



To Whom it may concern,

The City of Kaukauna has received a Notice of Noncompliance (NON), dated September 3, 2024, for a June 27, 2024, Inspection at the Closed CE Land Landfill, City of Kaukauna, Outagamie County, License No. 0073 from Kristin DuFresne, Waste and Materials Management Supervisor for the Northeast Region. The City is not the owner of the site, but has a Memorandum of Agreement with Wisconsin DNR to ensure regular maintenance of the site is completed in the absence of the owner. The City has reviewed the NON and has prepared responses to the areas of Alleged Noncompliance and the areas of concern noted. Please review the responses and confirm that the DNR is in concurrence with the methods, repairs, and proposed schedules to help bring the site into compliance.

**Response to Alleged Areas of Noncompliance from:
Notice of Noncompliance (NON) for June 27, 2024, Inspection at the Closed CE Land
Landfill, City of Kaukauna, Outagamie County, License No. 0073**

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 well B-12 is reported broken.
 - ii. Groundwater monitoring well nest B-5 (groundwater monitoring wells B-5, B-5A, and B-5B) are reported as lost.
 - iii. Groundwater monitoring well B-1S is damaged and cannot be sampled due to a pinch in the well casing and low water level.

Items noted are continued areas of noncompliance from the department's June 10, 2022, notice of noncompliance letter. The department received a letter dated October 27, 2022, and an email from Robert E. Lee (REL) on July 19, 2024, providing status updates and a summary of repairs to these wells in response to the June 10, 2022, noncompliance letter. It is the department's understanding that the City prefers not to proceed with new well installation or plan modification to potentially eliminate wells due to funding. Before, proceeding, the City would like to explore the City's financial responsibility for these items and availability of additional funding assistance. By **October 3, 2024**, submit a written plan outlining a timeline for the abandonment and replacement of the monitoring devices or contact the department to schedule a meeting to discuss alternative actions.

Response 1a) The City and our consultant Rober E. Lee and Associates(REL) have requested a meeting to continue to discuss funding sources or alternate requirements with DNR staff(email sent September 18, 2024, 10:52am from Cody Applekamp, P.G. The City does not agree that the requested actions are regular maintenance items.

b. Gas probe GP-5 was observed to not be lockable due to the hinges on the protective cover rusting through.

The lockable cover to gas probe GP-5 needs to either be repaired or replaced, in accordance with s. NR 507.13, Wis. Adm. Code. Provide the department photo documentation of the repair or request an alternative timeline for repairs by **October 3, 2024**.

Response 1b) The City will have the lockable cover repaired or replaced before **12/6/2024** with DNR approval of this schedule. Photos of the repair/replacement will be sent to DNR upon completion.

c. Two passive gas vents along the Southern Passive Vent (SPV) trench require repair, including SPV-5 which was observed to be broken and uncovered at the ground surface and SPV-3 that was observed to be broken and unstable/wobbly. Provide the department photo documentation of the repairs or plan outlining a timeline for the repairs to the department by **October 3, 2024**.

Response 1c) The City will have SPV-3 and SPV-5 repaired before **12/6/2024** with DNR approval of this schedule. Photos of the repair/replacement will be sent to DNR upon completion.

2. Sections NR 506.08(3)(a) and (d), and 506.08(4), Wis. Adm. Code, requires vegetation establishment to prevent erosion and grading of the final cover to allow for positive storm water drainage.

a. During the inspection the department observed multiple areas of ponding water located in the northwest portion of the landfill. The ponding water areas need to be graded to allow for positive storm water runoff off the final cover. Due to the extent of the bare spots, the department recommended a topographic survey to ensure that the grading work will not redirect the storm water to other low areas of the final cover. Please provide a response to the department in writing by **October 3, 2024** for next steps to correct the ponding water areas.

