

MEJO RESPONSES TO MADISON METRO'S SEPT. 16 MEMO TO FTA
November 24, 2020

BLACK TEXT--original text cut and pasted from [Sept. 16, 2020 Metro memo](#)

GREEN TEXT-- MEJO's responses

Provide an updated project description.

The project is the purchase of real estate with building improvements and site development for a Metro Transit Satellite Bus Storage Facility located at the former Oscar Mayer plant in Madison, Wisconsin (the "Project"). It includes:

- Purchasing the north 15 acres of the 53.7-acre Oscar Mayer property, which includes Buildings 43 (57,000 sf), 50 (64,000 sf), 50A (15,000 sf), and a 75,000-sf courtyard in between the buildings. The purchase will be broken into two parcels. The south 7 acres, which contain Buildings 43, 50, and 50A, will be purchased by Metro Transit with the assistance of Federal monies and will be used for transit purposes. This purchase may need a condominium structure because of a shared wall and stairway. The north 8 acres, which contains paved surfaces only, will be purchased by the City without Federal monies.
 - Repurposing existing Building 50 and 50A to house 35 standard (40-foot) or 21 (60-foot) buses and up to nine (9) repair bays. All modifications will be interior to the existing building.
 - Adding the ability to charge electric buses.
- Preserving Building 43 for future Metro use.

MEJO RESPONSE

Metro has not been honest or transparent with the public or FTA about the decision to split off the original 15 acre northern Oscar Mayer parcel, the extent of the environmental problems and other challenges at these parcels and buildings, and what they plan to do with them.

Metro has known since [July 2019](#) (probably earlier) that "unresolved environmental problems" on the northern Oscar Mayer parcel would cause challenges in purchasing the property. By then Metro knew that the current owners of the property (910 Mayer or Reich Rabin—**hereafter referred to as Reich Rabin**) wouldn't let the city do Phase 2 ESA testing on the property until after the purchase. In summer 2019, Reich Rabin also demanded [input](#) on the city's planned environmental investigations (Phase 1 & 2 ESAs) required as part of their due diligence as purchasers of the site.

Well aware of significant environmental unknowns and likely purchase negotiation problems by summer 2019, Metro still went forward with plans to purchase the full 15-acre property and applied for the categorical exclusion from an EA or EIS under NEPA in November 2019.

Since then, Reich Rabin has continued to tell Metro what contaminants they can and cannot test, apparently based on an agreement with Kraft Heinz (previous owner of the site) that nobody at the city has been allowed to see. On [January 21, 2020](#), for instance, the city's hydrogeologist Brynn Bemis reported that Reich Rabin said they would walk away from the deal if the city asked them to test for

PFAS—even though the city’s consultants advised that there is a good likelihood that PFAS is present at the site given known past activities there (such as pesticide manufacturing).

In early 2020, as unresolved environmental problems on this parcel became more evident—and Reich Rabin continued to refuse to allow Metro access to the site for a Phase 2 or even to see existing soil borings from the northern 8 acres—on [March 11, 2020](#), Metro asked FTA to take this parcel out of the FTA-grant funded area, largely to deal with environmental concerns there. FTA [approved this scope change in early April](#).

Meanwhile, people in the neighborhood near the site, the broader community, and elected officials (with the exception of the Mayor) were in the dark about all of these significant challenges, even as they made decisions related to the parcel and adjacent parcels included in the Oscar Mayer Special Area Plan (OMSAP).

Justification

Metro’s current facility was designed to house 160 buses, and often must store 215 buses. Consequently, Metro currently leases an open air parking lot to support storage of the existing bus fleet, which creates problems during cold Wisconsin winters. The Project will allow Metro to have a second indoor heated space to relieve pressure on the existing bus garage located at 1101 East Washington Avenue. It will also allow Metro Transit to add new buses to its current fleet that will enhance existing operations. Lastly, building 43 and the courtyard area will allow space for a future project to expand the storage capacity to meet anticipated public transportation growth in the years ahead.

The new bus storage facility will have other benefits, such as allowing Metro Transit to be more efficient by having buses closer to their designated routes, which will reduce downtime and deadhead (not in service) mileage, increase service both on our current routes and expand service to underserved areas.

Attachment A provides revised Exhibits A through D associated with the project description.

MEJO RESPONSE

Until recently, Metro repeatedly told the public they will use this site only for bus storage. In recent (October and November) public meetings, they admitted (albeit indirectly) that this is not fully accurate by mentioning some maintenance and fueling operations that will occur there.

In fact, communications and supporting documents are clear that Metro has been planning for some time for much more than just bus storage. During [these email exchanges in mid-May 2020](#), a key Metro bus barn team member from City Engineering said on May 12: “*Thinking of this facility as more than just a garage to park buses but instead as a fully functioning satellite facility is a smart move for the long term.*” Metro has clearly been planning for a facility that will support maintenance, washing, re-fueling and other activities. These activities involve hazardous chemicals and petroleum compounds which will be stored, used, and spilled/released there—into storm and sanitary sewers as well as community air.

For some time, Metro has also been discussing [various additions/expansions](#) to the buildings, even while very aware of contamination problems in areas where they could expand. In May, for instance, [a](#)

city engineer on the Metro planning team noted that “one other thing we need to consider related to potential additions – where is the PVC plume? If we expand into it there will be environmental items we need to address. Also, the west side of the building was a railroad receiving area, so we could find all sort of lovely things when we expand there.”

Further, Metro has been telling the public that the buses will be mostly electric buses, so air pollution and noise will not be of concern. However, electric buses are likely a long ways off. The city recently cancelled the purchase of three articulated electric buses due to issues related to batteries and recharge rates in cold northern climates.

What hazardous material testing has been conducted on the Oscar Mayer site since FTA issued an environmental approval on 11/18/2019?

a. What were the results of the testing?

Since November 2019, the owner has conducted the following environmental work related to BRRTS site #02-13-580723, *OSCAR MAYER FORMER SPICE ROOM BLDG 43*. This investigation is limited to the chlorinated solvent spill associated with Building 43, the former spice room. All records can be downloaded from the Wisconsin DNR’s Remediation and Redevelopment website: <https://dnr.wi.gov/botw/GetActivityDetail.do?detailSeqNo=580723>.

12/9/19	The owner submitted a remediation technology screening report.
3/6/20	The owner submitted a Redial Actions Option Report (RAOR), which recommended the installation of a soil vapor extraction
4/17/20	The owner submitted a completed Site Investigation Report
4/27/20	The WDNR approved completion of the spice room site investigation, which means the investigation can move on to the remediation phase.
5/28/20	The owner submitted the results of a soil vapor extraction pilot
8/17/20	The owner submitted a Remedial Action Design Report for a soil vapor extraction system (SVE).
8/24/20	The WDNR approved the SVE design system and construction of the SVE is planned for September and October, 2020.

