



September 9, 2020

FID 471013840
Winnebago County
SW / Approval

Michael T. Kading, Director
City of Neenah – Park and Department
211 Walnut Street
Neenah, WI 54956

SUBJECT: Conditional Grant of Exemption for Development, at Arrowhead Park (Closed Former Neenah Parksite – Bergstrom Landfill), Winnebago County, Wisconsin, WDNR License No. 2299

Dear Mr. Kading:

The Department of Natural Resources (department) has completed review of your grant of exemption request for development of multiple features at the closed Arrowhead Park landfill (Former Neenah Parksite – Bergstrom Landfill). The exemption is granted in accordance with s. NR 500.08(4), Wis. Adm. Code, for development at the closed Arrowhead Park landfill. Please review all conditions contained in this approval prior to development at the landfill.

The requested grant of exemption includes a proposal for development of the following features on the landfill final cover:

- Carriage Road,
- Storm water control features,
- Two ‘Touch-the-Water’ features, and
- Pollinator prairie area.

Fill will be placed above the final cover on the western and southern portions of the landfill so the above features will be constructed above the final cover.

The plans also included other proposed developments (e.g. fish sticks, park entrance road modifications and a turbidity curtain) that do not require approval by the Waste and Materials Management program because they are outside of the landfill limits and/or addressed by other programs within the department.

You are reminded that approval by the Waste and Materials Management Program does not relieve you of obligations to meet all other applicable federal, state, and local permits, zoning and regulatory requirements. Note that all soil approved for placement at the Arrowhead Park landfill via a low hazard grant of exemption will need to be placed, documented, and maintained in accordance with all low hazard grant of exemption approvals.

If you have any questions regarding this approval, please contact Tess Brester by phone at (920) 662-5160 or via email at Tess.Brester@wisconsin.gov.

Sincerely,

Handwritten signature of Kristin DuFresne in black ink.

Kristin DuFresne
Waste and Materials Management Supervisor
Northeast Region

cc: Jeff Saxby, SEH (via email)
Jackie Marciulionis, DNR/WA (via email)
Tess Brester, DNR/WA (via email)
Joe Lourigan, DNR/WA (via email)
Valerie Joosten, DNR/WA (via email)

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
GRANT OF EXEMPTION
FOR THE
FORMER NEENAH PARKSITE-BERGSTROM LANDFILL
LICENSE #2299

FINDINGS OF FACT

The Department of Natural Resources (department) finds that:

1. The City of Neenah (City) owns and maintains the closed Former Neenah Parksite-Bergstrom landfill (landfill), License #2299, located in the SE ¹/₄ of Sec. 21, T20N, R12E, Neenah, Wisconsin, License #2299.
2. The landfill is considered a, “nonapproved,” facility under s. 289, Wis. Stats., because it does not have an approved plan of operation under s. 289.30, Wis. Stats.
3. On July 2, 2020, Short Elliott Hendrickson Inc. (SEH), submitted, on behalf of the city of Neenah, a request to develop multiple features on the Arrowhead Park. The request was dated July 1, 2020. On July 17, 2020, the department received the review fee of \$550 for the exemption request.
4. The information submitted in connection with the plan modification request includes the following:
 - a. An email and attachment from SEH on behalf of the City received by the department on September 9, 2020.
 - b. An email from SEH on behalf of the City received by the department on August 25, 2020 stating that no burning of the proposed native prairie will occur.
 - c. An email and attached, revised plan sheets received by the department on August 24, 2020, from SEH on behalf of the City.
 - d. A revised July 1, 2020 letter received in an email on July 7, 2020 from SEH on behalf of the City.
 - e. A letter and associated plan set dated July 1, 2020, form 4400-226 for the development request dated July 2, 2020, and a copy of the department’s May 21, 2020 WPDES general permit submitted by SEH on behalf of the City.
 - f. A letter dated May 26, 2020 from Stantec providing recommendations for nearshore native habitat restoration.
5. Additional documents considered in connection with review of the plan modification request include the following:
 - a. The department’s October 30, 2018 conditional grant of exemption approval for waste borings.

- b. A letter from Stantec on behalf of the City dated August 7, 2019 requesting approval of a low-hazard grant of exemption for contaminated soil to be placed at the Arrowhead Park landfill. The exemption is currently under review by the department and has not been granted as of the date of this approval.
 - c. The department's August 23, 2018 approval for a planting a native prairie seed mix at the Dane County landfill (FID 113127300).
 - d. The department's May 20, 2016 conditional grant of exemption approval for reuse of ash fill and ch. NR 718, Wis. Adm. Code, approval for disposal of led and PAH contaminated soil.
 - e. The department's files related to the Arrowhead Park Landfill, License # 2299.
6. Additional facts relevant to the review of the exemption request include:
- a. The Former Neenah Parksite-Bergstrom Landfill is formally known as the PH Glatfelter landfill and is currently being referred to as the Arrowhead Park landfill.
 - b. In 1974, the department granted Bergstrom license #2299 for the active, Bergstrom Parksite landfill. The landfill stopped receiving waste in 1976.
 - c. Based on attachment C of Stantec's May 26, 2020 letter, it appears that the maximum root depth of the proposed prairie seed mix is 76 centimeters (30-inches) (*Elmus canadensis and elymus virginicus*).
 - d. Additional fill has been added to the final cover since closure of the landfill. Additional soil will be added during the construction to prevent damage to the final cover of the landfill.
7. The City has demonstrated circumstances that warrant an exemption from the prohibition of s. NR 506.085, Wis. Adm. Code, for development on the closed landfill.
8. The proposal will not result in environmental pollution as defined in s. 289.01(8) and 299.01(4), Wis. Stats.
9. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

- 1. The department has authority under s. NR 500.08(4), Wis. Adm. Code, to grant an exemption from specific rule requirements under chs. NR 500 to NR 538, Wis. Adm. Code, in special cases if the proposed exemption would not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.
- 2. The department has authority to under s. 289.46(2), Wis. Stat. to limit its approval of prohibited uses under s. NR 506.085, Wis. Adm. Code, 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.
4. In accordance with the foregoing, the department has authority under s. NR 500.08(4), Wis. Adm. Code, issue the following grant of exemption.

GRANT OF EXEMPTION

The department hereby grants an exemption to the Former Neenah Parksite-Bergstrom landfill from the requirements in s. NR 506.085, Wis. Adm. Code, for the proposed development on the final cover subject to the following conditions:

1. The City shall submit construction documentation to the department within 60 days of completing the development of Carriage Road and associated storm water control features and shall contain a plan sheet showing the final grades of the construction project, construction of Carriage Road, and associated storm water control features. This plan sheet or a separate plan sheet shall additionally contain the limits of all low-hazard contaminated soil used in the construction.
2. Annual observations of the final cover and storm water collection system shall be conducted to ensure that storm water is not collecting on the landfill cover.

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

NOTICE OF APPEAL RIGHTS

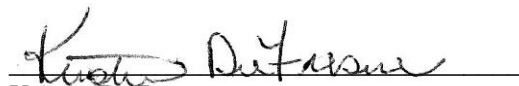
If you believe you have a right to challenge this decision made by the department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing department decisions.

