

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PUBLIC HEARING

PROPOSED CLEANUP PLAN
CEDAR CREEK PLANT 2 SITE

October 10, 2007 - 7:00 p.m.
Cedarburg City Hall
W63 N645 Washington Avenue
Cedarburg, Wisconsin

Reported by: Liane Baranek, RMR

PRESENT:

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Robert Thiboldeaux, Ph.D., Toxicologist
Department of Health & Family Services

Richard Nagle, EPA Attorney

1 PROCEEDINGS

2 MS. PASTOR: We'll get started. Thank
3 you for coming out on such a chilly, blustery,
4 crummy night. My name is Sue Pastor. I'm the
5 Community Involvement Coordinator for U.S. EPA.
6 We're in Chicago. I work on the Cedar Creek
7 project. I work with Scott Hansen, in the white
8 shirt. He's our -- what's called our Remedial
9 Project Manager, and next to him is Margaret
10 Brunette, and that's our counterpart and colleague
11 with the DNR. She works in the Milwaukee office,
12 and Rob Thiboldeaux is our health person, and he
13 works out of Madison. He's with the Wisconsin
14 Department of Health and Family Services, so
15 hopefully we've got all the people here who will
16 answer your questions tonight.

17 We also have a court reporter, and she's
18 taking down all the minutes today and all the
19 proceedings, and the transcript will be available
20 in a couple weeks. We'll post it on-line on our
21 web page and it will be put in a hard copy version
22 here at the city hall as well as over at the
23 library, so be on the lookout for those, and then

24 if you want to see your name, if you wish to speak

25 tonight it will be in there, so speaking of that,

1 this is the agenda. Hope you all picked one up at
2 the front table. This is pretty much the game plan
3 that we'll follow, so if you could just bear with
4 us.

5 We are here tonight to talk about the
6 Plant 2 project, Plant 2 site, and how we would
7 like to recommend going about cleaning up that
8 particular piece of property, and we have a
9 recommendation as well as some other options that
10 we'll be showing you, and Scott will be talking
11 about that and using some slides.

12 Margaret's going to say a few words as to
13 how she's involved and what her role is and how the
14 DNR works with us, and then after they give their
15 little presentation we'll be glad to answer your
16 questions, and after we finish the question and
17 answer portion of the meeting we'll go into the
18 public comment portion of the meeting which is a
19 little different than questions.

20 Comments would be the time we'll ask for
21 your statements or your opinions or your thoughts
22 in a statement form as opposed to a question, and
23 that's for the record. You'll be speaking for the

24 record, and if you don't like to do that in front
25 of a roomful of people, you may also mail us your

1 comments.

2 We have in the little fact sheet, the
3 little news-looking piece, there's a little insert
4 in there and there's a sheet inside where you can
5 write your comment and mail it.

6 You can also fax it. The fax number is
7 in there. You can also send us comments
8 electronically. The comments will be accepted
9 through November 9th, so the period is 30 days. It
10 just started a couple days ago, so after we talk to
11 you tonight, if you have any questions you can call
12 us and we'll try to formulate your comment. You
13 don't have to do it tonight, but we're happy to
14 take your comments now and all throughout the next
15 27 days or so.

16 When we get to that comment portion of
17 the meeting we'd appreciate, when you get up, stand
18 up and state your name for the court reporter's --
19 for her benefit, and spell it if it's a name that
20 would need to be spelled, and if you represent a
21 particular organization or governmental entity or
22 company, that would also be helpful to know where
23 you're coming from as well, and if you signed in

24 when you came in, make sure you're on my mailing
25 list so you'll never miss a copy of any of our

1 mailings that we put out.

2 If you put your e-mail address on there,
3 I have a little e-mail group, so for those of you
4 who don't want the paper or will get both of them
5 when this is posted on our web page, I also send a
6 link to my e-mail group.

7 All the documents that are posted are
8 also here, they're also on-line. Everything is
9 either electronic or here. You can see it either
10 way. We'll let you know when all those things are
11 available, so I think with that we'll let Margaret
12 say a few words and talk about how she's involved
13 and we'll go from there.

14 MS. BRUNETTE: Thanks, Sue. Very few
15 words actually. Again, I'm Margaret Brunette. I'm
16 a hydrogeologist for the Department of Natural
17 Resources. I work in the Milwaukee office, and I'm
18 the local or the state project manager for the
19 site.

20 Although it is an EPA lead site, we do
21 play a very active role in commenting and reviewing
22 all the documents that are coming through and
23 negotiating and meetings with Mercury Marine and

24 the city and any other interested parties on the
25 site.

1 This site is a little bit unique. Also,
2 the Plant No. 2 property itself, Mercury Marine has
3 also applied for the state VPLE, the Voluntary
4 Party Liability Exemption program, so that's a
5 state program that Mercury Marine has applied for
6 for the Plant 2 site, so we're kind of running on
7 parallel paths.