MEJO RESPONSE

As noted, the above reports were submitted to DNR after the CATEX was approved. Critically, they include results that show that the TCE problem at the site is even more severe than previous reports indicated. The December 2019 and April 2020 reports revealed far higher trichloroethylene (TCE) levels in gas beneath Building 43--up to 99,700 µg/m³ (see map here). The May 2020 SVE pilot tests found vapor levels beneath Building 43 of up to 180,000 µg/m³ TCE and 110,000 µg/m³ cis 1, 2 dichloroethylene.

Most problematically, however, the reports listed in the above table **do not fulfill the full investigations required by relevant environmental regulations (NR700) for this site**. In fact, because Reich Rabin has not followed the regulations for site investigations (NR 716), there are

significant, critical data gaps that make it impossible to understand the extent of the contamination at the site or to design comprehensive and effective remediation. Wisconsin DNR approved investigations at Building 43 even though the owners did not meet the investigation requirements in NR 716. The city and its consultants (Sigma) are well aware of this—see emails and documents linked below.

On February 19, 2020, consultants hired by the city to do the Phase I ESA (Sigma) spoke with the DNR project manager, who told them he didn't ask Reich Rabin for full reports to fulfill NR 716 requirements, and he wasn't going to do so.

On April 20, after reviewing the previous ESAs for the site and outlining unknowns, Sigma issued this draft table outlining risks and remediation costs. On April 27, DNR issued a letter of approval for the Bldg. 43 investigations, even though they were incomplete and didn't meet NR 716. On April 29 the city's consultants outlined significant gaps in Reich Rabin's investigations. On May 11, following the consultants' advice, Metro asked Reich Rabin to submit complete NR 716 reports to them, but the company wasn't willing to do so or to do further vapor testing. The May 2020 Phase I ESA outlined numerous gaps in contaminant investigations at the site.

As of Aug. 27, according to city consultants, the site investigations needed to design effective remediation were still not complete; among other things, the consultants asked ***"Has the worst of the TCE-impacted groundwater actually been defined?"***

Despite knowing that many of these critical gaps had not been investigated or remediated per the law, the escrow table attached to this document (a later version of the original table created by the consultants on April 20) has removed many of the risk items, presumably based on negotiations between Metro and Reich Rabin.

In August, at the urging of citizens and city alders, DNR finally asked Reich Rabin to do some limited testing in utility lines.

At the October 14, Northside Planning Council public meeting, the city's hydrogeologist Brynn Bemis, who is the city's lead staff on all environmental investigations and related communications at this site, said Reich Rabin had still not submitted utility maps to DNR, which are necessary to assess vapor intrusion on and offsite. Vapor intrusion assessments down these pathways is essential to assessing health risks to adjacent neighborhoods; regardless, even while knowing these pathways have not been assessed, Ms. Bemis assured attendees at this meeting that they are absolutely not exposed to any contaminants from the Oscar Mayer site.

On November 17, Reich Rabin's consultants finally submitted the results from the testing proposed in August. They did not test sanitary lines because their investigations showed that "process water" inside the building (where TCE and other solvents would have been disposed of over the decades) was collected in floor drains and this water was sent in above-ground pipes to the factory's onsite sewage treatment plant. Based on this, consultants concluded that "there is no subsurface connectivity of the process sewers outside of Building 43." After their sampling showed no VOCs in exceedance of

standards, they concluded that “the migration of VOCs off-Site within sub-surface utilities present in Building 43 is not a concern.”

This limited stormwater pipe sampling by no means disproves the potential for offsite TCE and other chemical migration from Building 43. Maps and old documents indicate that the TCE and other chemicals used all over the Oscar Mayer site, including Building 43, went into floor drains and then were piped to the onsite treatment plant (which did not treat remove these chemicals) and then sent via sanitary lines to city sewers and over to the [Burke wastewater treatment site to the northeast](#). **These sanitary sewer migration routes—and many other potential routes--must be fully assessed before ruling out offsite vapor and chemical migration.**

In 1989, military consultants found PCE and TCE all over the former Burke sewage plant site and it [scored high enough on the Hazardous Ranking System that it would be eligible for the Superfund list](#) due to the TCE in deep supply wells (see pg. 13 pdf). Though the document labels this investigation as Truax Field, these deep supply wells they refer to were at the Oscar Mayer site. The Burke sewage/Truax landfill site, part of Truax Field, overlapped with the northeast corner of the current Oscar Mayer site before highways were built separating them, as the May 2020 Phase I ESA (linked above) describes and maps.

In addition, a pre-demolition asbestos survey was conducted by the owner on Building 43 in July 2020. Likewise, a pre-demolition hazardous material assessment report on Building 50 was provided by the owner in July 2020 with a focus on asbestos-containing materials (ACM), hazardous materials and/or universal wastes present at the facility.

Due to contract obligations of the owner with Kraft-Heinz, the City of Madison is not able to perform additional Phase 2 testing inside or outside the buildings prior to purchase. The City completed an *All Appropriate Inquiries* ASTM E1527-13 Phase 1 Environmental Site Assessment (Phase 1 ESA) in May 2020 and a copy of the Executive Summary is attached (**Attachment B**). The full report is also available at the following ftp link:
<ftp://cityftp:2upload!@ftp.cityofmadison.com/Transportation/FTA/>

MEJO RESPONSE

[Sigma’s May 2020 ESA](#) outlined a huge number of significant environmental problems and unknowns at the site, and clearly raised new concerns for the city about the site in spring 2020. It is important to recognize, however, that this ESA was based on Sigma’s review of past ESAs and records that had been available since well before the city submitted a CATEX to the FTA in November 2019.

Why didn’t Metro analyze the existing ESAs and other public records that their consultants later reviewed--before submitting the CATEX claiming there would be no adverse environmental impacts?

b. Will additional testing be conducted?

Upon purchase of the property, the City will conduct a Phase 2 environmental site assessment (ESA), which will include soil, groundwater, and vapor intrusion sampling on Buildings #43 and #50.

MEJO RESPONSE

Firstly, the Phase 2 should be done before, not after, the city's purchase. The current owner, Reich Rabin, should follow laws that require them to investigate all environmental contamination at the property, and offsite if necessary, before purchase.

As for the city's plans for conducting a Phase 2 ESA after purchase, the May 2020 ESA linked above describes significant contamination problems that go well beyond problems in/under Buildings 43 and 50 (which it appears are the extent of the city's planned investigations). Environmental laws require anyone who owns Buildings 43 and 50 to assess environmental media well beyond those buildings, such as via migration pathways down storm, sanitary and other utility lines, as well as other past and current discharge pathways. Who will investigate and clean up the myriad other contaminant problems mentioned in the May ESA on this parcel—and whether/how they have affected nearby waterways and neighborhoods? Who will be responsible for remediating these pathways, if found?