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: September 9, 2020

DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Kristin DuFresne
Waste and Materials Management Program Supervisor
Northeast Region



Tess Brester, E.I.T.
Waste Management Engineer
Northeast Region



October 18, 2022

FID 471013840
Winnebago County
SW / Approval

Michael T. Kading, Director
City of Neenah – Parks and Recreation Department
211 Walnut Street
Neenah, WI 54956

SUBJECT: Conditional Approval for Development at Arrowhead Park, Winnebago County, Wisconsin,
License No. 2299

Dear Mr. Kading:

The Department of Natural Resources (department) approves the proposed development on the closed Arrowhead Park landfill (formally known as the Former Neenah Parksites – Bergstrom Landfill) in accordance with s. NR 506.085, Wis. Adm. Code, subject to the conditions listed in the attached approval. This approval is limited to the specific activities described in the proposed plan. If considering any changes or additional activities beyond those described in the application, a new plan must be submitted to the department for approval.

The proposed development request includes construction of the following components:

- An arrowhead shaped gravel trail (Arrowhead Loop) and other walkways
- 'Adventure Trails' and Stone Stadium Seating
- A bike playground area
- A pier and boardwalk system
- A screening berm
- Storm water collection and conveyance features associated with the above development components
- Esthetics to include a prairie and planting of trees, shrubs, and perennials

A more detailed project summary is attached describing each of the proposed components of development.

The development request additionally proposed to abandon groundwater monitoring well PS-9; however, this request was withdrawn by the City of Neenah via email on September 27, 2022.

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. If you have any questions concerning this approval, please contact Tess Brester at (920) 419-9219 or by email at Tess.Brester@wisconsin.gov.

Sincerely,

Kristin DuFresne
Waste and Materials Management Supervisor
Northeast Region

cc: Jeff Saxby, SEH (e-copy)
Jackie Marciulionis, DNR/WA (e-copy)
Tess Brester, DNR/WA (e-copy)
Valerie Joosten, DNR/WA (e-copy)
Tracy Salisbury – DNR/UF (e-copy)
Josh Jackl – DNR/UF (e-copy)
Jean Romback-Bartels – DNR/SD (e-copy)

PROJECT SUMMARY DEVELOPMENT ON THE ARROWHEAD PARK LANDFILL

Background

The Arrowhead Park landfill is an approximate 22-acre, closed landfill owned and maintained by the City of Neenah (City) and is located along the southern shore of Little Lake Butte des Morts in Neenah, Wisconsin. The landfill does not have an engineered liner and operated from around 1951 – 1975. An engineered soil bulkhead dyke was constructed on the northern extent of the landfill to prevent waste from entering Little Lake Butte des Morts. The landfill primarily accepted papermill sludge and is anticipated to hold approximately 450,000 cubic yards (~5-10 feet) of sludges that have been known to contain polychlorinated biphenyls (PCBs). The landfill was closed in 1983 with a minimum 2-foot compacted clay final cover, 6-inches of topsoil, and seed under an agreement with the department that the landfill would be turned into a public recreational area. At the time of closure, the landfill was additionally required to install and perform routine groundwater monitoring.

On August 21, 1990, and December 11, 1991, the department granted approval to construct a wastewater treatment plant fuel oil storage and combustor buildings (and associated foundations/pilings, storm water, sanitary sewer, and potable water piping) on the closed landfill. In 1996, Minergy, a glass aggregate producer, constructed a facility in the central portion of the landfill. These previous buildings have since been abandoned and demolished. The only remaining infrastructure includes buried storm water, sanitary sewer, and potable water piping.

Since closure, additional fill that has consisted of clean soils and approved low hazard exemption (LHE) soils have been placed on the landfill to correct settlement/drainage issues that have occurred over time. Therefore, depth of fill over the existing landfill final cover varies across the site. In 2018, the City performed a soil boring investigation to determine the depth of waste and cover soils to better determine the location and extent of future proposed development.

Development Request

The original development request was received by the department via multiple emails on August 12, 2022, August 26, 2022, and August 29, 2022, that proposes the development of multiple components on the closed, Arrowhead Park landfill. A revised development request was received by the department on October 10, 2022, that provided additional information requested in the department's September 30, 2022, request for additional information letter. An additional revised cover letter was submitted to the department via email on October 12, 2022. Other written communications are referenced in the approval document.

This development request is in addition to the department's previously issued grant of exemption for development at Arrowhead Park landfill, dated September 9, 2020, which approved the construction of Carriage Road, storm water control features associated with the road, two 'Touch-the-Water' features, and a pollinator prairie area.

The proposed development activities, summarized below, have all been designed to avoid disturbing the existing soils within the landfill final cover and are furthermore designed to maintain or increase the depth of material overlying the final cover. Additionally, construction equipment and materials will be staged outside the landfill waste limits to avoid impacts to the landfill final cover. LHE soils are currently placed in two locations across the Arrowhead Park landfill. The LHE soil located on the eastern side of the landfill will not be disturbed by development or development activities proposed in this request. The LHE soil located on the western side of the landfill will be within the area of the proposed development. These

LHE soils on the western side of the landfill are currently covered with and required to have two feet of soils over the LHE soils. This proposed development will be built over the existing conditions and will not disturb the in place LHE soils or their 2-foot cover soils.

Arrowhead Loop, Connector Path, and Auxiliary Paths A, B, and C

The development request proposes a main walking trail, referred to as the Arrowhead Loop trail, on the western portion of the landfill. The trail, shaped similar to an arrowhead with the tip of the arrow directed east, is proposed to be constructed at or above the current grades of the landfill. Additional fill may be needed to obtain desired grades of the trail. The trail will be constructed with a minimum 8-inch-thick base made of 1 1/4-inch aggregate overlain with a minimum of 4-inches of crushed aggregate. The trail is proposed to be approximately 8 feet wide and will have a slight slope to allow for storm water collection and conveyance.

An additional path, referred to as the ‘connector path’, is proposed to run north to south, connecting the existing Loop the Lakes walking trail located along the northern perimeter of the landfill to Carriage Road located on the southern perimeter of the landfill. The connector path is proposed to be constructed similar to the Arrowhead Loop trail.

Three ‘auxiliary paths’, are further proposed to connect the proposed trail systems together. Auxiliary path A is proposed to connect the northwestern portion of the Arrowhead Loop trail to Carriage Road. Auxiliary path B is proposed to create a second walking path connecting portions of the existing Loop the Lakes trail on the northern perimeter of the landfill. Auxiliary path C is proposed to create an additional access point on the eastern perimeter of the landfill to the existing Loop the Lakes trail on the northern perimeter of the landfill. All three auxiliary paths are proposed to be designed with a 5-inch base made of 3/4-inch aggregate overlain with 3-inches of hot mix asphalt. The auxiliary paths are proposed to be approximately 8 feet wide.

‘Adventure Trails’ and Stone Stadium Seats

Two locations of Adventure Trails are proposed near the northwestern and southwestern ends of Arrowhead Loop. The Adventure Trails are designed to provide shortcuts across portions of the western end of the Arrowhead Loop trail, in addition to providing climbing opportunities for park users. The Adventure Trails will consist of large, flat stone blocks (a.k.a. stone steppers or stone scramble steps) integrated into mounds of soil that match the grades of the surrounding terrain. The Adventure Trails will be constructed by first grading the area the steps will be installed. A 6-inch minimum compacted subgrade will be maintained beneath the Adventure Trail area. A compacted gravel base will be installed over the subgrade to allow for the stone steppers to be installed. Infill material will be placed between all cracks and crevices that may occur between stone steppers.

Both Adventure Trails will connect to an area for outdoor seating, referred to as the Stone Stadium Seats. The Stone Stadium Seats will be designed similar to the Adventure Trails; however, the stone stadium seating will be graded on a slightly steeper grade to allow for a more ‘bench’ like setup of the stone steppers. Soil will backfill gaps between stone steppers and ornamental grasses are proposed to be planted throughout the Stone Stadium Seat structure.