8 We're doing the cleanup process, the FS
9 process, and also going through the state process
10 which is very similar, but in the end what will
11 happen when we get through this process, they will
12 also get a certificate of completion which is
13 basically releasing state liability for the site,
14 so we're looking at this, the state is doing that
15 independently from what the EPA process is.

16 It's a very similar process. We're using
17 the same documents to go through that process but
18 it's just that's a state-only process that we're
19 working through.

20 Scott and I work very closely on all the
21 things, and you can always call either Scott or I
22 if you've got questions or comments. I'm just the
23 state contact for that.

24 MS. PASTOR: Scott, if you noticed, the
25 court reporter stopped Margaret, which I told her

1 is perfectly okay to do, so if you're talking too
2 fast or too soft and she doesn't catch everything
3 that you're saying, I gave her carte blanche to go
4 ahead and stop you and try to get a little
5 clarification, so remember that, Scott.

6 MR. HANSEN: Can everybody hear me?
7 Thank you everybody for coming. We're here to talk
8 about the recommended option, cleanup option for
9 the Cedar Creek Plant 2 site.

10 We'll get right to it, so which is right
11 there, so hopefully everybody can see that.
12 Recommended option for the Plant 2 site is removal
13 of shallow and subsurface soil, and one of the
14 handouts that was given has a picture. It's got
15 some different color which you -- it was all blurry
16 on the thing so we just -- that kind of gives you
17 an idea of the areas they're going to have to do
18 the actual removal of the soil.

19 The surface soil is -- most of the
20 surface soil is around the perimeter of the site,
21 and the areas that are inside the perimeter are
22 usually -- are those areas they're going to do the
23 -- do the subsurface soils, the deeper soils.

24 They're also going to monitor for
25 groundwater. That's just to make sure that the

1 groundwater levels that are -- we did find some
2 groundwater levels that were -- some minor --
3 groundwater monitoring is to make sure the
4 groundwater levels, contaminants in the groundwater
5 do not increase.

6 Remove the concrete slab if necessary.
7 The only areas they're going to remove the concrete
8 slab is where they're going to have to do the
9 deeper digging for the soils. Most of the other
10 stuff around the perimeter doesn't have concrete.

11 Install new slab or building footings for
12 possible redevelopment. I think that's basically
13 to fill in the areas where they actually did the
14 deeper excavations. They'd have to put in the
15 clean soils and implement deed restrictions which
16 will be making sure that -- restrict access to the
17 soil and groundwater that's underneath the site.

18 That's pretty much it, I guess.

19 Estimated cost is \$2.7 million.

20 Here's the other options we looked at:
21 No further action, which is usually the -- that's
22 what we base everything on. No further action
23 means we're not going to do anything. Zero cost.

24 We base all our options for comparison off of the
25 no action. That's always one that we have.

1 The second one was capping with
2 groundwater monitoring. We just leave the slab
3 that was currently in place there and they just
4 monitor for the groundwater, and the third one we
5 looked at was removal of shallow soil around the
6 perimeter, so monitor for groundwater.

7 Basically it would be the map that you
8 guys have there. The perimeter soil's on the
9 outside. They'd take care of that but leave the
10 other stuff under the slab in place.

11 Evaluating the options. EPA uses nine
12 criteria to evaluate and compare cleanup options.
13 We evaluate the various options, cleanup options,
14 against seven of the criteria during the FS
15 process. We come up with a recommended option.

16 State and community acceptance is usually
17 done, evaluated after we get the public -- after
18 the public comment period, so the options -- we'll
19 start with the nine options.

20 First is overall protection of human
21 health and the environment. We addressed this
22 option. We just make sure the cleanup adequately
23 addresses the human health and the environment.

24 Compliance with federal, state and local
25 laws. This, of course, ensures that the cleanup

1 option is in compliance with the federal, state and
2 local laws.

3 Long-term effectiveness. Make sure that
4 the remedy we chose is effective in the long-term.

5 Reduction of harmful effects, movement
6 and the amount of contaminants. This addresses how
7 the cleanup option reduces harmful effects and
8 reduces migration of contaminants.

9 Short-term effectiveness. We compare how
10 quickly the cleanup can be completed and the health
11 risk posed to the workers and the nearby residents
12 during construction.

13 Implementability. We address how
14 difficult the cleanup option will be and, of
15 course, this one's pretty straightforward.

16 Cost. A cleanup option we usually
17 consider cost-effective if its costs are
18 proportionate to its overall effectiveness.

19 Of course, the last two, like we talked
20 about, even though we put them at the bottom, these
21 are all important as the other seven. It's just we
22 have to make sure after the public comment period
23 we have state acceptance and community acceptance.

24 Contaminants of concern at the site are
25 PCBs, polychlorinated biphenyls, and PCE,

1 tetrachloroethene, contaminants we worry about
2 since the beginning of history. PCBs, some form of
3 PCBs are suspected human carcinogens, so the main
4 reason of removing them is because of that issue.

