

—TOWN OF—  
**MIDDLETON**  
*Wisconsin*

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May 9, 2023

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Re: Follow-up to 3/7/23 Town of Middleton Letter to the City of Middleton Common Council regarding Morey Airport Fly-In Special Events

Dear Mayor Kuhn, Common Council President Nelson, and Common Council Alders:

Congratulations to the new Mayor, new Common Council President, and recently elected City of Middleton Common Council Alders (“Common Council”). For the benefit of newly elected members of the Common Council, we are attaching a copy of our 3/7/23 correspondence to which we have not yet received a response.

Additionally, for the benefit of new Council Members and others with concerns for our environment, there is some information of which you may not be aware. The US EPA has recently advised that piston-engine aircraft are the largest single source of airborne lead emissions in the U.S., contributing 70% of the lead entering the air annually. The emissions of lead from aircraft operating on leaded fuel cause elevated levels of lead in air near airports. (See *EPA Proposes Endangerment Finding for Lead Emission from Aircraft that Operate on Leaded Fuel*, at <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P1015S8N.pdf>).

There are 2.12 grams of lead per gallon of leaded avgas (100LL) like that used in Morey Airport operations. (See: ASTM International (2005) Annual Book of ASTM Standards Section 5: Petroleum Products, Lubricants, and Fossil Fuels Volume 05.01 Petroleum Products and Lubricants (I): D 56 – D 3230; and US EPA *Lead Emissions for the Use of Leaded Aviation Gasoline*, Technical Support Document, October 2008, page 2). In contrast, auto gas contained half of this amount of lead per gallon (1.10 grams of lead per gallon of auto gas; US EPA press release – 3/4/1985). Leaded gasoline for vehicles was banned beginning with model-year 1975.

(See: <https://www.eia.gov/energyexplained/gasoline/gasoline-and-the-environment-leaded-gasoline.php>).

Leaded aviation gas (“avgas”) sales at Morey Airport (“Airport” or “C29”), from data provided by the City of Middleton, portray an accurate picture of the amount of lead contributed to our local environment by Morey Airport operations.

City of Middleton data shows actual leaded avgas sales (100LL) at Morey Airport by year from 2010 through 2022. At 2.12 grams of lead per gallon, the following table shows the annual amount of lead produced in the environment by Morey Airport Operations. Furthermore, since nearly 70% of airport operations are local, it is clear that previous EPA estimates of the amount of lead produced by C29 are well below the actual local airborne lead emissions generated at Morey Airport.

<u>Year</u>	<u>Total Ops</u>	<u>100LL Sold (gallons)</u>	<u>C29 Pounds of Lead Produced (2.12 grams of Lead per gallon)</u>
2010	40,510	77,385	164,056.2/453.592= <b>362 lbs of Lead</b>
2011		72,660	154,039.20/453.592= <b>340 lbs of Lead</b>
2012		68,802	145,860.24/453.592= <b>322 lbs of Lead</b>
2013		78,709	166,863.08/453.592= <b>368 lbs of Lead</b>
2014		73,649	156,135.88/453.592= <b>344 lbs of Lead</b>
2015		76,467	162,110.04/453.592= <b>357 lbs of Lead</b>
2016		73,037	154,838.44/453.592= <b>341 lbs of Lead</b>
2017		74,238	157,384.56/453.592= <b>347 lbs of Lead</b>
2018		70,293	149,021.16/453.592= <b>329 lbs of Lead</b>
2019	41,342	78,716	166,877.92/453.592= <b>368 lbs of Lead</b>
2020	40,510	66,388	140,742.56/453.592= <b>310 lbs of Lead</b>
2021		72,087	152,824.44/453.592= <b>337 lbs of Lead</b>
2022		64,176	136,053.12/453.592= <b>300 lbs of Lead</b>

As noted in our attached 3/7/23 correspondence, the Town of Middleton’s air sampler field testing before, during, and after the July 22, 2022 Rock the Ramp C29 Fly-In event provided irrefutable evidence of an *increase* in ground level airborne lead emissions from the additional aircraft attending that Fly-In special event. The organizers of the 2023 event are projecting even more Fly-In attendees. That will clearly cause an even greater increase in breathable airborne lead particles in our environment and in our private residential drinking water wells.