Bike Playground Area

One bike playground area is being proposed to be constructed north of Carriage Road, located on the southern side of the landfill. The bike playground will consist of a series of decomposed granite paths

with pre-manufactured bike challenge features, such as bridges, rollers, and tunnels. All features will be anchored into the ground with 18-inch-long metal “Earth Anchors” that will ensure the features are secure and are repositionable in the case of any settlement of the landfill. The top of the landfill final cover is a minimum of 30 inches in the bike playground area. Prairie vegetation may be established within the bike playground area.

Ongoing maintenance of bike playground and surrounding area will be conducted by the City. Monitoring will take place twice a year at a minimum, once in the spring and fall. The focus on the monitoring will be to observe and repair any erosion or drainage issues caused by riders and use. In addition, the area surrounding the Earth Anchors will be monitored to verify that the ground has remained sufficiently compacted for feature stability and to eliminate any concentrated water penetration of the soil fill.

Pier and Boardwalk System

The plan proposes to construct a pier and boardwalk system on the northern portion of the landfill. The pier will rest on the existing earthen dyke; however, the pier will not penetrate nor disturb the earthen dyke. Since the pier will not disturb any features associated with the landfill, approval of this feature by the department’s Waste and Material Management program is not required at this time. The pier has been previously approved under the department’s pier permit number IP-NE-2022-71-00277.

Screening Berm

A screening berm will be installed between the Arrowhead Loop trail and the bike playground. The berm height will be approximately three feet above adjacent finished grades and will be constructed with on-site fill materials. Maximum side slopes will be 3:1. The berm will be vegetated with a mix of evergreen trees, large shrubs, small ornamental trees, and shade trees, with temporary cover crop groundcover, and eventual prairie establishment. The purpose of the berm is to create a visual and physical buffer between the walking trail and the bike playground.

Storm Water Collection and Conveyance Features

The overall final grading plan for the development request proposes a highpoint within the approximate center of Arrowhead Loop trail, with storm water being directed off the western portion of the landfill to discharge to an existing slue and to existing storm sewer piping on the eastern portion of the landfill.

An approximate 175-foot dry stream is proposed to be constructed east of the connector path to convey stormwater from the center of the landfill/proposed development to existing 15-inch PVC storm sewer piping. The dry stream will be constructed by creating a vee shaped ditch that will be lined with a waterproof membrane material. The center of the ditch will be bedded with 2-8 inches of smooth river rock that will overlay a 4-inch perforated, fabric wrapped pipe installed approximately 1-foot below the bottom of the trench. The 4-inch pipe will be connected to the existing 15-inch storm sewer piping. The sides of the trench will be reinforced with various size boulders and vegetated with proposed plant species. Condition 6 of this approval requires any material that is placed over the waterproof membrane be installed in a manner that will not damage the underlying waterproof membrane.

Storm water directed to the southern perimeter of the landfill via storm water ditches will be routed to the existing storm water collection basins that connect to existing 12 and 15-inch storm sewer piping that discharges storm water off of the landfill final cover.

Park Esthetics

Native prairie habitat is proposed to be established on the western portion of the site, within the center of the Arrowhead Loop trail. Native prairie plants will be established and maintained in this area, with special consideration given to selecting a seed mix that contains plants that have root systems that will not damage the underlying landfill final cover. The area identified for prairie habitat establishment will be initially planted with a cover crop to prevent/limit erosion. In preparation for the prairie habitat establishment, the area will be mowed and weed species, including Wild Parsnip, will be removed. Mowing will occur after July 15. It is anticipated three to four different seed mixes may be utilized after extensive research into the unique subsurface conditions at the site. Two of the proposed seed mixes are included in the maintenance plan and are listed below. Condition 5 of this approval requires the City to submit in writing, for department concurrence, any proposed seed mix that utilizes plant species that are not included within the two proposed seed mixes in the development request (seed mix 1 - plant/prairie seed mix : big bluestem, Canada wild rye, Indian grass, switch grass, spreading oval sedge, wild bergamot, purple prairie clover, yellow coneflower, black-eyed Susan, new England aster, beardtongue, and hoary; seed mix 2 - pollinator pack seed mix: sand coreopsis, beardtongue, spiderwort, red clover, purple prairie clover, nodding wild onion, butterfly weed, prairie cinquefoil, culver's root, yellow giant hyssop, prairie blazing star, horse mint, black-eyed Susan, and early goldenrod) or previously approved in the department's November 6, 2020, approval.

In addition to the prairie establishment, the proposed development plans include planting trees, shrubs, and perennials to provide areas of shade along with bird and pollinator habitat. Tree planting backfill will consist of 1 part topsoil and 2 parts native topsoil to facilitate root growth development. The selection of species will be based in part on those with root masses that will not disrupt the clay cap. Condition 5 of this approval requires the City of submit to the department in writing, for department concurrence, any tree species other than, White Pine, Red Maple, Downy Serviceberry, Common Hackberry, Thornless Hawthorn, Northern Red Oak, Pin Oak, and Swamp Bur Oak. A maintenance plan has been developed for the plantings and was included as part of the development request. Highlights from the maintenance plan include:

- Areas that have 6-feet or greater of fill over the final cover will have trees/shrubs installed at existing subgrade elevation.
- An 18-foot square, minimum root stop membrane installed at a depth of 4-feet beneath grade to prevent roots from damaging the landfill final cover for areas that have soils over the final cover greater than 4-feet, but less than 6-feet.
- Utilizing ArborGuy underground treen anchoring system for each tree/shrub root ball to stabilize the tree.
- Watering of the newly planted trees/shrubs may be needed through the use of watering bags to facilitate establishment.

Construction Timeline

Grading, trail construction, storm water collection and conveyance features and cover crop planting are anticipated to be completed in the fall of 2022. Following this work, the park will be planted with the trees and shrubs indicated on the plan. Planting will either be early winter 2022, prior to ground freeze, or in spring 2023 following ground thaw. The schedule for prairie establishment will follow a specific timeline developed by the nursery for the conditions of the site, including any additional weed control and optimum time for prairie seeding. It is anticipated that the prairie will be seeded in summer or fall of 2023.

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

**CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON
THE ARROWHEAD PARK LANDFILL (LICENSE #2299)**

FINDINGS OF FACT

The Department of Natural Resources (department) finds that:

1. The City of Neenah (City) owns and maintains the closed Arrowhead Park (landfill), License #2299, located in the SE ¹/₄ of Sec. 21, T20N, R12E, Neenah, Wisconsin.
2. The facility is a “non-approved facility” under s. 289.01 (24), Wis. Stats.
3. The facility is a “solid waste facility” under s. 289.01(35), Wis. Stats.
4. The former Neenah Parksite-Bergstrom landfill was issued license #2999 and is now referred to as the Arrowhead Park landfill.
5. On August 29, 2022, Short Elliott Hendrickson Inc. (SEH), submitted, on behalf of the City, a request to develop multiple features on the Arrowhead Park landfill. The request was dated August 12, 2022. On September 9, 2022, the department received the review fee of \$700 for the exemption request.
6. The information submitted in connection with the proposed development includes:
 - a. An email from SEH on behalf of the City received by the department on October 13, 2022, providing clarification regarding the proposed tree/shrub/bush planting plans.
 - b. An email and attachments received by the department from SEH on behalf of the City on October 13, 2022, providing information related to approval of the pier and boardwalk system proposed in this development request.
 - c. An email and attachment received by the department from SEH on behalf of the City on October 12, 2022, containing a revised cover letter that contained a seal under a professional engineer.
 - d. An email and attachments received by the department from SEH on behalf of the City on October 10, 2022, containing a revised development request and attachments.
 - e. An email from the City received by the department of September 27, 2022, withdrawing the request to abandon groundwater monitoring well PS-9.
 - f. An email and attachments containing a revised application letter for the development request from SEH on behalf of the City received by the department on August 29, 2022.

