Valley Power Plant site. The DNR received the review fee of \$700, per Wisconsin Administrative (Wis. Admin.) Code ch. NR 749 on April 23, 2024.
4. The information reviewed in connection with the proposed activities include:
 - a. *“Development at Historic Fill Site or Licensed Landfill Application,”* dated April 16, 2024 and received by the DNR on April 23, 2024.
5. Additional documents considered in connection with the review of the proposed activities includes:
 - a. *“Final Case Closure with Continuing Obligations, WE Energies VAPP Diesel Fuel Recovery System, 1035 W. Canal St., Milwaukee, WI, BRRTS #02-41-001055,”* prepared by the DNR, dated October 14, 2010.
 - b. The DNR’s files pertaining to Bureau of Remediation and Redevelopment Tracking System (BRRTS) activities #02-41-001055 and #07-41-594459.
6. Additional facts relevant to the review of the proposed activities include:
 - a. Methane gas sampling was not conducted because the proposed open top wastewater tank is not an enclosed structure and methane gas accumulation does not appear to be an explosion risk.
 - b. The WEPCO Valley Power Plant site is a closed site tracked under BRRTS #02-41-001055.
7. If the special conditions set forth below are complied with, the proposed development should not interfere with maintenance of the solid waste disposal area or cause a significant threat to public health, safety or welfare or to the environment.

CONCLUSIONS OF LAW

1. The DNR has authority under Wis. Admin. Code § NR 506.085 to approve development at a solid waste facility as defined in Wisconsin Statute (Wis. Stat.) § 289.01(35).
2. The DNR has authority under Wis. Stat. § 289.46(2) to limit its approval under Wis. Admin. Code § NR 506.085 to activities which will not interfere with a closed solid waste disposal facility or cause a significant threat to public health, safety or welfare.

3. The conditions of the approval set forth below are needed to ensure the proposed development does not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety or welfare as required under Wis. Stat. § 289.46(2).
4. In accordance with the foregoing, the DNR has authority under Wis. Admin. Code § NR 506.085 to issue the following approval.

CONDITIONAL APPROVAL

The DNR conditionally approves the proposed activities on the WEPCO Valley Power Plant site subject to the following conditions:

1. All aspects of the proposed activities shall be performed in accordance with the application received by the DNR and the conditions of this approval. In the case of any differences between the approval conditions and the application, the approval conditions shall take precedence.
2. This approval is limited to the activities described in the application received by the DNR on April 23, 2024. Any changes or additional activities beyond those described in the application shall not be implemented without prior written DNR approval (Wis. Admin. Code § NR 506.085).
3. No action related to the proposed activities at the property may be taken which will cause any of the impacts or effects described in Wis. Admin. Code §§ NR 504.04(4)(a) to (f).
4. A report shall be submitted to the DNR within 60 days of completion of the proposed activities that documents the project was completed in accordance with the approved plan and conditions of this approval. The report may be submitted in conjunction with a Wis. Admin. Code § NR 724.15 remedial action construction documentation report. The report shall include:
 - a. Narrative describing work completed in accordance with approval and any problems encountered.
 - b. If waste was encountered, documentation of proper disposal of waste.
 - c. Photo documentation of all aspects of construction.
 - d. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the DNR.
 - e. A set of as-built plans.
5. All material excavated for the development activities will be disposed at a licensed landfill. Groundwater and stormwater will be properly managed and discharged in compliance with an approved notice of intent to discharge. Water that cannot be discharged in compliance with an approved notice of intent will be pre-treated on-site and discharged or transported off-site for treatment and disposal.
6. If contamination is encountered during the proposed activities that is not related to the documented contamination, notification of the contamination shall be submitted to the DNR.
7. Any continuing requirements of the development plan or the conditions of the approval shall transfer with changes in property ownership.

This approval is based on the information available to the DNR as of the date of approval. If the proposed project changes or if circumstances change such that there may be a need to modify this approval, the DNR may ask

applicants to provide additional information relating to activities to determine if the approval will need to be modified.

NOTICE OF APPEAL RIGHTS

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

- For judicial review of the DNR’s decision pursuant to Wis. Stat. §§ 227.52 and 227.53, you have 30 days after the decision is mailed or otherwise served by the DNR to file the petition with the appropriate circuit court and serve the petition on the DNR. Such a petition for judicial review must name the “Department of Natural Resources” as the respondent.
- To request a contested case hearing pursuant to Wis. Stat. § 227.42, you have 30 days after the decision is mailed or otherwise served by the DNR, to serve a petition for hearing on the secretary of the DNR. All requests for contested case hearings must be made in accordance with Wis. Admin. Code § NR 2.05(5), and served on the DNR secretary in accordance with Wis. Admin. Code § NR 2.03. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

