

June 21, 2006

**TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in special session on June 8, 2006, and recommends the following motions.

1. Brown County's South Landfill has a completed initial site report (ISR), Feasibility Study, and a negotiated Host Community Agreement. Upon a formal disposal request and an acceptable tipping fee, Brown County would consider proceeding with:
  - 1) Preparing a plan of operation.
  - 2) With an End result of WDNR licensing.  
Receive & place on file.

Approved by:

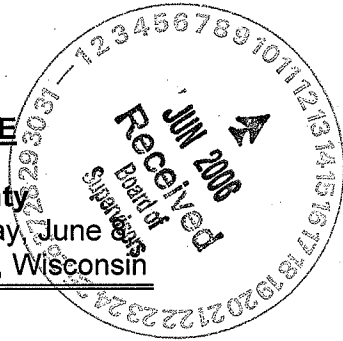
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COUNTY EXECUTIVE

Date

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**PROCEEDINGS OF THE BROWN COUNTY  
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**



Pursuant to Section 19.94 Wis. Stats., a **Special** meeting of the **Brown County Planning, Development & Transportation Committee** was held on Thursday, June 2006 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin

**Present:** Bernie Erickson, Mike Fleck, Norb Dantine, Dave Kaster.

**Excused:** John Vander Leest.

**Also Present:** Supervisors Jack Krueger, Kathy Johnson & Adam Warpinski, Representative Tom Nelson, Tom Weber, Tana Aguirre, Chuck Larscheid, News Media and Other Interested Parties.

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1. **Call Meeting to Order:**  
The meeting was called to order by Chairman Erickson at 1:00 p.m.

2. **Approve/Modify Agenda:**

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to approve. Vote Taken. MOTION APPROVED UNANIMOUSLY.**

3. **Brown County's South Landfill has a completed Initial Site Report (ISR), Feasibility Study, and a negotiated Host Community Agreement. Upon a formal disposal request and an acceptable tipping fee, Brown County would consider proceeding with:**

- 1) **Preparing a plan of operation.**
- 2) **With an end result of WDNR licensing.**

**Motion made by Supervisor Dantine and seconded by Supervisor Kaster to suspend the rules to allow interested parties to speak. Vote Taken. MOTION APPROVED UNANIMOUSLY.**

Mike Feeney, 2961 Shelter Creek Lane, Green Bay, WI asked for a definition of the South Landfill and Chair Erickson explained it is in the Town of Holland in the southern part of Brown County. Solid Waste Director Chuck Larscheid explained the history of that site and said they delayed constructing and opening the landfill because an agreement was made with Outagamie and Winnebago Counties and we are using their landfills first, before we build ours. Mr. Feeney asked if this meeting is to discuss initiating action to reopen the mono-fill site for potential use of dredging from the Fox River. Chair Erickson said that the committee is confirming the statements that have been made and in order to initiate anything at that site, or any other site, we would have to have a request from the DNR or a private company to go ahead and arrange for tipping fees and seek permits. He added that at this point, we do not have any requests from the DNR or any private companies.

Supervisor Kathy Johnson and Alderman Tom Weber came forward for discussion. Mr. Weber expressed concern that the comment period for the DNR

to issue a permit to Georgia Pacific to use the North Road site ends on June 14<sup>th</sup> and their decision will come on July 15<sup>th</sup>. He asked about the timeframe involved to use the Holland site. Chair Erickson said we have had no requests at this point and Chuck Larscheid explained that it could take 1½ years from the time of a request to have the landfill ready to accept. Supervisor Johnson stated that in the last 45 days we have learned that a lot of exemptions have been made by the DNR pertaining to the North Road site. She pointed out that the feasibility study has been done on the Holland site and preliminary plans are already on file for that site. Additionally, all of the guidelines, with no exceptions, have been approved by the DNR for the Holland site. Supervisor Johnson said that we owe it to the citizens to look at the alternative of the Holland site. She presented letters from Supervisor Chris Zabel, Mayor Jim Schmidt and the Oneida Nation in opposition to the use of Georgia Pacific's private landfill for Fox River sediment. She read an email from County Executive Carol Kelso which said they are reviewing all past documents to ascertain any viable alternates and costs associated with them.

Tom Vincent, 2865 Shelter Creek Lane, Green Bay, WI stated that, as a neighborhood, they know what's at stake here and there are some sneaky things going on to get the North Road landfill approved. He asked what happened to the Holland site and why did it get stopped? Chair Erickson reaffirmed that we have to have a request to move forward and there has been no request from the DNR or private industry to use that site for any purpose. Supervisor Dantine pointed out that this is a DNR issue and told Mr. Vincent that the discussion should be aimed at the DNR. Chair Erickson stated that there are two private companies in the area that are set up right now to handle such wastes.

Tina Peach, 2883 Parkwood Drive, Green Bay, WI asked the committee if the Brown County Board of Supervisors has the opportunity to oppose the North Road site and inform the DNR of their support for the citizens that oppose the site.

