

Dear Plan Commissioners:

Northside community residents are requesting a delay consideration of Lincoln Avenue Capital's residential project on the former Hartmeyer farm until the public has had a meaningful opportunity to study and comment on the design of the buildings' foundations and on a Materials Management Plan that has been approved by Wisconsin's DNR. These two documents should be posted on the City's Legistar database before your meeting to consider conditional approval of the project. We want to know that any buildings are safe from contamination and that the critically important wetland for mitigating climate change due to flooding and clean water is protected.

The community requested the environment reports prior to our meeting on October 3, 2022, but only got verbal discussion. We want to see the Materials Management Plan, as approved by the Wisconsin DNR, because it must reveal in writing all the toxic chemicals present at the site and where they are. So far, Kraft Heinz has not been forthcoming with information about contamination at the site, but Kraft Heinz cannot hide information required by the Wisconsin DNR. The Plan Commission and Madison's Common Council need to know how badly the Hartmeyer site is contaminated in order to make decisions that protect the safety of future residents of the site. **Affordable housing for seniors and families must be healthy and safe housing.** If the area that was under consideration for a City bus barn was too contaminated, then we must be particularly careful for vulnerable residents. Those decisions should be based on hard facts, not on blind faith.

Attached are some notes from the discussion at the public meeting on Oct. 3, 2022, and on the document "Hartmeyer Property Sampling Results", 25222081.00, Sept. 16, 2022, by Eric Oelkers, of SCS Engineers. eptember 16, 2022.

Groundwater samples were only tested by Pace Analytic for volatile organic chemicals (VOC's). They did not test for metals such as arsenic.

#### Groundwater Pollution

Eric Oelkers correctly said in his report, "None of the detected contaminants exceeds a DNR 140 groundwater standard." Table 1 of his report shows that there is no Enforcement Standard or Action Standard for five of the chemicals found. These five contaminants did not exceed DNR 140 groundwater standards in the sense that a measured value cannot exceed a standard that does not exist. To gain perspective on possible health dangers from these five chemicals, their Material Safety Data Sheets (MSDS) were obtained. The MSDS's provide very little health information on these four of these five chemicals because the chemicals have not been studied.

1. IsopropylBenzene (Cumene) found at GB-105 and the MSDS says it might be a carcinogen.
2. Trace amounts of Toluene are present at six of the seven sites. Toluene is very toxic. It damages reproductive organs, harms fetal development, and damages lungs. Eric Oelkers suggests that the presence of Toluene in the test samples "may be attributable to the sampling equipment or lab contamination." An alternative explanation is possible. There might be a small spots with a high concentration of toluene that were missed by all seven test bores on the 29 acre site. The ubiquity of the toluene might indicate a plume of contamination migrating from one or more small, concentrated spots. Only more test borings can rule out this possibility. Toluene is found at fairly consistent amounts at test sites that roughly describe a circle; it is absent from the one site that is outside of that circle. The center of that circle is a good place for further testing.
3. Vinyl chloride, found at GB-107, is a known carcinogen, so even trace amounts are dangerous when there is chronic exposure. Problems with fertility and fetal development are also associated with vinyl chloride.

4. Naphthalene is also highly toxic. It was found in low levels in the soil at test site GB-105. According to the MSDS, it is possibly carcinogenic. In addition, "Absorption into the body leads to the formation of methemoglobin which in sufficient concentration causes cyanosis. Onset may be delayed 2 to 4 hours or longer., Naphthalene is retinotoxic and systemic absorption of its vapors above 15ppm, may result in:, cataracts, optic neuritis, corneal injury, Eye irritation, Ingestion may provoke the following symptoms:, hemolytic anemia, hemoglobinuria, Nausea, Headache, Vomiting, Gastrointestinal disturbance, Convulsions, anemia, Kidney injury may occur., Seizures., Coma."

5. Arsenic is very toxic. It causes cancer in humans. It can cause severe gastroenteritis and organ damage. The toxicological section of the MSDS I obtained appears below. Since there is a chance that Lincoln Avenue Capital will disturb the soil containing arsenic, the MSDS's section on "Aspiration hazard" is particularly important. It says, "A harmful concentration of airborne particles can be reached quickly when dispersed, especially if powdered." At the public meeting, Eric Oelkers said that arsenic had been reported near where coal had been stored on the former Hartmeyer farm. He did not elaborate on the amounts or the depth of the arsenic contamination. Arsenic is not discussed in his report, which focuses on VOC's in groundwater.

Although the five chemicals discussed above for which the Wisconsin DNR has no enforcement standards, keep in mind that these health effects are researched so that OSHA can protect relatively young, healthy adults on the job. Health impacts on very young or elderly people might be different. Both very young and elderly people will live on the site.

Using groundwater tests means that contaminants present in the soil would only be found if and when they migrate into groundwater. For example, at test site GB-105, the groundwater sample showed fairly low levels of petroleum contaminants, but "[t]he soil below the water table here had a strong petroleum odor." The soil boring at GB-105 collected soil from 0' - 2' deep, which is well above the water table, so the soil with a strong petroleum odor was not tested. The soil boring at GB-107 collected soil from 0' - 2.5' deep. The Depth to Water was much deeper than either soil boring reached. The soil test at GB-105 found low levels of Naphthalene; the soil test at GB-107 found no VOC's.