- g. An email containing a signed application form for the development request from SEH on behalf of the City received by the department on August 26, 2022.
 - h. An email and attachments containing the development plans and drawings from SEH on behalf of the City received by the department on August 12, 2022. The application and application letter included in the email were not finalized documents.
- 7. Additional documents considered in connection with review of the proposed development includes:
 - a. The department's September 30, 2022, incompleteness determination and request for additional information letter.
 - b. The department's January 29, 2021, conditional low-hazard grant of exemption for the reuse of ash fill from former Lot 3 of CSM 6333 of the former P.H. Glatfelter Mill Site. The approval required a minimum of 24 inches of clean clay and 6-inches of topsoil to be maintained over the ash fill.
 - c. The department's October 14, 2020, conditional low-hazard grant of exemption for the reuse of ash fill from Site 6 of the Former P.H. Glatfelter Mill Site. The approval required a minimum of 24 inches of clean clay and 6-inches of topsoil to be maintained over the ash fill.
 - d. The department's September 9, 2020, conditional grant of exemption for development at Arrowhead Park. Development consisted of Carriage Road, storm water control features, two 'Touch-the-Water' features, and a pollinator prairie area.
 - e. The department's October 30, 2018, conditional grant of exemption approval for waste borings.
 - f. The department's August 23, 2018, approval for a planting a native prairie seed mix at the Dane County landfill (FID 113127300).
 - g. The department's May 20, 2016, conditional grant of exemption approval for reuse of ash fill and ch. NR 718, Wis. Adm. Code, approval for disposal of led and PAH contaminated soil.
 - h. The department's files related to the Arrowhead Park Landfill, License # 2299.
- 8. Additional facts relevant to the review of the proposed development includes:
 - a. The Former Neenah Parksite-Bergstrom Landfill is formally known as the PH Glatfelter landfill and is currently being referred to as the Arrowhead Park landfill.
 - b. Development of the features proposed in this plan are designed to maintain or increase the depth of soil cover protecting the landfill final cover and will not impact the existing landfill final cover.
 - c. The development of the proposed pier and boardwalk system will not impact the existing landfill nor existing landfill features (earthen dyke).

- d. Additional fill has been added to the final cover since closure of the landfill. Additional soil will be added during the construction to prevent damage to the final cover of the landfill.
9. If the special conditions set forth below are complied with, the proposed development should not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety, or welfare.

CONCLUSIONS OF LAW

1. The department has authority under s. NR 506.085, Wis. Adm. Code, to approve development over a waste disposal area or the excavation of final cover or waste materials at a solid waste disposal facility as defined in s. 289.01(35), Wis. Stats.
2. The department has authority under s. 289.46(2), Wis. Stats., to limit its approval of prohibited uses under s. NR 506.085, Wis. Adm. Code, 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.
4. In accordance with the foregoing, the department has authority under s. NR 506.085, Wis. Adm. Code, to issue the following approval.

CONDITIONAL APPROVAL

The department hereby approves the proposed development on the Arrowhead Park landfill subject to the following conditions:

1. All aspects of the development shall be performed in accordance with the approved plan and the conditions of this approval. In the case of any differences between the approval conditions and the plan, the approval conditions shall take precedence.
2. This approval is limited to the development described in the plan. Any changes or additional activities beyond those described in the application/plan shall not be implemented without prior written department approval.
3. No action related to the development at the landfill may be taken which will cause any of the impacts or effects described in s. NR 504.04(4)(a)-(f), Wis. Adm. Code.
4. A report shall be submitted to the department within 60 days of completion of the development that documents the project was completed in accordance with the approved plan and conditions of this approval. The report shall include:
 - a. Narrative describing work completed in accordance with approval and any problems encountered.
 - b. Photo documentation of all aspects of construction.
 - c. An explanation of any deviations from the plan and for documentation of minor field modifications discussed with the department.

- d. A set of as-built plans.
5. Only plant/prairie grass/tree/bush/shrub specified in the proposed plan or previously approved in the department's November 6, 2020, approval shall be used within the development, unless a proposed alternative is submitted to the department for written department concurrence prior to planting. The submittal shall include a discussion of the anticipated root depth of the vegetation species and an analysis of that anticipated root depth to the depth of cover soils in the proposed planting location.
6. A buffer layer shall be maintained between the waterproof membrane and any overlaying objects to prevent punctures to the waterproof membrane.
7. Any continuing requirements of the plan or the conditions of the approval shall transfer with changes in property ownership.

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.

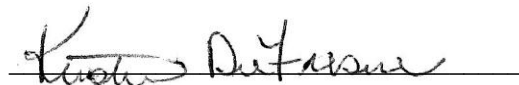
NOTICE OF APPEAL RIGHTS

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, Wis. 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: October 18, 2022

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Kristin DuFresne
Waste and Materials Management Program Supervisor
Northeast Region



Tess Brester, P.E.,
Waste Management Engineer
Northeast Region



April 13, 2026

FID # 471013840
Winnebago County
SW/Approval

Kelly Nieforth, Director
City of Neenah – Community Development and Assessment
P.O. BOX 426
211 Walnut Street
Neenah, WI 54956
Via Email Only to recipient@email.com

Subject: Conditional Approval for Development at the Former Neenah Parksite-Bergstrom Landfill
License #2299

Dear Ms. Nieforth:

The Department of Natural Resources (the department) has reviewed the proposed request for development on the Former Neenah Parksite-Bergstrom Landfill (a.k.a. Arrowhead Park Landfill or Arrowhead Park [landfill], license #2299), dated March 24, 2025, and additional information dated January 9, 2026 (together, the “Plan”). The department approves portions of the Plan and does not approve other portions of the Plan as described below, in accordance with s. NR 506.085, Wis. Adm. Code, and subject to the conditions listed in the attached approval. This approval is limited to the specific activities identified as ‘approved’ in this letter. If considering any changes or additional activities beyond those described in the Plan and approved herein, a new plan must be submitted to the department for approval. This approval for certain proposed components of the Plan is made under chs. NR. 500-599, Wis. Adm. Code.

Proposed Plan

The Plan included two different types of requests for various components of the overall master development plan (Master Plan) for the Arrowhead Park landfill. The requests were for “installation approval” of one set of components and for “use approval” of another set of components. The following subsections summarize the various components of the Plan requested for approval and whether or not they are approved.

Installation Requests Approved

The following components requested for installation are approved:

- Overall site grading and filling¹
- Millview Drive Railroad Crossing
- Interior Roadways/Drives
- Interior Parking Lots
- Interior Sidewalks and Pathways
- Open-Air shelters
- Utility Extensions - Electrical for open-air shelters only

¹ Generally, closed landfill grading and filling for the purposes of maintaining positive drainage off the landfill cap per NR 506.08(3)(a), Wis. Adm. Code, does not require additional approval from the department. The department appreciates notices of filling and regrading at the landfill.

