



CERTIFIED MAIL

June 10, 2022

File Ref: FID 445014350
Outagamie County
SW / CMEL

Mr. Mike Frede
CE Land LLC
6980 N Teutonia Ave
Milwaukee WI 53209-2536

— John Neumeier – Director of Public Works and City Engineer
City of Kaukauna
201 West Second Street
Kaukauna, Wisconsin 54130

Subject: Notice of Noncompliance (NON) resulting from site visit for the closed CE Land Landfill located at 512 East Ann Street, City of Kaukauna, Outagamie County, Wisconsin, DNR License No. 0073

Dear Mr. Frede and Mr. Neumeier:

Enclosed is a copy of the inspection report that was completed for the closed CE Land landfill (Lic. No. 0073) during the Department of Natural Resources (department's) site visit on September 29, 2021. In addition, a review of the department's site files and data contained in the department's Groundwater Environmental Monitoring System (GEMS) were reviewed following the inspection. The inspection and file/data review indicated that, at the time the inspection and review were completed, the City of Kaukauna (City) and CE Land, LLC were not in full compliance with the requirements of Chapters NR 500 to 538, Wisconsin Administrative Code. Identified below are the areas of noncompliance that were identified and actions that should be taken to resolve the areas of noncompliance.

Alleged Areas of Noncompliance

1. Section NR 507.13, Wis. Adm. Code, requires a facility owner to repair or replace wells that are damaged, provide a conduit to the subsurface or otherwise fails to function properly, within 60 days after it is discovered.
 - a. The following devices are required to be monitored annually per the department's June 10, 2004, approval and have not been monitored for several years:
 - i. Groundwater monitoring wells B-1S, B-2S, and B-12 have been reported broken,
 - ii. Groundwater monitoring well nest B-5 (groundwater monitoring wells B-5, B-5A, and B-5B) and gas probe GP-13 have been reported lost.

Action needed: Groundwater monitoring wells B-1S, B-2S, B-12, B-5, B-5A, and B-5B, and gas probe GP-13 either need to be repaired or replaced per NR 507.13, Wis. Adm. Code. Please provide written documentation of actions taken along with photographic evidence of the action(s), and any applicable forms required by s. NR 507.14(5), Wis. Adm. Code.

Alternatively, an evaluation of the environmental monitoring program can be conducted to determine if the wells can be eliminated from the groundwater monitoring program and permanently abandoned per s. NR 141.25(1)(b), Wis. Adm. Code, or relocated to a more beneficial location. Any proposals to eliminate groundwater monitoring wells or relocate groundwater monitoring wells must be submitted to the department for review and approval.

You are reminded, s. NR 507.04(2), Wis. Adm. Code, requires a professional geologist or qualified technician who is directly supervised by a professional geologist to observe and direct the drilling of all borings and the installation, development and abandonment of all wells. Furthermore, Section NR 507.14(5), Wis. Adm. Code, requires documentation of activities to be submitted on forms specified in this section and NR 507 Appendix 5. Please ensure that all applicable required forms are submitted to the department if these wells are abandoned.

- b. Gas Probe GP-8 was observed to have a loose protective casing during the inspection.

Action needed: The seal around the base of the protective casing for GP-8 needs be repaired, in accordance with s. NR 507.13, Wis. Adm. Code.

2. Section NR 506.08(4), Wis. Adm. Code, requires vegetation approved by the department. During the inspection, woody vegetation was noted growing on the final cover area of disposed waste along the southwestern perimeter berm of the landfill along the Coffee Hill condo development.

Action needed: On the perimeter berm, please cut woody vegetation to ground level so as not to disturb the berm material and in-place waste, add at least 2-feet of compacted earth and at least 6-inches of topsoil, seed, fertilize, and mulch the finished surface. Unless otherwise approved by the department in writing, seed mixtures and sowing rates shall be those specified for right-of-ways in accordance with section 630, Wisconsin Department of Transportation standard specifications for highway and structure construction.

