Madison Kipp Meeting Notes (Public Comments & Concerns)
10-15-11, Goodman Community Center, Madison, WI
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Comments/Concerns:

- What does referral to DOJ mean?
- Rep. Taylor: Enforceable agreement will become an order on MKC? If they don't comply DOJ will act? DOJ will draft some kind of order?
- Would MKC be subject to penalties going back to 1994?
- Referred to DOJ for something more than the enforceable agreement? Criminal charges? When was it referred?
- Can we have them (DOJ) at the next meeting?

Scope of Work Comments/Concerns

- Is there a possibility to put sod down, instead of reseeding new soil?
- How deep are you willing to dig?
- We have lots of flowers. What are you going to do about that?
- I'd like to see that (replanting) written in the SOW?
- Were sides and front of properties tested and determined not to be contaminated?
- You don't know how the contamination got there. Why don't you do borings? The home owners are concerned.
- By removing 1 foot of soil – that eliminates exposure to 1 foot of soil. – some plants go further. If contamination is flowing underneath homes wouldn't the vapor continue to come up through soil and re-contaminate clean soil? I'm trying to understand the movement.
- Are any of those (sampling)values from the power point actionable?
- How confident are you that these samples represent the soils for an individual property?
- When you say "move on", will there be further testing? You'll just stop?
- Rep. Taylor – Did you sample north of 166 Marquette? With concerns that have been raised about further testing, how do we make sure those concerns are addressed?
- Why wasn't that addressed already?
- But all you did was stop on the property line!
- Why the big gap between the existing sample sites, and the two sites north?
- The soil sampling showed that its not a continuum of concentrations: can' t the same be true for soil vapors? Why test soil vapors and not soils on Waubesa?
- Is it clear that soil vapor is not the same mechanism that releases contamination at the surface level?
- Where is soil vapor contamination coming from?

- The soil contamination is not consistent continuum. If you're not testing all homes how do you know that you've found all the pockets.
- Was it (contamination) because barrels were buried in the ground? There's not real source?
- This Goodman center is contaminated with several pollutants .. your own documents say it came from off-site but it doesn't say where? Did it come from Kipp?
- Put your fingers (on a map) on where the spills originally occurred.
- Do we have any idea how much was spilled into the ground and the nature and extent of the movement?
- Is there any contamination left in those three source areas? Could it act as a vapor source?
- I'd like to point out that 202 already has a probe, why am I on that list?
- Will you be putting SVEs in each of the source areas? This is an interim measure?
- The locations of the proposed SVEs aren't identified.
- Are we testing across the tracks (at Goodman CC)?
- With SVE any contaminates are released into the air. Is that a concern?
- Rep. Taylor: (Clarification) The source of the vapor contamination is on Kipp and is NOT remediated yet?
- So that needs to be stopped to stop recontamination?
- Could you do any excavation next to well nest five?
- Knowing what you know now, do you still believe it (not digging out contamination)was the correct choice?
- Is residual contamination still feeding the groundwater?
- Rep. Taylor: how long will it take for you to know that the SVE system is working?
- Can you show us on the map where those nests are, and explain how ozone injections work? How deep were injections?
- The samples from well 7 and 8 were (unusable) too warm and with air bubbles? Can you address that?
- Sampling and remediation work- who is doing this work? How are we going to see regular results?
- Who defines "reasonable amount of time" to get levels down?
- What to people do to protect themselves from cancer?
- City well 8 is an exposure pathway! You've said that the city well pulls from a large area, that includes Kipp!
- Which areas do those monitoring wells test?
- You say you can't prove contamination from Kipp feeds city well 8, can you say that 100%?
- That's absolutely not true (referring to comment that Eau Claire shale stops GW)
- If the well was run 24/7, what steps would the city take to ensure safety?
- Is there a well to the north (of Kipp) that we should be watching?
- I don't understand the conclusion that deep GW moves to the north? Can you clarify that the base of the plume has been delineated.