Response 2a) The City requests a map showing the proposed limits of the area that DNR is requesting a topo survey. The City will work with REL to perform a topographic survey of the cap area in question. City staff will mow the areas in fall of 2024 and coordinate a drone topo survey following. Anticipated date for results of the topo study would be prior to **1/1/2025** with DNR approval of this schedule. A plan for leveling any areas in question will be developed and a separate timeline for completion will be established with DNR concurrence, based on scope/size dictated by the topo.

b. Four bare spots located on the sideslopes of the landfill adjacent to the northernmost Coffee Hill condominiums were observed during the inspection. The bare spots need to be stabilized to prevent erosion of cover soils. Please provide photo documentation of

the repairs completed or a response to the department in writing by **October 3, 2024** for next steps to correct the bare spots located near the Coffee Hills condominiums.

Response 2b) The City has completed the restoration the area near Coffee Hills condominiums. Photos of the restoration are attached, dated 09/26/2024. The City will re-inspect growth in spring of 2025.

- c. During the inspection, woody vegetation was observed growing on the eastern side/sideslope of the landfill, along the public access trail. The department could not determine if the woody vegetation was on the final cover. If on the final cover, the woody vegetation needs to be removed to prevent damage to the landfill cover. Please evaluate if the woody vegetation is on the final cover and provide documentation of the evaluation to the department in writing by **October 3, 2024**.

Response 2c) The City has added this area to our regular maintenance area to be cut annually, typically in late spring of each year, when the City rents a flail mower for similar projects.

Areas 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. Three areas were identified during the inspection to have potential to impede current and/or require landfill gas migration measures:**
 - a. During the inspection, the department observed two areas of potential gas stress related to noncompliance item numbers 2a and 2b, discussed above.
 - i. An area of ponding water located in the northwest portion of the landfill, adjacent to the mowed trail on the south side, was observed bubbling. At the time of the inspection, the department discussed adding additional clean fill to the area to prevent the gas from migrating through the final cover. The department additionally recommends that due to the current use of the landfill as a public park, measures should be taken to ensure that the bubbling water, and all areas specifically used for public recreation, are not emitting landfill gas at concentrations that may cause negative affects to citizens utilizing the park (i.e., explosion hazard from open flames/grilling activities).
 - ii. The cause of the bare spots located on the sideslope of the landfill adjacent to the northernmost Coffee Hills condominiums needs to be determined. If topsoiling and seeding the bare spots does not result in vegetation establishment, additional measures will be needed to determine the cause of the stressed vegetation and measures needed to vegetate the bare spots. The department recommends performing a surface emission scan for landfill gases to determine if the bare spots are caused by gas stress.

Response C1a i and ii) The City will work with REL to develop an annual inspection for emissions using an FID meter or a landfill gas meter to inspect along the residential abutting cap areas and along trails/park space.

- b. The department observed areas of ponding water on or in close proximity to the North Passive Vent (NPV) trench. The areas of ponding water are recommended to be graded to promote storm water drainage away from the NPV to ensure the trench continues to function as intended.

Response C1b) The City will address these areas in concert with NON 2a, topo study and follow up grading plan.

- c. The department observed woody vegetation is on or in close proximity to the NPV trench and 20th Street vent. The woody vegetation is recommended to be removed to prevent damage from the tree roots to the passive gas vent trenches to ensure the trenches continue to function as designed.

Response C1c) The City will work with the adjacent property owners to relocate or remove trees and shrubs from this area.

2. **Section 506.07(5)(b), Wis. Adm. Code, requires all liquid that comes in contact with waste be handled as leachate.**

During the inspection, a bare spot located east of the northern most Coffee Hill condominiums contained rust colored staining on the soil surface that has the potential to be caused by a leachate release or gas stress. The department recommended adding clean fill to the area and vegetating as an initial step to remediating the area. If additional fill does not prevent future seeps or new seeps form, additional actions may be needed to remediate leachate/gas releases.

Response C2) The City has completed the restoration the area near Coffee Hills condominiums. The City will re-inspect growth in spring of 2025.

Please reach out to my office with any comments or concerns with the methods and schedules described within this response letter. Thank you for your time and consideration.

Sincerely,

John W. Neumeier
Director of Public Works / City Engineer

CITY OF KAUKAUNA
920.766.6305, ext. 4
jneumeier@kaukauna.gov
www.kaukauna.gov

Attached: Photos of restoration dated 09/26/2024 in response to NON item 2b and C1b.