We have previously provided you with maps of the Morey Airport area which show the areas where airborne lead concentrations are highest. Those areas are the Airport itself and the multi-family housing areas immediately east of Airport property. These areas include many of the City’s multiple family residence projects that advance a worthy goal of providing more affordable housing for current and future City residents. However, children living in these housing areas are at a significant increased risk of lead poisoning with all its attendant health problems. (See Miranda Study at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3230438/> and Zahran PNAS Study at:

<https://countyaairports.sccgov.org/sites/g/files/exjcpb686/files/document/Zahran%20Study%20Published%202022.pdf>). This presents direct environmental justice issues and is contrary to a

nationwide commitment to ensure every person the right to breath clean air, drink clean water and live in a healthy community – now and into the future. (See <https://www.whitehouse.gov/briefing-room/statements-releases/2023/04/21/fact-sheet-president-biden-signs-executive-order-to-revitalize-our-nations-commitment-to-environmental-justice-for-all/>).

Furthermore, inviting and encouraging children to attend any Fly-In or other event on Airport property places them in a location of maximum risk for damage to their mental and physical health. This is both reckless and dangerous.

We are hereby renewing our request that the Capital Flight Fly-In Special Event Permit Application previously approved by the City License & Ordinance Committee (“L&O Committee”), be placed on an upcoming Common Council Agenda for an on the record vote by all Common Council Members.

This Application was approved by the L&O Committee with practically no discussion or public input. It is clear that these unrequired, recreational Fly-In events present an increased risk to the health and safety of the residents of three municipalities. A majority of the Common Council has a responsibility to publicly state whether or not they support these unnecessary environmentally damaging Fly-In events and the basis for their support or non-support.

There are many schools and residences around the City’s Airport and many of the thousands of citizens in those residences are there, in part, because they relied on the promises made to the public by your predecessors in a 1998 Resolution concerning the purchase and future operations of Morey Airport. (See attached City Resolution 1998-20, Intent for Morey Airport Property). The City has continually violated the commitments in the 1998 Resolution and has taken recent steps that will completely nullify those commitments. A responsible open and honest governing Common Council would not ignore the commitments of its predecessor Councils’ to the detriment of thousands of residents who believed and relied on those legislated commitments.

We have made several requests of the Mayor and Common Council with respect to the operations and physical structure of Morey Airport and those requests have been mostly ignored without a public discussion of any kind. Consistent with the 1998 commitments, we forwarded Town Resolution 20220131-1 with cover correspondence dated 2/1/22 opposing any expansion of Morey Airport and renewing our request for the adoption of a right turn as standard practice at C29. This would allow overflights over vacant land rather than several schools and densely populated areas. There are seventeen airports in Wisconsin with right turn patterns. (See: <https://wisconsin.gov/Documents/travel/air/airport-info/non-std-traf.pdf>). There is absolutely no reason why a right turn is not appropriate for Morey Airport.

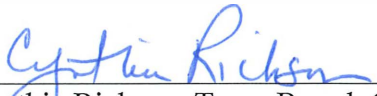
The City of Middleton is the owner and sponsor of a public recreational facility that generates a substantial portion of the environmental lead pollution in Dane County. The operations at that facility also generate significant environmental pollution in the form of benzene and other particulate which are by products of jet fuel used by some operators. In addition, operations generate daily noise pollution which also creates a public health risk and problems. None of this activity produces significant revenue for the City or the surrounding communities. The primary revenue from Airport operations goes to two businesses owned by individuals who do not even live in any affected community.

Morey Airport operations cause environmental damage and constitute a continuing health and safety risk to the residents of three affected municipalities. Fly-In special events significantly

increase that environmental damage and resident risk. If the City of Middleton genuinely cares at all about increased damage to the environment and increased risk to the health of thousands of area residents, especially the children, it will preclude all future Fly-In events at Morey Airport, stop all sales of leaded aviation gas and abandon all plans for Airport expansion. We look forward to your response on this serious environmental, health, and safety matter.

