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VIA EMAIL

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Mr. Matthew Thompson
Hydrogeologist Program Coordinator
Wisconsin Department of Natural Resources
1300 W Clairemont Avenue
Eau Claire, WI 54701-6127

RE: Exceedances of the Wisconsin Administrative Code (WAC) NR720 Non-Industrial Not-to-Exceed Direct Contact Residual Contaminant Levels (RCLs) in Riverside Park

Dear Mr. Thompson:

As a follow-up to our recent phone call in which we discussed the exceedances of state soil standards for dioxins and furans below the culvert outfall in Riverside Park that were identified by the city's April 2020 environmental testing, I wanted to provide some comments for the department's consideration. This park is in District 3, of which I am the alderperson.

The city's initial data identifies multiple specific exceedances of Wisconsin Administrative Code (WAC) NR720 Non-Industrial Not-to-Exceed Direct Contact Residual Contaminant Levels (RCLs). Concentrations of 1,2,3,7,8-Pentachlorodibenzo-p-dioxin (PeCDD); 1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin (HxCDD); 1,2,3,4,6,7,8- HpCDD; and 2,3,4,7,8-PeCDF in the soil below the culvert outfall all exceeded the DNR's non-industrial (residential) direct-contact limits. Notably, based on the initial analysis of the city's consultants, the concentrations of one dioxin congener (1,2,3,4,6,7,8- HpCDD) and one furan congener (2,3,4,7,8-PeCDF) were more than double these state limits.

This was a limited sampling event intended to identify potential areas in the park which exceeded state standards for dioxins and furans in the soil. The results have validated the concern that such an area of exceedances does exist below the culvert outfall area, and that some of these exceedances are substantial.

As the representative of District 3, it is of paramount importance to me that state soil standards are rigorously and consistently enforced. This is particularly important in areas such as those which surround Riverside Park where Environmental Justice (EJ) populations have been formally identified. Based on EPA data regarding a facility immediately adjacent to the park, roughly 46% of persons in a 1-mile surrounding area are below the poverty level and 23% of citizens in that surrounding area are persons of color. In this situation, and others in District 3, I fully expect that

the department enforces its soil standards in a routine fashion and that EJ populations – and all citizens – enjoy the environmental protections from the state to which they are entitled.

In that vein, I am requesting that routine steps occur with these identified exceedances in the culvert area of the park including 1) the full definition or delineation of the area with contamination demonstrating exceedances of WAC NR 720 Non-Industrial Not-to-Exceed Direct Contact RCLs and 2) once that area is delineated, cleanup to lower contaminant levels in that area takes place or that a cap/cover to address the direct contact pathway is constructed (with measures that will prevent further runoff of contaminants from this defined area into other sections of the park).

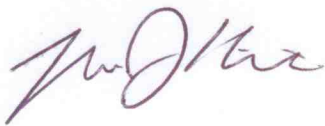
If these two actions are done thoroughly and effectively, they will likely satisfy the longstanding concerns over contamination in this area of the park. If not, I anticipate that community advocacy will continue to demand that these actions are done and that concerns are legitimately satisfied. I intend to fully stand with and behind my constituents in such advocacy.

It is my understanding that a state toxicologist from the Department of Health Services (DHS) is reviewing the recent park results to provide a toxicological opinion. While I thank DHS for its work and look forward to receiving the state's toxicological opinion, it will be irrelevant to the fact that significant exceedances of Wisconsin regulatory standards have been identified in the park from April 2020 testing and the necessity that they must now be properly addressed through delineation, and subsequent remediation or a measure to deal with the direct contact pathway. Anything less will be unacceptable to my office and, I would expect, much of my constituency and the community at large.

As the city representative of the district in which this park resides, please let me know if there is any additional information that I can provide which may be useful.

Thank you for your assistance, and I look forward to working with the department in the future to protect our community's environment and the citizens who live within it.

Sincerely,



Tom Kilian
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ALDERPERSON, DISTRICT 3, CITY OF WAUSAU

cc: Mayor Katie Rosenberg - Via Email
City Council President Becky McElhaney – Via Email
Mr. Eric Lindman, City of Wausau Public Works Director - Via Email
Ms. Anne Jacobson, Wausau City Attorney - Via Email
Supervisor William Harris, Marathon County Board Supervisor, District 3 – Via Email