**The report describes these soil borings as "shallow"**. We don't have the expertise to say whether the two soil borings went deep enough to find contaminants. The developer's team is saying that the water is clean because it meets Wisconsin DNR limits on VOC's. They are not looking very hard for toxic chemicals in the soil or for metals like arsenic in the water. A more thorough investigation would provide more confidence that the health of future residents is being protected.

#### Wisconsin DNR

There have been several pollution events on or near the site. An oil spill in 2016 is a case still not closed by the Wisconsin DNR. The Wisconsin DNR is not requiring any further testing on the site.

#### Building on Contaminated Ground

Although testing shows that the groundwater has only traces of toxic contamination, vapor barriers will be placed under the apartment buildings to isolate them from vapors. In addition, a ventilation system will prevent a buildup of toxic vapors; this ventilation system will also protect against radon exposure. [These two measures offer protection to residents inside their building, but the residents will not be confined to their buildings.]

#### Livestock Holding Pens

George Brown said that, historically, Oscar Mayer placed livestock holding pens on the Hartmeyer site. He asked

whether the developer had tested for biologics. Eric Oelkers replied that the Wisconsin DNR does not have a protocol for testing for biologics.

#### Fire Fighting Foam

Henry Anderson asked whether fire fighting foams had been used on the site. Eric Oelkers answered that he was unaware of such use on the site.

#### Depth of Test Borings

Chris Elholm asked how deep were the test borings? The two soil samples tested by Pace Analytical were 2' and 2.5' deep. The seven groundwater test wells ranged in depth from >40" to 57". One sample at BG-106 was only 24". "Visual examination" produced the descriptions, of the material in the test borings, found in the report.

Depth to Water ranged from 7' on the north side of the Conservancy Natural district to 3.45' in the middle of the project site. These figures are the "DTW" numbers on the report's map. Generally, Depth to Water is higher on the north side of the former Hartmeyer farm than on the east and south sides. The report says, "the water table across the site was within +/- 0.5 feet of an elevation of 849.0 feet above mean sea level."

Clearly, all places where the apartment buildings will be located have a high water table. These measurements were taken on Aug. 1, 2022, during Madison's dry season. A higher water table can be expected in the Spring of the year.

#### Flooding

Placing many acres of impervious surface on the former Hartmeyer site can only increase the chances of future floods. Flooding offers a pathway exposing people to underground contaminants in the soil and water.

#### Water Management

There are several dimensions to the problem of water management on the project site. First, water must be managed during construction. Later, flooding will cause water problems after construction. The water causing problems can be groundwater or surface water. Jennifer Argelander asked about dewatering at the site. Will it impact the adjacent wetland and where will the water go? The Lincoln Avenue Capital team promised to follow all government regulations during construction. Matt Haase said that they will treat water during construction. During and after construction, neither groundwater nor surface water will be directed to the nearby Conservancy Natural district. It will be sent to City storm drains. A sump pump will protect the elevator pits in the apartment buildings. Eric Oelkers said that water pumped from under the apartment buildings will create a cone of depression, but the cone will not reach the wetland area.

#### Geo Piers

Lincoln Avenue Capital still does not have a design for the foundations of the two apartment buildings it plans to construct at the Hartmeyer site. Mark Ott said that geo piers will be used to stabilize the soils under the apartment buildings. Holes will be drilled and filled with aggregate materials. The design is not yet completed. There might be many shallow geo piers or fewer but deeper geo piers. In response to questions, Mark Ott asserted that the two six story buildings can be supported on the site's soils. Because this meeting is the final public meeting, Madison's citizens will not be able to question the completed design of the project before the Plan Commission meeting.

Chris Elholm and Doug Nelson asked how the developer will handle the millions of gallons of water displaced by the

project. The developer's team denied that millions of gallons of water will be displaced. And how can they put in a swimming pool without affecting contaminants and water usage? There is really no need for a pool.

Lincoln Avenue Capital's development team will write a Materials Management Plan, which details how it will handle toxic materials and surface water runoff. This Plan must be approved by the Wisconsin DNR. Soils contaminated by PAH's (Poly Aromatic Hydrocarbons) will be removed. Soil contaminated by arsenic might be moved around onsite and then "capped". When construction is completed, Lincoln Avenue Capital will document that they followed the Materials Management Plan. At the public meeting they repeatedly promised to follow all Wisconsin and local regulations. It looks like the public will not see the final Materials Management Plan before the Plan Commission considers approving the project.

Ideally, the City should require that a full Phase Two environmental investigation of the Hartmeyer land be performed and released to the public, on Legistar, for public comments. City approvals of the apartment buildings without a full Phase Two environmental investigation would be a failure to fulfill the City's due diligence obligations to protect the safety of future residents on the site.

(If interested, Material Safety Data Sheets (MSDA) can be provided.)