

PART IV: Consent order negotiations drag on, consultants conclude landfill doesn't affect Starkweather Creek and propose "passive remediation" (doing nothing) and capping the landfill with clay. The community remains in the dark...

The Truax Landfill saga was based on reviews of old newspaper stories (from NewspaperArchive.com), publicly available government reports, and hundreds of government reports and communications obtained through open records requests. Given the many missing, withheld and/or incomplete public records—and numerous internal communications that were not written and therefore off the public record—there are a variety of unknowns and gaps in this story, and uncertainties about the accuracy of various details. Citations are removed. If you have questions about this history, know about details I didn't include, and/or are interested in sources for any of specific points in the story, please email mariapowell@mejo.us.

Continuing from Part III...

As agreed at the January 1990 Truax Landfill Steering Committee meeting, the PRPs had decided to team up and negotiate with DNR in the consent order process as a group, not as individual responsible parties. The city and county—and their attorneys, Peter Peshek and Linda Clifford (respectively)—led the team in negotiating with DNR (though Oscar Mayer and other attorneys for responsible parties were undoubtedly also negotiating behind the scenes).^{1,2,3} As described in Part III, the PRPs decided at this initial meeting that they aimed to “avoid site being designated a Superfund site,” “avoid adverse publicity,” “permit development at air park” and “keep costs to a minimum.”

After the first official consent order was issued in May 1990 (later called the “Phase I consent order”), a revised order, negotiated with the PRPs, was issued on August 28, 1991. This order stated again that the landfill had no liner and did not comply with state law—and also that “approximately 6 to 10 million gallons of precipitation are soaking into the landfill and becoming leachate each year.” However, the original sentence (written by DNR) following this-- “Since the leachate is not being retained within and removed from the landfill, it is highly probably that the landfill is causing contamination of groundwater”—was struck out of the order, presumably because the PRPs didn't like it.

In April 1992 another order was issued that included elements of the previous draft orders along with new requirements. This was later called the Phase II consent order. The broad goals of the orders were “to determine the extent of any potential hazard to public health, safety, welfare or the environment” and assure compliance with state environmental laws. Among other things, this order required the City and County (as lead PRPs) to evaluate “the degree and extent of groundwater contamination, addressing the ten points of s. NR 140.24(1)(c)” as well as “all known possible sources of groundwater contamination, such as landfilled areas, spills, areas where spills were likely to have occurred, areas of landspreading, salt storage, wastewater discharge points, storm and sanitary sewers, septic systems, channelized or unchannelized surface water flow.” PRPs were

¹ Clifford with La Follette and Sinykin, Peshek with DeWitt, Porter, Huggett, Schumacher & Morgan, S. C

² According to the ECA, approximately 1,000,000 cubic yards of commercial, industrial, municipal and military wastes were deposited in the 40-acre landfill; investigators found a 22-39 feet thick layer of refuse.

³ Presumably they included Oscar Mayer and the U.S. military, and possibly the University of Wisconsin and Rayovac.

asked to install new wells (and properly abandon others), thoroughly map many critical features of the landfill, provide a list of all existing and abandoned groundwater wells, all surface water monitoring locations, all new groundwater and leachate wells, and names and addresses of all known private wells within one-half mile of the landfill.

Regarding proposed remedial approaches, the PRP's were to provide, by Feb. 1 1993, "a proposal for potential responses which are economically and technically feasible for renovating or restoring groundwater and surface water quality if necessary." The selected response should "result in compliance with the groundwater standards in NR 140, Wis. Adm. Code and other objectives" and reasons why other responses are not "technically or economically feasible to implement" should be included. Long-term environmental monitoring "shall include sampling of groundwater *and leachate.*" (highlighting added).

The order also said that PRPs should, before selecting a remedial approach, "evaluate the results of the Army Corps of Engineers investigations into groundwater contamination of the potential source areas in the vicinity of the landfill, provided that the information is available at the time of the submittal of the Environmental Contamination Assessment Report." The results of the Army Corps study were sent to Clifford in early 1992.

