

To: **Bernie Wendricks**

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October 25, 1994

Mr. James Arts
Interim Chair
City of Madison Commission on the Environment
202 Shepard Terrace
Madison, WI 53705

Dear Mr. Arts:

We represent the Madison-Kipp Corporation and have reviewed the tape and transcript from the Commission on the Environment's public hearing on September 19, 1994. We are particularly concerned about misleading and false statements made during that hearing by Anne Chacon, one of Madison-Kipp's neighbors on Marquette Street. While we respect her right to appear before a public hearing and to voice her personal opinions, most of the "facts" which she stated at that hearing have no basis in fact.

The following constitutes our response to some of the statements made by Ms. Chacon:

- There are no sulfurous fumes at the Madison-Kipp Corporation facility. The Wisconsin Department of Health and Social Services has tested the air in Ms. Chacon's house. In addition, Fluid Management, Inc., a certified environmental testing firm, has spent a number of days at the Madison-Kipp site, both inside and outside the facility, conducting air monitoring tests. These tests have not revealed the presence of sulfur. Furthermore, to our knowledge, there has never been an odor problem at Kipp's facility.
- All the environmental tests Madison-Kipp has performed to support its permit application under the Clean Air Act of 1995 and in response to the Department of Natural Resources' March, 1994 letter showed that the Madison-Kipp Corporation is in full compliance with all ambient air quality standards.
- Madison-Kipp Corporation does not have a different plan of operations for its afternoon and evening shifts, other

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than to close the bay doors at 7:00 p.m. to reduce sound from daytime hours.

- Ms. Chacon's statement that the police and fire units she calls to the scene don't smell anything is absolutely correct. Police reports on file with the City of Madison indicate their observation that the Kipp facility is peaceful and no nuisance smells are noted.
- Madison-Kipp is not inspected by OSHA "all the time". Madison-Kipp has never received a \$50,000 fine and has not been the recipient of 58 OSHA violations. Madison-Kipp Corporation's OSHA records since 1983 show that during that eleven (11) year period, there have been five (5) OSHA inspections with total fines of \$2,700. As you may be aware, this is an extremely low level of noncompliance for a manufacturing facility.
- Madison-Kipp has never received any air pollution violations. Certainly, no notices have been posted in the plant as a result of air pollution violations.
- Noise levels on the Marquette Street side of Madison Kipp's property is in the range of 57-63 decibels, which is well within the City of Madison ordinance tolerance limits. We note that Ms. Chacon has purchased her own noise meter and takes her own readings. Madison-Kipp has instructed her on the proper use of the meter. However, she has also publicly stated that she has trouble sleeping even at a 50 decibel level of noise.

Madison-Kipp is proud of its record of environmental and workplace compliance. This record is especially laudable since this manufacturing facility has over the years become surrounded with residential housing. In a dynamic and diverse community, there are bound to be frictions among neighbors; but by and large, Kipp has had good relations with its neighbors. There are, however, a few neighbors, including Ms. Chacon, who do not believe that Madison-Kipp ought to operate at its current location and have begun a series of efforts to force Madison-Kipp to move.

Despite the efforts of these few neighbors, Madison-Kipp is committed to staying in the City of Madison, and will continue to provide high paying jobs in the inner city and will continue to conform to all federal, state and local ordinances regarding noise, air emissions and other regulated activities.

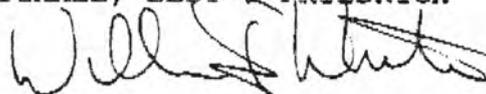
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We are available to answer questions or to appear at the next Commission on the Environment meeting and look forward to commencing an ongoing dialogue with the Commission on the Environment if you believe that would be helpful in understanding how Kipp operates and its impacts on the neighborhood.

Sincerely,

MICHAEL, BEST & FRIEDRICH



William F. White

WFW:jlb

cc: Members, Commission on the Environment
Madison Kipp Corporation