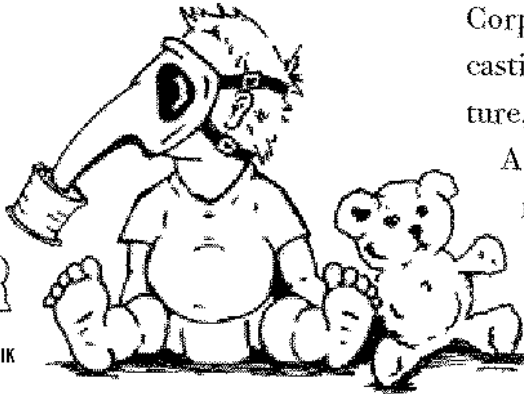


MADISON KIPP

THE STRUGGLE FOR CLEAN AIR

STEVE ZELAZNIK



At four in the morning on Atwood Avenue on Madison's East Side, most of the neighborhood is quiet. The only sounds come from crickets, and the factory just north of the road. The Madison Kipp Corporation's factory operates around the clock, casting metal parts for the automobile, agriculture, and telecommunications industry.

A car passes by, and the factory goes silent. The machines are now idle, but smoke still spews from the 100-foot stacks atop the building. Neighbors of Kipp factory say those smokestacks are the main source behind their health problems.

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Jen Voichick lives less than a half mile away from Kipp. She gets a headache and nausea whenever she smells the fumes. "I would say in the last five years, I've become more and more sensitive to chemical smells," she said, "For instance when I walk into a hardware store, I have to leave pretty much immediately because of all the fertilizers and pesticides and stuff that they sell in there." Voichick thinks her problems have worsened as Kipp has simultaneously expanded its emissions. "If you had asked me if I had any problems like this six or seven years ago I would have said no."

For many residents, the feeling is the same. Before she goes to bed, Anne Chacon puts a gas mask on her face. "The air gets so bad in here at night that it really hurts to breathe," she said. Chacon lives behind the factory, and deals with its chemicals, including chlorine, aluminum salts and dioxin. Her gas mask protects her from most of these chemicals. "If I didn't have these I probably couldn't sleep at all."

Chacon has been documenting the pollution at Kipp ever since it became a problem back in 1990. In late February, she was happy to give a tour of localized pollution around the factory. "Basically everything that comes out of Kipp is coming out of the factory without any controls at all," she said. Chacon pointed to some blue bumps on the roof of Kipp. Neighbors were told that those apparatuses would protect neighbors from pollution. She disputes the claim that these fixtures protect neighbors. "Air is forcibly ejected through them constantly. A lot of their windows are wide open."

On that night smoke was heading toward Chacon's house from the 100-foot stacks. She said she was at the mercy of the wind. "If we get it then the people on the other side of Atwood probably aren't getting it," she noted, "If they're getting it we're getting some, but we're not getting it blown directly into our faces."

Neighbors are tired and frustrated over the emissions at Kipp. In this past year, Kipp proposed plans, which have since been approved, to triple aluminum salt emissions from .67 to 2 pounds per hour. Chlorine emissions actually dropped from 90 to 63 pounds per hour, but other airborne particles would increase from 3 to 17 pounds per hour.

Dozens came to a February 6 public comment session organized through the state Department of Natural Resources (DNR), but nobody spoke in favor of the proposed changes. The tone of the comments was angry. Joan Brown wanted Kipp to be a good neighbor. "None of us want to cut jobs but we want to be able to live in a place we feel is safe," she said, "I feel like I can't garden where I am because I don't want all the particulate matter dropping on the food that I'm going to be eating."

Many residents challenged the claim by Kipp and the DNR that the emissions are no cause for concern. Jim Powell is worried about all the bad stuff that's going into the air. "If you look at the chemicals that we're considering today, most of them are regulated as air contaminants, extremely hazardous substances, hazardous air pollutants, hazardous substances in the Superfund program, inhalation hazard chemicals, registered pesticides, regulated toxic explosives under the Clean Air Act, and are monitored by the toxic release inventory."

The residents were clearly frustrated, and wanted the DNR to do more, with parts of the meeting growing tense between residents and public officials. Marty Watrouf offered a glimmer of hope for the neighborhood; life improved when Glass Nickel moved in. "Now that lovely pizza smell covers up the di-lube smell," she joked, "but [the DNR] needs to do more."

To understand the frustration of neighbors, a little history is necessary. In 1990, Kipp proposed a radical change in its operations. The company realized it could save money by using chlorine to purify molten aluminum. The only drawback was that chlorine would be released into the air. Anne Chacon says at first Kipp promised not to use chlorine, "and once they did it, [the] DNR fiddled around with letters of non-compliance and so forth, and let them go ahead and use chlorine."

For neighbors of the factory, 1990 was just the beginning. Frank Jablonski is representing the neighbors in their legal claim against Kipp. "I remember actually personally walking through that neighborhood early in the 1990's one morning; I get up pretty early, and walking through literally an acrid white cloud."