- I don't think the base of the plume has been identified. Why was 90+ foot well not included in SOW. If contamination is around in fractured bedrock – I personally feel the bottom of the plume has not been delineated.
- Has there been any discussion with MKC regarding if someone's selling house and can't sell it.
- Is there advice for homeowners if they can't sell their home? I'm a proposed testing site – there will be only one sample taken? Do we see results to that? I wish that MKC was a bit more proactive.
- Conflict of interest for DNR & MKC to work out a SOW. In their best interest to not do as much work as possible or the quality of work as possible. How do we tackle an inadequate SOW? I don't feel that this goes far enough. If we feel that removing source of contamination is the right approach, how does that get incorporated. We're not at the table.
- How tall are the stacks on the SVE system?
- Is DOJ going to see comment cards?
- Given that this is a long ongoing issue- it makes sense to dig up the source. We should remove as much of the source material as possible.
- When sites like this need to be redeveloped, what is usually done to address soil contamination?
- You make it sound like soil removal and vapor removal is either-or? Why not do both?
- If it's a money issue – what's worth more money or health? The longer we wait, the deeper it goes.
- Rep. Taylor – This SOW is an agreement with DNR and MKC, but doesn't not take away any legal rights from from residents. I think it would be great to incorporate concerns in a document that gets to the DNR.
- This contamination was spilled onto the ground for many years… we have no idea where are your deepest wells, what are they showing. How are they going to be monitored? Nothing's been done to stop deep contamination. I would like a report to show how long this was spilled, how much, nice map, showing plume and depth. Why cant we have enough testing to show that.
- Residents along Marquette St. announced plans to sue, 90 day deadline is approaching. Don't know if this lit the fire for the SOW. Can we have commitment for DNR not to interfere with lawsuit?

Madison Kipp Public Meeting 10-15-11
Transcription of Comment Cards: All underlines and caps, annotations appeared on the original cards. Personally identifiable information has been removed to protect privacy.

(By: Eric Ballas, eric.ballas@wisconsin.gov)

Card 1: We want an easy to understand map, showing the <u>nature</u> and <u>extent</u> of the <u>deep</u> contamination plume and <u>more deep</u> sampling wells as suggested by Ken Wells.

- <u>Remove</u> the existing contamination (home ozone?) (more SVEs?)

Card 2:

- Q: You mentioned that you could try to disperse soil vapor from yards. What about the pollution to the general atmosphere caused by this release?
- Q: As Kipp is responsible for all of this – how are they providing compensation for their pollution to the neighbors?
- The person doing the testing should be independent – not hired by Kipp—How can we-the-neighbors trust who Kipp hires (given their history)?

Card 3:

- Testing seems to mostly have been done along the periphery with none/almost none has been done directly beneath the Kipp factory itself. Given Kipp's continued record* why isn't WDNR not demanding extensive testing directly the facility [under] the facility for contaminants? Not knowing the extent of the sources(s) makes any scope of work plan incomplete.

  * previous infractions, Superfund status, etc.

Card 4:

- Given an historical trend (last 30 years) to de-fang enforcement agencies, and given that Kipp has a clear conflict of interest, how can we be confident that actual cleanup and cessation of ongoing contamination will be completed?

Card 5:

- All source areas should be excavated regardless of buildings and utilities and cost. SVE takes too long.

Card 6:

- I think it wouldn't be wise to assume that if a backyard has contamination, that the front yard wouldn't be contaminated.
- I believe testing front yards and sites of houses is equally <u>important as testing</u> backyards.
- One cannot say with certainty that front yards wouldn't contain contamination, when the possibility that it could exists.

Card 7:

- More soil samples to find the extent of contamination

Card 8:

- Until source material (pool(s) of TCE on bedrock between upper and lower water tables) are physically removed, remediation will be needed

1) You don't know how much tonnage is down there
2) The neighborhood will NOT BE safe until tonnage is addressed (removed)
3) We know transmission between upper & lower ground water tables exists. TCE is HEAVY.