No hazardous air contaminant monitoring?

The first draft consent order was sent to the city and county in late 1989, and negotiations began about what would be included in the order. On August 20, 1990, Dr. Lakshmi Sridharan, Chief of the Solid Waste Management Section at DNR, wrote to City Engineer David Benzschawel about hazardous air contaminant control at the landfill. "Please be advised that ch. NR 506.08(6), Wis Adm. Code, requires the installation of "...a Department approved system to efficiently collect and combust hazardous air contaminants emitted by the facility within 19 months of February 1, 1988..." The letter went on to outline details of the proposal for hazardous air contaminant control the city should submit to DNR.

The consultants did some gas extraction emissions testing in the next few months. An April 1991 letter from Clifford to the PRPs said consultants found high levels of vinyl chloride emitted from the landfill gas extraction systems (187 mg/m³), as well as problematic levels of benzene (1ppm), but were trying to figure out how to "test out" of the DNR's requirements to install a combustion system to deal with the contamination. It's not clear what happened after this, but the August 1991 proposed consent order didn't include any requirements regarding hazardous air contaminants emitted from the gas extraction systems.

The April 1992 order also didn't include any gas or hazardous air monitoring requirements. Internally, however, DNR staff raised questions about including hazardous air contaminant control in the months leading up to the consent order. In January of 1992 a DNR staff in the Bureau of Air called "to find out what Truax is doing about their hazardous air contaminants," saying that they were "venting and not burning."

On February 4, 1992, a couple months before the consent order was signed, several DNR staff from different agency programs held a conference call about this gap. Barb Gear told the group that the consent order "as developed...does not address gas extraction and hazardous air pollutant

requirements.” A colleague said the city and county “submitted an inadequate plan for monitoring above the landfill cap” but the gas extraction system could be used to test monitor air emissions. Another commented that the agency could require air control equipment through a Solid Waste consent order or “plan approval,” but the Solid Waste program “has been opposed to this in the past.” They decided to “go ahead with the Consent Order as developed” (without air testing requirements), but noted that additional negotiations about Air Program and Solid Waste plans might cover air issues.”

In March, the consultant told DNR that “the technical and economic feasibility of certain remedial options has changed over time.” In April, Dames & Moore informed the PRP steering committee that according to their measurements, vinyl chloride emissions of 20 mg/m³ –far less than the levels they reported in 1991 (187 mg/m³). Still, this amounted to 320 to 460 pounds per year, exceeding the “de minimus” levels of 300 lbs/year, so they would need to install a gas extraction and combustion system.

Investigations ordered by consent order find chlorinated solvents, metals, pesticides

In May 1992, as required by the DNR consent order, consultants Dames & Moore submitted the “Truax Landfill Environmental Contamination Assessment Report” (ECA) on behalf of the city, county, and “a number of Potentially Responsible Parties” (unspecified). The ECA, like the Envirodyne study a few years prior—and the city’s own 1984 landfill report—clearly contradicted assurances to the mayor that the landfill was not negatively affecting the groundwater.

In several rounds of groundwater analyses, Dames & Moore found that most of the tested parameters exceeded background levels in the monitoring wells downstream of the landfill, with the highest values in the shallow groundwater.⁴ The ECA concluded: “Chemical constituents of most concern in groundwater in the investigation area are those that exceed the Enforcement Standard (ES) or Preventive Action Limits (PAL). Included are the metals arsenic, barium, cadmium, lead, and selenium; the volatile chlorinated aliphatic compounds; and the volatile aromatic compounds.”