Installation Requests Not Approved

The following components requested for installation are not approved:

- **Utility Extensions – water main, wastewater, storm water, and gas.** These utility extensions are not approved because they are proposed to be constructed in a manner that may impact the integrity of the landfill and would not be protective to human health and the environment. In addition, the department is highly unlikely to approve development of the enclosed structures contained in the Master Plan in the future under chs. NR 500-599, Wis. Adm. Code. Further discussion is provided in the ‘Future Development Requests’ section below.
- **Stormwater Management Best Practices and Piping.** The stormwater management practice (i.e., biofilters) proposed in the Plan involves the short-term storage of stormwater on the landfill cover, which is not allowed on landfill covers. The department encourages the use of swales for stormwater management. The department intends to work cooperatively with the city to achieve proper stormwater management, per s. NR 506.08(3)(b), Wis. Adm. Code, and applicable stormwater code.

Use Approval Request for Installation Approved Components

The Plan requested “use approval” for several components of the Master Plan. The department has previously shared with the city that proposed uses of a lakebed grant area, and proposed structures within a lakebed grant area must be consistent with the public trust doctrine. Under the public trust doctrine, which stems from the Wisconsin Constitution, the state holds beds of navigable waterways in trust for the benefit of the public. The department determines that, provided the components approved for installation (e.g., the proposed railroad crossing, roadways/drives, sidewalks/pathways, parking lots and open-air shelters) are open and available to the public, the components approved for installation are consistent with the public trust doctrine.

Approval Requests for Other Components of the Master Plan

The department cannot provide a final determination of whether certain elements of the Master Plan would be approved under ch. 289, Wis. Stats., nor chs. NR 500-599, Wis. Adm. Code, without opportunity to review engineering plans and specifications for these proposed facilities. Those components include:

- Enclosed buildings including, but not limited to the
 - Welcome Center
 - Community Building
- Prairie Workshop
- Pedestrian Overpass
- Amphitheater stage
- Colonnade
- Sculptures with foundations

The department provided information in the March 24, 2025, response letter to the city, and reiterates here, that the department will unlikely approve enclosed structures and utility lines as planned on this landfill because of the type and characteristics of the waste, the landfill location, and potential impacts to landfill integrity, the environment and human health. More information is below. The department can only make a final determination on whether the proposed elements of the Master Plan can be approved under ch. 289, Wis. Stat., once the city has submitted engineering design plans for those elements.

In addition, the department does not make any determination at this time on whether the Master Plan components outlined above, including enclosed buildings, are consistent with the public trust doctrine. The department has previously shared with the city that the department may only provide concurrence for a proposed use of a structure (or portion thereof) that is consistent with the public trust doctrine. If in the future the department approves any of the above components under ch. 289, Wis. Stat., the city should subsequently seek a separate concurrence from the department that the proposed use is consistent with the public trust doctrine.

Future Development Requests

Section NR 506.085, Wis. Adm. Code, states that the ‘*establishment or construction of any pathways, roadways, structures, or buildings over the waste disposal area*’ or ‘*excavation or disturbance of the final cover or any waste materials*’ is ‘*prohibited at solid waste disposal facilities which are no longer in operation unless specifically approved by the department in writing*’. The department informed the city in the March 24, 2025, letter and during the May 5, 2025, meeting that development of enclosed structures on the Arrowhead Park landfill were not likely to be approved under chs. NR 500-599, Wis. Adm. Code. This letter serves as a reminder to the city that the department is highly unlikely to approve enclosed structures on this landfill as proposed under chs. NR 500-599, Wis Adm. Code, including those that are currently part of the Master Plan as listed below:

- Welcome Center
- Community Building
- Prairie Workshop

The department has worked with the city since 2012 to approve certain development aspects under chs. NR 500-599, Wis. Adm. Code, and as allowed in s. NR 506.085, Wis. Adm. Code. The department hopes the city is able to acknowledge the flexibility and effort put forth by the department over the past 14 years to provide the city with input on the types of features that would likely be approved for development at the landfill. In addition, the department, in cooperation with the city, issued numerous written approvals for various park features, including water features, kayak ramps, and walking paths.

Additional Comments

The city is reminded that all construction, including minor installations at the landfill, are required to be approved by the department. This includes components such as signage, bike stations and other small improvements. Components have been observed at the landfill to date that have not been reviewed or approved by the department. The department does not issue approvals after the installation of components and has the right to issue a notice of noncompliance to the city for being out of compliance with the approved plans. Prior to the installation of components in the future, the department requires the city to submit to the department a development request with general construction information for components such as signs and bike stations for review and approval.

The department has observed that approved plans and conditions of approval have consistently not been followed or met by the city. Examples include placement of low-hazard materials outside of proposed areas, not submitting documentation reports per conditions of the low-hazard exemptions, and failing to dispose of drilled materials/cuttings per the approved plan. The department expects and requires all approved plans to be followed and conditions of approval to be met. Similar to features installed without approval, discussed above, the department has the right to issue a notice of noncompliance to the city. To date, the department has been using its enforcement discretion and has not issued notices of noncompliance to the city for not following approved plans and conditions of approval.

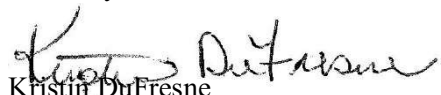
Please review all conditions of this approval. This approval will expire on December 31, 2028. If the city intends to continue to develop the landfill after the expiration date, a new development request and associated fee may be required to be submitted. Furthermore, the department has reviewed the city’s PCB Sampling plan (sampling plan) dated February 27, 2026, and request for changes to disposal of investigation derived waste (IDW) within the sampling plan. The department has issued a conditional approval dated April 13, 2026 for the IDW sampling and disposal. The department has also given concurrence to the city on the sampling plan in an email dated April 13, 2026.

The city is reminded that this approval does not create an obligation nor commitment for the department to approve any future development requests on the landfill. The city is additionally reminded that as of October 1, 2025, a new chs. NR 500 – 599, Wis. Adm. Code, series has been published. The department encourages the city to review the revised code requirements for any updates to regulations applicable to this facility.

This approval does not relieve the city of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. These obligations include meeting federal storage requirements in 40 CFR 761.65 for polychlorinated biphenyls (PCBs) at concentrations of 50 mg/kg or greater. Obligations relating to disposal of water from dewatering activities during construction and storm water controls must also be reviewed by the department.

If you have any questions or concerns regarding this approval, please contact Ashley Dooley at 715-628-0045 or by email at Ashley.Dooley@wisconsin.gov.

Sincerely,



Kristin DuFresne

Waste & Materials Management Program Supervisor
Northeast Region

cc: Mayor Lang – City of Neenah (e-copy, Jlang@neenahwi.gov)
David Rashid – City of Neenah (e-copy, drashid@neenahwi.gov)
Lynelle Caine – Stantec (e-copy, Lynelle.caine@stantec.com)
Evan Weber – Stantec (e-copy, Evan.Weber@stantec.com)
Patrick Skalecki – GRAEF (e-copy, patrick.skalecki@graef-usa.com)
Lisa Graczyk – EPA (e-copy)
Connie Antonuk – DNR/NER (e-copy)
Ashley Dooley – DNR/NER (e-copy)
Tess Brester – DNR/WA (e-copy)
Emily Storm – DNR/WA (e-copy)
Jackie Marciulionis – DNR/WA (e-copy)
Sue Larson – DNR/SW (e-copy)
Erin Hanson – DNR/SW (e-copy)
Sarah Szabo – DNR/Waterways (e-copy)
Audra Felix – DNR/LS (e-copy)
Alix Burke – DNR/LS (e-copy)
Duncan Moss – DNR/LS (e-copy)
Heidi Schmitt Marquez – DNR/Wastewater (e-copy)

PROJECT SUMMARY DEVELOPMENT ON FORMER NEENAH PARKSITE-BERGSTROM LANDFILL

SITE BACKGROUND

Former Neenah Parksite-Bergstrom Landfill (a.k.a. Arrowhead Park Landfill or Arrowhead Park) (landfill), license #2299 is an approximately 22-acre, closed landfill owned and maintained by the City of Neenah (city) and is located along the southern shore of Little Lake Butte des Morts in Neenah, Wisconsin. The landfill operated from approximately 1951-1975 and does not have an engineered liner or cover. The landfill primarily accepted papermill sludge that is known to contain polychlorinated biphenyls (PCBs) at levels subject to regulation by the Toxic Substances Control Act (TSCA).