It should be noted, the entire perimeter berm should not be disturbed, and should have at least 6-inches of topsoil and vegetation established. In addition, the perimeter berm surface should not be tilled and posts should not be installed into the surface without prior written department approval.

Area of Concern

1. Section NR 506.07(4), Wis. Adm. Code, requires effective means be utilized to prevent the migration of explosive gases generated by the waste fill area, and s. NR 506.08(4), Wis. Adm. Code, requires established vegetation. It was noted that there is bare ground on the southwestern perimeter slopes of the landfill along the Coffee Hill condo development. Since it is unclear whether this is a lack of topsoil or indications of migrating gas, the department requests you add at least 6-inches of topsoil, seed, fertilize, and mulch the finished surface. Please monitor the area for the next growing season. If the area does not establish vegetation, additional investigation will be needed.

The department recommends you take immediate action to address the identified areas of noncompliance and requests that you provide written documentation of your plans and timeline to address the areas of non-compliance by July 11, 2022. While we appreciate receiving your plan by this date, please understand that you are

currently in noncompliance and will remain so until all identified areas are addressed. Failure to respond in a timely manner may result in escalated enforcement actions.

If we can assist you in meeting these standards, please feel free to contact Sally Hronek at 920-609-5236 or Sally.Hronek@wisconsin.gov or Jackie Marciulionis at 920-591-1547 or Jacqueline.Marciulionis@wisconsin.gov. Please note that chapters NR 500 to 538, Wisconsin Administrative Code, are available on the department's website at <http://dnr.wi.gov/topic/Waste/Laws.html>.

Thank you for your cooperation.

Sincerely,



Kristin DuFresne
Waste and Materials Management Supervisor
Northeast Region

Attachment (Inspection Report)

cc: NER Facility File
Sally Hronek – DNR/WA (via email: sally.hronek@wisconsin.gov)
Jackie Marciulionis – DNR/WA (via email: jacqueline.marciulionis@wisconsin.gov)
Nicole LaPlant, Robert E. Lee (via email: nlaplant@releeinc.com)
Bruce Meissner, Robert E. Lee (via email: bmeissner@releeinc.com)



COMPLIANCE MONITORING
AND EVALUATION FORM

A. GENERAL INFORMATION

FIST SEQ #: 72004

Facility Name (current) CE LAND LLC			FID # 445014350	EPA ID #	Case # 72004	Complaint #
Street/Location 512 EAST ANN STREET			Notification Status LANDFILL 50,000-500,000 CU YD			
City KAUKAUNA	Zip Code 54130-	County OUTAGAMIE	Type of Contact FIELD		Contact Date/Time 09/29/2021 00:00	
Contact Name/Phone Number JOHN NEUMEIER- CITY OF KAUKAUNA (920) 766-6305			Staff Assigned to Site HRONEK, SALLY		Case Close Out Date	

B. FACILITY INSPECTED AS

Inspection Type
LANDFILL 50,000-500,000 CU YD

C. NOTIFICATION CHANGE

Date processed SHWIMS _____, EPA Data System _____

Status Change: Field Verified Status Is _____

Name Change: Former Name _____

D. ACTIVITY TYPES

Lic/RU/RA	Staff Person	Lead Program	Activity Type
73	HRONEK, SALLY S	SOLID WASTE	COMPLIANCE CLOSED LANDFILL
73	MARCIULIONIS, JACQUELINE R	SOLID WASTE	ASSIST LEAD STAFF

E. ACTIONS AND VIOLATIONS

Action Date	Action Type	Close Date	SNC	Comments
	NON			

Viol. Type	Action Type	Violation Discovery Date	Action Date	Response Due Date	Actual Compliance Date	Viol. Status Code	Code or Statute Citation	Code or Statute Description
	NON	09/29/2021				X	141.25(1)(b)	Monitoring well properly abandoned
	NON	09/29/2021				X	507.13	Monitoring devise abandoned and replaced
	NON	09/29/2021				X	507.04(3)	Monitoring and sampling devices protected
	NON	09/29/2021				X	506.08(4)	Vegetation established to minimize erosion