5 The original building I think dated back
6 to the early 1900s at this site, and in the 1940s
7 it was used as a canning factory I think, and then
8 in the 1950s Mercury Marine acquired it and used it
9 as an aluminum die casting and machine facility.
10 That's when they -- I think in their process during
11 the machining, that's when they used the PCBs.

12 As for PCE, PCE is -- we also found in
13 the soils and groundwater there. Relatively low
14 levels, but it was still a concern. Some of them
15 were I think above the Wisconsin standard so that
16 was an issue that we needed to take care of.

17 The detections were -- probably came from
18 past uses at the site. The site's been around
19 since the 1900s and it was probably from other
20 sources possibly.

21 So what's next? Well, we're going to
22 respond to your comments which will be in a
23 Responsiveness Summary. The Responsiveness Summary

24 will be actually as an attachment to the next one,
25 which is the Final Cleanup Plan, the Record of

1 Decision. That will be done in December, 2007.

2 After that we get to where we negotiate
3 and sign a legal agreement to implement the
4 cleanup, and after we get done with that we begin
5 Plant 2 cleanup, which the legal agreement will be
6 estimated at April of 2008, begin Plant 2 cleanup
7 design, May/June timeframe 2008, and then hopefully
8 begin Plant 2 cleanup around July of '08.

9 That's pretty much it.

10 MS. PASTOR: So this is the point where
11 if you have a question, raise your hand and we'll
12 try to answer it for you. And who has a question?

13 MR. RUGGIERI: My name is Steve
14 Ruggieri, and I'm a member of the Joint Library
15 Board here in Cedarburg.

16 The question I have, regarding the first
17 and second options, what's really the difference
18 between doing nothing and Option 2, first of all,
19 and who's paying for -- or who's going to pay for
20 Option 2?

21 MR. HANSEN: If that one was chosen?
22 Well, all the options are going to be paid for by
23 Mercury Marine, so whether it was Option 2 or 3,

24 that's the party that -- the party we're
25 negotiating with to do the work at the site.

1 As for Option 2, the only difference with
2 that, they're doing groundwater monitoring. The
3 first one, they wouldn't do anything.

4 MR. RUGGIERI: Isn't that what's being
5 done right now?

6 MR. HANSEN: They're not -- it's not
7 actually in a plan to monitor for the next, you
8 know, 20 years or whatever, so the groundwater
9 monitoring would be something that they'd do for --
10 Say we reach an agreement, if that was going to be
11 the option we're going to do groundwater monitoring
12 for the next 30 years, that would be the cost of
13 that.

14 MR. RUGGIERI: I see.

15 MS. PASTOR: Someone else have a
16 question?

17 MR. MEHRTENS: Ken Mehrtens, Town of
18 Cedarburg. On the percentage-wise on the stuff
19 you're talking removal that's on the site, how much
20 can be landfill locally and how much has to go out
21 of state?

22 MR. HANSEN: That's a good question, but
23 I think most -- and I mean I think most of the

24 perimeter soils had pretty low levels, anything
25 under 50 parts per million, which is most of the

1 perimeter soils, except for one area I think
2 had -- everything was below 50 parts per million.
3 Anything above 50 would be sent to a facility
4 somewhere outside in another state, a landfill.
5 This is hazardous, anything above 50 parts per
6 million.

7 Now the areas that you saw on that map
8 were deeper soils we'd be excavating. They had
9 some pretty high hits. We're talking in the
10 thousands. That will get sent off-site somewhere.
11 The stuff that's under 50, that stuff could be sent
12 to, you know, a local landfill.

13 MR. MEHRTENS: The Option 3 and 4, 4 is
14 \$2 million more. Is that the reason why?

15 MR. HANSEN: Yeah. That's because the
16 closest hazardous landfill or hazardous waste
17 landfill is probably Michigan; shipping costs, just
18 the cost of digging it out.

19 The Option 3 is just perimeter soils.
20 They're only going to go down like to perimeter
21 soils. Below two feet, the levels -- actually
22 there wasn't any contamination so they'd only get
23 two feet and they'd have to send it to a local

24 landfill. None of it was above 50 so that's pretty
25 small.

1 If you send 5,000 cubic yards of
2 hazardous material to a site off-site in Michigan,
3 that's going to be the cost of digging it up and
4 the cost of disposing it properly, so that's where
5 the cost comes in.

6 MR. MEHRTENS: Rock is down a couple
7 feet. Any building, you got to blast a basement.
8 Is there any rock excavation?

9 MR. HANSEN: All the PCB contamination we
10 found was within the soils, and as far as I know
11 from the plans we talked about, all the excavation
12 is going to go down to the bedrock. All the soils
13 down to the bedrock will be taken out in the areas
14 we got the deeper soils.

15 MR. MEHRTENS: The difference between 3
16 and 4, the recommended option's a lot of money.
17 That's why I was wondering. Okay. Thank you.

18 MS. SCHWENZEN: Carol Schwenzen. I'm
19 just wondering if any studies have been initiated
20 or done in the past as to if any human health has
21 been in jeopardy.