The landfill was originally closed with a cap consisting of approximately 1 foot (ft) of clay soil followed by six inches of topsoil. Since closure of the landfill, additional fill material, including clean soils and materials approved under low-hazard exemptions (LHE) have been placed on the landfill to maintain positive drainage off the landfill cap. The landfill cap is now considered to include all the materials placed over the waste, including the original 1-ft clay cap and all clean soils and LHE materials placed on top for grading. The city completed geotechnical soil borings in 2018 and 2025 to determine the depth of fill and waste across the landfill. Based on those investigations, the existing landfill cap varies from 1 to 7 feet in thickness.

The city has been working with the Department of Natural Resources (department) under chs. NR 500-599, Wis. Adm. Code, to develop the landfill into a park. The department under chs. NR 500-599, Wis. Adm. Code, has issued several approvals to develop park features since 2012. The city developed some of the approved features, but not all, before the city adopted a new Master Plan for the development of the landfill in 2024. Conceptual plans for the new development were provided to the department on August 1, 2024, and included parking lots, roadways, a pedestrian overpass, and enclosed buildings. The city submitted a development request to install some of the components of the Master Plan in March 2025.

PROPOSED DEVELOPMENT

The March 24, 2025, development plan requested to install some components of the 2024 Master Plan. The following summarizes the components that are approved for installation. These components will not interfere with, disturb or remove waste at the landfill, and a minimum of approximately 2 ft or more of undisturbed cap will remain between the waste and the proposed development component. Daily cap inspection and corrective measures will be implemented to ensure any damage to the cap is restored to at least 2 ft throughout construction. Contractors will be made aware of the landfill conditions and the responsibilities for cap maintenance and repair.

Millview Drive Railroad Crossing

The Millview Drive railroad crossing is a Canadian National railroad crossing located along the southwestern entrance to the landfill and is the sole vehicular access point for the landfill. The existing crossing is narrow and substandard with no physical railroad crossing controls or barriers; therefore, the Plan includes upgrades to the crossing. Upgrades will include asphalt pavement removal, minor excavation to accommodate the pavement section, fine grading and placement of 12-inch aggregate base course, new 30-inch concrete curb and gutter, a new 24-ft-wide, 4-inch-thick asphalt pavement, new 10-ft-wide, 5-inch-thick concrete multimodal trail on the east side only, and new railroad crossing controls, which will generally consist of operable barrier arms with signage and warning lights.

Interior Roadways/Drives

New roads and drives will be installed to access new parking lots. Construction of the roadways and drives will include rough grading, fine grading, placement of 12-inch aggregate base course, new 24-ft-wide, and 4-inch-thick asphalt pavement with 2-ft-wide gravel shoulder.

Carriage Road is an existing road on the landfill that runs from the Millview Drive entrance along the south side of the landfill and extends to and loops around the west side of the landfill. Carriage Road will be finished with the construction of the asphalt as stated above. The finished profile of the Carriage Road at the west end of the roadway is at or above existing ground surface in locations where the cap cover over the sludge layer is in the 2-ft range.

Interior Parking Lots

Four (4) new interior parking lots will be constructed. Parking lot construction will include rough grading, fine grading, placement of 12-inch base course, select concrete curb and gutter, select areas of thickened edge 5-ft-wide concrete sidewalk, and 4-inch-thick asphalt pavement. The finished grade of the parking lot pavements will roughly match existing surface grades and, in many areas, will be above existing grade by as much as 5 ft.

One of the parking lots is proposed to be installed over LHE materials from the Neenah Site 7 development project that is situated on the south-central portion of the landfill between the Carriage Road and railroad tracks. No soil excavation or disturbance is planned for this area since imported clean fill will ultimately be used to raise this portion of the landfill to a finished grade. The parking lot will lie approximately 3 to 5 ft above the LHE material. No LHE materials will be disturbed as a part of the parking lot construction.

Interior Sidewalks/Pathways

Several new sidewalks/pathways will be installed. Construction of the sidewalks/pathways will include placement of 4 to 6 inches of aggregate base course, and placement of either 5-inch-thick concrete sidewalk or 3-inch-thick asphalt pavement. The sidewalk/pathway finished surface will consist of a minimal pavement section of 9 inches at or above the existing ground surface above a minimum of 2 ft of landfill cap materials.

Open-Air Shelters and Electrical

Five (5) open-air shelters will be constructed at various locations. Each open-air shelter will have a 2-ft footing with a floor slab of 10 inches at the footing haunch, thus the maximum depth to the bottom of the footing will be 2-ft 10-inches.

The footings will not extend through the existing cap. However, two of the proposed open-air shelters lie within the boundaries of the LHE materials that were placed on the western portion of the landfill. The foundations for these two shelters will extend approximately 3 ft below grade and approximately 1 ft into underlying LHE material at each location. Disturbance of the LHE materials will require modification to the LHE's that approved placement of the material. The Plan states the LHE soil excavated during foundation installations will be stockpiled on plastic for reuse beneath each associated open-air shelter, which will act as the new impermeable cap over the material. The LHE material will remain capped at each location by the concrete slab of each shelter. The details of the disturbance, handling, and final placement of the LHE materials will be provided in a separate LHE modification request. The modified LHE approval will need to be obtained by the city prior to any disturbance of the LHE materials.

Each open-air shelter will have a passive venting system to prevent methane accumulation. The venting system will include a gas venting layer consisting of 6 to 12 inches of pea gravel with an interconnected system of 4-inch-diameter polyvinyl chloride (PVC) or corrugated drainage pipe installed in the top 4 inches of pea gravel. A vapor barrier consisting of a minimum 30-mil thick polyethylene (PE) geomembrane overlapping at the seams will be installed over the pea gravel to provide a continuous barrier between the venting system and the floor slab.

The geomembrane will then be overlain with filter fabric or 6-inch layer of fine sand. In addition, the roof line of each shelter will be properly vented to prevent methane gas accumulation in the dead spaces.

The only utility that is expected to run to the shelters is electricity. A gas barrier, such as bentonite clay plugs, prefabricated collars made of impermeable material, or equivalent, will be installed where any electrical lines enter the proposed structure in order to prevent gas migration into the structure. Electrical for the open-air shelters will be used to run lighting fixtures. Electrical will be run within the landfill cap from the southern part of the landfill.

Waste Management and Handling

Waste sludge is assumed to contain total PCBs at a concentration equal to or greater than 50 mg/kg and will need to be managed/disposed of as TSCA regulated waste. Any excavated sludge will be immediately transferred to a lined roll-off box, characterized and ultimately be transported offsite for disposal at a facility approved for such waste.

The roll-off box(es) will be covered with watertight plastic nightly to minimize direct contact concerns and prevent migration of waste via stormwater runoff. No papermill sludge will be taken offsite without proper disposal facility acceptance and manifesting.

Any equipment used to excavate or transport waste on-site will be steam cleaned prior to leaving the landfill or prior to handling clean materials. Rinsate water from steaming cleaning will be containerized and sampled via a disposable bailer for PCBs using Method 8082 by Eurofins. Analytical results from the decontamination liquid will be used to create a waste profile for review and proper disposal of the liquid. Decontamination liquid will remain containerized at the landfill until the analytical results are received.