Sincerely,

Town Board, Town of Middleton, Wisconsin

By:   
Cynthia Richson, Town Board, Chair

The Town Board authorized the Town Chair to sign this correspondence by a vote of 4-0 (Supervisor Opin absent) at the Town Board Meeting on May 8, 2023.

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March 7, 2023

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Re: Morey Airport Fly-In Special Events

Dear Mayor Brar, Common Council President Olson, and City Alders:

We are extremely disappointed that the three-member City of Middleton (“City”) License & Ordinance Committee, at the request of Capital Flight and with little or no discussion, unanimously approved at its February 15<sup>th</sup> meeting two upcoming large-scale Fly-In special events at Morey Airport (C29). We request that these Capital Flight Fly-In Special Event Permit Applications be placed on an upcoming City of Middleton Common Council Agenda for an on the record vote by the entire Common Council.

The owner of Capital Flight cavalierly described this large-scale Friday, July 23<sup>rd</sup> Fly-In special event as being a “rinse and repeat” event. Consistent with prior year’s Capital Flight Special Event Permit Applications that specifically states, “Answer all questions completely”, the question asking, “Have you met with community groups, residents...that may be directly affected by your event? Please List:” was again left blank by Capital Flight. There was absolutely no discussion or consideration given to the adverse impacts on the many Middleton area residents living in the vicinity of Morey Airport, including the fact that Capital Flight continues its efforts to drum up an ever-increasing number of attendees flying experimental and other aircraft using leaded aviation gas – now estimated to be 5,000 attendees for the July 21, 2023 Rock the Ramp.

The City and Capital Flight continue to ignore the significant safety, health, and environmental risks from this additional Fly-In aircraft traffic at this uncontrolled air space airport surrounded by densely populated residential areas. You must surely be well aware of how detrimental breathing airborne lead is for everyone, especially for children.

The Town of Middleton's Trinity Consultants air sampler field testing before, during, and after the July 22, 2022 Rock the Ramp C29 Fly-In event has provided irrefutable evidence that these additional aircraft flying to and from Morey Airport cause an *increase* in ground-level airborne aircraft lead emissions from the additional aircraft attending these Fly-In special events. Despite the overwhelming evidence that this significant public health lead exposure even in the smallest amounts can permanently reduce a child's IQ and have large economic effects on student educational outcomes, the City and Capital Flight continue to recklessly promote this event as "a family friendly event, kiddos welcomed and encouraged!"

If that isn't bad enough in and of itself, the City and Capital Flight also display inappropriate promotional bragging by claiming Rock the Ramp is "The world's largest pre-OSH fly-in bash...and is bigger and better than ever! Eats, libations, planes..." and the annual "Oshkosh Warmup Party" and urges attendees to "come thirsty" for alcoholic drinks.

You must also be well aware that according to the Wisconsin Bureau of Aeronautics, most general aviation aircraft accidents occur within five miles of an airport. The City and Capital Flight have intentionally worked to expand Fly-In attendance to the detriment of the surrounding community and its residents. USGS test results in 2022 found C29 leaded avgas isotopes in the drinking water of two of six residential private wells near Morey Airport. In addition, it is not a question of if, but a question of when a serious mishap will occur involving an aircraft associated with Morey Airport, including the risk to passengers in one or more of the 10,000 average daily vehicles that use Airport Road where Morey Airport aircraft routinely fly at very low altitudes overhead. Some of you may recall the tragic 1974 accident where a student pilot coming in for a landing hit a dark green car driving on a main road fronting the Waunakee Airport because he said the car was the same color as grass!

In 2021, we asked you to stop approving these Fly-In special events at this recreational Airport. You ignored us. We now have credible scientific evidence of the increase in harm and risk caused by Morey Airport special Fly-In operations to people, property, and the environment.