F. CASE CONTACTS

G. COMMENTS

site inspection for northern portion - located north of CTH CE with multiple landfill owners

SITE NARRATIVE

Narrative:

Sally Hronek and Jackie Marciulionis (DNR) met with Nicole LaPlant and Cody Applekamp (Robert E. Lee & Assoc [REL]) and John Neumeier (City of Kaukauna) at the site. The landfill areas North of CTH CE (currently referred to as CE Land LLC) and the areas South of CTH CE (currently under Lehrer trust) were inspected. This summary and report are for the inspection of the area North of CTH CE. The inspection summary and report are for the area South of CTH CE is in a separate inspection report.

The site inspection started in the northern area. DNR, REL, and Neumeier walked the area. Neumeier was only able to stay for the first part of the inspection. The group walked the perimeter of the larger northern portion managed by the City of Kaukauna and spot-checked monitoring wells, gas vents, gas probes, and manholes along the way. All groundwater monitoring wells, and gas probes were locked, labeled, and generally in good condition. Along the northern boundary, DNR noted gas probe GP-8 has a loose protective casing that needs to be secured, the 20th Street manhole needs a regular manhole cover with a lock due to its location surrounded by private residents and noted gas odor from passive vents with no stressed vegetation around the vents indicating gas is passing thru the vents effectively. DNR also observed the Verhagen gas trench (located on the Vantoll/Armstrong property) and noted stressed vegetation but no gas odor. The group then traversed a portion of the final cover on the western end to spot check for repaired areas and noted no bare spots. The group walked along the condo association perimeter berm side and noted areas of stressed vegetation and woody tree growth. It appears the association mows part way up the perimeter berm. DNR noted the Cell 5A manhole is not double walled. DNR and REL discussed the pumping frequency of the leachate from the manholes and REL indicated that volumes are low, so pumping is less frequent to 2 times in September versus weekly. On the eastern side of the landfill, DNR noted B-8A was locked but had a cap that was too big for the protective casing so the well could still be opened. REL indicated a new cap was on order to fix the situation

Landfill owners include:
"CE Land LLC - Mike Frede (interim property management by City of Kaukauna)
"Greg Lauer
"Craig Vantoll and Fay Armstrong

CLOSED LANDFILL INSPECTION FORM

Section 1: General Facility Requirements

A. Gate provided at the entrance and kept locked when authorized personnel not on site. larger northern portion is part of City of Kaukauna nature preserve; smaller northern portions are part of private properties	NA	506.07(1)(j)
B. Entrance area clean and no solid waste indiscriminately dumped (e.g., operating an unlicensed storage or disposal facility).	C	289.31(1)
C. Sign posted at the entrance to the facility indicating that the landfill is closed, and includes the landfill name, license number, penalty for unauthorized use and any other pertinent information unless the approved final use does not require signage. sign posted only on larger northern portion that is managed by City of Kaukauna and part of nature preserve	C	506.08(1)(b)
D. Access to the landfill restricted by use of gates, fencing, or other appropriate means unless approved final use allowing access (e.g. baseball playfields, soccer fields, dog runs, etc.) does not require these restrictions. larger northern portion is part of City of Kaukauna nature preserve and open to the public, smaller northern portions are part of private properties and bordered by trees	C	506.08(2)

