

**From:** [Punt, Colin](#)  
**To:** [Plan Commission Comments](#)  
**Subject:** FW: Oscar Mayer Health Assessment - Final  
**Date:** Wednesday, December 7, 2022 10:14:28 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)

---

Begin forwarded message:

**From:** "Jim Powell (Madison Environmental Justice)" <[jimpowell@mejo.us](mailto:jimpowell@mejo.us)>  
**Date:** December 6, 2022 at 7:34:43 PM CST  
**To:** [Sen.Agard@legis.wisconsin.gov](mailto:Sen.Agard@legis.wisconsin.gov), [Sen.Roys@legis.wisconsin.gov](mailto:Sen.Roys@legis.wisconsin.gov), "Rep.Baldeh" <[Rep.Baldeh@legis.wisconsin.gov](mailto:Rep.Baldeh@legis.wisconsin.gov)>, [Rep.Hong@legis.wisconsin.gov](mailto:Rep.Hong@legis.wisconsin.gov)  
**Cc:** [Mark.Werner@dhs.wisconsin.gov](mailto:Mark.Werner@dhs.wisconsin.gov), "Irving, Roy M - DHS" <[Roy.Irving@dhs.wisconsin.gov](mailto:Roy.Irving@dhs.wisconsin.gov)>, "Kloczko, Nathan F - DHS" <[nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)>, Chris Elholm <[chris.elholm@gmail.com](mailto:chris.elholm@gmail.com)>, "Maria Powell (MEJO)" <[mariapowell@mejo.us](mailto:mariapowell@mejo.us)>, [dakester@sbcglobal.net](mailto:dakester@sbcglobal.net), [mlmart29@yahoo.com](mailto:mlmart29@yahoo.com), [anderha@sbcglobal.net](mailto:anderha@sbcglobal.net), [jargelander@yahoo.com](mailto:jargelander@yahoo.com), [sluysb@aol.com](mailto:sluysb@aol.com), Ald Brian Benford <[district6@cityofmadison.com](mailto:district6@cityofmadison.com)>, Ald Patrick Heck <[district2@cityofmadison.com](mailto:district2@cityofmadison.com)>, Ald Jael Currie <[district16@cityofmadison.com](mailto:district16@cityofmadison.com)>, Ald Chris Paulsen <[district3@cityofmadison.com](mailto:district3@cityofmadison.com)>, Ledell Zellers <[ledell.zellers@gmail.com](mailto:ledell.zellers@gmail.com)>, "Maria Powell (MEJO)" <[mariapowell@mejo.us](mailto:mariapowell@mejo.us)>  
**Subject: Re: Oscar Mayer Health Assessment - Final**

Sen. Agard, Sen. Roys, Rep. Baldeh and Rep. Hong –

**We request that you please request an expedited response from WDHS Division of Public Health, Bureau of Environmental and Occupational Health (BEOH) Director Mark Werner (cc'ed on this message) regarding his department's issuance on November 30 of a [public health assessment for the Hartmeyer and Oscar Mayer sites](#) and why it used industrial standards, when it is zoned residential.**

A major housing proposal will be taken up by the Madison Plan Commission on Monday, December 12 on the heavily polluted land at 2007 Roth Street. The Commission and the public deserve to know why WDHS issued a public health assessment for industrial property at Hartmeyer (this location) when the land will be used for residential housing. The standards are dramatically different and much more protective for residential.

From our perspective, since the Sherman Neighborhood Association (members cc'ed above) asked for this assessment and told WDHS explicitly that it was a proposed residentially-zoned land use, the WDHS response in its report appears to be an intentional effort to not address the pertinent concerns about people living in this area, rather it imagines the previous industrial use as its purview. While Oscar Mayer food, insecticide and plastics operations did pollute the area for the past century, the City of Madison has big plans for it to be used for affordable housing (thousands of units eventually). Given the past century of pollution and current proposed use for low-income residents, this is an environmental justice issue which must be considered through that lens. Please ensure that it is.

Thank you.

JIM POWELL  
Board Member  
[Madison Environmental Justice](#)

On 11/29/2022 7:59 PM, Jim Powell (Madison Environmental Justice) wrote:

Not only is there a proposed development on the site, the Madison Urban Design Commission will be taking up that proposal tomorrow, November 30, at its meeting ([agenda here](#)), the Madison Plan Commission will be voting on it final approval next week. **Maybe it would be appropriate for you to inform them that your report was for industrial property and not for residential areas that must conform to more stringent standards.** I am concerned that your report will lead city decision makers to think that the Hartmeyer site is just fine for residential development, when you have not even addressed that. I would suggest that development needs to be postponed until you can do another ATSDR consultation for residential development

### [Hartmeyer Site Soil Exposure Pathway Soil](#)

All soil samples considered for exposure pathway evaluation were taken from the top 5 feet of soil present on the Hartmeyer site. Sample results were evaluated against industrial direct contact residual contaminant levels (RCLs)<sup>26</sup>, since the property is not located on residential property and is located adjacent to businesses. This indicates that the likelihood of someone regularly accessing the site and having high exposure to the soils at high levels each day is low. Please note that these values only apply to the top 5 feet of soil, since likelihood of any direct contact with soil more than 5 feet below the ground is unlikely.