More specifically, chloride, manganese, copper, nitrate/nitrogen and sulfate exceeded the Public Welfare Enforcement Standards (ES) in many well samples, with levels many times higher than background levels. Heavy metals including arsenic, barium, cadmium, chromium, lead, and selenium were detected in several wells, several above enforcement standards or preventive action limits, and were highest in shallow water table wells near the sewage plant. Fluoride, iron, and zinc were also elevated in many shallow wells. Trace amounts of benzene, toluene, ethylbenzene, and xylenes (BTEX) were detected in some shallow water table wells, a few deep wells, and Oscar Mayer cooling water wells.⁵

⁴ The ECA reported that groundwater hydrology results paralleled Kaufman’s 1969 results, but also seemed to indicate that a “clay barrier” in the bedrock river valley prevented transfer between upper and lower aquifers (very conflicting info). Like Kaufman, it concluded that Oscar Mayer wells were significantly influencing groundwater levels and nearby deep water supply wells in several ways.

⁵ The August 1991 consent orders said: “If necessary, proposals for additional investigations before final assessment and selection of responses may be made. Such proposals, if appropriate, shall evaluate the results of the Army Corps of Engineers investigations into groundwater contamination of the potential source areas in the vicinity of the landfill, provided that the information is available at the time of the submittal of the Environmental Contamination Assessment Report.” But the ECA didn’t do this as far as we can tell.

The very hazardous chlorinated compounds tetrachloroethylene (PCE) and trichloroethylene (TCE) exceeding the enforcement standards were again detected in two Oscar Mayer deep cooling water supply wells, and several water table wells, with the highest amount at a well in the neighborhood just west of the landfill (supporting the suspicion that the groundwater leachate plume was traveling westward, at least in part).

The herbicides EPTC (Eptam) and the pesticide carbofuran were detected in shallow water downgradient of the former landfill and treatment plant, and atrazine, simazine, and Eptam were detected at significant levels in the drilling mud samples--perhaps resulting from pesticide experiments Oscar Mayer did at the Burke site with the city and university in the past. Consultants called these "trace amounts" and opined that they likely originated from "local agriculture," given that they are "common materials used in corn production."

The consultants described the deep "ancient pre-glacial river valley" under the landfill (the valley has no Eau Claire shale aquitard beneath it), but stressed that "a clay unit with the bedrock valley functions as an aquitard or confining layer, isolating the upper unconfined glacial aquifer from the lower aquifer." This clay layer, they argued, was preventing contaminants in the shallow groundwater (upper aquifer) from reaching the deeper aquifer. Contradicting this, they noted that "the water table west of the site is hydraulically connected to the lower bedrock aquifer and is influenced by the cone of depression created by heavy pumping in the lower aquifer." Presumably this is how contaminants got into Oscar Mayer's deep wells.

As for sources of the contaminants, consultants attempted to deflect blame away from the landfill as much as possible, opining that "aromatic compounds are generally associated with leaking underground storage tanks and are not normally associated with sanitary landfills," suggesting a "possible alternate, upgradient source for these contaminants." Metals were "generally found in the area adjacent to or downgradient from the former wastewater treatment plant" and "the aquitard is providing a barrier to the migration of these metal compounds" (presumably they mean the clay aquitard). Chlorinated aliphatic compounds, they noted, are generally associated with solvents and commonly found in landfills, but the "data suggest that the chlorinated compounds may be originating from a source or sources other than the landfill." As for potential sources other than the landfill: "A total of 48 potential contamination source areas were identified within 1 mile of the Truax Landfill. These potential source areas include spills, underground storage tanks, above-ground storage tanks, fill areas, and fire training burn sites."⁶

Landfill leachates were not tested. "A leachate head," consultants wrote, "has not developed in the landfill because of the lack of a hydraulic barrier at the base." But following this statement they admitted that "isolated 'pockets' of leachate were encountered because of perching conditions in the refuse. The most extensive is in the southwest corner of the landfill."

