



March 27, 2012

#7776

Paul Soglin, Mayor
City of Madison
210 Martin Luther King, Jr. Boulevard, Rm. 403
Madison, WI 537033345

Dear Mayor Soglin:

Thank you for sharing your concerns and suggestions regarding the contamination issues at and around the Madison Kipp Corporation (MKC) facility. I can assure you that we are equally concerned about the situation. Our efforts to resolve this matter with MKC include a team of experts from the City of Madison, Department of Justice and Department of Health.

The following is a summary of the steps we are taking to expedite the investigation, mitigation and remedial actions at the site, taking advantage of the items MKC has agreed to and the capabilities we have as the state agency responsible for contamination issues:

1. DNR will contract for and oversee the following:
 - A. Residential sub slab sampling and indoor air vapor samples at homes beyond the nine homes MKC has already sampled.
 - B. Installation of home mitigation systems based upon the results of MKC and DNR sampling.
2. MKC will proceed to implement the following tasks under our oversight and within specified deadlines:
 - A. Residential sub slab sampling and indoor air samples at nine homes where access agreements have been secured.
 - B. Active soil remediation which includes the current interim Soil Vapor Extraction System and the offsite excavation at the properties identified offsite soil vapor probe sampling.
 - C. Offsite shallow soil sampling.
 - D. Offsite shallow groundwater sampling.
 - E. On site shallow groundwater sampling.
 - F. Active groundwater remediation.
 - G. Deep groundwater investigation.
 - H. Offsite soil vapor probe sampling.

You also recommended adding a citizen participant to the negotiations with MKC to improve the neighborhoods acceptance of the actions at this site. I agree it is very important to do whatever we can to keep the impacted neighborhood informed of the decisions being made. That is why we have the team of experts that includes City staff. In addition, we have worked with Alderperson Rummel to have her facilitate neighborhood meetings to try to share information, and we have provided Representative Taylor with briefings on this matter. We also recently held an availability session on March 22nd to update the neighbors on the latest events, and have another session scheduled for March 27th. Furthermore, in order to keep people informed, we are maintaining a web page on the issue, providing information for a repository at the public library, and having DNR staff going door to door with your staff to update neighbors.

We are committed to sharing information and encouraging citizen input. We have discussed your request with the Department of Justice (DOJ). We were advised that generally, negotiations involving referrals to DOJ for enforcement are limited to the defendants, the Department and other involved governmental agencies in order to encourage an open dialogue between the State and the defense. In this case we have included your health department in the discussions on the investigation and remediation at the site. I can assure you we will continue to do what we can to share information, particularly with you and the neighborhood. If you have any other suggestions, we are open to discuss them with you and your staff.

Thank you again for sharing your concerns. Please have your staff continue to work with mine to resolve this difficult matter.

Sincerely,

Cathy Stepp
Secretary

cc: Representative Chris Taylor
Senator Mark Miller
Alder Marsha Rummel
Mark Meunier-Madison Kipp Corporation
Steve Tinker-DOJ



Office of the Mayor

Paul R. Soglin, Mayor

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MAR 14 2012

DNR
OFFICE OF THE
SECRETARY

March 9, 2012

Department of Natural Resources
Secretary Cathy Stepp
101 S. Webster Street, GEF 2
Madison, WI 53707-7921

Dear Secretary Stepp,

I write regarding the ongoing issues surrounding the soil vapor and water contamination caused by Madison Kipp Corporation. Last week, a public meeting was held by City of Madison Alder Marsha Rummel in coordination with Wisconsin Department of Natural Resources (WI DNR) and City of Madison staff. Representatives from my office, Madison Water Utility, City Engineering and Madison-Dane County Public Health attended the over two hour meeting. They report the environment at the meeting was hostile and, as a result, not particularly productive.

Two facts were plainly evident during the meeting. The first is that the neighbors surrounding Madison Kipp Corporation are extremely angry with the situation, particularly that the investigation and remediation of the problem has gone on for 17 years. Secondly, it appears that the neighborhood has lost trust in Madison Kipp and their contractors. It further seemed apparent that residents of the area are additionally losing trust in WI DNR.

I fully understand the frustrations of the neighboring residents. It is my hope that WI DNR will work with the affected neighbors to build back trust. I hope you agree that it is in everyone's best interest to determine the extent of the contamination as soon as possible and to move forward with appropriate remediation. The traditional process of having the responsible party coordinate and perform the investigation and remediation is not effective or appropriate in this situation. Madison Kipp has created too much distrust and the current legal actions brought against Madison Kipp are slowing every step to a crawl.

As an alternative, I think it is appropriate to have WI DNR take control of the more immediate aspects of the investigation and remediation. Specifically, I am requesting that WI DNR hire and direct contractors to:

1. Collect and analyze all off-site soil vapor sampling (both soil probes and sub-slab sampling).
2. Install vapor mitigation systems in homes where they are deemed necessary due to proximity to known contamination or the presence of excess PCE vapors.
3. Sample and remove contaminated soils outside Madison Kipp's boundaries, including the rain garden northeast of the Madison Kipp property.
4. Monitor shallow ground water at offsite wells for PCE and its breakdown products.
5. Delineate the vertical and horizontal extent of the groundwater plume.
6. Perform a remedial options study to evaluate the existing groundwater treatment system and identify additional options for treating the groundwater.

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Clearly, Madison Kipp must pay the costs for this work and I am confident that WI DNR can accomplish this through cost recovery.

I realize this is a departure from past practice at the WI DNR, but the current situation warrants this decisive action. Improvements in speed and transparency of action would go a long way in earning back the trust of the neighbors.

Finally, I urge you to consider adding citizen representation to the negotiation meeting involving Madison Kipp. The neighbor's demand for a voice in the process is legitimate and will help to ensure that future steps consider the needs of the neighborhood. If at all possible, the representation should come from someone who represents the households on Marquette and Waubesa Streets.

Thank you in advance for your prompt consideration of these requests. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. Soglin". The signature is fluid and cursive, with a prominent initial "P" and "S".

Paul R. Soglin
Mayor

PRS/kc

Cc: Representative Chris Taylor
Senator Mark Miller
Alder Marsha Rummel
Mark Meunier, Madison Kipp Corporation