The current vegetative cap should effectively prevent any incidental exposures to contaminated soil, and visitors to the land should not be digging in the soil for any reason. Individuals should thoroughly wash their hands with soap and clean water if they come in direct contact with the soil. Any workers that may come into contact with the soil should also wear gloves and avoid contact with soil. Following these recommendations should eliminate the cancer risks outlined above. Any future development on the land that opens potential exposure pathways to soil or groundwater would be required to be reviewed by DNR and DHS prior to approval to ensure that any potential exposures during or after action are appropriately mitigated.

### Recommendations, Conclusions, and Continuing obligations

The extent of vegetation and partial coverage by a parking lot at the site provide protection from exposure to arsenic and benzo(a)pyrene in the soil (Figure 11) and the associated cancer risks outlined above. In addition to vegetation and a partial parking lot/road, a railway is also present which creates a cap to any remaining contamination resulting from Closed Site #2. The conditions of case closure set out for Closed Site #2 required that the site be listed on the Remediation and Redevelopment Program's GIS Registry for the following reasons:

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Groundwater contamination is present above Chapter NR 140 enforcement standards

Therefore, current information indicates soil contaminants on site do not represent a public health hazard. Given the open site status and continuing obligations, any future development that opens potential exposure pathways to soil or groundwater contamination would be required to be reviewed by DNR, with DHS consulted as needed.

Currently, there are no known activities planned on the site that would result in disruption of the existing barriers (parking lot, vegetation, etc.). Several precautionary recommendations may be considered to ensure future exposures to soil-borne contaminants do not become a concern. The addition of fencing and/or signage would be beneficial for discouraging people from playing or accessing the site for recreational or other purposes that may cause them to come into direct contact with the soil. Maintenance of the vegetation to avoid contact to bare soil is important to minimize exposure. As with any urban soils, background levels of PAHs are expected to be elevated, especially proximal to railways. To minimize exposure, anyone working with soil on site should follow best practices for avoiding exposures to contaminants in soil including wearing gloves, washing hands before eating, and avoid tracking potentially contaminated soil into homes following soil contact.

JIM POWELL  
Madison Environmental Justice  
mejo.us ~ 608.240.1485

On 11/29/2022 4:25 PM, Maria Powell (MEJO) wrote:

Thanks Nathan and your colleagues for all your hard work on this. This is a very complex site with so many documents and so much data to go through. I'm sure it was tons of work!

I look forward to reading the final document, but just glanced over the section on Hartmeyer and saw: "*Currently, there are no known activities planned on the site that would result in disruption of the existing barriers.*"

Perhaps you aren't aware that developers are proposing 550+ units of senior and affordable housing at Hartmeyer, on top of the most contaminated area. The development proposals are going through the city approval process right now. This will of course involve disruption of the soils and the shallow groundwater, which is likely very contaminated (based on soil data) but has only been sparsely tested and not for certain contaminants that are likely there (arsenic, other metals, benzo(a)pyrene, and more). Chlorinated compounds were barely tested. As your report notes, "*there is no recent data to indicate the status of groundwater contamination on the site.*"

As you know, assessing contaminants in shallow groundwater is important to assessing risks. The water there is very shallow (it is a wetland) and will rise during flooding. During construction, dewatering will likely be needed, and once apartments are built, lower floors will probably need to be sump-pumped regularly and released somewhere. If this water is contaminated, workers and people living there could be exposed via many routes. There also could be vapor intrusion risks.

Finally, a comment and a question: The proposed development means that all of the industrial RCLs used in past investigations and referred to in this section are now moot--**residential RCLs apply. There are also several contaminants at the site. Given that, will DHS consider cumulative exposures, per this guidance, if this development goes forward?**

Thanks again for all your work on this. After I look through the report more carefully perhaps I will have more questions.

Maria

On 11/29/2022 2:21 PM, Kloczko, Nathan F - DHS wrote:

Hello, all.

Thank you for your patience as we incorporated feedback and expanded the assessment in response to your comments and questions. Attached is the final health assessment for the Oscar Mayer and Hartmeyer sites. Please forward as necessary to relevant parties. Feel free to reach out with any questions, I'm happy to discuss.

