

From: [Jon Becker](#)
To: [All Alders](#)
Cc: [Jon Becker](#)
Subject: Memo on PFAS liability risk: Item 33 Number 86464 A
Date: Tuesday, January 14, 2025 3:49:40 PM

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TO: Madison City Council
FROM: Jon Becker
DATE: 14 January 2025
SUBJECT: PFAS liability risk: Item 33 Number 86464 A resolution approving plans for the Imagination Center at Reindahl Park and authorizing the City to advertise for and receive bids for construction.

[Apologies for the late submission of this memo. Due to a 40% rent increase by a price-gouging landlord during the pandemic, I had to use much of 2023-24 to stabilize my housing. Just getting caught up now.. Attached, for new alders, a fiscal analysis of the Imagination Center, provided to the council and selected relevant city committees, in 2022. Even though design work has proceeded, the city likely could still save millions by co-siting a Pinney/Sequoia-like library and affordable housing (mixed use) facility near Reindahl Park, rather than in it.]

The advertised bids mentioned in Item 33 Number 86464 should include a requirement that the successful contractors will guarantee public safety with regard to PFAS and other known soil, water, or airborne pollutants that may be mobilized by construction of the Imagination Center within the proposed site.

Thanks to groundwater testing done by the Madison Metropolitan Sewer District (MMSD), it is known that the shallow ground water just west of the proposed site of the Imagination Center within Reindahl Park has been contaminated by PFAS.

Reindahl Park covers most of the wellhead protection zone for Madison municipal Well #15. Located in the park south of the proposed Imagination Center site, Well#15 has been shut down because of PFAS and VOC contamination, both of which MWU plans to mitigate in 2025 toward restoring use of the well for drinking water. Most of this contamination is almost certainly flowing underground beneath the park from the regional county airport to the northwest. Some surface soil contamination may also be the result of deposition of airborne pollutants from airplanes using that airport.

Preferential flow is the movement of fluids (gas or liquid) along pathways that may occur naturally or be manmade. E.g., in the Madison area and elsewhere, preferential flow of gas from landfill sites along pipes or trenches has resulted in offsite explosions. It has been speculated that pollution of deep aquifers has sometimes occurred as a result of fluid traveling along manmade wells, some which were improperly sealed.

In recent years, the soils within Reindahl Park, and across county land to the north, were disturbed during construction of a MMSD reliever pipe, trenched 40'd x 40'w. Despite repeated requests from the public, MMSD did not treat effluent from the dewatering of the ground during trenching, nor did they control construction soil to avoid airborne dispersion of PFAS or other pollutants or irritants to nearby residences, community gardens, and park facilities used by the public. MMSD did use bentonite to seal junctions in the sewer reliever pipe, reportedly to reduce their potential liability from PFAS intrusion into sewage that could contaminate the MMSD treatment facility or its effluent or biosolids.

Later, between the MMSD trench line and the proposed Imagination Center's site, dozens of soil cores were drilled for testing of the soils within the park. This work was paid for by Madison Library, to test for suitability of soils with respect to the foundations of the Imagination Center. This drilling took place before the Center and its site were approved.

Despite repeated concerns expressed by the public, during the pandemic, the cores from this drilling were not tested for PFAS and other contaminants, to determine if public safety would be at risk if this site was approved for construction. This testing could have been done in aggregate, as requested by the public.

A test well hundreds of feet deep was drilled, under contract to the city's engineering department, within the proposed yet still unapproved Imagination Center site, to explore feasibility of a proposed geothermal facility*. Such a facility would require dozens of wells to be drilled hundreds of feet deep within the Center's proposed site (which, again, is within Well#15's wellhead protection zone. Despite requests from the public, neither the water nor the soil from this exploratory well was tested for PFAS.

Repeated requests for soil sampling and testing having been ignored:

I contacted the State of WI Hygiene Lab, and followed their instructions for collecting an aggregate sample of surface soils sample, from disturbed surface soil remains at the exploratory well site, from and another undisturbed soil site close to the Reindahl Park shelter. I am a trained researcher, and the protocols were simple to follow.

I paid \$700 for the Lab to test the soil for PFAS. I then sent the Lab's analysis to two agencies in two states that regulate PFAS: NJ (water) and ME (water and soil). Staff confirmed that the levels reported in the Lab's analysis were lower than current regulatory levels. However, ME staff advised stated that they were already planning to strengthen regulatory limits on PFAS in soil (news reports indicate that ME is very concerned about the impacts PFAS from sewage biosolids spread on farm fields, affecting both livestock and plant products.). Staff from both states also indicated that the known PFAS ground and surface water contamination at and nearby the proposed site for the Imagination Center, as well as the proposed construction site's proximity to existing or future in-park facilities (playing fields, community gardens, playgrounds, etc.) indicated the need for more extensive testing, including and dewatering or soil disturbance.