22 In the last year and a half there have
23 been three separate houses a block from me that

24 have had diagnoses of cancer.

25 MR. HANSEN: Are you -- Do you live near

1 this facility?

2 MS. SCHWENZEN: Within a mile, couple
3 blocks.

4 MR. HANSEN: I don't know if there's been
5 any studies, and Rob may be able to tell you this a
6 little bit more, but as far as I know, I don't know
7 if there's been any studies to look into whether
8 this site has affected health or -- as far as the
9 PCBs at the site, they -- besides the ones that
10 ended up making it into the creek, the ones at the
11 site itself are pretty much there in the soil.

12 They're not going to -- usually when PCBs
13 get in the soils or sediments they usually stick to
14 them, so most of the PCBs that are there haven't
15 gone anywhere. They're just there.

16 As to the ones that made it to the creek,
17 that's a different story, but as far as I know, I
18 don't know of any like health studies done in this
19 area. Rob might know more.

20 DR. THIBOLDEAUX: Rob Thiboldeaux,
21 toxicologist, state health department. I guess the
22 bottom line is, as Scott said, PCBs are Class B-2
23 with respect to human carcinogens.

24 There have been no documented cases
25 anywhere in the world of PCBs causing cancer.

1 However, we do see this in animals. Some studies
2 show that. PCBs cause a lot of other effects
3 normally in much higher levels than what we see
4 here, so the goal of all this exercise is to
5 prevent it from building up in our bodies as well
6 as the food chain.

7 We don't expect anyone to become sick
8 from the levels that we see. The exception would
9 be some of the stuff you see on-site, some of the
10 very high stuff underneath the building; if workers
11 were walking around in that they could potentially
12 become sick from that.

13 MS. SCHWENZEN: Okay.

14 MS. AXT: Marilyn Axt. I live on the
15 corner of Madison and Victoria Court. I just got
16 this newsletter yesterday. You want the
17 neighborhood input, and I don't see hardly any of
18 my neighborhood.

19 Why did it take this long to get the
20 newsletter just a day before the meeting?

21 MS. PASTOR: It was -- it's been posted
22 on our website since last Tuesday, and it was
23 mailed longer ago than that, so I'm surprised the

24 mail took so long to get there. It was mailed a
25 week ago.

1 MS. AXT: I got it yesterday.

2 MS. PASTOR: I'm sorry. That's
3 surprising it would take that long to get from
4 Chicago to Cedarburg.

5 DR. THIBOLDEAUX: I think the federal
6 holiday on Monday, we didn't receive mail.

7 MS. PASTOR: Still should have gotten
8 there last Thursday or Friday.

9 MS. AXT: You want our input, I see one
10 other neighbor.

11 MS. PASTOR: Well, I'm sorry that more
12 people didn't get it faster. We mailed it a week
13 ago. After -- if you have -- if people want to
14 call us, if they want to comment, the comment
15 period lasts until November 9th, so if anybody has
16 any questions you're more than welcome to call us
17 after you've read this, so just by coming here
18 tonight, this is not your only opportunity to get
19 our ear.

20 You could e-mail us, make those comments.
21 We have a toll-free number, so if you read some of
22 these materials and you have a question and you'd
23 like to form a comment but you need a little more

24 information, feel free to call Margaret or Scott.

25 They will be happy to talk to you about

1 any of the documents, and if you're stuck after
2 reading some of the documents, you need to be
3 pointed in the right direction a little bit, just
4 give us a call.

5 I'm sorry that it didn't come sooner. We
6 sure mailed it a week ago and posted it a week ago,
7 but I don't know. Sorry about that. Yes, ma'am?

8 MS. SCHOENENBERGER: Anne Schoenenberger.
9 I'm also one of the neighbors. Of these four
10 options, do any of them preclude building like the
11 library on that site?

12 MR. HANSEN: With regard to the options,
13 the remedy that we chose, anything could be built,
14 because the way -- anything could be developed on
15 the facility where the facility is after the option
16 we chose or recommend, because we want to make sure
17 Mercury too, if somebody -- a library or anybody
18 wanted to come in and develop it, it doesn't have
19 to be a library, that the site would be safe
20 enough, they could build something there.

21 MR. RUGGIERI: What you're saying about
22 Option 4, there is no better option to remediate
23 this site.

24 MR. HANSEN: From looking at -- you're
25 looking at that map where you saw the orange areas,

1 the ones that are inside of the -- where the
2 facility used to be, that's where we found the
3 highest levels of PCBs.

4 The perimeter soils, most of the levels
5 were relatively low, but we still want to do that
6 because this option is the best option to get the
7 contamination that's out there.

8 MR. VELNETSKE: Chris Velnetske. I'm
9 assuming they have been doing groundwater
10 monitoring up to this point and all the plans
11 indicate this is going to continue.

12 Has the monitoring wells showed any
13 spread or migrating of PCBs and PCEs if we're going
14 to have monitoring wells?

15 If you chose Option 4, doesn't that go a
16 longer way to alleviating concerns of migration in
17 the future because it's going to be bound?