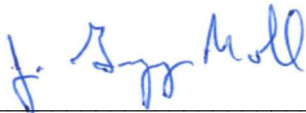
Dated: May 23, 2024

DEPARTMENT OF NATURAL RESOURCES

For the Secretary



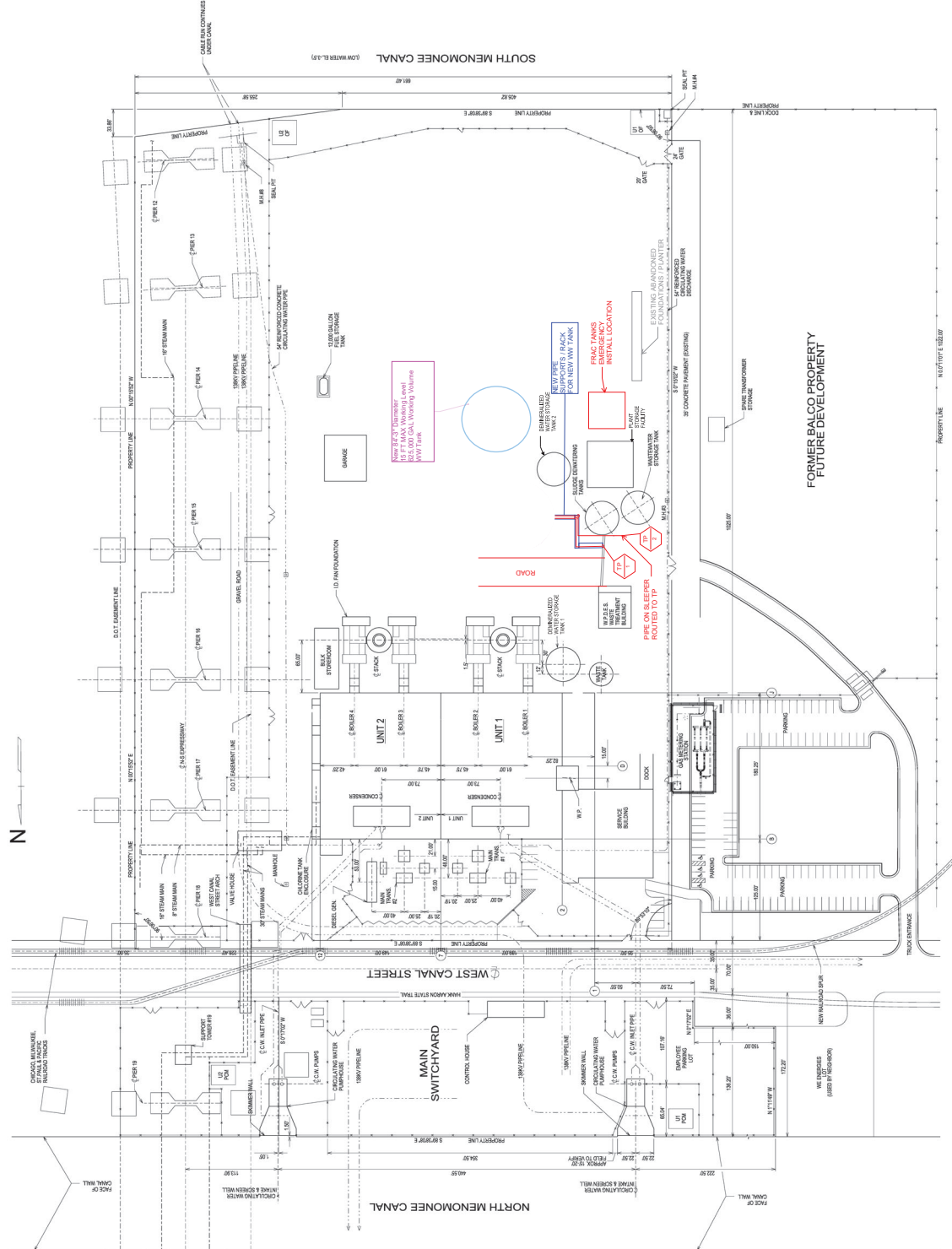
Pamela A. Mylotta
Southeast Region Team Supervisor
Remediation and Redevelopment Program



J. Gregory Moll, P.G.
Hydrogeologist
Remediation and Redevelopment Program

REFERENCE DRAWINGS

REFERENCE DRAWING	MEDIUM NO.	REVISION
LOT PLAN	7796	
CONTRACT SET FOR UNIT 1	16789	
CONTRACT SET FOR UNIT 2	16790	
CONTRACT SET FOR UNIT 3	16791	
CONTRACT SET FOR UNIT 4	16792	
CONTRACT SET FOR UNIT 5	16793	
CONTRACT SET FOR UNIT 6	16794	
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GENERAL SITE PLAN
PROPERTY LAYOUT

66713

DATE: JULY 19, 2018
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

PROJECT NAME: 2021-226-ME-SK-004

66713.dgn

2021-226-ME-SK-004

AS-BUILT
APR 02, 2018
PRINT

REVISIONS:

NO.	DATE	DESCRIPTION
1	04/02/2018	AS-BUILT