The consultants also concluded that there were "no private wells in the area" (which is incorrect). Hazardous air contaminants emitted from the gas monitoring systems were not tested, as

⁶ A March 1994 Proposed Groundwater Monitoring Plan, according to DNR, showed that many of the groundwater standards were "determined to be the landfill." We didn't find this report.

this was not required in the consent order. The consultants explained they were still discussing with DNR what kinds of air emissions control systems (if any) should be installed at the landfill.

Magic! No potential for contaminants to impact Starkweather Creek

Throughout the never-ending debacle about the landfill, there were extremely few mentions of actual or potential effects on Starkweather Creek. This is odd and problematic, given that the creek goes right through the landfill—and the city and county were publicly debating what to do about the creek’s contamination throughout the 1980s and 1990s. The 1983 Dane County Regional Planning Commission (DCRCP) report also explicitly listed the Truax Landfill and former Burke sewage plant as sources of leachate and/or sewage to the creek, and highlighted the city’s authority to address contamination discharging to the creek via MGO 7.46-7.47 (Madison General Ordinances). In 1990, a DNR staffperson’s notes about the city’s landfill report asked “is there any effect on lakes and Starkweather Creek?” There were no answers to this in documents we reviewed, nor did DNR require it to be investigated.⁷

The 1992 ECA report explicitly stated that shallow groundwater on the east side of the landfill was moving toward Starkweather Creek—and investigations showed that this shallow water was significantly contaminated. But based on just four samples, it concluded that “[r]esults from surface water and sediment sampling do not indicate that runoff from the landfill, former treatment plant area, or surrounding areas are severely affecting water quality in nearby Starkweather Creek.” But they didn’t have remotely enough data to draw this conclusion. Three of the seven total surface water samples originally planned for the study were not gathered because of “insufficient flow” and because one drainage area had been filled in. Several metals were found in sediments (barium, cadmium, copper, zinc), but since there were no sediment standards at that time, consultants compared the levels to standards used for spreading sludge on land (which tend to be extremely high—not at all protective) and then unconvincingly and absurdly concluded that “*the potential for migration of these compounds to surface or groundwater appears remote.*” (highlights added).

Starkweather Creek was not mentioned in any subsequent documents we reviewed on this site, and there were no requirements in any consent orders asking responsible parties to assess effects on it.

ECA report proposes capping and “passive remediation”—basically, doing nothing

Having dismissed any detrimental impacts on Starkweather Creek with sparse to no evidence supporting this assertion, consultants still couldn’t totally dismiss their results showing toxic impacts on shallow groundwater. To address this problem, they discussed several potential remedial options. The first option was “No Action.” They included this option, they explained, because “[f]urther degradation of groundwater is not anticipated—i.e. the concentrations of contaminants measured in monitoring well samples are not expected to increase; and the existing groundwater quality resulting from the presence of the landfill does not appear to be severe.” The second option was

⁷ Notes also asked about the effects of pumping wells and about asking the city to “identify which wells were pumping when?” contamination in high capacity wells.

“containment,” or a process by which “the contaminated area of concern is isolated to restrict contaminant migration” (e.g., low permeability containment devices such as caps, slurry walls, grout curtains, and cut-off walls). The third option was “extraction”—pumping up groundwater to control the migration of contamination in an aquifer. Oddly, removing the landfill wastes wasn’t even mentioned as an option in this section.

The next section, on “water supply management,” however, did consider removal of wastes, but then quickly dismissed it. Contradicting their conclusion that “further degradation of groundwater is not anticipated”—which conflicted with all the previous landfill analyses done to date—consultants admitted that “the results of the investigation also indicate that groundwater in the upper aquifer is recharging the lower aquifer through the bedrock high (groundwater trough) west of the site” and that this is “the primary aquifer used for the City of Madison water supply.” Regardless, they then concluded that “source removal,” or excavation and removal of wastes, was “not a viable option for the Truax Landfill” because it would be “cost prohibitive for the volume of waste requiring removal.” In other words, this option was too expensive.

