



Holtz and Krause Landfill “Success at Last”

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BACKGROUND

- Old municipal/industrial waste landfill commenced in 1957; licensed site under old WDNR code
- Significant WDNR litigation to force closure of site in late 1970s
 - *Holtz & Krause, Inc. v. Department of Natural Resources*, 85 Wis. 2d 198 (1978)
- Site was shut down but not included in early WDNR referrals to Superfund

WDNR'S EFFORTS

- After the early experience with Superfund, WDNR took another route
- Holtz and Krause Landfill – first experiment as a state-only cleanup site
- Followed Superfund by relying on a federal court Consent Decree
- Funding – significant WDNR contribution and allocation between hundreds of landfill users
- Site closed with intent to be used as recreational facility in mid-1990s

EFFORTS TO REUSE SITE

- Two earlier efforts to redevelop and transform the site failed
- Liability, liability, liability – was the primary issue combined with fear of the unknown
- Shell corporation with landfill property as asset; backlogged taxes and no productive use

RECENT EFFORTS

- Post-2009 – PRP committee brought back to life
- Plan developed for addressing open environmental issues – groundwater, gas
- Extension of VPLE program to remove liability impediment
 - Statute amendment
 - Conditions for obtaining Certificate of Completion
- End goal – termination of old Consent Decree; dissolution of PRP group

SUCCESS

- VPLE change allowed county to acquire the landfill property
- Local support for conversion of landfill area into a major sports center
 - Curling Club
 - 50-acre soccer complex
- WDNR support for conversion of landfill to a productive use

LESSONS LEARNED

- Landfills do not need to remain unused, unproductive land
- Brownfields tools aimed at addressing liability concerns (real/imagined) **are essential**
- Leaders with a vision at all levels – PRP, local government and WDNR are essential
- Willingness to develop a strategy “outside the box” if necessary

LESSONS LEARNED

- WDNR policy
 - Landfill perpetual care – nice concept, **not** reality
 - Promoting reuse incents transforming sites; avoids bankruptcy and a potential eyesore
 - Develop policies to allow for cash-outs of liability as an incentive for PRPs to act

THANK YOU!

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And many others

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