



June 17, 2022

FID: 113381510  
Dane County  
SW/APP

Jason Fuller  
Carbon Cycle Consulting, LLC  
PO Box 628455  
Middleton WI 53562

**Subject:** Plan of Operation Approval for a Source-Separated Compostable Materials (SSCM) Composting Facility – Greater Than 5,000 cubic yard, 464 Canal Rd, Town of Marshall, Dane County, Wisconsin

Dear Mr. Fuller:

The Department of Natural Resources (department) received a plan of operation dated June 8, 2021, on June 28, 2021 from Carbon Cycle Consulting, LLC (CCC). A compost application was also received by the department on June 28, 2021. CCC proposes to compost anaerobic digester digestate, manure, leaves and other sourced SSCM from Dane, Dodge, Columbia and Jefferson counties as a feedstock. The department has completed the review of the plan of operation submittal for the above referenced composting facility that will be located at 464 Canal Rd, Village of Marshall, Dane County, Wisconsin.

The department has determined the plan of operation is consistent with Wisconsin's solid waste regulations. If implemented in accordance with the approved plans and this approval, the plan of operation will be compatible with environmentally acceptable construction, operation, and monitoring of this facility. Therefore, the plan of operation is approved, subject to compliance with chs. NR 500 to 538, Wis. Adm. Code, and this approval.

The department has waived plan review and licensing fees because the primary purpose of this facility is to convert solid waste into usable materials, products, or energy, in accordance with ch. NR 520, Table 2, footnote 4, Wis. Adm. Code. An Initial Site Inspection (ISI) request was submitted on May 4, 2021, and the ISI was completed on May 5, 2021. On June 1, 2021, the department issued an ISI summary letter stating the site meets all locational criteria and performance standards.

Prior to receiving your operating license, you must establish proof of Owner Financial Responsibility (OFR) for closure of your facility as required by NR 520.05 - 520.12, Wis. Adm. Code. Please note that the minimum OFR proof amount will vary from the closure cost estimate due to factors required in NR 520.08, Wis. Adm. Code. Please work with the Waste and Materials Management Program's OFR specialist, Dustin Sholly, at (608) 267-3133 or [Dustin.Sholly@wisconsin.gov](mailto:Dustin.Sholly@wisconsin.gov), prior to establishing your OFR proof mechanism.

Enclosed is a Solid Waste Facility Initial License Application Form (Form 4400-088) for the proposed Carbon Cycle Consulting, LLC, Compost Facility. This form needs to be submitted in order to obtain an operating license for this facility prior to beginning operation. Please send the completed form to Margaret Russell, Program Associate, at 2984 Shawano Ave., Green Bay, Wisconsin, 54313 or scan and email it to her at [Margaret.Russell@wisconsin.gov](mailto:Margaret.Russell@wisconsin.gov).

CCC is reminded that approval and licensing by the Waste and Materials Management Program does not relieve you of your legal obligation to meet all other applicable federal, state, and local permits, zoning, and regulatory requirements. Persons responsible for the operation of this facility should review and understand all operational requirements in s. NR 502.12, Wis. Adm. Code, your submitted plan of operation and this approval.

If you have any questions about this approval, please call Dan Werner at (608)235-8591 or Daniel.Werner@wisconsin.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Bridget Kelly". The signature is fluid and cursive, with the first name "Bridget" being more prominent than the last name "Kelly".

Bridget Kelly  
Waste Management Supervisor

Attachments: Conditional Plan of Operation Approval  
Estimated Facility Closure Worksheet  
Solid Waste Facility Initial License Application (Form 4400-088)

cc: Dan Werner –DNR Waste Management Specialist (electronic)  
Dustin Sholly – DNR OFR Coordinator (electronic)  
Betsy Powers, PE – SCS Engineers (electronic)  
SCR File

## FACILITY SUMMARY

Applicant Contact: Jason Fuller, Owner  
 Email: Fuller.Jason@yahoo.com  
 Phone: (608)370-4926  
Facility Name: Carbon Cycle Consulting, LLC, Compost Facility  
Property Owner: Ed Herman Estate  
Location of Facility: 464 Canal Rd, Village of Marshall, Dane County, Wisconsin, NE 1/4 of the SW 1/4 of Section 2, T08N, R12E, Dane County

Generators Served: Columbia, Dane, Dodge and Jefferson Counties

### Raw Material Feed Stock Estimates:

The facility estimates there will be 30,000 cubic yards of in-process compost and 500-1000 cubic yards of feedstock at the site.