Of all these stories, perhaps the most disturbing occurred on August 9, 2000. A chlorine injection furnace began to leak around 1:00 AM, spilling molten metal onto the ground. "The air was just so waxy smelling," Chacon said, "the workers were all evacuated; they stayed out for three days until they got the place cleaned up. They had to scrape the slag off the blacktop." Chacon said that Kipp never told the neighbors what was going on. "I found out from one of my friends who was listening to her police scanner." Maria Powell heard of the fire from Chacon. "There was no warning, there was no sign, there was no loud alarm system going off." Powell said the only account of the fire was a small article buried in the newspaper the next day.

Many neighbors worry about another spill at Kipp. Powell is scared most of the danger to Lowell Elementary. On the last day of school this June at Lowell, some kids were on the swing set; others were playing tag, while some adults were mingling on the side. Lowell is a few hundred feet from the Kipp factory. The school is on a plateau fifteen to twenty feet higher than Kipp, and closer to the top of the 100-foot stacks.

Powell's daughter attends Lowell Elementary. "As I learn more about Kipp and their emissions, as I learn more about Lowell school and the fact that their air intake is on the roof, and as I talk to teachers in the school about how dusty it is in that school, how many people have sinus problems when they go to school that go away when they leave, I am becoming much more concerned about the school."

Powell and other residents say the situation at Lowell highlights shortcomings of current regulations at Kipp. Both the Madison City Health Department and the DNR decide regulations based on health complaints, meaning individual members of the public have the burden to alert public agencies. Powell says this approach overlooks the most vulnerable, including children, the elderly, and Kipp workers. "[They] are not going to call the health department when they have a health problem," she said, "They may not even suspect, I would argue most people will not think that their health problems are connected to Kipp."

The other shortcoming of the DNR, say neighbors, is its method of assessing the environmental impact on people. The Wisconsin DNR uses computer modeling to predict where emissions will travel, who will be affected, and how badly. Steve Klafka is an environmental engineer, and the chief witness in the lawsuit against Kipp. He said nothing was intrinsically wrong with computer modeling, unless the model is too simple.

"Throughout the state, the DNR uses the same approach that assumes every factory is located in a flat rural area," Klafka said, "Around Kipp it's certainly not a flat rural area, because their homes are backed against the buildings. The elementary school is 15-20 feet higher. The terrain is rolling. So we presented arguments to the DNR that they computer modeling tools that are available to more accurately predict how the pollutants would disperse."

In addition, the modeling doesn't account for the fact that many buildings including Lowell Elementary have air intake vents on the roof. "The DNR in 1994 did its own analysis that way and anticipated that there would be problems due to that wake effect," said Klafka, "but nothing has ever come of it."

Klafka feels the DNR is inadequate when granting permits. Others would add that the DNR does a lousy job enforcing remaining regulations. For the past fourteen years, the DNR has been issuing letters of non-compliance to Kipp for one reason or another. A letter dated March 15, 1994 was typical. Thomas Roushar, the South Central Regional Air Manager for the DNR, wrote to Kipp's Health Safety and Environmental Manager, Jack Shroeder.

"...Section NR 415.05(1)(g) Wisc. Adm. Code says no person may cause allow or permit the emission of particulate mater. in excess .30

pounds per 1000 pounds of gas. data on exhaust from the stack shows emissions may be as high as 1.4 pounds per 1,000 pounds of gas..."

Roushar demanded a response within fourteen days. But the trend during the past fourteen years was that Kipp didn't respond in time. A year or two afterward, DNR would modify the permit so that Kipp was no longer in violation. "Things like that were typical of the way Kipp has operated," Chacon complained, "so what Reed Coleman [Kipp's owner] wants is what Reed Coleman gets."

Looking at the DNR files, it's evident that Chacon's claim is accurate. The question is why. Kipp has donated to many different state politicians, all members of the Republican Party. Data courtesy of the Wisconsin Democracy Campaign show that officials at Kipp have given \$28,800 to state politicians between 1993 and 2003. \$8,000 of that went to former governor and current HHS Secretary Tommy Thompson. While he is out of office, some of his appointees still sit on the governing board for the DNR.

It can sometimes seem that cooperation from the state is a lost cause. About five years ago, some residents turned to city government. Officials at Kipp and the DNR say there is no evidence to support the claim that Kipp is causing health problems. Jen Voichick, who is certain Kipp is responsible, says doctors don't know whether Kipp is the cause. "I have been going through a lot of doctors' appointments about these problems," she said. "I have had allergy tests; they have all been cleared with food and mold; unfortunately they have no way of testing the allergic reactions to the emissions that Kipp is putting out for instance." So Voichick and her neighbors proposed a health study to settle the question once and for all.