Terry Gerbers, 2053 Muirwood Court, Green Bay, WI stated that he is not in favor of having a toxic landfill site anywhere in the State of Wisconsin. He said if we are going to be forced to retain these things, the Holland site is the proper location. Mr. Gerbers said that if the County Board has the ability to support the citizens with respect to the actions of the DNR, it would be greatly appreciated.

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to return to the regular order of business. Vote taken. MOTION APPROVED UNANIMOUSLY.**

Supervisor Johnson urged the committee to consider all of the requests and possibilities that were heard today and send the recommendation on to the County Board to look at the Holland site as a viable option.

**Motion made by Supervisor Fleck and seconded by Supervisor Kaster to receive and place on file. Vote Taken. MOTION APPROVED UNANIMOUSLY.**

Chair Erickson stated that the committee has reconfirmed everything that has been completed in the past which are the first three steps of a southern landfill. Upon request, we will move forward with a plan of operation and permitting to the DNR.

4. **Such Other Matters as Authorized by Law:**

**Motion made by Supervisor Dantine and seconded by Supervisor Fleck to adjourn at 1:52 p.m. Vote Taken. MOTION APPROVED UNANIMOUSLY.**

Respectfully submitted,

Jeanne Buzzell  
Recording Secretary

**Subj:** Re: PCB waste dumping in SW Green Bay  
**Date:** 05/31/2006 9:36:54 PM Central Daylight Time  
**From:** kaufmanj@new.rr.com  
**To:** BC\_County\_Executive@co.brown.wi.us  
**CC:** GLJ21@aol.com

Dear Executive Kelso-

Thank you for your reply. I am sure that you, as an elected official, are well aware of the certain implications of alienating district 12 and the enormous tax revenue that we generate for the county. We appreciate your support going forward in exploring options that are best for the county and your constituents. Specifically, we'd appreciate and expect your leadership on the following:

1. Holland site - this was viable in 2002, there is a contract and ROD with Holland already, and it is more technically sound site than the GP proposed site. How can you and other elected officials help fast track this as an alternative?
2. It is public knowledge that the Solid Waste Dept is sitting on \$40+ million in CASH. Why? How can this be used to create a solution that is good for the county and your constituents.
3. There seems to be an "atmosphere" to rush a decision. Where is this pressure coming from? We agree that river clean-up is important but, in haste, are we creating a bigger problem? The EPA has gone on record as indicating that there are additional steps that will be required in the coming months.

I'm copying Kathy Johnson, our district's county board member, who is well-respected by her constituents. Thank you again for your time.

Dr. & Mrs. Tim Kaufman

--- Original Message ---

**From:** BC\_County\_Executive  
**To:** Joanne Kaufman  
**Sent:** Wednesday, May 31, 2006 12:49 PM  
**Subject:** RE: PCB waste dumping in SW Green Bay

Dear Dr. and Mrs... Kaufman,

Thank you for your email and voicing your concerns regarding the Georgia Pacific landfill issue. As you are aware, the clean up has been an issue for many years and there has been significant progress made in the Southern portion of the Fox River. We are now poised to begin cleanup for our portion of the river. We are currently reviewing again all past documents to ascertain any viable alternatives and costs associated with them. ~~We are also concerned about meeting the timeline that has been established. I was briefed by the DNR yesterday on the progress to date and what they have learned from the processes that have been used.~~

I have been involved in this issue for three years and will continue to be an active player in hopes of finding the best solution.

Sincerely,

Carol

-----Original Message-----

**From:** Joanne Kaufman [mailto:kaufmanj@new.rr.com]  
**Sent:** Friday, May 26, 2006 11:38 AM  
**To:** BC\_County\_Executive  
**Subject:** PCB waste dumping in SW Green Bay

Dear Executive Kelso-

*ready*  
*Carol*

Jim  
Hassett

June 01, 2006

Secretary Scott Hassett  
Department of Natural Resources  
101 South Webster Street  
Madison, WI 53703

Dear Secretary Hassett,

As you are aware, Georgia-Pacific is seeking state and federal permits to permanently house TSCA-level PCBs at their West Green Bay landfill as part of the Potentially Responsible Parties (PRPs) cleanup effort.

Earlier this year, the Environmental Protection Agency forced an earlier cleanup start date of May 1, 2007 due to a higher than expected PCB level in the De Pere section of the Fox River. As a result, the PRPs are being forced a year early to find a landfill that can obtain permitting for TSCA-level storage, and then be able to complete construction by the end of this year. To meet this new deadline on behalf of the PRPs, Georgia-Pacific has offered their landfill as an alternative.

I believe this arbitrary deadline is an extremely poor and shortsighted administrative decision by the EPA. While I remain fully committed to cleaning up the Fox River, I cannot in good conscience back a decision that is being forced on Green Bay residents by the federal government. Simply put, this issue should not be about quickly finding a site to bury high concentration sediment beginning May 1, 2007; it should be about finding the best and safest site for the protection of our citizens and the environment.

