

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Milwaukee Headquarters
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June 4, 2020

Mr. Erick Shambarger, Environmental Sustainability Director
Environmental Collaboration Office
City of Milwaukee
200 East Wells Street, Room 603
Milwaukee, Wisconsin 53202

File Ref: FID 241207780
MILWAUKEE COUNTY
SW / APPR

SUBJECT: Closure Plan Modification Approval to Construct Solar Panels on the City of Milwaukee
North College Avenue Landfill, Milwaukee, Wisconsin, License No. 428

Dear Mr. Shambarger:

The Department of Natural Resources (department) has reviewed and approves the City's request for a Closure Plan Modification in order to construct solar panels on the North College Avenue Landfill.

This closure plan modification is to construct an array of 7,200 solar modules on the northern portion of the landfill. The solar panels are estimated to be able to generate 2.25 megawatts A.C electricity.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state, and local permits, as well as zoning and regulatory requirements.

Please contact Gerald DeMers at 414-263-8594 or Gerald.demers@wisconsin.gov if you have questions regarding this approval.

Sincerely,

James C. Delwiche
Waste and Materials Management Program Supervisor
Southeast Region

cc: SER Files
Gerald DeMers, SER
Ryan Shannon, Sunvest Solar, Inc. (rshannon@sunvest.com)
Ryan Sauter, SEH, Inc. (rsauter@sehinc.com)

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

**CONDITIONAL CLOSURE PLAN MODIFICATION
FOR THE
NORTH COLLEGE AVENUE LANDFILL
MILWAUKEE, WISCONSIN
LICENSE # 428**

FINDINGS OF FACT

The Department of Natural Resources (department) finds that:

1. The City of Milwaukee owns and operated the North College Avenue Landfill, located in the W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 34, T6N, R22E, 1800 East College Avenue, City of Milwaukee, Milwaukee County, Wisconsin. The landfill is approximately 47 acres in size.
2. The landfill was originally licensed in 1970. The last license expired in September 1988.
3. Because the landfill did not have a plan of operation approval under s. 144.44(3), Stats., (now s. 289.30, stats.) it is considered a nonapproved facility under s. 289.01 (24), Stats.
4. The department issued a conditional closure plan approval for the facility on April 27, 1990.
5. On January 21, 2020, the department received a Development at Historic Fill Site or Licensed Landfill Exemption request from Sunvest Solar, Inc., on behalf of the City of Milwaukee, to construct solar panels on the North College Avenue Landfill. The review fee of \$1,650 was received in full by the department on March 9, 2020.
6. The information submitted in connection with the plan modification includes:
 - a. A Development at Historic Fill Site or Licensed Landfill Exemption prepared by Ryan Shannon of Sunvest and signed by Eric Shambarger of the City of Milwaukee, dated January 17, 2020 and received by the department on January 21, 2020.
 - b. An email containing a Technical Memorandum and 16 plan sheets from Ryan Sauter of SEH, Inc., dated May 22, 2020 and received by the department on May 22, 2020.
7. Additional documents considered in connection with the review of the plan modification and exemption request include the following:
 - a. The department's conditional closure plan modification approval for the facility, dated August 31, 1998.
 - b. The department's files related to the City of Milwaukee North College Avenue Landfill, License No. 428.
8. Additional facts relevant to the review of the plan modification and exemption request include:

- a. Concrete ballast blocks will be placed directly on the existing landfill surface without disturbance of the landfill cap. Settlement is calculated to be 1-inch or less.
 - b. All electrical wiring will be above ground in the areas where wastes have been disposed.
 - c. Final design drawings will be completed by a licensed electrical engineer and submitted to the department prior to construction.
 - d. The total area of the concrete ballast blocks is about 0.3 acres and will not result in significantly increased stormwater runoff from the site.
 - e. Sunvest will inspect the work areas twice in the six months after construction is completed to determine areas of increased erosion or failure of planted vegetation to establish.
 - f. The landfill surface, including the areas of the solar panels, will continue to be mowed on an annual basis.
9. The special conditions set forth below are needed to assure that the facility is operated in accordance with applicable portions of NR 500 - 538, Wis. Adm. Code. If the special conditions are complied with, the proposed closure plan modification will not inhibit compliance with the standards set forth in the applicable portions of NR 500 - 538, Wis. Adm. Code.

CONCLUSIONS OF LAW

1. The department has authority under s. NR 514.08, Wis. Adm. Code, to modify a closure plan 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 closure plan modification with special conditions if the conditions are needed to ensure compliance with chs. NR 500-538, Wis. Adm. Code.
3. The department has the authority under s. NR 506.085, Wis. Adm. Code to approve the establishment or construction of structures over the waste disposal area for a solid waste disposal facility that is no longer operational.
4. The conditions of this approval are needed to ensure compliance with chs. NR 500 – 538, Wis. Adm. Code.

CONDITIONAL CLOSURE PLAN MODIFICATION APPROVAL

The department hereby approves the closure plan modification request for the City of Milwaukee North College Avenue Landfill, subject to ch. NR 500 – 538, Wis. Adm. Code and the following conditions.

1. This approval is limited to the proposed changes described in the plan modification request. If additional changes are considered beyond those described in the request, a new closure plan modification request must be submitted to the department for approval.
2. The owner shall provide to the department, for its records, the final electrical plans, signed by a registered professional engineer, prior to construction of electrical components of the development.
3. One paper copy and an electronic copy of construction documentation shall be provided to the department. Construction documentation shall be provided within 90 days of construction completion. Construction documentation shall consist of:
 - Narrative which describes work performed and start and completion dates,
 - Any deviations from the original plans, and
 - Photographs of the final construction.
4. The department's environmental engineer assigned to this site shall be notified a minimum of one week prior to beginning each of the construction events listed below for the purpose of allowing the department to inspect the work. A fee shall be paid to the department for each required inspection in accordance with s. NR 520.04(5), Wis. Adm. Code. The inspection fees shall be paid at the time the construction documentation review fee is submitted to the department.
 - Placement of concrete ballast blocks for solar panels, and
 - Final site restoration at completion of construction.
5. The City of Milwaukee shall inspect the landfill annually. The inspection should be documented in an annual report to the department by March 1 of the following year. The report should also include documentation of maintenance activities and a discussion of the results of gas and groundwater monitoring at the site.

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

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

NOTICE OF APPEAL RIGHTS

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

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

Dated: June 4, 2020

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



James C. Delwiche
Waste and Materials Management Program Supervisor
Southeast Region



Gerald DeMers, P.E.
Environmental Engineer
Waste and Materials Management Program, Southeast Region