

Remarks by Michael Kienitz to the Madison Urban Design Commission June 8, 2011

Prior to any construction at the proposed site a thorough site characterization should be done. Any proposed development should also present the findings of a full level 2 environmental impact statement to the public. More than 17,000 Madisonians receive their daily drinking water from directly below the proposed development which is served by Madison Municipal well #14. Liability for any degradation to our drinking water due to construction or during the construction process, including demolition, should also be clearly defined and delineated prior to beginning construction. By the developer's own admission only a "limited" phase 2 site investigation has been done. The testing was conducted by URS, the same company that inspected the I 35 West Bridge in St. Paul Minneapolis and later paid out a five million dollar settlement for allegedly breaching its contract with the state of Minnesota and for being negligent in its study of the bridge's condition. The bridge collapse resulted in 13 fatalities during rush hour August 1, 2007.

The "limited phase 2 study" consisted of 15 soil borings on 14 plus acres of land. To my knowledge, adjacent land has not been inspected in this "limited" site characterization. As you may have recently read, vapor plumes that had been lying dormant for decades have begun appearing around homes near Madison Kipp Corporation on Madison's east side. Plumes may also be present on the Whitney Way and University Avenue site due to the high level of degreasers at the car lots, auto body shops, and gas stations that have existed there, or the 250 gallons of diesel fuel spilled 450 ft from the wellhead in December 1992. The proposed construction requires vast amounts of soil to be moved and excavated which can result in increased mobility of plumes and other potential pollutants which have been dormant. At this point no one has the evidence that the site is either hazardous or safe. But here is some information that I think indicates the city and the developer should be more prudent in their approach.

I've researched the area businesses which have existed there since 1958, two years prior to the activation of Madison Municipal Well #14. Many of these businesses, which would now be prohibited on a Well Head Protected Zone A*, could have polluted the soil—gasoline stations, auto body shops, furniture strippers, a printing press, clinic, Erdman's own early metal and wood fabrication for Techline, a plastics fabrication business, a paint and solvent warehouse, a 7UP bottling plant that serviced it's fleet of vehicles on the property, and a used car lot.

From the Capital City Courage—MFD book, page 38, **1976 NOTABLE ALARMS** (June 25): A ball of flame from a malfunctioning infra-red oven caused a \$225,000.00 fire that destroyed a building at 602 North Whitney Way which housed Industrial Finishing, Inc. a woodworking firm. This 40 by 200 foot building housed Industrial Refinishing Incorporated. The amount of water to fight the fire was so great that city water officials had to be notified to increase the water pressure. Five fire companies battled the fire with thirteen fire trucks...they also had to return hours later after it rekindled.

An interesting aside to this is that the same company which had the fire moved its business to Middleton under the name of Prefinished Millwork. They have subsequently been sited 4 times for EPA violations. Three other businesses either located or formerly located on the proposed development site, including Erdman, have also been listed by the EPA for being "potentially responsible parties" to a superfund clean up site in Middleton called the "Refuse Hideaway Landfill," EPA#WID980610604. The Wisconsin Department of Natural Resources (WDNR) closed the site under court order in 1988 when [VOLATILE ORGANIC COMPOUNDS \(VOCS\)](#) were discovered in private wells southwest of the site. In late 1988, the owner closed the landfill according to the Wisconsin Administrative Code, covering it with 2 feet of clay, 18 inches of general soil, and 6 inches of top soil, and seeding the cover. In January 1989, the owner declared bankruptcy. It was a landfill so toxic that virtually no activity has taken place there since and nearby land was turned into a park. A 300 home housing project was scuttled because of the pollution.

The cumulative environmental effect of the businesses formally located at Whitney Way and University Avenue in the Wellhead Protected Zone A area warrants a detailed site characterization and not a rush to meet deadlines imposed by the developer's client. The site still has two known underground storage tanks, Abandoned without product UST: 1,111-gallon leaded gasoline (Tank ID No. 273077) and Abandoned without Product UST: 1,111-gallon contents unknown (Tank ID No. 273078).

This proposed development should first focus on the health and well-being of the citizens most impacted by the development, the neighborhood. How could a digestive clinic dealing with health and medicine do otherwise?

Research exists which suggests that the elevated chromium 6 found in Well #14 could be attributable to some of the above mentioned businesses. (See [An Introduction to Characterizing Sites Contaminated with DNAPLS Prepared by The Interstate Technology & Regulatory Council Dense Nonaqueous Phase Liquids Team Sept. 2003.](#)) Well 14 is also monitored more frequently than most other city wells for VOCS. Readings at Well 14 indicate that while recently VOCS in our drinking water have been decreasing, chloride levels have jumped over 700% since the 1970s due to road salting. Well 14 has the highest percentage of sodium chloride of any well in Madison and exceeds the EPA guideline level. The well measured 34 milligrams while the guideline level is 20mg. This impacts those with high blood pressure: infants, young children, and those with weakened immune systems. A 2009 Dane County Health report states: "Madison's groundwater resources continue to show increasing trends in sodium and chloride levels. Groundwater moves slowly, so by the time contamination is a concern, a large volume of water has been affected. Contaminant levels will persist long after remedial action has been taken."

In a report by the Environmental Working Group, the level of chromium-6 discovered in a Well 14 served water tap was 1.58, the fourth-highest of the test results from 35 cities studied nationwide by the organization. Testing done after these findings by the city measured an even higher number of 1.79 ppb. To put this number in context, a proposed California safety standard is 0.02 ppb. The well also has a shallow casing which runs 117 feet down, leaving 598 more feet 22 inches wide uncased, allowing unfettered access by pollutants. Given its current budgetary problems, the city of Madison will be hard pressed to find funds to properly address well pollution. The difficulty in finding suitable areas for new wells in Madison is also well documented.

As a provider of health care the university should be keenly aware of the health implications and approach this project not with haste, but with concern for the more than 17,000 people who are receiving their daily drinking water from directly beneath the proposed site. The west side is already in need of another well, and large consumers of water such as breweries, clinics, and the proposed hotel will further tax the existing system.

A construction site risk manager stated to me that he would not recommend building on such a site because of the potential liability. When and if the university completes the "digestive clinic" the university must abide by the limitations placed upon medical research in a WHPA Zone A. A technical advisor for the Madison Water Utility has also confirmed that the potential pollution concerns are warranted during the construction phase.

Keep in mind that a WHPA Zone A designated area is a wellhead protected area whereby pollutants from above ground could enter the drinking water supply within five years or less. This entire development will be within the WHPA Zone A of Madison Municipal Well #14.

Regardless of imposed deadlines on the developer by the university the citizens of Spring Harbor and surrounding neighborhoods who rely on safe drinking water deserve a thorough site characterization prior to breaking ground. Let's not confuse issues. This is not about not wanting people to have jobs from this proposed development, and it is not about stopping this development. It is about insuring caution where caution is warranted. No civilization and no economy has sustained itself without clean ground water.