Thanks,  
Nathan

Nathan Kloczko, MPH  
(he, him, his)  
Site Evaluation Program Coordinator  
Bureau of Environmental and Occupational Health  
Division of Public Health | Wisconsin Department of Health Services  
1 W. Wilson Street, Room 150 | Madison, WI 53703

cell: 608.867.4448 | phone: 608.267.3227 | fax: 608.267.4853  
email: [nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)

**From:** [Jim Powell \(Madison Environmental Justice\)](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Pool  
**Date:** Wednesday, November 30, 2022 8:19:50 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Is anyone aware of the history of pools in affordable housing communities? The short answer is that the management company does not provide adequate life guards, security or supervision. The pools are often filled in with a few years because of recurring problems. The promise of a pool is false. **Promises, unless required through the approval process, usually do not materialize (this holds true for pools and gardens).** You only see this today--the reality can only be predicted by making this a condition of approval. Ask staff about pools at affordable housing projects. Wishful thinking should not drive your thinking.

I formerly ran the Northside Planning Council, so I can provide examples.

JIM POWELL

**From:** [Jim Powell \(Madison Environmental Justice\)](#)  
**To:** [Urban Design Comments](#)  
**Cc:** [Chris Elholm](#); [jargelander@yahoo.com](mailto:jargelander@yahoo.com); [Kester, Dolores](#); [Beth](#); [Maria Powell \(MEJO\)](#)  
**Subject:** Re: 2007 Roth Street  
**Date:** Wednesday, November 30, 2022 4:56:10 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Commissioners -

**The DHS health assessment study was done at the request of the Sherman Neighborhood Association; it comes very late in the process and is inadequate. You should delay taking up this matter because the suitability of this property for human habitation has not been established.**

My understanding is that you may hear from city staff tonight that the public health assessment report for industrial settings is not a problem; that when there is a change of use on a property (e.g. industrial to residential), the developer will be required to use the new residential cleanup standards. Of course, this assumes that such a heavily contaminated site can ever meet such standard. The issue before us is why is the government confounding the process by issuing health reports that are not even relevant to residential property, meaning the report has no practical value as to whether human can live in such a place (meaning it is a waste of time). The concern is that the developer--and yes, city staff--will use the language in the report to say there is no problem at the Hartmeyer site. Nothing could be further from the truth.

We are very familiar with the state redevelopment and remediation process. We have been through this many times before with numerous other sites. We have also reviewed all of the available investigations done at the Hartmeyer site so far and are aware of what was and what wasn't tested (and there are glaring gaps). We have sent several questions to DNR quiet awhile ago, several of which have yet to be answered. You can read more here: <https://mejo.us/corporate-behemoth-kraft-heinz-oscar-mayer-wants-to-cap-its-poisons-with-affordable-housing-part-i/>

The consultant Eric Oelkers from SCS told the community clearly at the community Zoom meeting a few weeks ago that DNR would not ask for any more data. We have also seen this stated in DNR documents.

We are all too familiar with the "redevelop to remediate" approach embedded in the RR regulations and process. We could list many reasons why it is not very protective of public or environmental health, especially among the most vulnerable people--and both ignores and creates environmental justice problems--but explaining this would require a very long email.

We see no reason why the DHS can't assess risks at Hartmeyer using the more protective residential standards (knowing that's the plan for the site) and encourage a more protective and precautionary approach to assessing this site, regardless of the highly problematic DNR RR process.

To repeat: **The DHS study was done at the request of the Sherman Neighborhood Association; it comes very late in the process and is inadequate. You should delay taking up this matter because the suitability of this property for human habitation has not been**

**established.**

Thank you

JIM POWELL  
Madison Environmental Justice  
mejo.us ~ 608.240.1485

**From:** [Marsha Rummel](#)  
**To:** [Urban Design Comments](#)  
**Cc:** [John Abbas](#); [Stouder, Heather](#)  
**Subject:** 2007 Roth St Legistar 73564 and 73565  
**Date:** Wednesday, November 30, 2022 4:13:17 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Greetings UDC members-

I've reviewed the plans, public comment, and staff report. The public has raised serious concerns about environmental hazards about the site that the public record does not answer.

I understand the Plan Commission is the body who will take up CU standard #1: "The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare."

I know CU #1 is not technically UDCs purview but it strikes me to be, by definition, a fundamental component of CU standard #9: "**When applying the above standards to any new construction of a building** or an addition to an existing building the Plan Commission shall find that the project creates an environment of sustained aesthetic desirability compatible with the existing or intended character of the area and the statement of purpose for the zoning district. In order to find that this standard is met, the Plan Commission may require the applicant to submit plans to the Urban Design Commission for comment and recommendation."

While I know UDC's recommendations on design generally improve projects and the need for affordable senior housing and family housing is real, it seems to me that usually you assume the land the development is proposed for and surrounding area is habitable and safe for residents especially for the most vulnerable members. At this point, I am not confident we know enough about the site to say it is safe for people to live there, given DNR studies on testing used industrial standards, not residential standards.

It's important but it is not enough to tweak the design. I would respectfully ask you to address the unanswered questions about public health, safety and the general welfare in your findings on whether the project creates an environment of sustained aesthetic desirability and what the impact of the proposed heights in excess of what is allowed in the district given views and orientation of surrounding properties, streets and ROWs. We may have plans that show the desired future character of this area but this project is the pioneer and we need to get it right.

