

138 S. Marquette St.
Madison, WI 53704
January 8, 1993

Mr. Bert Zipperer
Madison Common Council
1337 Jenifer Street
Madison, WI 53703

Dear Bert:

Re: Excessive noise from Madison-Kipp Corporation/
Adequacy and enforcement of Madison's noise
ordinance

I'm sorry it took so long to copy and send this material to you--hope your holiday season was bright and happy. There's a lot of information here; the immediate material includes the Isthmus article, newspaper articles noting the Wis. Supreme Court's finding that Madison's noise ordinance's general provision is constitutional; my letter (long!) to Pat Natzke, and some short correspondence, varied; the neighborhood's petition to Kipp more than two years ago; other cities' noise ordinances (New York City, Ann Arbor, Chicago) as well as Madison's existing one and Bill Bakken's revision, which was shelved by the City Health Department (it's a good one--it lowers decibel levels to roughly the levels recommended by EPA and adopted by most other cities, but its abatement provisions and penalties are far too lenient or nonexistent); a copy of Wis. DNR's announced-inspection report from October 1990 (I believe DNR's last inspection of Kipp), etc.

I am sleeping in my basement again because of Kipp's roar. Their emissions cause frequent nightly burning nasal membranes, lungs, throat, and eyes; I have completely lost my sense of smell and taste. I hope bronchial infections don't follow.

Kipp's smokestacks are extremely low for their kind of business; many are lower than Kipp's building. At almost person level, they spew metallic fumes all over the neighborhood, causing irritation, headaches, and irritability--accompaniments to Kipp's constant intrusive roar. DNR says it has "suggested" to Kipp that it raise the height of at least one smokestack, but thus far Kipp has decided it would rather not. So much for enforcement of environmental and health regulations in our fair city. In the last three years, I have had almost no nights of uninterrupted sleep; the usual pattern is restlessness, measuring noise levels several times, nightly headaches, earaches, and irritability. The effects of Kipp's noise on the health of affected people in the neighborhood cannot be overestimated. My long letter to Pat Natzke discusses the issues involved in detail, including such city excuses for inaction as the "grandfather clause"--and my suggestions regarding its scope in cases like this.

Kipp owner Reed Coleman has, I believe, contributed hundreds of thousands of dollars (if not millions) to local cultural causes, yet he refuses to abate the very high-technology noise he has produced recently by spending even a minimal amount of money on abatement

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of that noise or protection of the neighborhood from the effects of his fumes. Digisonix, a company in Middleton (highlighted not long ago on Channel 27), manufactures digital sound cancellation systems which effectively silence roars like that produced by Kipp's air-intake/compressor system (the source, along with the noise of Kipp's enormous, low new water-coolant tower, of the factory's ear-splitting roar). I believe the cost of these sound-cancellation systems starts at less than \$5,000. Yet to my knowledge Kipp hasn't even investigated this inexpensive and effective means of considerate coexistence with the neighborhood. (Digisonix material from Stuart Austin enclosed.)

I was brought up to believe that to trample on someone else's rights because one is bigger than the other person is ill-mannered and ill-advised, because assault on another person's rights usually provokes counteraction. I believe it is just a matter of time before serious health and environmental degradation are conclusively traced to Kipp in this neighborhood, and then the City of Madison and/or the State of Wisconsin would probably be subject to a very expensive and embarrassing lawsuit. It seems to me foolish for the City-- and the State--to wait until someone traces serious health problems, or even death, to Kipp's activities before acting; it is certainly unethical. After all, the sole mission of the Public Health Department is the protection of the health of the people in the City. That the Health Department ordered a carefully written noise ordinance shelved because there was "no political support for it" seems a subversion of that mission! The owner and officers of Kipp have made minor changes in response to complaints of noise and pollution, but essentially the factory is operating with a freer hand than ever, confident that its money will effectively prevent the City from enforcing the law it is breaking. This open strutting is bad for Kipp's and the City's reputation. There are two related problems here: The City's noise ordinance is being violated with impunity by Kipp because its owner has an "in" with City officials; and the Madison noise ordinance needs to be made more stringent: It was revised a year and a half ago by the City Planning Department (given much lower noise requirements and more detail, though it still needs real abatement provisions and stiff penalties for violation) but shelved--not even submitted to the Common Council--because of behind-the-scenes tinkering by polluters like Kipp. This modus operandi brings dishonor to Madison's government and has made the neighborhood a living hell over much of the past three years. Let's act to change it!

My number is (608) 244-8963; I am at home after 6 p.m. when not at the library. Please call me when you want to; I don't mind late calls since I return from campus as late as 11 p.m. sometimes.

By the way, one of the problems with Madison's noise ordinance is that it uses only the A-weighted scale on decibel meters to measure all kinds of noise. The A-weighted scale does not take low-frequency noise into account; the difference between the A and C readings of Kipp's very, very loud and intense roar is usually about 15 decibels. This is a noise intensity difference of between 6 and 32 times (the conservative approach is that noise is perceived to double

with each additional 6 decibels; the usual audiologists' approach is that it doubles with each 3 decibels). At any rate, the roar at night is enough to cause a night-long earache and headache and to keep me awake all night. During the winter I have been trying to mask the noise with both radio and television playing loudly all night--hardly a restful way to spend a night!

In contrast to Kipp's intense roar, radio music's decibel readings on the A and C (all-frequency-noise-measuring) scales are within 3 or 4 decibels of each other: That is, the A reading is usually no more than double the C reading--not as much as 30 times the C reading! In other words, Kipp's low-frequency noise is painfully loud and far more intrusive than musical or speech noise. It is also much, much louder than it was before 1990, because new, expensive high-efficiency furnaces and machinery have been bought and installed by Kipp in its unimproved (century-old) building in the last three years--whatever new president Tom Caldwell says to the contrary. (These acquisitions are documented by the Wisconsin DNR.)

The noise level varies; during the Christmas holidays there was a hiatus of several weeks; it is unpredictable. The owner and officers seem to know when they're going to be under scrutiny and somehow lower the noise levels at those times. At other times, the sky has been the limit. Keeps the neighborhood in turmoil.

I anticipate hearing from you. I am willing to do whatever is necessary to help get the present noise ordinance enforced by the City, to get a realistic revised ordinance passed, and to help present Kipp with reasonable and affordable alternatives to "letting it all hang out" (like Digisonix's systems).

Sincerely,

Anne Chacon

Anne Chacon

Attachments