31

I have two recommendations for your consideration. First, the Department of Natural Resources should revert back to their original intention of using the Brown County landfill site in the Town of Holland, or finding another suitable site. The Town of Holland's site is far superior due to its naturally occurring ground water protection, with a barrier of more than one hundred feet of clay. It is my understanding that the current site location has less than 5 feet of clay and required an EPA waiver to move forward. Further, the Town of Holland has a host community agreement in place with Brown County, and will be well compensated for receiving the dredge spoils. It is my understanding that the County's landfill site could be fully constructed and permitted to receive TSCA material by early 2008. County Board Supervisor Kathy Johnson and Alderman Tom Weber have begun working on initiating the application process for making this site available. In addition, other public and private sites need to be explored.

My second recommendation is regarding capping. It is my understanding that the Department of Natural Resources is currently reviewing its Record of Decision regarding the effectiveness of capping versus dredging. I ask that the DNR review the possibility of capping this section prior to dredging, and make a determination of whether it is safer to cap it as opposed to dredging it, de-watering it, transporting it, storing it, capping it, and then monitoring it. If it is feasible, practical, and safe, then it should be considered.

I reiterate that I am one hundred percent committed to cleaning up the Fox River. However, I have an obligation to the public and the economic health of this city, and I cannot in good faith, or in good conscience, support this site alternative to meet the Federal government's arbitrary deadline. This situation, and the city of Green Bay and surrounding communities, demands nothing less than the best possible alternative to storing the contaminated material, and this site is not it.

I will exhaust every effort to engage the EPA, and work with County Board Supervisor Johnson and Alderman Weber to look at other "best usage sites".

Thank you for your thoughtful consideration of these requests.

Sincerely,

**Jim Schmitt**  
**Mayor**

35

Kasey  
+ Tom  
Request Council

Subj: **requesting special meeting subjected dnr deadline of approval of waste site**  
Date: 06/03/2006 1:11:04 PM Central Daylight Time  
From: GLJ 21  
To: [be686@tds.net](mailto:be686@tds.net), [tweber@new.rr.com](mailto:tweber@new.rr.com)

city of green bay, alderperson tom weber and br county supervisor kathy johnson, request the urgency of a special meeting of the planning and development, and transportation committee. (due to the june 15th deadline of the dnr approval )asking brown cty along with the city of green bay, to take a leadership role in finding a alternate site for the mono-fill and the pcb waste from the fox river clean-up. Requesting brown county and committee to expediate approval and readiness to accept pbc's at the countys holland site or altenate site. (holland already is able ,and ready). The proposed site that the dnr is willing to accept is not the the best interest of the city of green bay or brown county. The proposed plan is extremely subjective to hazardous safety guidelines that were set by the EPA. We Will also be asking the city council to partnership and perform due diligence in helping to restrict potentially toxic materials within the city limits of green bay. Repectively submitted by City of greenbay ,alderperson tom weber, and br cty supervisor kathy johnson.

*Chris Zabel*

**Chairman Bernie Erickson and Members of the Brown County Planning and Development Committee:**

Regardless of the proposed disposal of Fox River sediments and their placement in Georgia Pacific's private landfill, local government officials need to recognize the fact that state and federal agencies have recently placed the Fox River Cleanup Project on the fast-track towards completion, thus, leaving local governments few options to find adequate placement of these materials.

With this in mind, it is important that Brown County give due consideration towards the future utilization of the South Landfill for this purpose. The South Landfill was sited and designed to handle these materials, and quite possibly could be the best option available for their disposal.

I would ask this committee to support this request, as it will allow one more option for future disposal of these materials.

Respectfully submitted,

Christopher A. Zabel  
Brown County Supervisor – District 22

## **Oneida Nation Official Statement**

**June 7, 2006**

### **Oneida Nation Opposes Modification of Landfill to Allow PCBs**

The Oneida Nation has taken formal action to oppose disposal of PCB contaminated waste in the Georgia Pacific landfill. Even though this site has been used as a landfill since 1964, in its natural state it is a wetlands, and is now surrounded by residential and commercial property. Under current state and federal laws the geologic conditions at this site would rule out licensing as a solid waste landfill, much less a toxic waste site. Oneida is urging the State and all other interested parties to pursue other viable alternatives for toxic waste disposal.

The government of the Oneida Nation feels an obligation to its citizens and neighbors to protect and preserve the environment for future generations. For decades the Nation has worked very hard, along with other concerned parties, to protect and restore the natural resources that we all value. Recent messages opposing the dumping of PCB contaminants at this site coming from local government officials and community members, mirror many of our concerns.

The Oneida Nation has a commendable track record of environmental preservation, restoration and education. As an injured party within the Fox River cleanup, the Nation is entitled to restoration support that will be dedicated to the development of a lake on the reservation. The Nation's efforts to restore wetlands and waterways, coupled with cooperative initiatives with local governments, the Wisconsin Department of Natural Resources, and federal agencies, have dramatically improved the local ecological balance. We can't afford to regress from those accomplishments.

The Oneida Nation is committed to engaging with its neighbors and appropriate state and federal agencies to achieve a safe and timely solution to this challenge. By supporting the Fox River clean up and calling for responsible and comparable assessment of the alternatives for toxic disposal, our region will be enhanced and the future health and well-being of subsequent generations will be more secure.