I don't believe the public interest is met without further study of environmental hazards.

Thank you for your service-

Marsha Rummel  
1029 Spaight St

**From:** [Maria Powell \(MEJO\)](#)  
**To:** [Urban Design Comments](#)  
**Subject:** comments on agenda items #7 and 8 tonight  
**Date:** Wednesday, November 30, 2022 3:25:30 PM

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Urban Design Commissioners:

Please vote no on 2007 Roth Street approvals. I know contamination is not your purvue, but this is not a healthy place for anyone to live, and that is your purvue. Approving housing for seniors and low income people at this location is knowingly creating an egregious environmental injustice situation.

You have already received the Wisconsin Department of Health Services/ATSDR report on the Hartmeyer and Oscar Mayer properties. The DHS used inappropriate industrial standards in the risk assessments--not the appropriate non-industrial or residential standards. Still, in the Hartmeyer section of the report, the DHS concluded the below about the levels of arsenic and benzo(a)pyrene in soils at the site. These cancer risks are likely underestimated for a number of reasons, including the fact that the DHS didn't have data on many of the other toxic contaminants that are likely there or important exposure routes.

*"We also investigated cancer risk from these concentrations. The cancer risk from benzo(a)pyrene assuming the same exposure above for children from birth to 21 was  $5.3 \times 10^{-6}$ , or 5 cases of cancer per 1,000,000 individuals, which just **exceeds the cumulative carcinogenic PAH target excess cancer risk threshold of  $1 \times 10^{-6}$** .<sup>29</sup> The potential risk of cancer-related health effects due to exposure to arsenic was  $2.0 \times 10^{-5}$ , or 2 cases of cancer per 100,000 persons, for individuals exposed from birth to age 21, **which is above the acceptable excess cancer risk of  $1 \times 10^{-6}$  outlined in NR 720.12(1)(a)**. With this risk being above the acceptable margin, it is important to follow **safe recreation guidance, outlined below**, to minimize direct contact with the soil—this will reduce exposure and decrease cancer risk.*

*The current vegetative cap should effectively prevent any incidental exposures to contaminated soil, and **visitors to the land should not be digging in the soil for any reason. Individuals should thoroughly wash their hands with soap and clean water if they come in direct contact with the soil. Any workers that may come into contact with the soil should also wear gloves and avoid contact with soil. Following these recommendations should eliminate the cancer risks outlined above. Any future development on the land that opens potential exposure pathways to soil or groundwater would be required to be reviewed by DNR and DHS prior to approval to ensure that any potential exposures during or after action are appropriately mitigated.***

Thank you,

Maria Powell, PhD  
Madison Environmental Justice Organization  
1311 Lake View Ave., Madison WI

**Would you live here? Would you want your parents or your children to live here?**



**From:** [fae dremock](#)  
**To:** [Urban Design Comments](#); [Benford, Brian](#)  
**Subject:** Comments items 7 and 8  
**Date:** Wednesday, November 30, 2022 1:16:03 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The area being considered for low-income development is **highly** contaminated from years of use as a factory— arsenic, chlorinated compounds etc.

The land would require substantial recovery, remediation, and soil removal for residential safety— and given the depth and breadth of contamination, the construction process itself in addition to cleanup would be problematic and highly expensive.

Situating low-income housing in such a contaminated area or nearby would be essentially redlining the area— sayin that it's ok to put poor people on soil that would seriously damage their health and the health of their children.

The site requires an in-depth study of the area, a solid plan for complete remediation, and a solid plan to prevent further drift you toxins into surface water and groundwater. This is not a project to rush any approval on.

Our need for affordable housing does not mean we can approve housing that's begins as a health hazard to the people living there.

Fae Dremock

**From:** [Diane M Samdahl](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Items #73564 and #73565/ Hartmeyer development  
**Date:** Wednesday, November 30, 2022 12:04:47 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Please vote NO and stop this development's encroachment into the small but important Hartmeyer wildlife area.

Don't be hypocritical—the Council declares its commitment to ecological concerns when it suits them (eg electric vehicles); stand by those same principles by voting No on development that threatens the few remaining natural spaces in the city.

We Northsiders feel like you are sacrificing us and the nicer features of our community for projects that could exist elsewhere or could be designed with more respect for environment. Take our desires and opinions seriously. Do not sacrifice the Northside to developers. Vote No on #73564 and #73565.