The City has an environmental consulting firm and funding already secured to conduct a complete Phase 2 ESA and additional site investigation work if needed. Funding to conduct the Phase 2 ESA will come from a \$300,000 USEPA Brownfield Site Assessment Grant (SAG). The Oscar Mayer property is already enrolled in the USEPA program, and as of 9/11/20 the grant had \$240,000 of remaining funding. The work will be conducted by The Sigma Group from Milwaukee, WI—the firm competitively selected to administer the USEPA Site Assessment Grant. The Sigma Group's proposed Phase 2 ESA scope of work calls for interior and exterior geoprobe borings, the installation of monitoring wells, and additional vapor testing with a budget of \$35,000 to \$60,000.

MEJO RESPONSE

Metro isn't being honest about the fact that the \$240,000 remaining in the grant (which is likely lower by now) will be split three ways—between the Oscar Mayer northern parcel and two other sites on Park Street on the south side of Madison.

What testing does this \$35,000-\$60,000 include? Will this be enough to cover all the problems outlined in the May 2020 Phase I ESA? The ESA lists PFAS as a potential contaminant on the site, as a consequence of pesticide manufacturing (and it could also come from other sources there). As described above, however, Reich Rabin told the city in January 2020 that they would walk away from the deal if the city asked for PFAS testing.

It is also very likely that PCBs are at the site, including possibly under Bldg. 43. The ESA describes a hydraulic oil spill near/under Bldg. 43, which is very likely to include PCBs. The city asked Reich Rabin in its [May 11, 2020](#) letter about investigating the hydraulic oil spill under Bldg. 43, but Reich Rabin refused to respond to this letter in writing, and this item is not listed on the most recent escrow table we have. Does this mean that nobody will investigate and clean up this oil spill, including PCBs, if present?

There were/are also many old transformers (and substations) all over the site, including on the northern parcel, that likely contained and/or leaked PCB oils. These areas haven't been tested. Further, the ESA mentions pesticides, plastics production (which would involve many different chemicals), fly ash disposal, possible waste injection and waste disposal, and more. These contaminants are not mentioned

on the escrow table Metro sent FTA on Sept. 16.

Finally, in addition to a documented Native burial site on the northern parcel, according to the Wisconsin Historical Society, there is an older Truax military dump containing “pottery” and other unknown military wastes.

Will these contaminants and waste dumps ever be investigated and cleaned up? Or will they just be left to continue to leach into Yahara River, Starkweather Creek, and Lake Monona?

c. How does the City of Madison plan to mitigate the contamination on the site?

The environmental concerns for the Project fall into three categories: subsurface soil contamination exposed during site work, potential vapor intrusion from subsurface contamination, and hazardous materials encountered during demolition.

MEJO RESPONSE

What about groundwater? The soil vapor extraction (SVE) system will not remediate the groundwater; SVE systems are not designed to do so. Also, assessment of potential vapor intrusion cannot be done, and appropriate/effective mitigation designed, without delineating the lateral and vertical extent of the groundwater contamination.

To quantify the cost for mitigating each of these concerns, the City of Madison has partnered with The Sigma Group using USEPA funding. The Sigma Group’s remediation and mitigation estimates will be narrowed as we gather additional information from the current owners during these final stages of negotiation. All site remediation and mitigation will be paid for by the escrow with the current owner.

MEJO RESPONSE

What if the escrow isn’t enough? Will the necessary remediation and mitigation be done, and if so, who will pay for it?

Wis. Stat. § 292.11(9)(e) exempts counties, municipalities, and other “local government units” (LGU) from environmental investigation and cleanup at properties when the LGU obtains title to the contaminated property under specific conditions. The City’s purchase of the Property adheres to the Rule’s conditions: 1) the Property has been determined to be blighted, and 2) the contamination was not caused by or exacerbated by the City. As a result, the liability exemption applies to all pre-existing contamination in soil, groundwater, sediment, and surface water on the Property. The City will formally obtain a local government unit liability clarification letter from the WDNR prior to purchase of the Property.

MEJO RESPONSE

Protecting the city from liability isn’t the same as protecting public and environmental health. If the city is protected from liability, it seems it will be less—not more—likely to be committed to fully investigating and cleaning up the site, since it will not have to worry about lawsuits if it doesn’t do so.

Despite the protections afforded by Wis. Stat. § 292.11(9)(e), the City of Madison desires to protect

the health, safety, and welfare of its employees and residents and intends to provide the remediation necessary to do so.

MEJO RESPONSE

Even if the city does “intend to provide the remediation necessary” to “protect the health, safety, and welfare of its employees and residents,” again, who will pay for this remediation? City residents?

MEJO and other community activists worked with an alder to get the following environmental justice language into the final Oscar Mayer Special Area Plan approved by the Madison Common Council in July: “*Address racial justice and social equity during the OMSAP redevelopment process, which must include assessing and preventing human exposures to toxic chemicals at the site and/or released from the site among all people and particularly at-risk low income people and people of color.*” Given that Mr. Lynch and other city staff have repeatedly stated that the bus barn project is separate from the OMSAP, will Metro and city staff assure that these environmental justice principles are followed for the bus barn project?

d. Please provide additional information on the EPA Brownfield Grant and similar contamination remediation projects Metro Transit has undertaken.

The City of Madison was awarded a \$300,000 brownfield site assessment grant (SAG) from the USEPA on 9/3/2019 (FAIN 00E02498, contact: Linda Mangrum, 312-353-2071, Mangrum.linda@epa.gov). The SAG is administered by Thomas Otto from the Office of Economic Development and Brynn Bemis, Engineering Division Hydrogeologist. To enroll in the SAG program, the Oscar Mayer Property submitted a Site Eligibility Determination request to the USEPA, outlining the site’s current liability status. Specifically, the request proved that the current owner acquired the Property after conducting an “*All Appropriate Inquiry (AAI)*”, allowing it to qualify for certain protections from liability under the federal Superfund Law (CERCLA).

MEJO RESPONSE

It is not clear why this site qualified under the EPA’s and/or the city’s grant eligibility criteria.

The fact that Reich Rabin would not allow the city to test on the site before purchase appears to violate [grant eligibility qualifications](#) as well as the [city’s own criteria](#) for eligibility for this grant funding.

More specifically, to meet the EPA’s site eligibility requirements, the city (consultants) had to agree that “*The current site owner will provide full cooperation, assistance, and access to authorized persons.*” Clearly that has not been the case at this site. For EPA site eligibility, Reich Rabin had to answer the question: “*Have you provided full cooperation, assistance, and access of the property to authorized persons during you ownership?*” Again, given that 910 Mayer/Reich Rabin refused to allow the city to do soil borings on the property, or a Phase 2, this is clearly not the case. Presumably knowing that the honest answer to this question was “no,” 910 Mayer LLC/Reich Rabin instead evaded the question, answering: “*910 Mayer LLC believes it is meeting the Continuing Obligations under CERCLA.*”

Similarly, one of the city’s four criteria for sites to be eligible to use their brownfield grants is: “*The property owner must agree to provide access to the property to take environmental samples.*” This criteria was clearly not met in the case of Oscar Mayer.