(Oddly, one state agency's staff stated that the WI Hygiene Lab was not certified to analyze PFAS contamination in soil. When I reported this to the Lab, and requested a refund of the \$700 fee, they said they were indeed certified, and they refused to refund the \$700.)

According to the UW-Madison's leading expert on vertical geothermal facilities, there has been no research of preferential flow impacts on groundwater or soils. I then contacted a team of Italian researchers who have published results of lab testing regarding the use of bentonite to prevent preferential flow at pipe joints. I was unable to get a statement from them regarding the feasibility of preventing preferential flow in the field along the hundreds of feet that comprise a deep vertical geothermal facility's well system. I also was unable to get an answer from the lead scientist to this question: Would it be possible to get permission in the European Union to build a deep vertical geothermal facility in contaminated site like those for the Reindahl? I strongly suspect not.

I urge the council to require that advertised bids for Imagination Center (and any other proposed municipal facilities with geothermal systems, whether deep vertical or horizontal), include a requirement that all successful bidders will guarantee public safety from PFAS and other known soil, water, or airborne pollutants that may be mobilized by construction within the proposed site. Requiring bonding against this risk also seems advisable.

Also, I request analysis of the Imagination Center site proposal for public safety risk, by

* state staff (or experts they identify) of states regulating PFAS soil, water, and air pollution

* authorities/experts operating under the aegis of the European Union

Meanwhile, other sites for the Imagination Center should be considered.

NOTE:

Much risk could have been avoided, if the Imagination Center would have been sited east of E Washington Avenue, as recommended by the library's own 2016 long-term facility planning document, on the basis of maximizing equity and socioeconomic outcomes. That would have also saved millions, because a free site was offered to the city, but refused. And it would have prevented the felony-level arboricide of dozens of trees in the only old growth woods in Reindahl Park, where the MMSD trench was mapped by parks personnel, despite alternatives. Parks director Knepp has refused to identify the responsible staffer/s, and has provided several different rationales that do not hold water.

A similar deep vertical geothermal system has also been proposed for the men's shelter facility being built between the airport and Reindahl Park, a site proximate to Well #15 wellhead protection zone. This site is also likely over the underground PFAS pollution plume from the regional airport, which is located across HWY 51. A geothermal well has also been proposed for a proposed facility at Garver Park, where a TCE plume has already proved problematic for a different municipal well.

Tenney Park Pavilion (2012)

\$1 million

Pinney Public Library (2020)

\$10.6 million (including \$3.2 million for purchase of condo space)

In 2022 dollars (inflation-adjusted)

\$ 1,290,434	Tenney Park Pavilion
+ <u>12,134,436</u>	Pinney Public Library
\$ 13,424,870	Total

Despite potential shared facility amenities (e.g., restrooms)

> \$16,000,000	Imagination Center (library + pavilion) as proposed	9/6/22 in mayor's FY23 capital budget
\$ 1,720,000	Imagination Center first year operational budget as proposed, incl. 4 security positions	

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Madison's Condo Style Public Libraries

2021 Net Municipal Revenues

Pinney Public Library [521-523 Grand Oak Tr.]

\$ 233,662	Property taxes from Royster Commons private units (after credits)
+ <u>29,785</u>	Options in Community Living ~ Payment in Lieu of Taxes (PILOT)
263,447	Municipal Revenues
- <u>39,000</u>	Royster Commons Area Fee paid by Pinney PL
\$ 224,447	Net Municipal Revenues

Sequoia Public Library [555 S. Midvale Blvd.]

\$ 349,524	Property taxes from Sequoia Commons private units (after credits)
- <u>78,156</u>	Sequoia Commons Area Fee paid by Sequoia PL
\$ 271,368	Net Municipal Revenues

Sequoia and Pinney condo data are from City of Madison:
David Schmiedicke, Finance director
Matt Mikolajewski, DPCEd Economic Development director

From: markklein59@icloud.com
To: [All Alders](#)
Subject: Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Imagination Center at Reindahl Park. (District 12)
Date: Saturday, January 11, 2025 7:03:34 PM

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I would like the Common Council to postpone voting on:

Agenda Item 33.

File #: 86464

Version: 1

Approving plans and specifications and authorizing the Board of Public Works to advertise and receive bids for Imagination Center at Reindahl Park. (District 12).

Postponement until there is public testimony from the Parks Superintendent as regards:

1. Why was this site chosen without public input?
2. Why did they insist on this site?
3. Why was the decision made?
4. Who was aware of the unique and undemocratic process that allowed evasion of public input?

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