Diane Samdahl  
Madison

**From:** [Jim Powell \(Madison Environmental Justice\)](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Fwd: Oscar Mayer Health Assessment - Final [and proposed Hartmeyer development]  
**Date:** Tuesday, November 29, 2022 8:44:04 PM  
**Attachments:** [vDDOP6O05SadOevO.png](#)  
[4gc87FBPsOhC6M2J.png](#)  
[0F6Wnm1umhPupgAp.png](#)  
[ScfBXWrERQe0KRSA.png](#)  
[DcYXPatNc44S9cRT.png](#)  
[2022.11.28.Oscar\\_Mayer\\_PHA\\_Final.pdf](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Commissioners -- Contamination, pollution, public health and environmental justice may not be part of your purview but it is important. Please delay action of this proposal until all these concerns are addressed by the appropriate agencies. State agencies apparently have been evaluating the condition of 2007 Roth Street, using industrial standards, not residential standard; the difference is quite dramatic and could be catastrophic to residents if not addressed and remediated. **Please read the message to the Mayor below.**

----- Forwarded Message -----

**Subject:** Fwd: Oscar Mayer Health Assessment - Final [and proposed Hartmeyer development]

**Date:** Tue, 29 Nov 2022 20:35:56 -0600

**From:** Jim Powell (Madison Environmental Justice) <[jjimpowell@mejo.us](mailto:jjimpowell@mejo.us)>

**To:** Mayor <[mayor@cityofmadison.com](mailto:mayor@cityofmadison.com)>, Mary Bottari <[MBottari@cityofmadison.com](mailto:MBottari@cityofmadison.com)>, Baumel, Christie <[CBaumel@cityofmadison.com](mailto:CBaumel@cityofmadison.com)>, Jessica Price <[jprice2@cityofmadison.com](mailto:jprice2@cityofmadison.com)>

**CC:** Stouder, Heather <[HStouder@cityofmadison.com](mailto:HStouder@cityofmadison.com)>, All Alders <[allalders@cityofmadison.com](mailto:allalders@cityofmadison.com)>, Maria Powell (MEJO) <[mariapowell@mejo.us](mailto:mariapowell@mejo.us)>

Dear Mayor:

Today the Wisconsin Department of Health Services released its public health assessment for the Hartmeyer and Oscar Meyer sites (attached). I have read the Hartmeyer site section and the author used industrial standards throughout, seemingly unaware that residential development is currently proposed at 2007 Roth Street. [The Urban Design Commission takes it up Nov. 30 and the Plan Commission on Dec. 5.] See my message to the author--Nathan Kloczko of WDHS--below. It took him perhaps two years to write this report that Sherman neighborhood residents have been patiently waiting for and he did it with industrial standards as his basis; it is reasonable to expect that it will take him quite a long time to rewrite this report with residential standards in mind. How can the 2007 Roth Street housing development proposal move forward when there is no basis to know how contaminated the site is for people, rather than industry? **It seems appropriate to delay consideration of this development until complete public health, safety and environmental review can be performed by the appropriate state agencies; future residents deserve no less.**

Thank you.

JIM POWELL  
Madison Environmental Justice  
mejo.us ~ 608.240.1485

----- Forwarded Message -----

**Subject:** Re: Oscar Mayer Health Assessment - Final

**Date:** Tue, 29 Nov 2022 19:59:24 -0600

**From:** Jim Powell (Madison Environmental Justice) <[jjimpowell@mejo.us](mailto:jjimpowell@mejo.us)>

Not only is there a proposed development on the site, the Madison Urban Design Commission will be taking up that proposal tomorrow, November 30, at its meeting ([agenda here](#)), the Madison Plan Commission will be voting on it final approval next week. **Maybe it would be appropriate for you to inform them that your report was for industrial property and not for residential areas that must conform to more stringent standards.** I am concerned that your report will lead city decision makers to think that the Hartmeyer site is just fine for residential development, when you have not even addressed that. I would suggest that development needs to be postponed until you can do another ATSDR consultation for residential development

## Hartmeyer Site Soil Exposure Pathway Soil

All soil samples considered for exposure pathway evaluation were taken from the top 5 feet of soil present on the Hartmeyer site. Sample results were evaluated against industrial direct contact residual contaminant levels (RCLs)<sup>26</sup>, since the property is not located on residential property and is located adjacent to businesses. This indicates that the likelihood of someone regularly accessing the site and having high exposure to the soils at high levels each day is low. Please note that these values only apply to the top 5 feet of soil, since likelihood of any direct contact with soil more than 5 feet below the ground is unlikely.

The current vegetative cap should effectively prevent any incidental exposures to contaminated soil, and visitors to the land should not be digging in the soil for any reason. Individuals should thoroughly wash their hands with soap and clean water if they come in direct contact with the soil. Any workers that may come into contact with the soil should also wear gloves and avoid contact with soil. Following these recommendations should eliminate the cancer risks outlined above. Any future development on the land that opens potential exposure pathways to soil or groundwater would be required to be reviewed by DNR and DHS prior to approval to ensure that any potential exposures during or after action are appropriately mitigated.

