

Neighborhoods for a Healthy Environment

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Dear Neighbors:

We learned last week of the attached letter, dated July 13, 1999, from Madison-Kipp Corp.'s President and CEO Thomas Caldwell to Wisconsin DNR Secretary George Meyer. The letter depicts Kipp as a victim of its neighbors and seeks Secretary Meyer's assistance in preventing DNR's regional staff from conducting an odor survey in this neighborhood at this time. (DNR regional staff, in response to a recent petition by 22 neighborhood residents to Alder Judy Olson regarding Kipp's fumes and their health effects, has proposed such a survey.)

DNR plans to hold a public hearing soon on whether the Kipp Corp., which has been operating under an "application shield" since 1995, should be granted an operating permit. As his letter makes plain, Mr. Caldwell wants no odor survey conducted **until after that public hearing**, if at all. His letter is somewhat astonishing in its assumptions, tone, request, and even accusations; but if Kipp is the good neighbor its recent communications with its neighbors state it is, it should have nothing to fear from neighbors' responses to an odor/health survey. It might be asked, too, whether it is appropriate for a regulated entity to try to influence its regulator.

Citizens' complaint files regarding Kipp's air pollution (obtainable at DNR's Air Management Bureau, Southern District, Fish Hatchery Road facility) contain **hundreds** of health complaints over the past decade. We have copied many of them. Although Kipp's executives have portrayed complaints as coming from only **one** person, or a very small group, DNR files show that **many** neighbors have complained about problems experienced near Kipp's operations, including strong and unpleasant smells, nausea and vomiting, shortness of breath, chest constriction and chest pain, headache, sore throat, runny nose and eyes, stinging and irritation of mucous membranes and skin, speeding, pounding, and irregular heartbeat, dizziness and difficulty in concentrating, deep coughing, repetitive sneezing, liver and kidney problems, *cramps, diarrhea,* asthma, and miscarriage. A disturbing amount of disease including cancer, birth defect, disabling arthritis, and liver and kidney failure (eventually resulting in death) has occurred in the area adjacent to Kipp in recent years. (A small-sample Madison Health Department survey in 1994 reported that short-term problems tended to disappear away from the Kipp area.)

Kipp emits many kinds of chemicals, compounds, and metallic particulate, and it is hard for neighbors to distinguish each one in this toxic melange. Some very noxious emissions have little or no "odor" but are nevertheless toxic or hazardous. High levels of particulate of any kind make breathing difficult and damage the lungs. Once an industrial fume can be smelled, it is generally capable of harming health; if these fumes continue over months or years, chronic health damage can result. We believe that it is vital for the State (perhaps including the State Health Department) to conduct a comprehensive **health and odor survey** among **all** neighbors near Kipp as soon as possible, using state-of-the-art methods accepted nationwide. We would be

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most disappointed if DNR were to yield to pressure from Kipp executives to postpone the planned survey until after Kipp's permit hearing—or to decline to conduct it at all.

An epidemiological study of the neighborhood surrounding Kipp was considered by the Madison Health Department (with input from DNR and the State Health Department) in November 1996, but was decided against, in part because Kipp was making "changes." (We have copied the memo detailing the decision.) This decision is somewhat surprising, considering the number of neighbors of Kipp who had made health complaints between late 1994 and the date of that decision. Kipp again plans to make "changes"—this time to install a taller stack "within early calendar year 2000," with additional exhaust fans. Mr. Caldwell makes no mention of any **filtering, scrubbing, or electrostatic precipitation** in this proposed stack, just as there is none in **present** Kipp stacks and roof ejection units. How will merely ejecting uncontrolled polluted air into the neighborhood from a higher stack with more powerful fans improve neighborhood air quality—especially if the much lower, unfiltered roof ejection units continue to exhaust Kipp's foundry air near our houses? One must use one's common sense!

Mr. Caldwell makes several unusual statements in the second full paragraph of page 3 of his letter, one of them "According to DNR's own models, the levels of chlorine and HCl [hydrogen chloride] resulting from the plant are below odor detection levels for the time period modeled." If that is so, why are there so many complaints of strong chlorine smells in the complaint files and on petitions? Common sense—again!—would lead one to question whether the model used gives an accurate picture of Kipp's operations. Mr. Caldwell continues, "At detectable levels they are no worse than odors from swimming pool chemicals experienced by visitors to a pool or water park." **Unfortunately, "odors" are not the chief problem in the chlorine emissions from Kipp;** chlorine, combined with the intense heat of a Kipp aluminum furnace and the volatile organic compounds (VOCs) on the scrap metal Kipp melts in it, could potentially combine to produce **dioxin, one of the most toxic chemicals produced by man.** (See toxins fact sheet.) The comparison of Kipp's chlorine operation to a chlorinated swimming pool or "water park" is a bit strained.

