

**Virtual Public Informational Hearing Scheduled
Monday, July 17, 2023, beginning at 4:00 PM.**

WEAL requested a public informational hearing for the pending DNR Individual Wetland Disturbance Permit Application and a pending Individual Waterway Realignment Permit Application to accommodate a proposed 26.7-acre expansion of the Emerald Park Landfill, located in the City of Muskego. The public notice for the WDNR Public Informational Hearing is posted below.

Emerald Park Landfill, Inc. is requesting WDNR approval to fill 14.8 acres of the wetland and realign 1060 feet of a waterway. Emerald Park Landfill, Inc., intends to compensate the wetland losses by using credits from their established wetland mitigation bank.

To learn more about these proposals and pending WDNR permits, please join the virtual public information hearing. You will also have the opportunity to give comments on these pending permits that WDNR must consider in their permit review and decisions. It is equally important to join the hearing to learn about the WDNR decision making and public participation process and be counted as a participant.

One of WEAL's primary environmental actions is focused on advancing Zero Waste practices and policies in Waukesha County. In addition, WEAL continues to monitor and examine on-going and planned activities at two large landfills located the Village of Menomonee Falls and the City of Muskego.

WEAL also continues to advocate and take action to achieve a high level of protection for wetlands and waterways in Waukesha County.

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Notice of Public Hearing for a Wetland Individual Permit and Stream Realignment Individual Permit

Daniel Otzelberger, W124 S10629 S. 124th Street, Muskego, WI, 53150, has applied to the Department of Natural Resources for a Wetland Individual Permit and Stream Realignment Individual Permit. The project is located in NE 1/4, SW 1/4, Section 36, Township 05N, Range 20E in City of Muskego, Waukesha County.

Emerald Park Landfill, LLC (EPL) plans to expand its footprint by 26.7 acres horizontally to the west and as well as vertically on top of an un-capped portion of the existing landfill increasing its capacity by 7,178,000 cubic yards of disposal volume. The proposed project will ensure that EPL can continue operations providing waste disposal services and employment to the surrounding communities.

This individual wetland and waterway permit application includes the proposed relocation of 1,060 feet of an existing agricultural ditch and the filling of 14.81 acres of wetlands. The drainage function of the existing agricultural ditch is proposed be replaced by the new agricultural ditch in a different location designed and constructed to provide similar functionality. All stormwater throughout the construction period and the life of the facility and the proposed expansion area will be handled by the required Storm Water Pollution Prevention Plan (SWPPP), which includes surface water conveyance ditches and stormwater basins designed to release surface water at similar rates to pre-existing conditions. EPL's existing SWPPP will be amended to include the expansion area as is required during the Plan of Operation that needs to be completed and approved by the Wisconsin Department of Natural Resources (WDNR) prior to construction. The impacted wetlands are proposed to be mitigated through the WDNR's wetland banking system. EPL owns a 78.25 acres wetland bank that was established in 2004 and is approximately 600 feet northwest of the expansion area within the same watershed. 41.9 wetland bank credits from EPL's wetland bank were released in February 2023. EPL proposes to use the appropriate number of credits from its wetland bank to mitigate the wetland impacts from the proposed western expansion.

The Department will review the proposal provided by the applicant and any information from public comments and the public informational hearing. The Department will determine whether the proposal complies with ss. 1.11, and 30.208, Stats., and ch. NR 150, Wis. Adm. Code, and ensure that the required mitigation meets the standards in s. 281.36(3r), Stats.

The Department will review the proposal provided by the applicant and any information from public comments and the public informational hearing. The Department will determine whether the proposal complies with ss. 1.11, 30.208, Stats., and ch. NR 150, Wis. Adm. Code, and ensure that the required mitigation meets the standards in s. 281.36(3r), Stats. if the project impacts wetlands.

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The Department has made a tentative determination that it will issue the permits for the proposed activities.

If you would like to know more about this project or would like to see the application and plans, please visit the Department's permit tracking website at <https://permits.dnr.wi.gov/water/SitePages/Permit%20Search.aspx> and search for Otzelberger.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

The public hearing is scheduled for 4:00 PM CST on Monday, July 17th, 2023 online via Microsoft Teams meeting. Attendees can join the meeting virtually on their computer or mobile app using the following link:

<https://www.microsoft.com/microsoft-teams/join-a-meeting>

Meeting ID: 286 018 021 916

Passcode: b8wX24

The Department scheduled a public hearing on this activity or project because the Department received a request for a public hearing. The hearing will be a public informational hearing where members of the public can learn more about the proposed activity and submit written or oral comments about the waterway and project in light of the legal standards above.

Any member of the public may submit comments by emailing marty.dillenburg@wisconsin.gov or calling at (920) 296-6507 . Comments should include the docket number or applicant name and should relate to whether the project meets the legal standards listed above. Comments must be sent no later than 10 days after the date that the public informational hearing is completed in order for them to be considered.

The final decision may be appealed as indicated in the decision document.

Docket Numbers IP-SE-2023-68-00721, IP-SE-2023-68-00722