## Recommendations, Conclusions, and Continuing obligations

The extent of vegetation and partial coverage by a parking lot at the site provide protection from exposure to arsenic and benzo(a)pyrene in the soil (Figure 11) and the associated cancer risks outlined above. In addition to vegetation and a partial parking lot/road, a railway is also present which creates a cap to any remaining contamination resulting from Closed Site #2. The conditions of case closure set out for Closed Site #2 required that the site be listed on the Remediation and Redevelopment Program's GIS Registry for the following reasons:

- Residual soil contamination exists that must be properly managed should it be excavated or removed.
- Groundwater contamination is present above Chapter NR 140 enforcement standards

Therefore, current information indicates soil contaminants on site do not represent a public health hazard. Given the open site status and continuing obligations, any future development that opens potential exposure pathways to soil or groundwater contamination would be required to be reviewed by DNR, with DHS consulted as needed.

Currently, there are no known activities planned on the site that would result in disruption of the existing barriers (parking lot, vegetation, etc.). Several precautionary recommendations may be considered to ensure future exposures to soil-borne contaminants do not become a concern. The addition of fencing and/or signage would be beneficial for discouraging people from playing or accessing the site for recreational or other purposes that may cause them to come into direct contact with the soil. Maintenance of the vegetation to avoid contact to bare soil is important to minimize exposure.

As with any urban soils, background levels of PAHs are expected to be elevated, especially proximal to railways. To minimize exposure, anyone working with soil on site should follow best practices for avoiding exposures to contaminants in soil including wearing gloves, washing hands before eating, and avoid tracking potentially contaminated soil into homes following soil contact.

JIM POWELL  
Madison Environmental Justice  
mejo.us ~ 608.240.1485

On 11/29/2022 4:25 PM, Maria Powell (MEJO) wrote:

Thanks Nathan and your colleagues for all your hard work on this. This is a very complex site with so many documents and so much data to go through. I'm sure it was tons of work!

I look forward to reading the final document, but just glanced over the section on Hartmeyer and saw: "Currently, there are no known activities planned on the site that would result in disruption of the existing barriers."

Perhaps you aren't aware that developers are proposing 550+ units of senior and affordable housing at Hartmeyer, on top of the most contaminated area. The development proposals are going through the city approval process right now. This will of course involve disruption of the soils and the shallow groundwater, which is likely very contaminated (based on soil data) but has only been sparsely tested and not for certain contaminants that are likely there (arsenic, other metals, benzo(a)pyrene, and more). Chlorinated compounds were barely tested. As your report notes, "*there is no recent data to indicate the status of groundwater contamination on the site.*"

As you know, assessing contaminants in shallow groundwater is important to assessing risks. The water there is very shallow (it is a wetland) and will rise during flooding. During construction, dewatering will likely be needed, and once apartments are built, lower floors will probably need to be sump-pumped regularly and released somewhere. If this water is contaminated, workers and people living there could be exposed via many routes. There also could be vapor intrusion risks.

Finally, a comment and a question: The proposed development means that all of the industrial RCLs used in past investigations and referred to in this section are now moot--**residential RCLs apply. There are also several contaminants at the site. Given that, will DHS consider [cumulative exposures, per this guidance](#), if this development goes forward?**

Thanks again for all your work on this. After I look through the report more carefully perhaps I will have more questions.

Maria

On 11/29/2022 2:21 PM, Kloczko, Nathan F - DHS wrote:

Hello, all.

Thank you for your patience as we incorporated feedback and expanded the assessment in response to your comments and questions. Attached is the final health assessment for the Oscar Mayer and Hartmeyer sites. Please forward as necessary to relevant parties. Feel free to reach out with any questions, I'm happy to discuss.

Thanks,

Nathan

Nathan Kloczko, MPH

(he, him, his)

Site Evaluation Program Coordinator

Bureau of Environmental and Occupational Health

Division of Public Health | Wisconsin Department of Health Services

1 W. Wilson Street, Room 150 | Madison, WI 53703

cell: 608.867.4448 | phone: 608.267.3227 | fax: 608.267.4853

email: [nathan.kloczko@dhs.wisconsin.gov](mailto:nathan.kloczko@dhs.wisconsin.gov)



**From:** [Hannah Lee](#)  
**To:** [Urban Design Comments](#)  
**Subject:** 2007 Roth Street  
**Date:** Tuesday, November 29, 2022 7:58:57 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

The depths to which the city will stoop to throw up 'affordable' housing never ceases to amaze. The project at S. Park & Cedar St., for example: 5 floors of apartments, none of which has a balcony! Prescription for a future Cabrini Green. Deplorable.

Same can be said if this proposal. Yet another instance of the failure of the comfortable folks in charge to consider that aesthetics might be a consideration in deciding where to put poor people.

This plan is not ready for prime time.