Consultants also considered the option of treating the municipal or other high capacity water supplies that became contaminated (e.g., Oscar Mayer’s wells) using various “central water treatment processes” (aeration, activated carbon, ion exchange, etc.). They wrote this off immediately. “Central water treatment options are generally not acceptable from a regulatory standpoint” and “do not address the source of the contamination nor do they afford protection to the groundwater resource.” (Again, this was ironic, since they had previously dismissed the “source removal” option as too expensive.)⁸

Finally, “in-situ restoration,” was offered as a potential solution. This could include isolation/containment, biodegradation, and passive remediation. Biodegradation approaches were written off as “not a viable remedial option at this site” because they are “not cost effective for the type and concentrations of contaminants present in the groundwater” and because “regulatory constraints may preclude the installation of injection wells and the introduction of nutrients into an aquifer used as a primary drinking water supply.”⁹

Passive remediation—which was “essentially a no action response,” consultants wrote—relies on “natural degradation and dispersion processes” to reduce contaminant concentrations. One anticipated challenge was that “[r]egulatory agencies rarely will accept passive remediation as a viable alternative,” and consequently “passive remediation alone would not be a feasible remediation option at this site.” Further, as they did earlier in the report, they explained that “passive remediation requires that the source of the contamination be controlled or removed”—and they had already dismissed this as too expensive.

Regardless of these problems, consultants concluded that a “viable alternative” would be “passive remediation in conjunction with the installation of a landfill cap and long term groundwater monitoring.” This is what consultants advised the city at the end of the report: “A low permeability

⁸ This is also ironic since an iron and manganese filter was eventually installed at Well #7. Both metals are found at high levels in the Truax landfill leachates, though the Madison Water Utility claims they are from “natural” sources. In recent years, PCE and PFAS are also being detected at Well #7, and may eventually require filtration.

⁹ These approaches are being used at Oscar Mayer and Truax Air National Guard base now, in 2021.

cap...in conjunction with longterm groundwater monitoring and passive remediation, appears to be the most viable option.” Capping, they explained, “can effectively minimize infiltration into the landfill and reduce leachate production which can impact groundwater.”

Passive remediation is basically doing nothing. No source removal or active remediation was recommended. As far as we could ascertain, this report and its recommendations were not publicized in local newspapers. The public, including the immediate community around the landfill, remained in the dark.

DNR asks for more information about contaminant plume and hazardous air emissions

After receiving the ECA report, DNR staff raised many questions, and requested more investigations and information to fill gaps in the report.¹⁰ Gaps included: not mapping land uses within a mile of the landfill, a variety of “geotechnical information” (including identifying aquifers most susceptible to contamination), background water quality information, important boring logs, testing data from private wells within 1200 feet, and more. Among other things, DNR asked for more groundwater investigations to delineate the contaminant plume emanating from the landfill.

Regarding the findings of pesticides in hand-written notes on a map with these results, a DNR staffperson wrote, “What in the hell was atrazine doing in the drilling mud for this area?” Apparently unaware of the past pesticide experiments at the site, DNR bought this questionable explanation and didn’t require any further pesticide testing in soils and groundwater there or in Starkweather Creek.

In the next couple of years, numerous exchanges of information and ECA addendums went back and forth among the agency, the PRP group and their attorneys, and Dames & Moore. In February, 1993, Mary Young from the State Division of Health called DNR to find out what was going on at the landfill. Barb Gear’s internal notes indicated that she assured Ms Young that things were OK based on the ECA report’s conclusions. “I read parts of the Truax ECA to her, such as some of the conclusions,” and “there is no leachate extraction because they didn’t find leachate at the base of the site to be extracted,” notes said.¹¹ In spring/early summer 1993, however, “ponding” was still being observed at the landfill.