### Composting Method:

The facility will perform composting utilizing windrows constructed with dairy manure and manure fibers from anaerobic digesters, stall manure from horse farms, leaves from municipalities, and milk waste products such as whey. Temperatures and moisture content will be monitored, and windrows will be turned to maintain adequate oxygen levels to support aerobic decomposition to produce a finished compost product.

### Facility Design, Operations and Compost Markets:

Composting will take place on a 5 acre bituminous/asphalt hard surface compost pad. An existing manure lagoon will be used as a leachate collection area and may also be used as a liquid product unloading area for liquid digestate manure from digesters. Design and engineering of the leachate containment is in accordance with a 25 year, 24 hour storm event. In the event the lagoon fills up, the back-up plan is to field apply some of the product on the 56 acres of cropland on site.

Finished compost will either be stored on the compost pad or moved under the roof of an existing 100'x800' cattle shed. Pelletizing compost blends will take place in the existing heated shop.

Manure and manure fibers from anaerobic digesters will be bulked at the anaerobic digester facility until enough material has accumulated to bring to the compost facility. Once the material is at the facility, it will be laid out in windrows initially turned by a tractor powered windrow turner. The facility will be receiving a Trac Turn turner in the summer of 2022. Any raw feedstocks that are not able to be incorporated immediately into the composting rows will be stored on the asphalt stacking pad/bunker area of the site for no longer than two weeks.

Carbon Cycle Consulting, LLC, will make specialty products for customers by pelletizing the compost blends into a granular product. The finished products will be targeted for agricultural soil amendment purposes. Finished compost will be amended with minerals at customer requests based upon their needs.

Eventually Carbon Cycle Consulting, LLC, will make the following products at the site:

1. Finished compost for agricultural soil amendment applications.
2. Biologically sanitized animal bedding product.
3. Blended, mineralized composted soil amendment product in powder form.
4. Blended, mineralized composted soil amendment product in pelleted form.
5. Bio-char product in powder form.
6. Compost Tea extract in liquid form.

**BEFORE THE  
STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES  
PLAN OF OPERATION APPROVAL  
FOR A SOLID WASTE COMPOSTING  
AT  
CARBON CYCLE CONSULTING, LLC, COMPOST FACILITY**

**FINDINGS OF FACT**

The department finds that:

1. Jason Fuller, owner of Carbon Cycle Consulting, LLC, submitted a Plan of Operation for a Greater Than 5,000 cubic yard Source Separated Compost Material (SSCM) compost facility under s. NR 502.12, Wis. Adm. Code.
2. The facility is located at 464 Canal Rd, Village of Marshall, Dane County, Wisconsin. The legal description of the property is the NE 1/4 of the SW 1/4 of Section 2, T08N, R12E, Village of Marshall, Dane County.
3. The department performed an initial site inspection (ISI) on May 5, 2021. An ISI response letter was sent on June 1, 2021. The \$550 ISI fee, invoice #9144-12423, was paid on June 1, 2021.
4. On June 28, 2021, Carbon Cycle Consulting, LLC, submitted a plan of operation dated June 8, 2021. Information contained in the plan of operation included:
  - a. A cover letter describing the type of facility being proposed.
  - b. A written operating plan containing site-specific information to supplement responses to Form 4400-282.
  - c. Site layout maps.
5. Carbon Cycle Consulting, LLC, submitted the following additional documents to complete or further explain their application as a response to a department request for information dated July 9, 2021:
  - a. Emails on July 11, 2021, responding to a request for information regarding the proposed composting method.
  - b. Email on July 12, 2021, discussing the origin of the material being brought onsite for composting.
  - c. Email on July 23, 2021, providing estimates of materials to be composted onsite.
  - d. Email on April 26, 2022, providing Owner Financial Responsibility worksheet and Certification by a Professional Engineer
6. Additional documents or facts considered in review of the plan of operation include the following:
  - a. An exemption under s. NR 500.08(4), Wis. Adm. Code, was requested from the specific ch. NR 502.12(8)(b)(1) requirement for 250 foot setback from land owned by a person other than the owner or operator of the composting facility. The exemption was justified because the property on the west is screened by trees and shrubs.
  - b. Other department issued compost facility plan of operation approvals.

