

**Madison-Kipp Corp and the Schenk-Atwood Neighborhood
Background and Potential Solutions
(March 6, 2007 DRAFT)**

Background

Madison-Kipp Corporation is an aluminum and magnesium die caster and foundry located in the Schenk-Atwood neighborhood. There have been neighborhood complaints about noise, odors and air pollution from Kipp for over 20 years. Kipp is located in an island of M-1 zoning surrounded by a residential neighborhood with the backyards of homes abutting the foundry buildings, and Lowell Elementary School located two blocks away. The proposed Goodman-Atwood Community Center will be located immediately adjacent to Kipp offices. There is no buffer area to separate Kipp from surrounding residents.

While Kipp has operated at this site for many years, its operations have grown since the early 1990's. The table below summarizes the actual air pollution emissions reported to the Department of Natural Resources and the DNR approved emissions.

Madison-Kipp Air Pollution Discharges (tons per year)			
<i>Air Pollutant</i>	<i>1995</i>	<i>2005</i>	<i>DNR Limit</i>
Particulate Matter	3	18	98
Organic Compounds	1	21	90

During the 1990's, Kipp added chlorine to their aluminum melting operations releasing new chlorine-related air pollutants. During this same period the roof top ventilation system was expanded to exhaust die casting fumes. The new fans are loud enough that if Kipp were a highway, it would exceed the noise threshold at which a noise wall would be constructed. Depending on weather conditions, the fans can be heard several blocks from Kipp.

Kipp's submitted a Risk Management Plan to USEPA for the storage of chlorine. The plan predicts that 16,000 people will be exposed to excessive chlorine concentrations in the event of a spill. There are no plans to notify adjacent neighbors when an accident occurs at Kipp. For instance, when a fire occurred at Kipp on January 31st, all foundry employees were evacuated, but none of the neighbors with homes abutting Kipp were notified. Similarly on August 11, 2000, the fire department responded to a furnace leaking molten aluminum, but no neighbors were notified.

Current Requirements

Madison Noise Ordinance - Kipp operations are treated as a nonconforming source of noise subject to the former 75 decibel (db) noise standard. In 1995, Alder Judy Olson proposed to adopt Noise Study Team recommended noise limits of 60 db during the day and 55 db at night. Due to business opposition, the noise ordinance was not amended until 2004, nine years later. By that time, the permissible noise level in the ordinance was increased to 65 db for both day and night, and existing noise sources like Kipp were grandfathered into the older 75 db noise limit.

Madison Zoning Ordinance - Madison's current M-1 zoning has no restrictions on Kipp operations including the types and amounts of air pollution emissions, but relies on DNR regulation of the air pollution. There is no prohibition on the storage and use of chlorine or any other hazardous materials. In 2000, Alder Judy Olson proposed to update the M-1 zoning district so that foundries such as Kipp become a "conditional use" requiring city approval of changes. Kipp fought this zoning change and this proposed ordinance was dropped from consideration.

DNR Air Pollution Control Regulations - The DNR regulates the air pollution emissions from Kipp. Wisconsin regulations do not require Kipp to use air pollution control equipment. Kipp is treated no different than if it were located in a rural farm field. Neighbors have been outspoken in their objection to every air pollution permit issued to Kipp by the DNR, but public comments have had no effect on DNR requirements.

In 2005, residents from the Schenk-Atwood neighborhood challenged a DNR permit approving higher Kipp aluminum furnace emissions. The administrative law judge concluded that DNR procedures were inadequate and ordered Kipp to implement new air pollution control measures. Rather than implement these measures, Kipp gave up this permit in 2006. At this time, Kipp is asking DNR to approve another permit for increased furnace emissions, but without the control measures required by the judge.

Recommendations

The noise, odors and air pollution emissions from Kipp continue to be a nuisance and a perceived health hazardous to surrounding residents. On several occasions residents asked for intervention by Mayor Cieslewicz, but no progress has been made. Due to the unique location of the foundry within a residential neighborhood, Kipp needs to make improvements so it can co-exist with the surrounding neighborhood.

Rather than working with neighborhood residents like recent commercial and residential project developers such as the Union Corners Project, Kipp has never met with the SASY Neighborhood Association to discuss its expansion plans or to identify neighborhood concerns. Kipp has rejected neighborhood requests for negotiation including one made through the mayor's office in 2003. Kipp management has been content to comply with lax noise, zoning and air pollution requirements, where requirements exist. City involvement is needed to encourage Kipp operations to be quieter, cleaner and safer.

Update City Noise Ordinance - The noise levels allowed by the city noise ordinance is outdated and Kipp continues to be an extreme nuisance to neighborhood residents. The current noise level applicable to Kipp operations is 75 db for both day and night. In contrast, the Milwaukee noise limits for a residential area are 55 db during the day and 45 db during the night. In West Allis, the noise limits for a residential area are 47 db (500 hz) during the day or night. To protect the neighbors surrounding Kipp, the Madison noise ordinance should be updated. The acceptable noise levels should be reduced, if not for the entire city, for any industry located near a residential area, such as Kipp.

Limit Kipp Air Pollution Discharges - As shown during the neighborhood's successful challenge of Kipp's last DNR air pollution permit in 2005 and continuing complaints from neighbors, DNR air pollution control regulations and procedures are not adequate to protect surrounding neighbors. Kipp's operations and discharges are located too close to surrounding homes.

One option is for the city to impose its own air pollution limitations on Kipp or any industry located near a residential area. Air pollution control methods for Kipp's operations are readily available and used in the aluminum foundry industry. These city-imposed limitations could reflect the air pollution reductions achievable by the use of air pollution control equipment. A schedule could be established for meeting these limitations.

Another option is to limit the type of air pollution permit Kipp or any industry located near a residential area can obtain from the DNR. In 2006, DNR adopted the Registration Permit program. A facility can obtain a registration permit if actual emissions remain below new thresholds (i.e. 25 tons per year for particulate matter or organic compounds). Based on actual emissions from Kipp in 2005, Kipp could operate with a registration permit. If production and emissions are to increase at the current location, Kipp would need to use air pollution control equipment to keep emissions below the registration permit thresholds. Air pollution control methods for Kipp's operations are readily available and used in the aluminum foundry industry.

Develop Accident Response Plan - A plan for responding to accidents at Kipp needs to be developed. This needs to include procedures for contacting neighbors when an accident occurs and recommendations for either evacuation or moving to higher ground. The teachers and students at Lowell Elementary School should be included in this plan.