- Address removal of source

Card 9:

- On soil tables please identify the depth of the soil samples.
- Also: title summary of detected compounds if not presenting all the data
- Please sample the backyards along Marquette

Card 10:

- Why not removing the on-site contaminated soil?
- DNR & other state agencies could force MKC to do it; "bringing big machines is hard" just sounds like an excuse
- Bring them in parts and assemble in their parking lot! And then use SVE system.
- Kipp's contractor taking samples is not acceptable, since they are the source of contamination. WDNR should go in & do it.

Card 11:

- Work element: Once soil is excavated "no post excavation soil samples are needed where the top one foot of soil is removed."
- Why? What if it is recontaminated from below, from runoff, etc.

Card 12:

- Remove the direct source
- Excavate
- Decades of dealing with this issue are unacceptable
- This stuff is going to continue to drift and [give] off gas!
- STOP IT

Card 13:

- There is an inherent conflict of interest with Kipp helping to define the scope of work, and Kipp paying for that scope of work and any further discoveries of contamination. The scope of testing and the past remediation efforts appears to take the least expensive (for Kipp) and least effective means of addressing and quantifying the problem. It is clear that the community and people want more extensive testing and remediation. The current proposed scope of work provides for incomplete testing (based on assumptions) and leaves the worst areas of source contamination in place. The final, legally enforceable scope of work must go further.

Card 14:

- Adopt Ken Wade's recommendations: Wells, NY standards, probes @ different depths, test side and front yards.
- Want to see map of plume – in soil & groundwater or timeline of when it will be provided.
- Remove contamination in Kipp's parking lot & wherever else it is. Remove soils if needed; Hope SVE works
- Thank you for coming today. Thank you for your website.

Card 15:

- Why has DNR not monitored Kipp's permits? Windows open, etc.

Card 16:

- WDNR, Kipp – Will you buy our house on Marquette St? You all would look at this in another light if you were us.

Card 17:

- Soil contamination's reasons :1) surface runoff, 2) atmospheric deposition, if (#2) why not checking the front yards of the front yards of these at least 5 homes?
- Groundwater : Why don't we have deeper well at #6, 7, 8? Because of groundwater movement?

Card 18:

1) If 1 foot of soil is to be removed in the scope of work plan (7 properties on Marquette St.) – has one foot of soil been removed from the adjacent Kipp land?
2) Since WDNR, Kipp and WI Health Depts have known about this problem for decades – <u>why</u> have you moved so <u>slow on this contamination?</u>
3) Why is probe testing not done on sites and front of (7?) properties? These 7 properties have had vapor testing or will have vapor testing done in basements. Your logic makes no sense.

Card 19:

- What steps are being taken to ensure further contamination doesn't happen again?
- Is anybody evaluating weather Kipp's operation is a good fit for the residential neighborhood it is located in, or whether if it wants to continue doing business if it should really relocate to a place more suited for industrial operations?

Card 20:

- Soil samples should be taken on the sides and front yards of subject properties as well as further north, south & east. Including across the street to make sure contamination is known & dealt with.
- The agreement written by the DOJ should include Kipp taking financial responsibility for any loss or cost a home owner experiences in selling or trying to sell the property because of the contamination, without having to hire an attorney, etc. Simple proof, immediate compensation.

Card 21:

*why is Madison Kipp even part of the problem-solving committee?
It seems that the DNR should do what they feel is right and keeping the safety of the citizens at the forefront and <u>then</u> go to Kipp and tell them what they <u>must</u> do? Madison Kipp should not be at the table! There is a conflict of interest there!

Card 22:

Regarding soil sampling – How was soil from the 9-12 inch zone mixed before withdrawing the 25 gram sample?

What steps were taken to minimize volitization of VOCs from the soil sample prior to preservation?
Could a one inch soil probe take a better sample from the 9-12” zone?
This could mean less volitization.