7. In accordance with Ch. NR 520, Wis. Adm. Code, Table 2 (footnote 4), the \$3,300 plan review fee and the \$550 annual licensing fee have been waived for this processing facility which has as a primary purpose of converting solid waste into usable materials, products, or energy.
8. In accordance with s. NR 502.04, Wis. Adm. Code, the department has required proof of owner financial responsibility for the costs of closure at processing facilities based upon experiences where approved facilities terminated operations with insufficient funds to dispose of accumulated wastes or processed materials.
9. This approval is needed to assure that operations at the Carbon Cycle Consulting, LLC, Compost Facility are conducted in conformance with chs. NR 500 to 538, Wis. Adm. Code, and current composting practices.

### **CONCLUSIONS OF LAW**

1. The department has authority under s. 289.05, Stats., and s. NR 502.12, Wis. Adm. Code, to approve a solid waste composting facility plan of operation if it complies with chs. NR 500 to 538, Wis. Adm. Code.
2. The department has authority, under Table 2, footnote (4) of ch. NR 520, Wis. Adm. Code, to waive plan review fees and licensing fees for a processing facility which has a primary purpose of converting solid waste into usable materials, products or energy.
3. The department has authority under s. NR 500.08(4), Wis. Adm. Code, to issue exemptions from the requirements of chs. NR 500 to 538, Wis. Adm. Code.
4. The department has authority under s. NR 502.04(6), Wis. Adm. Code, to require a facility to provide proof of financial responsibility for the cost of closure of the facility.
5. The department has authority under s. NR 150.20(1m)(g), Wis. Adm. Code, to consider a routine approval a minor action and authority under s. NR 150.20(1m), Wis. Adm. Code, to not perform an environmental analysis under the provisions of Wisconsin Environmental Policy Act (WEPA) for minor actions.

### **GRANT OF EXEMPTION**

Carbon Cycle Consulting, LLC, has demonstrated circumstances which warrant an exemption from s. NR 502.12(8)(b)(2), Wis. Adm. Code, which requires a 250 foot setback from land owned by a person other than the owner or operator of the composting facility. Under the authority of s. NR 500.08(4), Wis. Adm. Code, the exemption is hereby approved.

### **CONDITIONAL PLAN OF OPERATION APPROVAL**

The department hereby approves the plan of operation for the Carbon Cycle Consulting, LLC, Compost Facility, subject to compliance with the provisions of s. NR 502.12, Wis. Adm. Code, and the following condition:

1. Prior to initial licensing, an appropriate closure proof mechanism of Owner Financial Responsibility (OFR) under s. NR 520.06, Wis. Adm. Code, shall be established for no less than the estimated closure costs of \$202,232.80 in the attached worksheet. After establishing the initial proof mechanism:
  - a. Documentation of an annual proof mechanism adjustment shall be submitted to the department prior to December 31 of each year.
  - b. The quantity of on-site solid waste materials shall not exceed those quantities identified on the attached closure cost worksheet.

- c. Prior to increasing the maximum quantity of waste materials, a Plan Modification request shall be submitted to the department for approval and an adjusted OFR proof mechanism shall be established.
- d. Every ten years from the date of this approval the then current estimated closure cost worksheet shall be revised and 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 code.

### NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., 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. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

Dated: June 17, 2022

DEPARTMENT OF NATURAL RESOURCES  
For the Secretary



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Bridget Kelly  
Waste Management Supervisor  
South Central Region



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Daniel Werner  
Waste Management Specialist  
South Central Region