Why did EPA and city brownfield staff deem this site appropriate for this funding when it obviously violated key criteria for eligibility? The city knew very well by the time it submitted this form that 910 Mayer LLC/Reich Rabin refused to allow certain activities necessary for site investigation to support the city's due diligence efforts?

The USEPA enrolled the Property in the SAG on March 18, 2020 and SAG funding was used in April and May, 2020 to conduct an ASTM E1527-13 AAI Phase 1 Environmental Site Assessment (ESA) by The Sigma Group. The grant currently has \$240,000 left to conduct site assessments, and there is more than sufficient funding to conduct the Phase 2 scope of work outline provided by The Sigma Group.

MEJO RESPONSE

Again, this is disingenuous since this \$240,000 is split up among three sites.

The City of Madison's successful management of a \$400,000 USEPA Brownfield Assessment Grant from 2012 to 2016 is an excellent example of the City's capacity for investigating and facilitating the redevelopment of contaminated brownfields. In October 2012, the City received a \$400,000 USEPA Brownfield Assessment Grant, whose outputs included 11 Phase 1 ESAs (totaling 33.9 acres), 9 Phase 2 ESAs (totaling 10.0 acres) and full site investigations at 4 sites. Of the 14 sites enrolled in the grant program, all but one site has completed its remediation and redevelopment. With the 13 redevelopment sites, the City leveraged \$1 million in WEDC brownfield cleanup grants, \$250,000 in WEDC Community Development Investment grants, \$6.8 million for a public parking garage, \$3.45 million in Madison TIF, \$11.74 million in low-income housing tax credits, \$2.4 million in Dane County financing for low-income housing, and approximately \$89 million in private investment. Our extremely successful program provided the catalyst sparking redevelopment on the East Washington Avenue corridor in downtown Madison.

In addition, the City of Madison has successfully remediated and redeveloped the following contaminated brownfields:

- Don Miller Car Dealerships - In October 2012, the City received two \$200,000 USEPA cleanup grants and a \$400,000 Wisconsin DNR Ready for Reuse Grant for the remediation of the Don Miller car lots on the full block of 800 East Washington Avenue. The grants' output was the remediation of more than 17,000 tons of co-mingled hazardous substance and petroleum-contaminated industrial fill from one 4.25-acre site. As an outcome of the grants, the City sold the property to a private developer in July 2013, and it currently houses a \$90 million, 15-story, mixed-use building containing 250 residential units (45 for lower-income residents) and a much-needed grocery store in a former Food Desert.
- Garver Feed Mill – In June 2018, the City was awarded \$472,000 from the Wisconsin Economic Development Corporation (WEDC) for the remediation of a contaminated 26-acre former sugar beet factory and feed mill on Madison's east side. The City matched the grant with \$800,000, and estimates private investment of \$16 million to remediate and redevelop the blighted industrial property. The property is now home to a 60,000-square foot award-winning, multi-story building that features local artisans, producers, wellness studios, and food retailers.

- McPike Park – In 2014, the City of Madison remediated three full city blocks of blighted, petroleum and foundry sand-contaminated land to create the 10-acre McPike Park. Dreams of this park began in the 1970s, but it was not until the City committed to purchasing the four former bulk oil plants adjacent to a massive historical railroad corridor that the project was realized. The City partnered closely with the WDNR on how best to remediate and cap the parkland to ensure it’s safe transition from industrial to greenspace.
- Cap East Public Parking Garage – In 2017, the City of Madison purchased a heavily contaminated, former fuel oil bulk plant in downtown Madison for the construction of a public parking garage to serve the new employment centers on the 800 block of E. Washington Avenue. The site remediation involved disposal of 8,500-tons of petroleum and cinder-contaminated soils. The 650-stall garage opened in 2019 after a public investment of \$9.2 million and an additional \$9 million in tax increment financing.

MEJO RESPONSE

Unfortunately, many of the above sites have significant contamination remaining; this contamination continues to discharge offsite via groundwater movement, stormwater runoff, stormwater and sanitary sewers, and other pathways.

2. Discuss any public outreach that has taken place within the neighborhood(s) adjacent to the Oscar Mayer facility since November 2019?

OMSAP Outreach

In July 2020, the Oscar Mayer Special Area Plan (OMSAP) was approved by the Common Council and established land use and transportation recommendations for the redevelopment of land on and around the Oscar Mayer site. The potential purchase of the Property by Metro Transit is consistent with the recommendations in the Plan but is a separate City action. Since Metro’s potential purchase was in the plan area with a similar City process, many members of the public did not distinguish the two. Metro’s potential purchase of the northern 15 acres was a frequent topic at public meetings. Planning, Metro Transit, or Transportation staff answered questions and provided updates on new information.

MEJO RESPONSE

These statements are disingenuous at best. As we described in detail in our [August 25, 2020 submission to FTA](#), especially [this attachment](#), when Northside residents concerned about the bus barn proposal tried to raise questions about it during OMSAP meetings, they were told it was a separate issue and would not be discussed there. In the few meetings at which the bus barn proposal was mentioned, discussions were extremely brief and environmental contamination issues were not included. No efforts were made to engage people in these meetings who will potentially be most affected by the bus barn project and related pollution, especially low income people, people of color, elderly in the adjacent community.

The staff differentiated between the OMSAP and Metro’s potential use of the property, which were/are independent actions with independent utility. In late October of 2019, the City presented the initial draft redevelopment concepts for the Oscar Mayer plan, and then followed that meeting with a series of smaller meetings with neighborhood associations and other groups. Neighborhood outreach and other public meetings associated with OMSAP include:

10/14/19	Meeting with Northside Economic Development Coalition (NEDC) (20-30 ppl)
10/16/19	Open House at Warner Park (~45 ppl in person, 10 via Facebook live)
11/4/19	Sherman Neighborhood Association
11/4/19	Transportation Policy & Planning Board
11/6/19	Friends of Hartmeyer - Lakeview Library (~20-30 ppl)
11/8/19	Family Fun Night at Warner Park (~10-20 ppl)
11/11/19	Plan Commission Meeting
11/12/19	Dane Buy Local Breakfast (~60 ppl)
11/12/19	Key Constituent Advisory Group Engagement by EQT by Design
11/18/19	Meeting with NPC/NEDC at FEED Kitchens (~5 ppl)
11/20/19	Meeting with Emerson East Neighborhood Association (~10 ppl)
12/4/19	Attend Northside Planning Council Meeting (~40 ppl)
12/5/19	Meeting with Eken Park Neighborhood Association (~10 ppl)
12/17/19	Meeting with The Bodgery (~20-30 ppl)
1/16/20	Town Hall Session Hosted by Alder Abbas (~100 ppl)
1/30/20	Open House at OM Station (~100-120 ppl)
2/10/20	Plan Commission Meeting
3/12/20	Northside Business Association (~30 ppl)
5/4/20	Transportation Policy and Planning Board (via Zoom)
5/13/20	Board of Park Commissioners (via Zoom)
6/10/20	Board of Park Commissioners (via Zoom)
6/23/20	Sustainable Madison Committee (via Zoom)
6/25/20	Housing Strategy Committee (via Zoom) 6/29/20
	Plan Commission (via Zoom)
7/9/20	Community Development Block Grant Committee (via Zoom)
7/21/20	Common Council (via Zoom)

MEJO RESPONSE

Nearly all of the meetings listed above were irrelevant to public engagement about the bus barn project. Several of them were invite-only (not public) meetings. As far as we know, only one of them, the 10/14/19 NEDC meeting, included the bus barn as an agenda item. The Nov. 18, 2019 meeting focused on the bus barn but this was a small private meeting organized by a community member frustrated about the lack of discussion about it at meetings in the previous year (see below).

At the October 14, 2019 NEDC meeting, as the attachment to the Sept. 16 memo shows, the bus barn item was short and didn't appear to include discussion about environmental contamination (though slide 24 includes a bullet point "finalize environmental document").

Moreover, problematically, the maps they showed at this meeting depicting the bus barn parcel and adjacent parcels do not show the high density affordable and/or low income housing planned for **directly west of Building 43 according to the OMSAP**—instead they depict the current north transfer point. Just as troublingly, Metro and the OMSAP

consultants decided not to show the “proximity” slides (in the “extra” slides) — showing how close the bus barns would be to the neighborhood-- because they felt it might be too “combative.” Clearly, they did not want community members who attended this meeting to see, and possibly question, the effects of the bus barn operations on their homes, businesses, and the adjacent neighborhood overall (current and/or future).

Once again, it is highly disingenuous to list the OMSAP meetings here as if they included opportunities for people to engage meaningfully about the bus barn proposal, since people who attended these meetings and asked to discuss it were told that the bus barn isn’t part of the OMSAP and it would not be discussed.

Metro Specific Outreach

Some Metro outreach efforts occurred within the context of OMSAP outreach, with specific presentations regarding Metro’s potential use of the northern 15 acres. Because of the environmental complexity of the purchase and the need to obtain outside counsel, progress on the purchase has moved slowly. Since submittal of the DCE, there have been interactions with stakeholders specifically related to Metro’s use of the north portion of the site, apart from the OMSAP process. They include:

10/14/19 Northside Economic Development Coalition at Goodwill Northside - *While prior to FTA approval, it was not listed within the DCE.*

See above.

11/18/19 Northside Planning Council leadership at FEED Kitchen.

MEJO RESPONSE

This was a small (4-5 people?) **nonpublic** meeting that was **requested by a community member** who had been asking about the bus barn proposal and contamination issues for many months but was told at all the OMSAP meetings listed above (most of which she participated in) that it couldn’t be discussed.

At the end of this meeting, according to a citizen who attended, Tom Lynch looked at his phone, saw the letter from FTA saying the CATEX had been approved, and stated out loud to participants—“we got the grant.” The meeting ended shortly after his announcement. At that point, participants knew nothing about the CATEX or its relevance to the grant. Sometime after this meeting, wondering what he was referring to, the community member asked for and received the CATEX documents.

8/28/20 Northside Planning Council Leadership - A zoom meeting with the Northside Planning Council members and the representative alder.

MEJO RESPONSE

This small invite-only meeting, which included the alder, NPC director, the Sherman Neighborhood association co-chair, two city staff (Lynch and Bemis), and two city attorneys, occurred two days after we submitted our letter to FTA asking for a re-evaluation of the categorical exclusion. MEJO leaders and other knowledgeable, engaged community members who had been raising substantial questions about the bus barn proposals and the contamination

at the northern parcel in previous months were not invited to this meeting, nor were the contents or conclusions of the meeting shared with us—or the public— afterwards.

10/8/20 A public forum is tentatively scheduled for October 8, 2020.

MEJO RESPONSE

The meeting scheduled for Oct. 8 was rescheduled for October 14 and was organized by the Northside Planning Council. The meeting can be viewed [here](#).

The city-sponsored meeting was held on November 5 and can be viewed [here](#).

At both meetings, Metro and city staff repeated many of the incorrect and/or misleading statements that we highlight in this document. Most public attendees had little background or knowledge with which to counter these statements, though at the first meeting many attendees raised great questions, most prompted by documents we shared with the community (which is the only reason they knew to raise them). Some engaged community members who are knowledgeable about the Oscar Mayer contamination issues were so put off by the misleading and/or incorrect answers from Metro and city staff at the first meeting that they didn't participate in the Nov. 5 meeting, expecting the same answers (since they were told that the presentations would be the same—and for the most part they were).

Just as problematically, while the first meeting organized by Northside Planning Council was set up to allow chat and oral comments/questions, the second meeting, organized by Metro, was purposely constrained in its format and therefore not meaningful two-way public engagement.

The Metro meeting was facilitated by the public information officer for the city engineering department. [Public participants \(about 28 people\)](#) were not able to see the names of other participants, and the chat function available in the NPC meeting (that allows participants to raise questions and comments to each other that everyone can see) was not available. Participants were instructed by the facilitator to type in questions that she would then pose to city staff orally. She did not share any instructions for participants about how to raise comments or questions orally or raise their hands. Because the participant list was not shown, the raise hand function was not accessible to participants.

Some people who participated in this meeting told us when they joined the meeting that the format seemed very strange and limited compared to other public government Zoom meetings, and it didn't seem like anyone was participating, so they signed off. Very few written questions were submitted (about three).

We queried the facilitator (the “public information officer” for city engineering) after the meeting to ask about this odd meeting format. She told us that the meeting was set up using the [“webinar” rather than the “public meeting” Zoom format](#). The webinar format is much more constrained than the meeting format. We asked who made the decision to use this particular format, and were told it was made by someone in the city IT department. This doesn't seem likely; it was likely a Metro decision or a directive from city leadership to IT that city public meetings use this format. We are working with alders to clarify this.

What was discussed?

