

# Town of Onalaska Advisory Superfund Site Referendum

FACT SHEET - April 2, 1992

The Lake Onalaska Protection and Rehabilitation District is a local unit of government whose sole purpose is to maintain, protect and improve Lake Onalaska. Since the other state and federal government agencies involved have not shown an understanding of the impact over the discharge of treatment process contaminants into the Black River wetlands and Lake Onalaska the Lake Onalaska Protection and Rehabilitation District adopted the following:

A resolution requesting the Onalaska Town Board to initiate court action to obtain an injunction prohibiting the EPA from commencing work on the proposed bioremedial and treatment process on the Onalaska Landfill until such time as the court has had an opportunity to review the water discharge quality and quantities to determine if they are in violation of Wisconsin's Administrative Code NR 103.

## TOWN REFERENDUM

**Should the Town of Onalaska take legal action against the EPA/DNR to stop the proposed landfill cleanup?**

The Lake District would like to urge the citizens of the Town of Onalaska to vote April 7th. The Town's attorneys have stated that an injunction against the EPA is not likely to be successful. But the referendum will give our Town Board and our Legislators as well as the EPA and DNR a clear message.

Recently the Lake District raised it's concerns before the Natural Resources Board in Madison. We asked the Department to completely review this project and re-evaluate the proposed remedy under the guidelines of NR 103, the state new water quality standards for wetlands. We urged them to conduct a "Practicable Alternatives Study" as required under NR 103 to investigate alternatives to the proposed groundwater treatment system. We also asked for a thorough "Inventory of Endangered and Threatened Species" since a complete inventory has not been published to date. We also asked for an "Environmental Impact Study" to address the off-site impacts of this proposed plan.

Senator Brian Rude in his letter of support urged the Department to *"halt this project pending further review"*. Senator Rude also asked the DNR to *"re-evaluate this proposed remedial action in the light of NR 103"*, the DNR new wetlands water quality standards.

Senator Rude states that - *"This cleanup plan has been flawed from the beginning and in my opinion should be stopped pending development of a plan more protective of the local environment - and which takes into account the ability-to-pay of town residents."*

Congressmen Steve Gunderson wrote in his letter of support that *"the credibility of the Department of Natural Resources is at stake on this issue"*. In April 1990 Congressman Gunderson stated in a letter to EPA that *"Remediation of groundwater will actually increase the possibility of exposure to contaminants because of discharges to the air and surface water and the water will still be undrinkable."*

The Minnesota-Wisconsin Boundary Area Commission, the La Crosse County Conservation Alliance, and The Brice Prairie Conservation Association issued statements in support of the Lake District to the Natural Resources Board as well.

The Natural Resources Board asked the Department Staff to prepare a full report on the landfill project and submit it prior to the next Board meeting, April 22 and 23, 1992.

## **WHAT IS NR 103?**

NR 103 is Wisconsin's new wetlands water quality standards. NR 103 addresses the issue of discharge to wetlands to preserve and protect the water quality of all of Wisconsin's wetlands. Wetlands protection is no longer just a quantity issue it's a quality issue as well.

We believe this project and the proposed discharge of contaminants from this site should be re-evaluated under the guidelines of NR 103 and a "Practicable Alternatives Study" performed to identify any potential harm to the area wetlands.

## **WHAT DO THE EPA AND DNR SAY ABOUT NR 103?**

They have said that they are not required by law to apply and enforce the NR 103 standards because NR 103 was not in effect when the EPA signed it's "Record of Decision" (ROD) in August 1990, and that NR 103 did not go into effect until August 1991.

This seems to be a very weak argument considering:

1. Overwhelming public opinion urging them to enforce NR 103 and protect the wetlands.
2. Statements from the Lake District as well as area legislators, conservation organizations and commissions urging the complete re-evaluation of this project under NR 103.
3. The DNR will be requiring municipal and industrial discharge facilities statewide to follow NR 103 guidelines, but is unwilling to follow them themselves.

It also seems ridiculous to base your position on a "date" when so much is at stake here:

1. The protection of a major Federal Fish and Wildlife Refuge.
2. The Water Quality of the wetlands and Lake Onalaska.
3. Creation of a potential health hazard to area residents and visitors.

Recently the EPA published a fact sheet which addressed the many questions the Lake District and others have been asking. When answering the question of "will the proposed remedy cause harm to Human health or the environment" the EPA stated that it "should not" cause harm to the environment or human health and that a fish kill was "unlikely". Can we really trust our health and the health of our environment to "should not" and "unlikely". We think not.

## **CITIZEN INVOLVEMENT IS IMPORTANT**

**Vote in the April 7th Advisory Referendum**

**Write to the DNR Board Members and Area Legislators and express your concerns**

**Attend the Annual Town Meeting, April 14, 1992**

**Support Lake District efforts**

The sole purpose of the Lake Onalaska Protection and Rehabilitation District is to promote the protection, improvement and management of the Lake for fish, wildlife, and people.