Every so often, Clean Air Madison, the neighborhood group that is suing Kipp, organizes a protest against the Kipp factory. In October 2000, a videotape of one demonstration showed between fifty and seventy participants. The neighbors were organizing around two developments in the Kipp story, one of them the proposed health study, which had the blessing of then Mayor Sue Baumann. Baumann told the crowd how when she was running for election she agreed to meet with neighbors. "I would like to think that that meeting was the fifty-five vote margin that got me elected," she said. She promised to continue to meet with neighbors to work out a solution to the situation. "Kipp needs to comply with the laws," Baumann said, "Kipp needs to be a good neighbor." Baumann stressed the importance of the neighbor's effort. "We need to be working together to ensure clean air in this part of Madison and around our city our county and our state."

The prospects for a health study were great, but the plan never materialized. After meeting with residents, health specialists and Kipp officials, the city decided that a study would be inconclusive. Madison City Epidemiologist John Hausbeck was one of the main people planning the study. He says after submitting the proposed study to the Agency for Toxic Substances and Disease Registry (ASTDR), he was told a study wouldn't achieve anything. The ATSDR, part of the Centers for Disease Control and Prevention, said the symptoms were too broad. Hausbeck explained with a simple anecdote. "If you listen to media reports on health, it seems like everything, 'watch out for flu-like systems'." Similarly in the Kipp case, it's difficult to pinpoint a specific cause of people's illness.

However, Maria Powell thinks the city categorized illness in a way that would mask a pattern of illness in the area. Powell noted difficult breathing was one category, asthmatic episodes was another, and then there was chest tightness and chronic cough, all symptoms of asthma. "It looks to me that they are breaking them into such small categories that it looks like there is no pattern." But Sixth District Alder Judy Olson agreed with Hausbeck that the study would have been inconclusive. Olson has long concerned herself with the situation at Kipp, but she says both sides would try to use the results of an inconclusive study to their advantage. "It probably would have been worse than doing nothing, so that's what we decided to do."

As strong as the anecdotal evidence is, we will never know for sure that Kipp is making neighbors sick. We'll never even know whether a health study would have answered that question. But for residents only one option for recourse remained, which brings us to where we are today. Clean Air Madison is currently suing Kipp under the Clean Air Act. Before Kipp was issued a new permit, it violated the older and stricter one. So the environmental group is suing Kipp for violating the old permit under the act. At the same time it is appealing the DNR's decision to issue the new one. A contested case hearing is set for a later date. CAM has to decide whether to pursue Kipp individually, or join forces with neighbors of a factory in southeastern Wisconsin. A decision on the contested case hearing and a ruling on the Clean Air Act lawsuit may come by next April. Kipp declined to address questions for this article.

So the residents near Kipp such as Jen Voichick will have to wait just a few more months for an outcome for which they have waited fourteen years. "It's a wonderful neighborhood that we have there, and I'm necessarily saying that Kipp has to close its doors; what I'm asking for is a better filtration system, and I want to have a health study done so that I know that I am not getting sick because of Kipp. And I think that could be done."

This article was originally formatted as a radio feature, and broadcasted on WORT 89.9 FM.

Join CLEAN AIR MADISON for a Cleaner, Quieter and Safer Neighborhood

For the past 15 years, Schenk-Atwood neighborhood residents have seen a continual increase in the air pollution, noise, odors and hazardous materials created by the Madison-Kipp foundry on Atwood and Fair Oaks Avenues. It's a rare day when the noise and metallic, waxy, chlorine odors from this aluminum foundry do not blow into someone's backyard.

Hundreds of complaints have been filed with the Madison Health Department and Wisconsin Department of Natural Resources. Countless hours have been spent by residents contacting government and company officials, attending public hearings, and trying to get Kipp to be a more responsible neighbor. After all the effort and complaints, there have been no improvements. Adding insult to injury, the DNR has recently ignored violations of air pollution laws by Kipp and approved another 61 tons per year of emissions.

It's time to take action. The federal Clean Air Act allows citizens to file lawsuits when our air pollution rules are not enforced. Wisconsin laws allow citizens to challenge DNR permit issuance when it ignores its own rules.

Join your neighbors as we say, "Enough is enough!"

Taking legal action is never inexpensive and nearly \$30,000 will be needed. Some funds will come from grants, but Clean Air Madison needs members and donations to take our cause to the courts. If you've been frustrated with Kipp's pollution over the years, please consider donating money toward our effort.

If you support our efforts, please return this form with your donation. We will keep you updated on upcoming events and the status of our efforts to make our neighborhood a cleaner, quieter, safer and healthier place to live. Please note your donation will not be tax deductible.

To learn more about our cause and activities, visit us at: www.cleanairmadison.org

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Return to: Clean Air Madison Treasurer, P.O. Box 14172, Madison, WI 53708

(Name) _____ (Address) _____

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Please sign me up for CAM with the following donation:

____ \$10 ____ \$25 ____ \$50 ____ \$75 ____ \$100 ____ Other (specify)

Contact me so I can help CAM with its efforts: (Phone) _____