Internally, contradicting Gear’s assurances to Young, the DNR was exchanging communications about the “ECA incompleteness.” In March 1993, the consultant told DNR he believed that “there is funny groundwater flow south of Oscar Mayer as well as west of Truax probably related to the bedrock valley buried below the surface.” The 1992 consent order also required the consultants to identify other possible sources of contamination in the area. Many obvious and significant sources of contamination were not mentioned in the ECA. That year, for example, Pat McCutcheon in the DNR “spills” program (NR 700) informed Barb Gear of a “large spill” along the rail corridor at Oscar Mayer, a landfill near the Hartmeyer Arena, and of the PCE and TCE in the Oscar Mayer wells. There’s also no indication that consultants considered the results of the 1992 Army Corps study by Tracer Research Corp, as required by the consent order, though

¹¹ The claim that there was no leachate was disputed in various documents. Also, it was recognized that because of the ancient pre-glacial river valley beneath the landfill, there is no “hydraulic barrier” there.

“former and existing fire training burn sites” were listed as among the 48 potential contamination sources” within one mile of the landfill.¹²

PRPs further debate hazardous air emission control with DNR

Meanwhile, problematic methane levels were still being measured along Pankratz Ave, and PRPs and consultants continued to negotiate how to address gas hazardous air emissions with DNR. On March 18, 1993, DNR’s Sridharan sent a letter to the city and county attorneys, following up from a March 4th meeting with Dames & Moore.¹³ The agency contested the consultants’ previous claim that they could “test out” of installing hazardous air emissions control with a single test on the gas extraction system. To “test out,” DNR wrote, they would need to demonstrate that quarterly tests within the landfill (not on the perimeter) for five years were consistently below standards in hazardous air pollutant regulations NR 445. DNR argued that there were “several compelling reasons” for the city/county to expand the active gas extraction systems, including controlling explosive gasses, removing volatile organic compounds, and controlling hazardous air emissions. Though groundwater and gas issues had been kept separate up till this point, Sridharan said, “now we would like to begin to integrate the two by incorporating air issues in our response to the ECA report.”

Refuting this, an April 1993 letter from Dames & Moore to DNR said “it is the opinion of the PRP Group that the data gathered in April 25, 1991 (showing high vinyl chloride and benzene emissions—discussed above) does not accurately reflect existing landfill conditions,” but this had “become moot at this time” since they would install a thermal oxidizer and emissions testing for benzene, vinyl chloride, and non-methane organic carbon.

Interestingly, notes from the March 4 meeting between the DNR and the consultants said that “The PRPs are concerned that the forthcoming promulgation of NR 700 rules may change DNR’s response in mid-stream, such as changing from NR 500 cap to a composite cap.” This was followed by “NOTE: Carol McCurry of the Emergency and Remedial Response Section says NR 700 soil standards and remedial design standards would apply only to spill cleanups and to projects being cleaned up under the Environmental Repair Fund. As long as Truax is governed by NR 500, NR 500 standards apply.”

Why no PCB testing?

Despite the extremely high likelihood of polychlorinated biphenyls (PCBs) being in the landfill wastes—given what was dumped there over many decades—no PCB testing was done as far as we know; if so, there are no public records with the results. This gap is notable and troubling, and the DNR didn’t mention anything about it. Perhaps they were aware that finding PCBs there could trigger NR 700 involvement and possibly EPA as well?

¹² It appears that the city and county themselves asked that this be included in the consent orders in earlier drafts. Did they decide to blow off the requirement to include the results of the Tracer Research Corp report after realizing that they also shared responsibility for the fire training areas? It’s not clear.

¹³ The March 18 letter says the 2nd, but the attached memo is dated March 4

PCBs were banned by federal law in 1979 after an overwhelming weight of scientific studies, done over several decades, showed that they are highly toxic. They were first manufactured in 1929, used widely in hydraulic oils in machinery and electrical transformers all over the Oscar Mayer factory site from that time through the 1970s (and after that, since the PCB-transformers remained there for years afterwards). They were also likely used in other processes at the factory. Because PCBs stick to organic matter, significant amounts would have ended up in sludge and other wastes Oscar Mayer sent to the Burke plant and Truax Landfill.¹⁴ They were also in wastes sent to the landfill by other Madison industries, along with other materials sent to the landfill, including stoves, refrigerators, etc.