Landfill Cap Maintenance and Repair

Cap repairs and maintenance will be completed. Ruts on the landfill cap that exceeds 3 inches in areas outside of proposed construction areas will be filled with topsoil and reseeded.

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

**CONDITIONAL APPROVAL
FOR
DEVELOPMENT ON
FORMER NEENAH PARKSITE-BERGSTROM LANDFILL LICENSE #2299**

FINDINGS OF FACT

The Department of Natural Resources (department) finds that:

1. The City of Neenah (city) owns the landfill located at SE ¼ of Section 21, T20N, R12E, Neenah, Wisconsin, License #2299. The landfill is the Former Neenah Parksite-Bergstrom Landfill and is also known as Arrowhead Park Landfill or Arrowhead Park.
2. The department issued license #2299 for the Former Neenah Parksite-Bergstrom Landfill to Bergstrom Paper Company on October 1, 1974.
3. The Former Neenah Parksite-Bergstrom Landfill does not have an approved plan of operation.
4. The Former Neenah Parksite-Bergstrom Landfill does not have an engineered clay liner or leachate collection system to help maintain compliance with s. NR 504.04(4), Wis. Adm. Code, performance standards.
5. The Former Neenah Parksite-Bergstrom Landfill contains waste with polychlorinated biphenyl (PCB) concentrations that have historically ranged between 1.3 to 4,500 milligrams per kilogram (mg/kg), with an average concentration of 60.5 mg/kg.
6. On March 24, 2025, the department received an application from Stantec Consulting Services Inc. and Graef (consultants) on behalf of the city for approval to develop on the Former Neenah Parksite-Bergstrom Landfill. The department received the review fee of \$700, per ch. NR 749, Wis. Adm. Code, on May 5, 2025.
7. The information submitted in connection with the proposed development includes:
 - a. A report and appendices titled “Response to Request for Information - City of Neenah, Arrowhead Park Development Request, License #2299” dated and received via email on January 9, 2026.
 - b. A report and appendices titled “Arrowhead Park Development Plan” dated and received via email on March 24, 2025.
8. Additional documents considered in connection with the review of the proposed development include:
 - a. The department’s approval dated April 13, 2026, for changes to disposal options for investigation derived waste and sampling sent to the city via email.
 - b. A revised sampling plan for PCB materials from the city to the department dated and received by the department on February 27, 2026.

- c. An email chain between the department, city and consultants starting October 30, 2025, and ending December 16, 2025, discussing an extension to submit a response to the department's June 24, 2025, request for additional information.
 - d. An email chain between the department and city starting on October 17, 2025, and ending October 29, 2025, discussing bubbling off the northwestern shoreline of Former Neenah Parksite-Bergstrom Landfill.
 - e. A site visit summary dated October 17, 2025, from the department sent to the city via email on November 3, 2025.
 - f. An email dated September 9, 2025, from the city to the department noting changes in the staff contact information for Former Neenah Parksite-Bergstrom Landfill.
 - g. The department's request for additional information dated June 24, 2025, and sent via email to the city, consultants and Environmental Protection Agency (EPA).
 - h. The department's meeting minutes from the May 5, 2025, meeting with the city sent to the city via email on May 19, 2025.
 - i. The department's letter dated March 24, 2025, sent via email to the city on March 24, 2025, discussing landfill development components likely to be approved and not likely to be approved.
 - j. The department's guidance titled "Development at Historic Fill Sites and Licensed Landfills: What You Need to Know (RR-683)."
 - k. The department's guidance titled "Development at Historic Fill Sites and Licensed Landfills: Guidance for Investigation (RR-684)."
 - l. The department's guidance titled "Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems (RR-685)."
 - m. The department's files pertaining to Former Neenah Parksite-Bergstrom Landfill (license #2299).
9. Additional facts relevant to the review of the proposed development includes:
- a. The following figures from the city's January 9, 2026, response to the department's June 24, 2025, request for additional information were reviewed regarding the electrical going to the open-air shelters.
 - i. Figure E010 Site Plan- Electrical
 - ii. Figure E011 Shelter Plan and Details – Electrical
 - iii. Figure E012 Shelter Plan – Lighting Photometrics
 - iv. Figure E013 Fixture Type OA Cut Sheet
 - v. Figure E500 Electrical Details
 - vi. Figure E600 Schedules and One-line Power Diagram
 - b. The proposed plan does not provide sufficient details to demonstrate how the proposed enclosed buildings would be adequately designed and constructed to maintain landfill integrity and be protective to human health and the environment.

- c. The installation of utilities such as wastewater sewer, storm water sewer, gas and water main would disturb either the protective cover soils and/or the waste and may create a pathway for landfill gas, vapors and leachate to travel. The proposed plan does not provide sufficient details to demonstrate how these structures would be adequately designed and constructed to maintain landfill integrity and be protective to human health and the environment.
 - d. Construction of the Millview Railroad Crossing, sidewalks, pathways and parking lots, five (5) open-air shelters and limited electrical utilities would be constructed over or on the landfill cover soils with little to no impact to the cover. Therefore, these structures would result in little to no impact to landfill integrity, are likely to meet the performance standards of s. NR 504.04 (4), Wis. Adm. Code, and are not likely to cause an adverse impact to human health and the environment.
 - e. The submitted plan presented a schedule for the project. The proposed development has multiple phases, which are all expected to be completed no later than December 31, 2028.
 - f. The following related to low-hazard exemptions (LHE) issued to the city for the placement of LHE materials on the Former Neenah Parksite-Bergstrom Landfill:
 - i. The proposed development is expected to disturb low-hazard materials that were approved for placement under the following LHEs issued to the city:
 - 1. January 29, 2021, for the reuse of ash fill from former Lot 3 of CSM 6333 of the former P.H. Glatfelter Mill Site at the Former Neenah Parksite-Bergstrom Landfill, which is related to the Tadych and Gateway Plaza Park developments.
 - 2. December 21, 2020, for the reuse of soils from the former Neenah Foundry Parking Lot (716 Harrison Street, Neenah, WI) at the Former Neenah Parksite-Bergstrom Landfill.
 - 3. October 14, 2020, for the reuse of ash fill from Site 6 of the former P.H. Glatfelter Mill Site at the Former Neenah Parksite-Bergstrom Landfill, which is related to the Solaris development.
 - 4. September 23, 2011, amended LHE for the reuse of contaminated ash and lead-based painted concrete fill from the former P.H. Glatfelter Mill site, which is related to the Gateway Plaza Park, Affinity Healthcare, and city infiltration pond developments.
 - ii. The January 29, 2021, LHE for the Tadych and Gateway Plaza Park developments was its own separate approval and did not constitute a modification to any of the prior LHEs issued.
 - iii. The materials approved for placement under the January 29, 2021, December 21, 2020, and October 14, 2020, LHEs were placed together in the westernmost portion of the landfill to achieve a positive drainage pattern.
10. If the special conditions set forth below are complied with, the proposed development should not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety, or welfare.

CONCLUSIONS OF LAW

- 1. The department has authority under s. NR 506.085, Wis. Adm. Code, to approve proposed development at a solid waste disposal facility as defined in s. 289.01(35), Wis. Stats.

