Holtz and Krause Landfill
“Success at Last”

M A R K A . T H I M K E
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 incentrestransforming 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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