18 MR. HANSEN: Yes. To answer your
19 question, yes. Option 4 is going to remove the
20 highest contaminated areas of PCBs.

21 PCBs in the groundwater wells we found at
22 the site, there's been -- we're talking almost no
23 detect. We have one maybe with minor. PCBs

24 don't -- they usually don't -- they're not very
25 soluble in water. They stick to the soils. They

1 stick to the sediments. That's the way PCBs
2 usually are.

3 As for the PCE, we did find some
4 relatively -- some hits, but with removal out
5 there, that will help take care of getting rid of
6 the source that's there, so as long as we continue
7 to monitor after the actual removal, as long as the
8 levels don't go up, everything will be fine.

9 If they start going up we'll have usually
10 some kind of contingency plan or something that's
11 attached to the actual cleanup option that says if
12 we start seeing levels elevated, we'll have to see
13 what we can do.

14 MS. SCHOENENBERGER: Anne Schoenenberger.
15 Do you know how long the cleanup will take if you
16 go with Option 4?

17 MR. HANSEN: Six to nine months,
18 something like that. Not even that.

19 MS. PASTOR: Behind you.

20 MR. HANSEN: No, but I mean she was
21 saying once we do the cleanup. It's no more than a
22 couple months because the soils, perimeter soils
23 are only like two feet and it's estimated about

24 1600 cubic yards, something like that, and then the
25 areas that -- that's going to take a few more weeks

1 down deeper, but that area's what, 4700 cubic
2 yards, something like that.

3 It's not going to take too long to get it
4 back, dig it up and send it off-site.

5 MS. O'TOOLE: Bats O'Toole. If we go
6 with Option 4 and you clean up the perimeter, if
7 you build something on it, can you dig a basement
8 or are you capping off that site and not going
9 under the--

10 MR. HANSEN: As far as I know, the
11 remedy, Option 4, is it's going to be capped.
12 We're going to -- when we dig up two feet, the plan
13 is whatever is going to be built it's going to be
14 above the current area, there's going to be a cap
15 there on anything that's -- like the library.

16 That's what everybody is -- I think I
17 heard talked about. If that's what's going to
18 happen, everything is going to be above the
19 footings, might be in ground where the excavations
20 were, but the library foundation itself is going to
21 be above where the facility was.

22 MS. O'TOOLE: The way it's capped now,
23 the ground is higher than the surrounding area?

24 MR. HANSEN: Yeah.

25 MS. O'TOOLE: Is it going to be capped

1 below ground level or just keep--

2 MR. HANSEN: That's more of a design
3 issue I think, but as far as I know, it's going to
4 be -- I don't think it's going to get -- raise it
5 up higher.

6 I could ask Mr. Baumgartner to help me
7 out with that, but as far as I know, it's going to
8 be at around the level that it's at. The
9 perimeters might be a little bit lower
10 elevation-wise, but they're going to try to keep it
11 around the same.

12 MS. PASTOR: Anyone else have a question?

13 MR. QUIGLEY: Mike Quigley on Madison
14 Avenue, 381 North. Did I understand anything that
15 would be built would not allow for a basement is
16 what you're saying.

17 MR. HANSEN: I don't know. I wouldn't
18 necessarily say that, but I mean I think with the
19 plans that we're looking at, I think if it was
20 going to be residential development we'd have to --
21 that's different.

22 If they're going to put a basement in,
23 which I would say we'd say it's probably not a good

24 idea, but with regard to putting a basement in, I
25 think they're going to have a little more digging

1 to do, but from all indications, I don't know if
2 anybody wants to put residential there or not.
3 Everything I think is pointing towards the library.

4 MR. QUIGLEY: Thank you.

5 MR. VELNETSKE: A while back when they
6 were actually talking about that being a library
7 site, they were talking about it being residential.

8 One of the options I don't see listed is
9 just taking off concrete, excavating everything,
10 getting it all out of there, and you don't have to
11 worry about everybody -- the site is likely to be
12 branded as a brownfield, but at least there isn't
13 an environmental hazard.

14 Why isn't that on the table?

15 MR. HANSEN: From the Option 4, from all
16 the sampling that had been done on the site, the
17 areas we got that we show on that map, the orange
18 small areas that are within where the old building
19 facility is, those are the highest levels of PCBs
20 that they found.

21 Anything in the white area around that
22 where we have samples they have collected, the
23 levels are either non-detect or like low, so those

24 areas are the hottest areas, so if you're talking

25 about redevelopment, whether it's residential, you

1 could probably put redevelopment -- I mean whether
2 they want to put a basement there or not, I don't
3 know.

4 I'm just saying if you put on a slab,
5 somebody wanted to put slab condos on there with
6 removal that we're doing out there, they could
7 probably do that because we're removing all of the
8 contamination that we found that was most elevated
9 on the site.