Section 2: Sediment and Erosion Control

A. Runoff channels are protected to prevent scour and erosion that generates sediment. all portions of properties are sloped for storm water to run off into Kanapot Creek or city storm sewer	NA	506.07(2)(a)(5)
B. Storm water drainage ditches, structures and sedimentation basins cleaned and maintained. no ditches or sedimentation basins on site	NA	506.07(2)(b)
C. The entire solid waste disposal area is covered with compacted earth and final grades are adequately sloped to allow storm water runoff. (e.g. no depressions with ponded water or wetland vegetation on the disposal area). larger north portion has compacted earth and adequately sloped final grades	C	506.08(3)(a)
D. Storm water run-on diverted around all areas used for solid waste disposal to limit erosion of the cover soils and infiltration. larger northern portion diverts storm water off final cover with some infiltration and leachate draining into manholes	C	506.08(3)(b)
E. The finished surface of the disposal area is covered with a minimum of 6 inches of topsoil. Verhagen trench appears to be lacking vegetation along trench line (on the Vantoll/Armstrong property); it is unclear if the area is lacking topsoil or if there is a gas migration issue; additional follow up is needed	CA	506.08(3)(d)
F. Vegetation established to minimize erosion (e.g. no bare spots or woody vegetation). areas on the western portion and on top of the perimeter berm have new growth trees that need to be cut to ground level and steps taken to prevent new tree growth; remaining areas with woody vegetation have DNR approval and these areas include the Kaukauna preserve area; Laur portion; and Vantoll/Armstrong private property - in these areas, tree health should be monitored and dying trees should be cut to ground level	X	506.08(4)

Section 3: Gas Control

A. Effective means being utilized to prevent migration of explosive gases generated by the waste fill (e.g. no noticeable gas odors or indication of stressed vegetation, and gas control system operating, if applicable). larger northern portion managed by City of Kaukauna has passive gas trenches and passive gas vents; perimeter berm at toe of slope appears to have stressed and or is lacking vegetation on Condo Association side; Verhagen trench appears to have stressed vegetation along trench line (on the Vantoll/Armstrong property); it is unclear if the area is lacking topsoil or if there is a gas migration issue; additional follow up is needed	CA	506.07(4)
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Section 4: Leachate Collection System

A. Any liquid that comes in contact with waste being handled as leachate and properly managed (e.g. no leachate seeps or discolored surface water/soil). larger northern portion completed cap repair in 2020 to close out NONs; leachate collected via ad-hoc leachate manholes that are manually attended to by city personnel	C	506.07(5)(b)
B. Leachate removal from all leachate storage structures to maintain gravity flow (e.g. no leachate storage on landfill base or liner). larger northern portion has 4 manholes where leachate gravity drains and is manually pumped by the City of Kaukauna 1-2 times per week; no other portions of the landfill have leachate collection or leachate head monitoring	C	506.07(5)(a)

CLOSED LANDFILL INSPECTION FORM

Section 4: Leachate Collection System

C. All leachate removed from the leachate collection system is being disposed of at a wastewater treatment facility unless the facility has approval to recirculate leachate or gas condensate. City of Kaukauna pumps from 4 manholes to municipal sanitary sewer for treatment to Heart of the Valley	C	506.07(5)(a)
D. Leachate lines cleaned on an annual basis or other frequency approved by the Department.	NA	506.07(5)(c)
E. Leachate head wells protected and being monitored for leachate head levels.	NA	507.04(3)

Section 5: Monitoring Devices

A. Monitoring and sampling devices protected to prevent contaminant entry and damage (e.g. caps present and locked, protective casing in good condition and not affected by frost heave or sunk relative to the well casing that prevents closure). during site visit: Gas probe GP-8 has a loose protective casing that needs to be secured and groundwater monitoring well B-8A needs a new cap on the protective casing to adequately lock it; B-8A issue addressed per 10/21/2021 email from Robert E. Lee and is noted as returned to compliance in letter to Greg Lauer	X	507.04(3)
B. All monitoring devices clearly and permanently labeled on the outside of the device.	C	507.04(4)
C. Any permanent monitoring well no longer being used to gather information is properly abandoned within 60 days after its use has been discontinued. See item 5D. Groundwater monitoring wells B-1S, B-2S, and B-12 have been reported broken and have not been sampled in several years. These wells need to be abandoned and replaced.	X	141.25(1)(b)
D. Any monitoring device that has been damaged, provides a conduit to the subsurface or otherwise fails to function is properly abandoned and replaced within 60 days after discovery. Groundwater monitoring wells B-1S, B-2S, and B-12 have been reported broken and have not been sampled in several years. These wells are part of the requirement monitoring and need to be replaced. Groundwater monitoring well nest B-5, B-5A, and B-5B were lost in 2005 during condo development. These wells need to be replaced.	X	507.13
E. Surface water sampling locations surveyed and permanently and clearly marked.	NA	507.23(2)