- 10/14/19 Northside Economic Development Coalition at Goodwill - The discussion focused on why Metro was pursuing the Oscar Mayer site, projected employment, likely traffic impacts, and next steps. Specific concerns voiced by meeting attendees include bus traffic, noise, diesel fumes, and if Metro use precludes higher intensity uses on the site. A copy of the presentation is included as Attachment D.
- 11/18/19 Northside Planning Council leadership at FEED Kitchen – The discussion focused on current neighborhood concerns regarding Metro’s use of Oscar Mayer. The concerns voiced were similar with those voiced at the 10/14/19 meeting, including bus traffic, noise, fumes, and future site uses. Attendees discussed steps Metro Transit could take to address those concerns.
- 8/28/20 Northside Planning Council Leadership Team - City staff and the City’s outside legal counsel discussed the following:
- Type and extent of contamination present at the Property.
 - The City’s plans for Phase 2 testing if allowed to purchase the Property.
 - The escrow provision being negotiated in the contract to address the costs associated with remediation and mitigation of the Property.

Based on the OMSAP and Metro public involvement meetings, Metro Transit made the following refinements to address expressed concerns:

- Continuing plans to store the majority of Metro’s electric fleet at the Oscar Mayer facility, addressing noise and emission concerns.
- Separating the northern 8 acres from Metro’s use, allowing a separate non-transit use for the north 8 acres of the parcel.
- Revising the internal layout of the buildings, allowing most of the bus circulation to occur inside the buildings rather than outside of the buildings.

MEJO RESPONSE

It’s very troubling that Metro is falsely construing the above changes as responses to the community’s concerns. Firstly, electric buses will not be fully rolled out in Madison for years, and in the meantime adjacent neighbors will be exposed to diesel fumes. Moreover, electric buses are not free of environmental pollution problems. As for the 2nd bullet point, as we pointed out earlier, this is incorrect (especially if Reich Rabin’s deed restriction is still in place—see below). Regarding the third bullet point, we have never heard this before so we cannot ascertain its accuracy.

b. Was there any follow up communication with members of the public as a result of these meetings?

There has been a considerable number of interactions via email and phone with individuals, City of Madison alders, and organizations that have expressed interest in the site. These interactions have included providing materials as they have become available.

MEJO RESPONSE

Tom Lynch and the city’s hydrogeologist Brynn Bemis have exchanged numerous emails and shared

some information with two engaged and knowledgeable citizens (including myself) who have persisted in asking for more information. Some of these emails have fully answered questions, others have not, and some answers were disingenuous and/or misleading.

Metro and the city's engagement with involved and concerned citizens became more constrained this past summer after the city hired an environmental attorney to help negotiate the increasingly difficult purchase negotiations and environmental issues with Reich Rabin. Since then, many of our questions about environmental issues have not been fully answered or have not been answered at all—presumably based on advice from the attorney. Obviously, engagement with the public is not going to be open or transparent when an attorney hired to protect the city's interests and negotiating a tense purchase agreement is advising city staff on how to engage.

In fact, Metro's engagement with the public has become even more about public relations than about transparent engagement since then. [On July 1, 2020](#), Ms. Bemis, following the advice of the attorney the city hired, explicitly offered to do public relations for the city and for Reich Rabin. This was in part to deflect the possibility that DNR might ask Reich Rabin to engage the public per [DNR's NR 714](#), which she anticipated "would likely be ugly." (Notably, she also warned that a new DNR project manager might be less "laid back" than the previous one, who unexpectedly died in June.)

The records citizens obtained also revealed the disdain for the public and their concerns among Metro and city staff that engaged citizens had perceived in many previous exchanges with them. For instance, on [July 20, 2020](#), after seeing a letter from the Sherman Neighborhood Association to the Wisconsin Department of Health Services (see attachment to linked email) asking for assistance in assessing health risks in the neighborhood, Tom Lynch wrote: "There is a rising amount of inaccuracies (hysteria) regarding Metro and Oscar Mayer and I think we would like to take a more proactive approach." Calling people's legitimate concerns "hysterical" is dismissive and disrespectful, as well as sexist (especially since the leaders of this neighborhood association, and most engaged community members, are women).

At this point, after being told the bus barn wasn't part of the OMSAP, being treated with disdain by Metro and city staff, and most recently experiencing public meetings organized too late and designed to constrain their input, **many in the community are understandably feeling unheard and are finding other ways to make their voices heard.** A group of Northside residents has started a ["No Bus Barn"](#) group, which is organizing to oppose the project during the upcoming city council decisions about the FTA grant acceptance and Letter of Intent for the city's purchase of the northern parcels.

As more information became available during negotiations, the attached fact sheet was sent to affected alders July 20, 2020, which on their initiative was then forwarded to community members (**Attachment E**).

MEJO RESPONSE

In fact, Mr. Lynch sent the fact sheet to only two alders on July 20, with [an email](#) that explicitly highlighted that "the Oscar Mayer Plan, and the possible use by Metro Transit are separate issues" (confirming what residents who participated in OMSAP meetings were told). [The Mayor encouraged Mr. Lynch to send it to all alders](#), but he expressed concern that it would "shift the focus away from the OMSAP" discussion/decision at the July 21st Common Council. [So they agreed to send](#)

it to all alders only after the Common Council meeting. However, as far as we know, this never happened.

3. To what extent did Metro Transit participate in the Oscar Mayer Special Area Plan? Participation in that planning effort was specified in the CE documentation provided to FTA?

Metro Transit was an active participant in the Oscar Mayer Special Area Plan (OMSAP) development and public engagement events.

MEJO RESPONSE

This is not correct. While there were a few internal exchanges between OMSAP planners and Metro staff, email exchanges and documents throughout 2019 and 2020 show very little or no participation of Metro staff in OMSAP public engagement events. Since the bus barn was not on the agendas for the OMSAP meetings, there was no reason for them to be there.

One of primary concepts embedded in that plan was to link land use and transportation, and capitalize on a high level of current and future transit service by locating higher density residential and employment uses in the transit station areas. Areas where Planning and Metro Transit staff coordinated are as follows:

- Siting details surrounding the Metro Transit satellite facility: The plan recommends extending Oscar Avenue, through the Property, to have a northern public street outlet onto Aberg Avenue. Metro and Planning staff also coordinated on building and site design.
- Recommending non-transit uses for the 8 acres of land being acquired to the immediate north of the Property to provide a better transition to the surrounding neighborhood.

MEJO RESPONSE

As stated above, this statement is disingenuous. This is not the main reason the 8 acres was split off from the rest of the original 15 acres, as the March 11 letter to FTA shows.

More importantly, based on the information we have, as of early September (this email says the deed restriction was mentioned in an earlier version of the LOI), Metro has been aware that Reich Rabin had a deed restriction on this land, wanting “any use to be solely related to bus barn related uses.” As of mid-September, this deed restriction disagreement was still unresolved and if it remains in place, it clearly creates substantial problems for the city in the purchase negotiations and how they can use the property, as Mr. Lynch is well aware.