10 MR. VELNETSKE: Why not just take it all
11 out?

12 MR. HANSEN: The areas that are not shown
13 on that map that are white, those areas showed
14 there was either non-detect or there was one part
15 per million, which is usually the levels we have
16 for residential areas, so based on removal option
17 or recommended option we're doing that, is getting
18 rid of all the contamination that's there.

19 Yeah, you can take out the slab, take out
20 everything down to bedrock, just fill it back in,
21 but you're -- you make them dig out stuff that was
22 clean, so to me that's kind of, you know, is a
23 waste of their money because they'd have to dig out

24 the whole site, which would be quite a bit of cubic
25 yardage and they'd have to send that somewhere.

1 MR. VELNETSKE: How much does the amount
2 property holders desire to spend on the cleanup
3 weigh into which option is chosen?

4 MR. HANSEN: I don't think that has
5 anything to do with how we chose or whether they
6 want to -- they don't come to us and say we're
7 going to spend two million and that's it.

8 We basically we look at all the options
9 that were out there, and this option, granted, it
10 is the most expensive. Besides, if we said dig up
11 the whole lot, I don't know what the cost would be
12 on that, but based on the contamination that was
13 found out there, there was no reason for them to
14 dig the whole entire site up, you know. If we can
15 just narrow it down to these areas which were the
16 highest contamination, let's just get that out of
17 there.

18 MR. SCHWENZEN: Dean Schwenzen. The area
19 you have marked, am I correct that's above the 50?

20 MR. HANSEN: The outside -- even though
21 it's the same color, the outside area that is
22 colored, that there was only one spot that had an
23 area that was above 50, and it was only one spot.

24 Rest of it was all below -- I think 27
25 was the highest, 27 parts per million, and the one

1 we're talking about, we'll take an additional
2 sample to see how far it might go down.

3 If we go down another foot and it shows
4 there's nothing there, they have to go down to that
5 last area and they will be done. As for the areas
6 that are inside, you see those areas kind of
7 blocked there, more of the blocks, I guess--

8 MR. SCHWENZEN: What is the dashed--

9 MR. HANSEN: The dashed outline are just
10 estimated footings I think for the current
11 possibility of the library project.

12 The picture we're looking at was from the
13 feasibility study, but when we were talking with
14 Mercury about this, they had the picture already
15 drawn up. We just left it. That's the possible
16 footings.

17 MR. SCHWENZEN: I thought that's the area
18 we're talking about.

19 MR. HANSEN: No. The highest areas--

20 MR. SCHWENZEN: It would be nice to--

21 MR. HANSEN: I'm sorry. The highest
22 areas are the bigger rectangle areas on the inside.

23 MR. SCHWENZEN: All right.

24 MR. RUGGIERI: Given your timeline there,
25 in the past we were always led to believe when the

1 library -- that the cleanup and the reconstruction
2 of the new library would pretty much go hand in
3 hand.

4 Is that still your idea as to--

5 MR. HANSEN: Yeah. I don't know what the
6 schedule is for the library. All I know is we're
7 talking -- we want to get the cleanup done as soon
8 as we could so the library could go in as soon as
9 it could. As far as I know. Mercury might know
10 more about the details on the library than I would.

11 As the plan is, this is estimated. It
12 could go faster or -- but as things have gone on, I
13 think the whole plan was by the time they get out
14 there and dig up that stuff, if it takes a month,
15 the library could start putting footings right
16 after or they could do it at the same time.

17 If there's areas where they're not
18 digging, they could probably start doing that, as
19 long as it's not getting in the way of the actual
20 work we're doing out there.

21 MS. O'TOOLE: Bats O'Toole. I'm looking
22 for an explanation about the four options. Are you
23 mandating Option 4? Are you suggesting Option 4?

24 Could it be any of those four yet?

25 MR. HANSEN: It could be any of those

1 four. This is the recommend option that EPA is
2 recommending. After, based on state acceptance, if
3 say the state comes back and says we don't like it,
4 you know, we'd have to seriously rethink about
5 whether we want to do that option or not.

6 If the community comes back and says we
7 don't like it, we'll go from there, but our hope is
8 that everybody will agree this is the best option
9 to get rid of the contamination at the site.

10 MS. O'TOOLE: What we can do for Option
11 No. 4 is just make a comment or write in and
12 enforce it as the community.

13 MR. HANSEN: You could write in, yeah.
14 You're the public. You can write in and say I
15 agree that the Option 4 is the one we should do.
16 You could write anything you want.

17 If you come back and say I don't agree
18 with it, you can do that. All those are written in
19 a response that will be attached to the decision.
20 If we get enough I haven't been on the site, I
21 heard of the site, the community just hated it, we
22 have actually changed it based on that, so it can
23 happen.

24 MS. PASTOR: Anyone else have questions?

25 Okay.

1 MR. VELNETSKE: Once the site has been
2 remediated, even if it's Option 4, what's the
3 continuing liability or responsibility of the
4 former property owner for any additional
5 remediation that would happen in the future?

6 Second, what would be the liability of
7 any subsequent titleholder coming into title on
8 that property be to remediate any additional
9 problems?