--

Hannah

I march to a different kettle of fish

**From:** [Monica H](#)  
**To:** [Urban Design Comments](#)  
**Subject:** re: Nov. 30, 2022 agenda item 73565  
**Date:** Tuesday, November 29, 2022 6:37:14 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Hello,

I would like to register my disappointment with the design for this project. The mass and landscaping are more appropriate for a hotel, not a family-centered development. I recognize the need for affordable family housing, and developer costs of scale in building affordable housing, but kids deserve better than unfriendly, unwelcoming design and sharing walls with a parking garage. The exterior perspectives show nothing of the side with the parking garage (why not?), and nothing related to play. Can the parking be placed underground? Can the hardscaping and landscaping be less angular, more interactive (benches, resident gardening areas)? What play structures will there be? Could the building be less flat, so that the courtyard areas produce less echoing/noise when kids are playing?

Thank you for considering and not undervaluing good design for all families regardless of income.

Monica Harkey  
1826 Helena St  
Madison WI



**From:** [Jim Powell \(Madison Environmental Justice\)](#)  
**To:** [Urban Design Comments](#)  
**Cc:** [Myadze, Charles](#); [Abbas, Syed](#); [Benford, Brian](#)  
**Subject:** Comments re: 2007 Roth Street 553 unit affordable housing development proposal at Oscar Mayer  
**Date:** Tuesday, November 29, 2022 6:21:00 PM  
**Attachments:** [CR4FxJTIs1tNOQtf.png](#)  
[1WWAlwITvEQFbDIO.png](#)  
[MfNJ5OXaypsZ6aIG.png](#)  
[TN0ZxoGx2FYIftev.png](#)

Caution: This email was sent from an external source. Avoid unknown links and attachments.

Dear Commissioners:

Would you rent an apartment or buy a home with this in your backyard? Would you want your parents to live here? Your children?



Tomorrow night you will decide whether to recommend approval of a proposal for six-story senior and "affordable" apartments (553 units total) across the railroad tracks from the old Kraft Heinz (Oscar Mayer) factory. The proposed development site and the old factory site are very contaminated with petroleum compounds, arsenic, chlorinated compounds, and many other poisons. The land to be developed is currently owned by Kraft Heinz, the 5th largest food company in the world, which (along with Oscar Mayer) contaminated the land for decades before leaving Madison in 2017. Now Kraft Heinz will not only make more money from developing the land--but the corporation would love to cover up is toxic mess with low income

housing.

The Urban Design Commission was asked by city staff to consider "consistency with the adopted plan recommendations, and Conditional Use review and approval criteria, especially those that speak to creating ‘...*an environment of sustained aesthetic desirability,*’ and provide an advisory recommendation to the Plan Commission giving consideration to the below items, among others:

- Building Height, Massing, Orientation, and Street Activation. As noted in the adopted plans, maintaining a strong building orientation to the street with pedestrian-scale design elements is desired. As proposed Huxley Street frontage is largely comprised of open space, parking and a drop-off Porte Cohere. Staff requests the Commission make findings and provide a recommendation on the overall building orientation and street level activation along the street facing elevations, and incorporating human-scale design elements in the building design at the street level.
  - ***Our response: The proposal itself may have positive elements but it will be next to an active railroad and facing the abandoned industrial factory hellscape that is Oscar Mayer which has no "human-scale design elements," which will still be there if this project is built. Is this “an environment of sustained aesthetic desirability”? Is this an environment people should live in?***
- Landscape Plan. Staff requests the UDC review and provide a recommendation related to the overall landscape plan and planting schedule both as it relates to the rooftop deck amenities, as well as the at-grade landscape. Consideration should be given to the landscape treatment of these spaces, especially as it relates to ensuring privacy for units located adjacent to the public spaces, providing shade and softening the hardscape areas, as well as providing year-round color and texture.
  - ***Our response: Is this an environment people should live in? While the proposal may have good elements, residents will be living next to an active railroad, over contaminated soils and groundwater, and facing an abandoned factory with heavily polluted land and groundwater. Is this “an environment of sustained aesthetic desirability”? Should people be condemned to live in such a place because of their income?***

***Ask yourself: Would you live here? Would you want your parents to live here? Your children? If the answer is "no," how can you approve this housing for low income people and seniors? If the city approves low income housing at this location, it is knowingly creating a glaring environment injustice.***

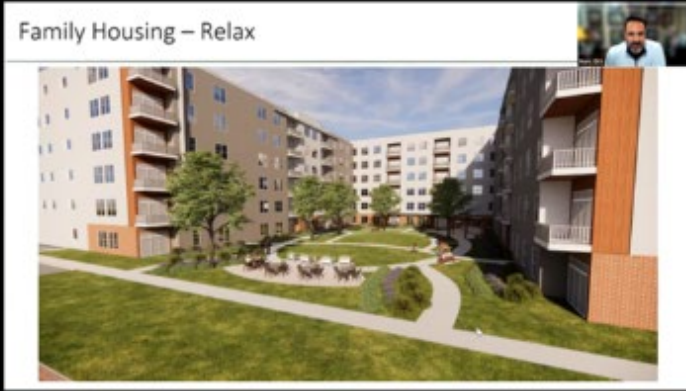
*More photos below:*

Family relax area, on the east side of the family complex (see below), looks right out to the factory

Home

Search

### Family Housing – Relax



Guest Meetings

Share Channel

Help

Sign In

Meeting Basics

This meeting is being recorded. It is a public record subject to disclosure. By participating in this meeting, you are consenting to audio, video and document recording and the information gathered may be made available to the public. For more information, please visit [www.maryland.gov](#).

