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Town rejects airport landfill

Decision could affect plans for river dredging

By Dan Benson
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A decision by the Town of Sheboygan Falls Board of Supervisors to reject the construction of a landfill at the county airport sets the town on a collision course with Sheboygan County, the state and two federal agencies and could kill plans to dredge the Sheboygan River's inner harbor.

The Town Board voted unanimously Monday night to deny a conditional use permit for the landfill at

the Sheboygan County Memorial Airport, where the U.S. Army Corps of Engineers wants to dump about 170,000 cubic yards of contaminated river sediment.

If the Corps of Engineers can't build the landfill at the airport, another site will have to be found, Sheboygan County Director of Planning Aaron Brault said. That could add as much as \$8 million to the project's cost — money the project doesn't have — and could jeopardize it.

"That's definitely one of the options," Brault said. "I hope it isn't that option."

Town residents near the airport have said they're

afraid the contaminants in the sediment could leach into their wells and a nearby wetland and the county and the state Department of Natural Resources haven't provided enough information or guaranteed precautions to allay those fears.

About 50 residents showed up Monday night at Town Hall and voiced their objections during a three-hour period.

"Of the residents I represent, there was not one in favor of this," Town Supervisor Gerald Meyer said Tuesday. "Every one of them was against it. They (the county) left us with a lot of doubt that this soil

would be OK."

Town Chairman Steven Bauer said the county; the DNR, the Corps of Engineers, and the U.S. Environmental Protection Agency had "under-designed" the landfill.

"The risks were greater than the benefits," Bauer said. "I feel I am protecting the township."

Town officials brought in their own experts, including a local well-digger who said there would not be enough clay beneath the cells to keep contaminants from polluting underground water.

Brault disputed that claim, saying the Corps of Engineers had conducted

borings 49 feet deep throughout the area and consistently found clay.

"The Corps designs these things all over the country and they designed this facility," Brault said. "The residents have a lot of good legitimate questions. But at the end of the day, the county is relying on the opinion of the three major environmental watchdog agencies and they're saying it's OK."

Dredging of the inner harbor would deepen its channel to as much as 16 feet and allow cruise ships and other larger vessels to dock in the South Pier area.

Plans call for completing the dredging by fall. It

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would be one of the last steps of cleaning up a 14-mile stretch of the Sheboygan River from Lake Michigan to Sheboygan Falls that was designated 25 years ago by the EPA as one of the most polluted rivers in the Great Lakes region.

The landfill would consist of three clay-lined cells capped by clay and topsoil.

The sediment contains on average one part per million of polychlorinated biphenyls, or PCBs, a cancer-causing agent. That level is not considered hazardous by the DNR.

By comparison, river

sediment upstream from the inner harbor will have more than two parts per million of contaminants and be given a clean bill of health by the EPA when dredging there is finished by fall.

Getting a conditional use permit from the town is one of two approvals Sheboygan County needs to construct the underground cells there, the other coming from the state Department of Natural Resources.

Frank Schultz, the DNR's southeast Wisconsin regional supervisor for waste and materials management, said the Town Board's decision does not affect the DNR's process but may present an obstacle to the county.

"The county is checking

their options to see if they want us to proceed," Schultz said. "The county would need both the conditional use permit (from the town) and our exemption. That is a hurdle they would have to clear."

Schultz said the DNR just completed taking public comment on Monday and will make its decision in about six weeks. If the DNR approves the project, the Town Board's decision may become moot, based on the state's landfill siting law.

In January, Sheboygan County Circuit Court Judge James Bolgert cited the law when he ruled the Town of Wilson overstepped its authority when it instituted tighter environmental regulations on Alliant Energy's

coal ash landfill near Interstate 43.

In January, Town of Sheboygan Falls Attorney Crystal Fieber warned plan commissioners they had little control over the project.

"The Legislature has given the DNR jurisdiction over landfills. The county could take the position that they don't need to work with the town," Fieber said.

On Tuesday, Brault said it was a possibility that a favorable review by the DNR could trump the Town Board.

"That would definitely be an option we would have to review very closely," he said.

Other options, Brault said, appealing the Town Board's decision to the Town Board of Appeals, finding another landfill lo-

cation, or doing nothing and in essence calling a halt to the dredging effort.

"I can't say which way we're going to move," he said. "We're going to have to look at all our options."

County Administrator Adam Payne and County Board Chairman Mike Vandersteen could not be reached on Tuesday.

County Corporation Counsel Carl Buesing said they and other county officials "haven't had time to evaluate the situation and consider our options."

But when Buesing was asked whether a DNR decision could override the Town Board, as Fieber indicated, he said, "I've given similar advice" to county officials.

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