Chlorine is on the EPA Extremely Hazardous Substances List (see health risks on attached fact sheet). Since 1990, Kipp has almost continuously injected chlorine gas into its large RCI aluminum-melting furnace very close to houses. **A required sign posted on the nearby chlorine storage area states that inhalation of chlorine will cause nausea and shortness of breath, yet Kipp recently suggested increasing its chlorine rate from the 35-lb/hour maximum rate to 80 lbs/hour!** Chlorine has a distinctive odor, as does another heavy Kipp emission—its "die-lube" lubricant, used to prevent parts from sticking to die-cast molds. This paraffin-based compound has a suffocating, sickening, permeating waxy odor. Mr. Caldwell describes it as "not unpleasant"—perhaps because he has never lived in this neighborhood, which may reek of it all day and all night—depending on the wind direction, which constantly changes. **Kipp claims that it cannot afford to control this emission except by dilution with water**—which it has repeatedly put forth as its "LACT"—Latest Available Control Technology—to comply with state law. DNR and EPA investigative documents list Kipp's emissions as "uncontrolled." Kipp's claim that effective pollution controls are "too

costly" contrasts vividly with its listing of many **large** buyers of its products—including General Motors, Chrysler, Harley-Davidson, Volkswagen, etc. We believe that it can **easily** afford—and must be required—to control its emissions, for the sake of the health and well-being of everyone in this long-established (since before 1900), formerly very pleasant residential area.

Others of Mr. Caldwell's statements may also strike the reader, such as (page 3, third-to-last paragraph), "Die lube is a waxy lubricant and small amounts of **perfume** are added to deal with any possible real odor issues. **Again, to conclude that if some percentage of neighbors found this emission excessive, they could have the effect of declaring this a malodorous emission subject to control flies in the face of common sense.**" (Emphasis added) This comment needs no interpretation.

Under current law, polluting industries test their **own** pollution (through consultants). The Wisconsin DNR does not conduct independent stack testing, and during this decade it has generally accepted the results of Kipp's consultants, no matter how many health complaints it has received from the public. DNR cited Kipp in 1994 and 1995 for noncompliance and serious violations for such practices as letting its emissions escape uncontrolled through open windows and doors, but it claimed in 1997—two to three years after initial citation—that Kipp was in compliance for all cited irregularities (although neighbors at a public meeting in mid-1997 detailed continuing serious problems with Kipp's pollution). Although DNR can legally fine industries at least **\$25,000 a day** for not complying with its regulations, **it has never fined Kipp.**

Unfortunately, air pollution has not been the only neighborhood problem traceable to Kipp. In 1994, in a DNR-required investigation, Kipp soil was found to contain levels of the carcinogenic solvent tetrachloroethene (PCE) of up to **6.4 million micrograms per kilogram** (ug/kg); PCE contamination found in a well at Madison Brass Works, about 35 feet from Kipp across Waubesa Street, was traced to Kipp. In the ensuing 4-year investigation, groundwater on Kipp's property was found to contain up to 2,600 ug/liter of tetrachloroethene; levels of **5 ug/liter** trigger investigation. These levels are hazardedly high. Neighbors were not notified of this contamination by Kipp, DNR, or the City between 1994 and early 1999. Our repeated efforts to learn whether contamination had occurred were thwarted by DNR until we recently cited the public right to know law; we then were shown DNR files detailing this contamination by numerous chlorinated and other toxic compounds. (The documents detailing this contamination are kept at DNR's Remediation and Redevelopment division, at the Fish Hatchery Road facility; we have also copied them.)

Although our initial efforts to find out whether Kipp remediation had begun were unsuccessful, Kipp—in **spring 1999**—finally publicly admitted contaminating both soil and groundwater, and a report from its consultant on initial soil remediation was finally made available. There is question as to whether the direction of groundwater movement and extent of contamination have been adequately defined and what level of chlorinated solvents will **remain** in area soil after remediation. **Once contamination of groundwater has occurred, it is difficult to remediate.** All Madison drinking water comes from groundwater. Soil and groundwater contamination were found under Kipp's industrial yard; a drainage ditch parallel to

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and between the bicycle path behind Kipp and Kipp's paved industrial yard (and about ten feet from both) empties into nearby Starkweather Creek, which flows into Lake Monona.

Many neighbors have worked on these problems for many years; many have been driven out of the neighborhood by health problems experienced only when they lived near Kipp. We continue to work on them and would welcome any ideas you may have. We applaud the recent petition to Alder Olson and believe that if enough neighbors speak up about the way in which Kipp's operations affect them, Kipp will begin to take the action required to protect this neighborhood. As the mayor of Madison, Sue Bauman should also be held accountable for the environmental assault this neighborhood has endured for almost a decade; **Section 28.04(17) of the Madison General Ordinance protects all residents against activities which may be potential hazards or nuisances (copy attached).**

We would be happy to share the documents from the DNR files on Kipp's emissions and pollution with anyone who is interested in seeing them. It would also be useful for DNR and the City to hear the public's views on Kipp's pollution at the time of the public hearing on Kipp's permit. That meeting will probably be in late August or early September; we should know the date in a week or two. Please e-mail us at healthyenv@angelfire.com, or call DNR's Southern District, Air Management office, for information.

NEIGHBORHOODS FOR A HEALTHY ENVIRONMENT

Attachments

- Dixon St Block party
- "Not Jan O'Neill types"
- Carolyn Belle
- Jan Voilleck put together petition to Judy Olsen
- Anne got copy of that (from reporter?)
- Brought around to neighbors → No response