2. The department has authority under s. 289.46(2), Wis. Stats., to limit its approval of prohibited uses under s. NR 506.085, Wis. Adm. Code, 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 do not interfere with the closed solid waste disposal facility or cause a significant threat to public health, safety, or welfare.
4. The Former Neenah Parksite-Bergstrom Landfill is a “Solid waste facility” as defined in s. 289.01(35), Wis. Stats.
5. The Former Neenah Parksite-Bergstrom Landfill is a “Landfill” as defined in s. 289.01(20), Wis. Stats.
6. The Former Neenah Parksite-Bergstrom Landfill is a “Non-approved facility” as defined in s. 289.01 (24), Wis. Stats.
7. PCB contaminated waste is federally regulated by the EPA under 40 CFR §§ 761.
8. The department has authority under s. 289.05(1), Wis. Stats., to establish minimum standards for the location, design, construction, sanitation, operation, monitoring and maintenance of solid waste facilities.
9. Section NR 504.04(4), Wis. Adm. Code, maintains that no person may establish, construct, operate, maintain or permit the use of property for a landfill if there is a reasonable probability that the landfill will cause a detrimental effect on any surface water as defined under s. NR 102.03(7), Wis. Adm. Code, or a detrimental effect on groundwater quality or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140, Wis. Adm. Code.
10. In accordance with the foregoing, the department has authority under s. NR 506.085, Wis. Adm. Code, to issue the following conditional approvals.

CONDITIONAL APPROVAL

The department conditionally approves in part the proposed development at Former Neenah Parksite-Bergstrom Landfill for construction of the Millview Railroad Crossing, sidewalks, pathways and parking lots, five (5) open-air shelters and limited electrical utilities, subject to compliance with the applicable sections of ch. 289, Wis. Stats., applicable sections of chs. NR 500-599, Wis. Adm. Code, and the following conditions:

1. The following elements of the design are approved:
 - a. Millview Railroad Crossing
 - b. Sidewalks
 - c. Pathways
 - d. Parking lots
 - e. Five (5) Open-Air Shelters and limited electrical utilities

2. The following elements of the design are not approved:
 - a. Enclosed buildings including, but not limited to the
 - i. Welcome Center
 - ii. Community Building
 - iii. Prairie Workshop
 - b. Pedestrian Overpass
 - c. Amphitheater stage
 - d. Colonnade
 - e. Sculptures with foundations
 - f. Utilities including, but not limited to
 - a. Wastewater and storm water sewer
 - b. Gas
 - c. Water main
3. This conditional approval does not authorize the city to construct any of the proposed facilities which are included in the Master Plan but have not been submitted as engineering design plans. For example, the City has not submitted engineering plans for the proposed enclosed buildings and accompanying utilities. This conditional approval does not constitute a final decision by the department on the whether or not the department can approve these elements of the Master Plan.
4. All aspects of the development shall be performed in accordance with the approved plan and the conditions of this approval. In the case of any differences between the approval conditions and the plan, the approval conditions shall take precedence.
5. This approval is limited to the development described in the plan and approved herein. Any changes or additional activities beyond those described in the plan that are approved shall not be implemented without prior written department approval.
6. No action related to the development at the landfill may be taken which will cause any of the impacts or effects described in ss. NR 504.04(4)(a)-(f), Wis. Adm. Code.
7. A report shall be submitted to the department within 60 days of completion of each major phase of the proposed development. If major phases of work are completed within 30 days of each other, the reports may be combined, but the 60 days will start when the end of the first project is completed². Major phases of development shall be: (1) Millview Railroad Crossing; (2) Sidewalks, pathways and parking lots; (3) Open-Air Shelters; (4) Electrical utilities. 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 department.
 - e. A set of as-built plans.
8. The city shall obtain a LHE approval modification prior to any disturbance of LHE materials or soils covering the LHE material. The following criteria shall also be met:

² For example, if the railroad crossing is finished on May 20, 2026 and the sidewalk/pathways/parking lots are finished June 7, 2026, the reports may be combined but would be due on July 19, 2026 (i.e., 60 days from May 20, 2026).

- a. A LHE modification shall be requested for each LHE applicable to the LHE materials that will be disturbed. The modification requests for the LHEs issued January 29, 2021 (Gateway Plaza and Tadych), December 21, 2020 (Solaris), and October 14, 2020 (Neenah Foundry Parking Lot) may be combined into one request. If combined, the LHE materials from each separate source area that were originally approved shall be described in the request.
 - b. A LHE modification review fee shall be paid for each LHE that is being modified. This includes each LHE modification that is combined into a single request.
 - c. LHE modification requests shall be submitted at least 90 days prior to construction over the LHE areas to allow adequate time for the department to review the modification request.
 - d. Any disturbance of LHE materials or soils covering the LHE materials necessary to run electrical to the open-air shelters shall be incorporated into the appropriate LHE modification request.
11. Within 60 days of the date of this approval, the city shall submit a revised version of the January 6, 2026, document titled, “Low-Hazard Exemption Fill Placement Documentation: Arrowhead Park Neenah Foundry Sites City of Neenah, Winnebago County, Wisconsin BRRTS #02-71-550735; 02-71-550733; & 03-71-583002,” to include:
 - a. A narrative describing material placement dates and construction to meet condition 5a in the January 29, 2021, December 21, 2020, and October 14, 2020, LHEs. The narrative shall describe the placement dates for each project.
 - b. A figure depicting final surface contours to meet condition 5d in the January 29, 2021, December 21, 2020, and October 14, 2020, LHEs.
 - c. Revised Figure 2 to identify the green area as ‘Neenah Foundry and Solaris Approved Placement Area’ and the red area as ‘Gateway Plaza and Tadych Approved Placement Area’, as well as removal of the statement in the last paragraph on page 3 that indicates the placement area for Neenah Foundry and Solaris projects was amended and approved by the WDNR to be in the red area on Figure 2.
 - d. Revise the approval date for the Gateway Plaza referenced at the top of page 3 to January 29, 2021.
 - e. Change ‘201 West’ references to ‘Tadych’ to allow for easier correlation to previous documents, which never refer to the Tadych project as ‘201 West’.
12. The city shall submit sampling data for the waste collected in drums, electronically in writing, to the department within 90 days after excavation of waste or before December 1 of the calendar year the work is completed, whichever date is sooner.
13. The city shall submit the proper documentation for the disposal of waste to the department in writing on or before 90 days after excavation of waste or before December 1 of the calendar year the work is completed, whichever date is sooner.
14. The city shall follow procedures documented in PCB Sampling plan dated (February 27, 2026) with respect to the characterization, sampling, and proper disposal of investigative derived waste.
15. The City shall not install electrical utilities for open-air shelters outside of the areas where electrical is shown in the following figures:
 - a. Figure E010 Site Plan - Electrical
 - b. Figure E011 Shelter Plan and Details – Electrical
 - c. Figure E012 Shelter Plan – Lighting Photometrics
 - d. Figure E013 Fixture Type OA Cut Sheet
 - e. Figure E500 Electrical Details
 - f. Figure E600 Schedules and One-line Power Diagram

16. Any continuing requirements of the plan or the conditions of approval shall transfer with changes in property ownership.
17. Any development outlined in this approval not completed by December 31, 2028, shall require a new plan to be submitted to the department for approval.

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.

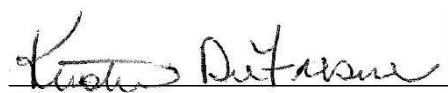
NOTICE OF APPEAL RIGHTS

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, Wis. 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 13, 2026

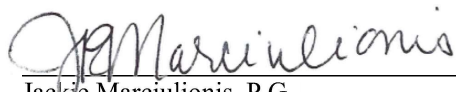
DEPARTMENT OF NATURAL RESOURCES
For the Secretary



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