

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

Sen. Agard, Sen. Roys, Rep. Baldehy 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)²⁶, 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
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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)
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