We realize that since Metro sent this Sept. 16 memo, different arrangements could have been made with Reich Rabin (including possibly dropping the deed restriction). As of Nov. 23, the Metro Oscar Mayer bus barn website said: “*Northern Vacant Parcel (8 acres)* – This parcel would not use the FTA grant and would not be necessary for Metro operations other than for bus entering and exiting. It may be developed for other City or commercial uses in the future.” This indicates that the deed restriction to only Metro uses has been lifted, but we don’t know if that is the case.

- Ensuring the land use pattern supports the future Bus Rapid Transit planned on nearby Packers Avenue or Sherman Avenue.
- Reevaluating Metro’s the location of the North Transfer Point Station to be more proximate

to active uses, rider amenities and future BRT stations.

- Planning future street network and street designs to work well from a transit perspective.

Planning Division staff also attended meetings associated with Metro’s planning for use of buildings 43, 50, and 50A to provide input on how the OMSAP would affect those uses.

The OMSAP had a large public involvement effort with stakeholders and within the City committee structure. Metro and Transportation staff attended these meetings to answer questions regarding Metro’s planned use of the north portion of the site.

MEJO RESPONSE

Again, these city meetings were not about the bus barn project—they were about the OMSAP. The bus barn project was not on the agendas. Community members who participated in these meetings have told us repeatedly that when they raised questions about the bus barn property, they were told it was separate from the OMSAP.

a. Does a transit use at one end of the Oscar Mayer plant preclude certain uses for the remainder of the former plant site?

No, a transit use does not preclude certain other uses for the remainder of the site. The OMSAP plan established recommended land uses and street connections and the proposed Satellite facility is consistent with those recommendations. Planning staff does not believe a transit use would detract from the remaining redevelopment sites. The relatively deep site allows for less pedestrian-oriented uses to have minimal impacts on active street fronts and surrounding spaces. Its siting (bound by the remaining Oscar Mayer buildings, a rail corridor and the future development site to the north) minimizes any potential impacts on the neighborhood to the north.

MEJO RESPONSE

The OMSAP clearly shows that medium/high density housing is to be located right next to the bus barn site. Also, since we wrote our August letter, a homeless “tiny home village” was quickly approved by the city and is currently under development about 600 feet west of the site, just north of the Metro North Transfer point. Apparently city planners and leaders believe that it is healthy and just for homeless people, elderly, and low income people to live directly next to a large bus operations and maintenance facility, on top of contamination and with hundreds of buses traveling in and out daily. As we wrote in [this attachment](#) to our August 25 letter to FTA, we strongly disagree. By planning this housing and the bus barn operations adjacent to each other, over heavily contaminated land, the city is purposely creating a new environmental injustice situation in a neighborhood that already has significant environmental justice problems.

In the event the Metro Transit facility does not proceed, it’s likely the building will be used for warehousing and distribution, which would have a very similar set of impacts. Buildings central within the site will continue to be marketed for office uses.

Metro’s request to separate the north 8 acres from the Federal action provides additional opportunities for non-transit uses on the site.

MEJO RESPONSE

Per the last sentence above, what about the Reich Rabin deed restriction? Did both the City and Reich Rabin drop this since September 16?

b. How does the Special Area Plan address contamination? Is the extent of contamination outside Metro Transit's project area known?

Oscar Mayer Special Area Plan The Oscar Mayer Special Area Plan used available data to understand the extent of known and potential contaminants on the formerly industrial properties in the plan area. Working with Environmental Engineering staff, it was determined the level of contamination likely present was similar to other properties in Madison that have been successfully remediated as part of redevelopment processes.

MEJO RESPONSE

The OMSAP barely mentions the environmental contamination other than to say it will be addressed through DNR's NR700 rules. Contamination also wasn't mentioned in the public OMSAP meetings. It wasn't addressed until during the city approval process for the plan in spring/summer 2020, when MEJO and other community members forced environmental contamination concerns into the discussions by sending repeated and [extensive comments](#) asking that they be addressed.

The Midwest Environmental Justice Organization has worked on many contaminated sites in Madison over the last 22 years and has never seen a site as extensively contaminated as Oscar Mayer and likely to cause as much offsite contamination. Further, it is absurd to say that the level of contamination likely present at Oscar Mayer is similar to other properties in the city, when huge swaths of the very large Oscar Mayer property, including most of the northern parcel, have not been investigated yet even though known past activities suggest that there could be substantial toxic contamination.

As a result, the plan did not adjust land use recommendations based on potential contamination, rather it acknowledge its presence and remediation consistent with Wisconsin DNR standards is required prior to construction occurring. Materials used for the deliberations of the OMSAP can be seen at the following legistar link:

<https://madison.legistar.com/LegislationDetail.aspx?ID=4343792&GUID=6A6BBBBB-BD58-48CB-8DBA-078788AE10F0>

Extent of Contamination

Yes, the extent of contamination outside the Metro Transit Property is well documented. The owner conducted a thorough Phase 2 ESA prior to purchasing the Oscar Mayer site, which include groundwater, soil, and vapor sampling. Based on those results, the Wisconsin DNR opened three new investigation sites: the Oscar Mayer filling station, the Spice Room, and the 1,2-DCA tank at the south side of Oscar Mayer.

MEJO RESPONSE

This is incorrect. Again, huge swaths of the Oscar Mayer site have never been investigated and were not investigated in the Reich Rabin Phase 2 ESAs—including the onsite waste water treatment plant, a coal-fired power plant, several waste dump areas, contamination along utility lines, transformers

and substations, and more. As we stated above (with a link to the comment), the city’s environmental staff person (Brynn Bemis) admitted that the DNR site manager for the site for many years was very “laid back” in his approach to managing the site Relevant to the northern parcel, the May ESA mentions many significant data gaps, areas that were never investigated, and contaminants that were not assessed.

Historical contamination has left the Oscar Mayer site in deep groundwater (50-250 feet deep). There is no evidence of shallow contaminated groundwater leaving the property. Contamination cannot volatilize unless it is at the water table, which is less than 10 feet deep at Oscar Mayer. Consequently, adjacent homes operating sump pumps likely do not have contaminated groundwater in their basements. The groundwater contamination is deep because Oscar Mayer drilled and pumped its own production wells for decades. These wells pulled potential contaminants deeper. A potential city concern with deep contamination is its impact on the Water Utility’s production wells. The Oscar Mayer site is outside the capture zones of any of the City’s wells.

MEJO RESPONSE

The claim that “The groundwater contamination is deep because Oscar Mayer drilled and pumped its own production wells for decades” is only partially correct, as Ms. Bemis is well aware. It is true that there is deep chlorinated compound contamination at this site, including PCE/TCE deep in the Oscar Mayer production well (Well #5--now off) on the northern parcel. However, the Oscar Mayer production wells were turned off in the 2000s and water in the area has been rising since then, as several reports show (see [here](#) and [here](#)). Also, people who live in the neighborhood (in a very wide area around Oscar Mayer) know this very well given the increased flooding and ongoing need for sump pumping of their basements since the Oscar Mayer wells were turned off.