10 MR. NAGLE: I'm Rick Nagle. I'm an
11 attorney for the Environmental Protection Agency,
12 and since you ask such a pointed question about
13 liability, I thought I'd give Scott a break and do
14 it myself.

15 The liability of any company that signs
16 an agreement with us to do a cleanup, it's
17 virtually the same. We have built into our
18 agreements obligations to do the work and pay for
19 it, monitor the outcome.

20 If the monitored outcome doesn't meet the
21 cleanup targets and the goals that Scott and
22 Margaret and company have set forward, we have the
23 opportunity to go back to that property owner and

24 say look, even though we all picked this together,
25 it's not meeting the goals, we need to redo

1 something, or standard reopener for us to get to
2 the cleanup levels we need, and then there's a
3 five-year review.

4 Every Superfund site has a periodic
5 five-year review. Five years after the cleanup is
6 implemented, we come back out, we look at how is
7 this remedy performing, how are we doing in terms
8 of meeting our targets, and again, if we're not
9 meeting our targets, if in this case after we've
10 dug up the PCBs and hauled them away and the
11 groundwater monitoring wells somehow either show
12 PCBs or PCE, that causes us to come back and say
13 hmm, something is wrong, we need to further
14 investigate why this is happening, so we have that
15 built in and we do have the ability to restart the
16 dialogue with the former property owner.

17 With regard to the second question, which
18 was what do subsequent property owners take when we
19 start using Superfund sites, I will spare you a
20 long description of our brownfield development
21 program, but there is a push to get properties back
22 in use after they have been cleaned up.

23 We work very hard to try and get

24 properties back into -- in the stream of commerce

25 back into use. They don't languish as empty lots

1 and become eyesores in communities, to help do that
2 and give some relief to property owners that come
3 on after the fact and help insulate them from
4 liability, but they have certain responsibilities
5 to use the property in a manner that's consistent
6 with the remedy so, for example, if -- I may get
7 this wrong. As a lawyer I'll get the technical
8 pieces right.

9 If the cap -- if the slab is filled as a
10 cap, we may have what's called an institutional
11 control, a deed restriction perhaps or city
12 ordinance that says no basements because we don't
13 want the cap penetrated, and that would run along
14 with the deed so that subsequent property owners
15 wouldn't be drilling, putting in wells, doing
16 things that might interfere with the remedy in
17 place.

18 If a property owner does that and
19 violates that deed restriction or ordinance or
20 restriction we put on it or otherwise messes with
21 our remedy, they lose the protection and can become
22 a liable party, so that's how we try and build the
23 agreements in the box so that we can encourage

24 people to use the properties within reasonable
25 boundaries, but if they mess around they get to

1 help clean it up.

2 MS. PASTOR: Okay. Any other questions
3 before we move into that comment portion of the
4 meeting?

5 Okay. This will be the comment portion
6 of the meeting, and if this is the time that you
7 would like to speak for the record, this is the
8 time you would state your name and spell it again
9 for the court reporter, and if you belong to a
10 group or affiliated with a governmental entity or a
11 company, that would be helpful to know as well.

12 If you'd like to say you support us, we
13 would love that. That would be great. We'd like
14 that a lot. If you disagree with us and if you
15 would like to tell us why, that would be fine, too.

16 If you have another idea, another option,
17 something that isn't up there and you just want to
18 state that, this is all in a comment form, not a
19 question, because all of these comments will be
20 compiled and they will be answered in written
21 format.

22 As Scott said, it's called a Responsive
23 Summary that's attached to our decision document

24 that's called a Record of Decision that will
25 ultimately outline the final cleanup plan that's

1 selected.

2 We're just making a proposal right now,
3 but after it closes we'll look at all the comments
4 and actually it will be put in that document and
5 the responses to the comments will be in there as
6 well, so you can do that tonight, you can mail
7 them, you can e-mail them, you can fax them, but
8 for now, if someone would like to make a comment.

9 Yes, sir?

10 MR. VELNETSKE: Chris Velnetske. The
11 only thing I'm concerned about with the options is
12 the reliance upon leaving the portions of the
13 concrete slab as a cap.

14 We're thinking about redeveloping it
15 either as a library or some other use, and my
16 concern is if we have PCBs or PCEs under the
17 concrete slab; in other words, when detectable and
18 not detectable, it seems to me that it would be, if
19 we're cleaning up the site, clean it up, clean up
20 the site so it can have multiple uses generations
21 in the future so that we don't have to go back to
22 the current titleholder and say we need to tap your
23 budget, go to a subsequent titleholder and say if

24 you want to do something different or improve or
25 expand you can't do that because, again, we have

1 got this cap, and go to self-reliability.

2 It seems as though we're doing a cleanup,
3 let's do the cleanup, and if there are concerns
4 about what's under the cement cap, and again, that
5 is being used to prevent migration of the PCEs or
6 PCBs either farther into the subsoils or off the
7 site, let's take care of it now rather than later
8 because, again, the deed restrictions are great but
9 I think we need to have a vision of more than one
10 use.