PCBs were found Lake Monona and Starkweather sediment and fish in the late 1980s and early 1990s, while attention to the landfill was ramping up and DNR was outlining the consent order. Stories about this appeared in Madison newspapers during this time. It was unlikely an accident that they were not tested. It was more likely a purposeful decision by the PRPs not to measure them—and by DNR not to require it.

Public irate upon learning about landfill “clay borrow” plan

Up to this time, there is no evidence that the public had any knowledge about what was happening at the landfill (if they were aware, it wasn’t reported in the papers or in DNR’s records).

But as described earlier, to comply with CERCLA, the PRPs had to show that they had engaged the public. On June 7, 1993, Linda Clifford sent a letter to the Army Corps of Engineers inviting them to participate in a public hearing to meet NCP requirements. She wrote: “One part of the process is the need for a public hearing on the proposed remediation to enable the PRPs who may initiate cost recovery actions to defeat any defenses that might be interposed based on failure to comply with the National Contingency Plan. Compliance with the NCP is part of the DOD/City-County PRP agreement.” The letter said they planned to conduct a public hearing on August 18 and in preparation for that, would deliver the ECA to the Town of Burke, Madison main library and “branch libraries near the site.” Again, we found no reports about a public meeting in records and/or local newspapers, so it’s unclear whether any members of the public knew about this meeting and attended.

Many months later, on Feb. 3, 1994, a woman living near the “clay borrow site” at Reindahl Park, where they would get clay to cap the landfill, called Barb Gear at DNR. Apparently there had been a “public informational meeting” related to the plan the previous night and “130 to 150 very irate people attended the meeting, angry because they had not been contacted by the City about the meeting.” The woman distributed 500 flyers to get people there. She asked that the conditional use permit the county was requesting from the city should be tabled “because the DNR doesn’t even

¹⁴ PCBs from Oscar Mayer undoubtedly contributed to the levels in Yahara Lakes fish over time. In the 1970s, scientific studies showed that though DDT had been banned in the state, and levels in fish had declined, PCBs were increasing. “Trace amounts of toxic chemicals in fish still are a problem, and no sooner are some of these substances brought under control than others arise to take their place. For example, since the statewide ban on DDT use, concentrations of the pesticide in Lake Michigan fish have been declining. But recently, high concentrations of PCBs, have been noted in fish...Rules are being drafted to control the use and discharge of PCBs in Wisconsin.” July 29, 1975, Wisconsin State Journal.

have an environmental package on it yet.” Gear’s internal notes said the environmental package referred to the city’s remedial plans, which they have not yet submitted to us.” The city had informed the public at the meeting that the clay would be removed in 1994 but not used until 1995.

According to Gear’s notes, neighbors raised a long list of concerns about the Reindahl clay borrow site: lack of environmental studies, Reindahl’s intent that the site be for park and greenspace, disruptions from the clay digging, costs, number of homes in the area, FAA didn’t know about it, dust and dirt in homes from 3-6 months, truck traffic, restoration of holes from the digging, clay might not be good enough, sediment in runoff, effects on wetlands, revegetation of disturbed areas, and more. Gear wrote that she “affirmed that the concerns are legitimate and deserved answers.”¹⁵

We didn’t find any documents on whether answers were provided to the community, and if so, what the answers were. This is the last time public engagement and/or any public comments about Truax Landfill were mentioned in government documents we reviewed (up to the present). Presumably this is because this is the last time the government engaged the community on this issue.

To be continued in Part V...

¹⁵ Internally, the DNR discussed the fact that the city had planned to stockpile clay without their approval and was claiming they didn’t need DNR approval. It’s not clear how this was resolved.