Section 6: Final Use

A. Waste disposal area not being used for agricultural purposes unless approved by the Department.	C	506.085(1)
B. No structures or other development over waste disposal area unless approved by the Department. existing development on larger northern portions has been previously approved by DNR	C	506.085(2)
C. No excavation of the final cover or any waste materials.	C	506.085(3)

SITE PHOTOS

Photo # 82601 Photo 1 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction S

Photographer HRONEK, SALLY

Photo Description

example of passive gas vent



Photo # 82602 Photo 2 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction NW

Photographer HRONEK, SALLY

Photo Description

example of monitoring wells that are locked, labeled, and secured

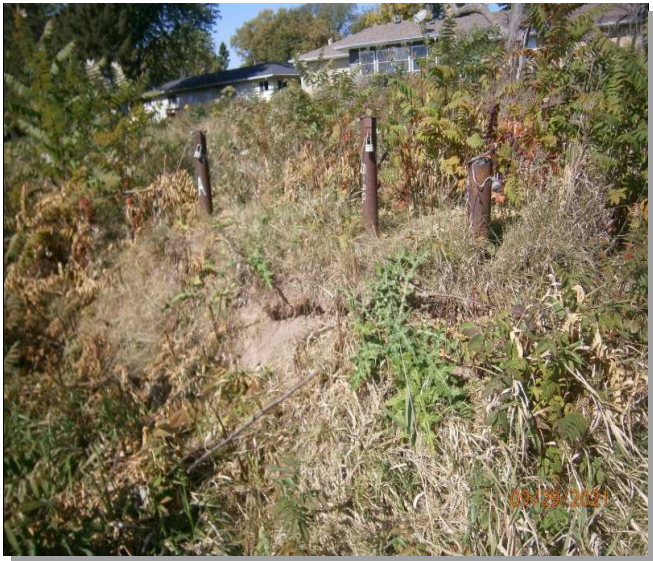


Photo # 82603 Photo 3 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction SW

Photographer HRONEK, SALLY

Photo Description

Area lacking vegetation on area where gas cut-off trench is located on Vantoll/Armstrong property



SITE PHOTOS

Photo # 82604 Photo 4 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction E

Photographer HRONEK, SALLY

Photo Description

on site soil stock pile seeded and vegetated



Photo # 82605 Photo 5 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction S

Photographer HRONEK, SALLY

Photo Description

Sign posted denoting public access area



Photo # 82606 Photo 6 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction W

Photographer HRONEK, SALLY

Photo Description

Areas lacking vegetation and stressed vegetation on condo area of perimeter slope; it is unknown if it is from mowing technique, lack of topsoil, or gas migration



SITE PHOTOS

Photo # 82607 Photo 7 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction E

Photographer HRONEK, SALLY

Photo Description

CE Land new tree growth; example of woody vegetation on perimeter berm along condo association side



Photo # 82608 Photo 8 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction E

Photographer HRONEK, SALLY

Photo Description

example of manhole in engineered 5A cell that is clay lined but manhole is not double-cased



Photo # 82609 Photo 9 of 10

Photo Date & Time 09/29/2021 00:00

Photo Direction W

Photographer HRONEK, SALLY

Photo Description

Condo side slope with willow tree growth; no stressed vegetation in lawn area



SITE PHOTOS

Photo #83892Photo 10 of 10

Photo Date & Time09/29/2021 00:00

Photo DirectionW

PhotographerMARCIULIONIS, JACKIE

Photo Description

at time of visit: B-8A locked, but it is not secure - cap is too big for the protective casing and the well could still be opened without needing a key to unlock; item addressed per 10/21/2021 email from Robert E. Lee and noted returned to compliance in a letter to Greg Lauer