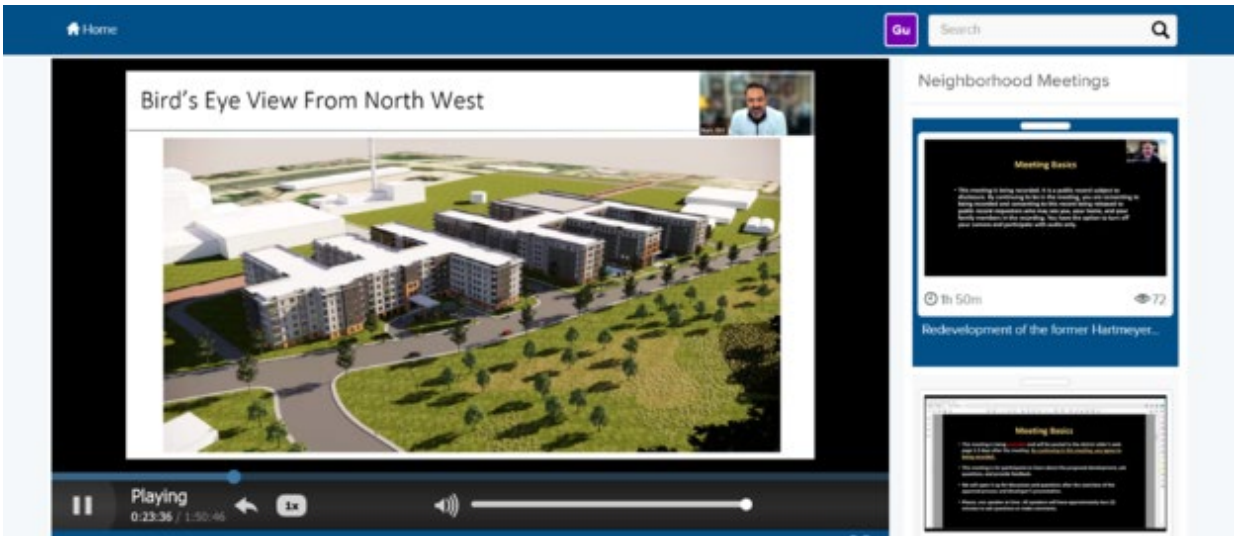
1h 50m 72

Redevelopment of the former Hartmeyer...

Meeting Basics

This meeting is being recorded. It is a public record subject to disclosure. By participating in this meeting, you are consenting to audio, video and document recording and the information gathered may be made available to the public. For more information, please visit [www.maryland.gov](#).





JIM POWELL  
Madison Environmental Justice  
mejo.us ~ 608.240.1485

>>(((°>`.....`~`.....>>(((°>`.....`~`.....>>(((°>  
<x(((°>`.....`~`.....>>(((°>`.....`~`.....>>(((°>  
>>(((°>`.....`~`.....>>(((°>`.....`~`.....>>(((°>  
Laws change; people die; the land remains.

**From:** [Chris Elholm](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Legistars 73564 and 73565 2007 Roth St: OPPOSITION  
**Date:** Tuesday, November 29, 2022 3:18:28 PM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

UDC,

First of all, I'm a long-time board member of the Sherman Neighborhood Association (SNA). I would like to indicate my full support for all the points raised by northside resident and SNA co-chair Jennifer Argelander in her letter to UDC included with the November 30 agenda.

I'm opposed to both proposed high density "affordable housing" apartment buildings that will total 550 units as well as 800+ parking spaces. No regard has been given to the real and alarming dangers of exposing contaminants during the building process and the potential lingering effects residents might be exposed to. This concern is very real given the size/density of the buildings. Additional areas of concern include the less than adequate attention paid to car and train traffic, access to public transportation, where children living in the family units will attend school and transportation to school. AND I believe the future of the adjacent wetland that we have fought so hard to protect would be doomed with building on hydric soil and the dewatering that will inevitably take place.

I say I OPPOSE loudly to a recommendation to the Planning Commission to approve conditional use permits for the developer to move ahead. Thank you, Chris Elholm

**From:** [Robert Entwistle](#)  
**To:** [Urban Design Comments](#)  
**Subject:** Roth Street Proposed Development  
**Date:** Tuesday, November 29, 2022 10:40:13 AM

---

Caution: This email was sent from an external source. Avoid unknown links and attachments.

I support the development planned for this site. The city needs affordable and senior housing.

Robert Entwistle  
2709 Center Ave.  
Madison, WI 53704

Sent from [Mail](#) for Windows