11 We're going to build a library that will
12 be there for 40 or 50 years and at some point
13 that's going to become obsolete. We'll need to
14 tear that structure down. What do we do with that
15 lot then?

16 If we take the long-term view of our
17 generation, two or three generations going forward
18 and into the next century, let's do it up front.

19 MS. PASTOR: Okay. Thanks for that
20 comment. Who else would like to make a comment?
21 We take criticism. We take praise.

22 MR. MEHRTENS: Ken Mehrtens, Town of
23 Cedarburg. I think if the plan's acceptable to

24 everybody, I think everybody around here wants to
25 get it done, and I think it's a good plan if it's

1 going to work.

2 Just like he said, the long-term, you
3 know, we don't want something covered up that's
4 going to come back to haunt us down the road.

5 Maybe I won't live to see it. Maybe a
6 lot of people won't. We'd like to see this
7 developed over here, and I guess everybody here,
8 the majority would like to see that library there
9 for the time being, so the sooner we get at this, I
10 think it's a good plan, sounds like a good plan.
11 I'm for it.

12 MS. PASTOR: All right. Thank you.

13 Anyone else like to have the floor? Okay.

14 MS. KARLMAN: Sue Karlman, and I'm
15 president of the Joint Library Board. We haven't
16 had a formal board meeting to evaluate the material
17 that we have in front of us, but I would just like
18 to state that it's been the library board's
19 intention to support this site.

20 We're aware there are contaminants there
21 and we are assuming there would be a responsible
22 cleanup and that we would be able to go forward
23 with it, so I would like to just make that comment,

24 and then as a citizen of Cedarburg I'd like to make
25 a private comment.

1 I think for the community to have the
2 site cleaned up is important. As I'm
3 understanding, putting a municipal building on a
4 site like this is a responsible way to do it, and I
5 think the EPA recommendation to do the cleanup to
6 the extent that they recommended is in the best
7 interests of all citizens. Thank you.

8 MS. PASTOR: Okay. Thank you. Somebody
9 else? Going once. All right.

10 MS. O'TOOLE: Bats O'Toole. I'm a
11 resident. I live on St. John. Out of the four
12 options I would take No. 4, that I agree with the
13 gentleman here that we should look for the future.

14 I'm very concerned that we're capping it
15 at the height it is because I live just a couple
16 houses down from that. Never had water in my
17 basement until you tore it down and put a cap up
18 higher, so I'm worried about runoff. I worry about
19 the contamination under the cap; what kind of water
20 is running into my basement, is it contaminated.

21 I would like to see something better and
22 bring it down to the natural level of the ground.

23 MS. PASTOR: Okay. Thank you. Somebody

24 else? All right. Going once. Going twice. All
25 right. We'll close the comment portion of the

1 meeting, and I guess we've come to an end to the
2 meeting, but if you'd like to ask a question we'll
3 stick around for a little while.

4 If you want to jot down your comment and
5 hand it to us because you didn't want to speak in
6 front of people, we'll take a handwritten comment.
7 If you want to mull over the information and think
8 about it, you've got through November 9th to do
9 that.

10 You can call us in the meantime. If
11 something is troubling you, if you have another
12 question, another idea, you want to bounce off an
13 idea, do give us a call. We have a toll-free
14 number. You can call us, leave us a voicemail.

15 We travel -- we're here -- so we're not
16 always by our phones. We do check our messages.
17 If you say you're from Cedarburg and you have a
18 question in regards to our cleanup option during
19 the comment period, we'll call you back.

20 Check our website. This isn't your only
21 time to give us your input, so feel free to give us
22 a call, shoot us an e-mail. We'll try to help you
23 as much as we can.

24 Otherwise, thank you for coming, and if
25 you have anything that you'd like to talk to us

1 about, we'll stick around for a little bit. Good
2 night.

3 (Proceedings concluded at 7:55 p.m.)

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1 STATE OF WISCONSIN)
) ss.
2 OZAUKEE COUNTY)

3 I, LIANE M. BARANEK, Notary Public in and
4 for the State of Wisconsin, do hereby certify that the
5 foregoing proceedings were taken before me at the time
6 and place set forth in the caption thereof; that the
7 foregoing proceedings were reported by me
8 stenographically in shorthand; and that the foregoing
9 proceedings constitute a true and accurate transcription
10 of my original machine shorthand notes taken upon the
11 hearing to the best of my ability.

12 I FURTHER CERTIFY that I am not a relative
13 or employee or counsel to any of the parties hereto, nor
14 a relative or employee of their counsel, and have no
15 interest in the outcome or events of said action.

16 IN WITNESS WHEREOF, I have hereunto
17 affixed my official signature and seal of office, this
18 15th day of October, 2007 at Port Washington, Wisconsin.

19

20

21 LIANE M. BARANEK
22 Notary Public
23 State of Wisconsin

24

My Commission Expires:

25

December 27, 2009.

