

Name of Committee: DNR-MKC Pollution ("Kipp") Adhoc Committee  
Committee Report – October 2, 2012

Chair : Gary Karch

Members: John Steines, Steve Klafka, Masami Glines, Lance Green, Angelo Castillo, Matt Miller and immediate neighbors of Madison Kipp Corporation

Purpose (goal) of Committee: Seek a clean and safe living environment as it relates to MKC operations.

- Advocate for immediate and thorough environmental clean up and a healthy neighborhood.
- Monitor activities related to MKC contamination.
- Participate with agencies in meeting discussions.
- Advise SASY Council on questions that might be asked and actions that might be taken.

#### A. Updates

1. Investigation of pollution continuing, with DNR contractor BT2 finishing PCE testing for homes on Dixon and Cory Streets. 39 homes documented with PCE to date, with re-testing still being done for some. All homes with any level of PCE are being offered radon-type mitigation systems to remove PCE from under slab, so will not enter homes. 19 have been installed so far. Kipp contractor Arcadis actively taking more samples and drilling 3 off-site wells (one on Dixon St, one in Kipp parking lot on Waubesa St) to measure pollutants to 200 ft depth to assist mapping plume pool and movement. Matt Miller is taking close look at backyard soil test results to identify pollutants of concern and possible sampling problems. PCB remediation may begin on Kipp site this fall. Still no maps showing extent of PCE or other pollutants.

See DNR 9/26/2012 report: <http://dnr.wi.gov/topic/Brownfields/documents/kipp/update092612.pdf>

2. Wisconsin DOJ Lawsuit announced 9/26/2012. This is an expected next step for the DNR referral to DOJ, although it comes earlier than expected, since the contaminant spread still not determined. Lawsuit only addresses PCE & PCB pollution. Lance Green interviewed on Ch3 9/28 and WORT 10/1. Concern that there are political forces starting to work in Wisconsin to pressure settlement agreement before all data is in (business friendly anti-environment state politics). Lawsuit forces negotiation and result could be anything from slap on the wrist with fine to large fines and complete clean up.

3. EPA Notice Of Violation sent to Kipp , signed by EPA Sept 7, 2012. Requires Kipp response within 20 days. Steve Klafka summarized:

- Certifying that all its operations were in compliance but submitting an annual report showing emission violations;
- Under-estimating chlorine and hydrogen chloride emissions;
- Not calibrating temperature, flow monitors, amperage monitors, or die lube mixing equipment;
- Not posting a sign prohibiting (higher polluting) fluxing and demagging operations in the Fair Oaks melting furnace;
- Not recording die lube and water consumption;
- Exceeding the allowed mixing ratio of die lube and water; and,
- Not recording hazardous air pollutant emissions.

At the end, USEPA notes: *The alleged violations delineated above have caused or can cause excess emissions of chlorinated compounds, including hydrochloric acid and dioxins. Hydrochloric acid emissions can cause adverse health effects, including chronic health disorders (for example, effects on*

*the central nervous system, blood, and heart) and acute health disorders (for example, irritation of eyes, throat, and mucous membranes and damage to the liver and kidneys). Many studies, including U.S. EPA's reassessment of dioxins, have shown that dioxins can cause cancer and other health problems, including birth defects and liver damage.*

Highlights are poor record keeping and calibration so that all results unreliable past 5 years, so we don't know what/how much they have emitted (and we've been breathing) for 5 years. Note that Kipp had submitted erroneous report for their 2011 emissions, showing pollutants greatly exceeding standards. After Midwest Environmental Advocated pointed that out, and Rep Chris Taylor sent letter demanding real measurements, Kipp re-submitted a report showing low air pollutants for 2011. DNR replied to Taylor that Kipp was doing fine with their reports, and no direct measurements are needed. Then EPA comes out with this NOV, which obviously contradicts the DNR letter. Committee will watch for release of Kipp response.

4. Lance contacted attorneys for current class action lawsuit, representing 33 homes adjacent to Kipp. They have set Aug 19, 2013 for initial court date. Probably will not add additional polluted homes to current case (including Lance's); more likely to start second class action suit for widening circle. Continuing contacts with affected neighbors.

## **B. Discussion**

1. Many homes surrounded by PCE-polluted homes are still not tested, and we still have concerns about the Goodman Center and property and homes north of RR tracks. Committee is encouraging home-owners to get testing, and get radon-systems installed if PCE is present.

Residents can request that their home be tested by calling DNR (Linda Hanefeld (608-275-3310, linda.hanefeld@wisconsin.gov). City told us they are confident Goodman site & north of tracks not affected - that prior to most recent test results which were not expected.

2. Bob Nauda consultant to Kipp, who performed the recent soil testing in homes' yards, was responsible for Kipp's previous failure to report results and is still doing testing for them. Many had complained at hearing that he should not continue testing for KIPP Corp. Should he be recused? Matt is looking at results and methods. Also, why hasn't testing been done along drainage ditch that runs into the MG&E-owned wetland property and eventually into Starkweather Creek?

3. AIR - unknown exposure past 5 years. EPA action implies DNR has record of not doing a good job reviewing reports and finding obvious problems. These possible violations should have been identified by DNR and could have been part of DOJ referral. But perhaps it is fortunate that EPA is handling this enforcement. Committee will watch progress closely. We need real measurements during maximum operations to show us what we have been breathing.

4. We have real concern over wellness of residents both for direct contamination issues and stress of continuing threats and unresolved conditions. Any statement ought to put this on the table as part of wellness component.

4. SASY could send press release documenting concerns.

5. There has been quite a bit of door to door contacts. People who have not participated often say they don't want to have their property on record as testing positive, but most such sites are now surrounded by positive test results (See DNR 9/26/2012 report *link above*). These folks are not getting mitigation systems or some locations are rental.

## **C. SASY discussion/action**

Committee suggests **press release** to all media, governmental officials, agencies including MG&E and local social support (churches, health care, spiritual), noting that soil/water contamination has been on

record for 18 years (since 1994), air pollution levels/types are unknown, and situation remains unresolved. Point of addressing 'social support' is to heighten ongoing stress component of living with contamination and unknown as real factor and as issue in people's ongoing lives and asking for awareness of that in intention and action (put it on the table - we all know it is a factor but not mentioning it allows us to not address it). Eg - St Bernards has adult day care, children at Goodman and in park, all those positive residential results, people outside the current expanded circle who now wonder if they are next in line. Point of including MG&E is to specifically ask them to request testing or test their wetland site themselves. Stick to facts and ongoing requests for information (reasonable & respectful non-inflammatory approach): a) We still do not have a map of the full plume/pool of PCE and other contaminants and appreciate that more testing may help provide that detail, and until scope of problem is identified, the issues remain unresolved. b) Air contamination needs to be truly measured and evaluated. Request real peak operation testing at smoke stack. c) Request sampling toward wetland to northeast and Starkweather Creek (MG&E property) to verify that contamination is not traveling in that direction, especially for PCB since it tends to stay on the surface. d) Encourage residents to contact DNR to request testing and acquire radon systems if positive result.