The claim that “There is no evidence of shallow contaminated groundwater leaving the property” is also disingenuous, because there has been no testing to see if shallow groundwater has left the property—via storm or sanitary sewers, other utilities, shallow groundwater movement, and numerous other potential discharge routes. Contamination leaving the site via these routes then contaminates soils and shallow groundwater all along them, which can then be a source of vapors into adjacent neighborhoods. These pathways, again, have not been assessed on or off this site other than the recent (and very limited) storm sewer testing, which wasn’t targeted to the most likely routes TCE and other solvents were discharged over decades.

In addition, the 31-acre Hartmeyer property, adjacent to Oscar Mayer to the west, was historically leased by Kraft Heinz. The Wisconsin DNR identifies at least two open sites on the property related to recent diesel spills, as well as closed site that involved 14,000 gallons of spilled fuel oil. Residual petroleum contamination is primarily focused along the railroad corridor, although recent testing indicates that polycyclic aromatic hydrocarbon (PAHs) contamination is widespread across the site in shallow soils.

Remediation

City of Madison staff commits to pursuing the remediation of properties in the OMSAP through its land use approval process. This is important for industrial properties being transitioned into parkland or residential use. Citizen concern regarding contamination has focused on the past industrial use of the Oscar Mayer site, the Hartmeyer property adjacent to the west, and the former

Burke wastewater treatment plant to the northeast. All of these properties have industrial pasts and are “brownfields” with some degree of soil and/or groundwater contamination. Fortunately, in addition to previously closed remedial work, all three properties are subject to ongoing Wisconsin DNR-supervised investigations into residual contamination. Each of these prominent sites is being actively investigated and reports are available on the WDNR’s Remediation and Redevelopment GIS, also known as “BRRTS”: <https://dnrmaps.wi.gov/H5/?viewer=rrsites>. This means that they are subject to the NR 700 rule series governing the investigation and remediation of environmental contamination. Redevelopment of these properties is the key to ensuring they are remediated safely, thoroughly, and expediently.

The NR 700 rule series details the requirements for reporting contamination, public participation and notification, conducting site investigations, applicable soil cleanup standards, management of contaminated soil during redevelopment, implementation of remedial actions, case closure requirements, and continuing obligations to address any remaining contamination. NR 700 offers a robust and comprehensive process for guiding the redevelopment of brownfields from contaminated wastelands into new commercial and residential properties.

MEJO RESPONSE

To date DNR has not asked Reich Rabin to engage the neighborhood per NR 700 rules, and recently told us they do not feel it is necessary. **On October 26,** the DNR informed us (after we asked a staff person from Rep. Chris Taylor’s office to get answers) said: “Since the contamination at this site is predominantly located under Building 43, the contamination does not appear to have migrated off the property, and the investigation and remedial action implementation has proceeded following Wis. Admin. Code NR 700-799. DNR believes that the level of notification and participation for the site has been appropriate. DNR has posted all site data and DNR responses on the BRRTS database for public inspection.”

The claim that “the contamination at the site is predominantly located under Building 43” is incorrect. As we describe above, fly ash, wastes, and other unknown contamination is all over the northern parcel contamination but it have not been adequately investigated. Past DNR reports also document vinyl chloride plume near Building 50 that has never been fully delineated or remediated. The May 2020 Sigma report describes significant data gaps about solvent use at these buildings that should be filled per NR 716, but to date haven’t been.

Despite the historic contamination concerns in the OMSAP region, staff does not have concerns about the appropriateness of future development, including residential, for the following reasons. First, as mentioned previously, all of these properties currently have ‘open’ cases with WDNR and are subject to the NR 700 remediation process. Second, redevelopment is often the most effective tool in remediating brownfield properties. One prominent case mentioned above is Royster Corners, a 26-acre former fertilizer plant contaminated with fertilizer, pesticides, and petroleum products. The developers of Royster Corners worked closely with the WDNR’s Environmental Cleanup and Brownfield Redevelopment Program to safely transition this property from a contaminated industrial site to one clean enough for 51 single residential lots and 13 acres for mixed use and residential buildings. So far, 160 dwelling units and the new Pinney Library are built as the phased redevelopment continues. The Wisconsin DNR has a robust brownfield redevelopment program and the State of Wisconsin has a variety of brownfield grant programs to assist private developers.

MEJO RESPONSE

Again, most of the above assurances fly in the face of our decades of environmental work here. Considerable contamination remains at the Royster Corners site as well as several other sites in Madison subject to NR 700 where housing was developed—[such as this Northside site](#), where low income and elderly housing was recently built.

As for the Oscar Mayer site, documents we already shared and discussed above, especially the May 2020 ESA Phase I and other city consultant documents, outline numerous areas in which NR700 rules have not been followed at Oscar Mayer.

Last, as part of the City of Madison’s approval process for new plat and CSM maps—which would apply to any redevelopments in the OMSAP region, including the Hartmeyer and Oscar Mayer properties—staff requires that environmental investigation reports be submitted for any lands dedicated to the City (e.g. parkland, right of way, stormwater parcels). This is standard practice for all dedications to ensure the City does not unknowingly take possession of contaminated property (**Attachment H**). This process has been used for decades and will apply to all redevelopments in the OMSAP.

4. Are attendance lists/minutes available from the two public meetings (March 4 and September 24, 2019) referenced in the CE documentation?

March 4, 2019 - This was the Sherman Neighborhood Association’s Annual meeting, with City Transportation staff providing only information on one agenda item. As such, we do not have attendance lists nor minutes. The announcement for the meeting can be found on their facebook page at the following link: <https://www.facebook.com/events/317230322264308/> Attached to this email (**Attachment F**) is the advertisement and handout presented at the meeting discussing why Madison was considering purchasing a portion of Oscar Mayer for bus storage.

September 24, 2019 – This meeting was hosted by Alder Abbas of District 12 and approximately 40- 50 people attended. *(Note, in the DCE this meeting was inaccurately listed as a North Sherman Ave Neighborhood Association Meeting)* As Transportation was one part of the agenda, we do not have the attendance or minutes. The announcement for the meeting can be seen at the following link: <https://www.cityofmadison.com/council/district12/blog/?Id=21533>

Attachment G to this email is the presentation shown at this meeting.

MEJO RESPONSE

As highlighted above, this PowerPoint is misleading because it shows the north transfer point next to bus barn parcel—not the high density affordable housing slated for that area in the OMSAP. It also shows plans for other Metro buildings on northern parcel—plans that were since scrapped because of the environmental contamination.