In 2022, we asked you to sell only unleaded aviation gas at Morey Airport and convert the existing 10,000 gallon fuel tank currently used for leaded aviation gas. Instead, you attempted to divert attention from the health dangers associated with the use of leaded avgas by focusing on the possible purchase of a small 1,200 gallon used fuel truck for Swift Fuels UL94 aviation gas. While at first glance this may appear to be a step in the right direction, it clearly is not as it merely serves as window dressing for City public relations purposes. The majority of Morey Airport pilots have already told you that they will consider using UL94 *only if* it is the same price as aviation gas with lead in it. Buying UL94 in such a small quantity increases the retail price *even if* the City decides to offer a small subsidy incentive.

The owners, lessees, and operators of aircraft into and out of Morey Airport are primarily responsible for the property damage and any bodily injury arising from dropping or depositing lead particles on the property and people in the areas on and around C29. When the City of Middleton authorizes and supports special Fly-In events, which have now been shown to increase the lead deposited in the air and water in the many residential areas all around the Airport, it may also become a responsible party for that damage. In addition, the City may

become a responsible party for the increased environmental damage and the increased risk of accidents in all of our heavily developed residential communities. In this regard, all City Council Members should be aware that there is no federal or state requirement that these Fly-In pilots have any liability insurance for any damage they or their aircraft may cause.


Neither the FAA nor any other authority requires the sponsoring or approval of special Fly-In events at the City's recreational general aviation Airport. The City's authorization and support of these events, in light of the obvious damage such events will cause is reckless, irresponsible, and in careless disregard of the health and safety of residents and the environment of our entire community.

Morey Airport provides no essential public services to the City of Middleton or the surrounding municipalities. It is predominantly a recreational facility, and the FBO and SASO and the majority of its users live in municipalities other than the City of Middleton, the Town of Middleton or the Town of Springfield, the three areas most affected by and whose citizens are the most endangered and damaged by the Airport's operations.

We again renew our request that you immediately switch to the sale of only unleaded aviation gas at Morey Airport. We further request that you take proactive, affirmative steps to be among the first in the county to receive delivery of FAA approved GAMI G100UL that can be used by the entire piston-engine aircraft fleet at Morey Airport. Finally, we request that you cancel all Fly-In special events, and preclude the approval of any such future Fly-In special events so as to eliminate the increased damage and health risks to residents, including the thousands of children in our communities.

Sincerely,

Town Board, Town of Middleton, Wisconsin

By:   
Cynthia Richson, Town Board, Chair

The Town Board authorized the Town Chair to sign this correspondence by unanimous consent on March 6, 2023.

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**TOWN OF MIDDLETON  
RESOLUTION NO. 20220131-1**

**RESOLUTION OPPOSING THE ADOPTION OF CITY OF MIDDLETON COMMON  
COUNCIL RESOLUTION 2022-08 RELATING TO DIRECTION FOR COMPLETING  
A MASTER PLAN FOR MIDDLETON MUNICIPAL AIRPORT – MOREY FIELD**

**WHEREAS**, the City of Middleton Common Council (“Common Council”) will be considering proposed Common Council Resolution 2022-08 (“Resolution 2022-08”) on February 1, 2022, relating to direction for completing a master plan for Middleton Municipal Airport – Morey Field (“Morey Field”); and

**WHEREAS**, among other things, proposed Resolution 2022-08 will direct the preparation of a new Airport Layout Plan (“ALP”) for Morey Field which will be submitted to the Federal Aviation Administration (“FAA”) for review and final approval; and

**WHEREAS**, proposed Resolution 2022-08 specifically states that the Common Council supports incorporating certain development alternatives into the new ALP so that they may become eligible for federal funding assistance, which alternatives are opposed by residents in the Town of Middleton and by the Town Board of the Town of Middleton, as described hereafter; and

**WHEREAS**, proposed Resolution 2022-08 states that the Common Council has concluded that the projects described therein will improve safety of aircraft operations and redirect some aircraft away from residential areas without changing the mix of small aircraft currently using Morey Field, which conclusions the Town Board of the Town of Middleton strongly disagrees with; and

**WHEREAS**, the Town Board of the Town of Middleton desires to express its opinion to the Mayor and Common Council of the City of Middleton and others in opposition to the adoption by the Common Council of proposed Resolution 2022-08;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MIDDLETON, DANE COUNTY, WISCONSIN, AS FOLLOWS:**

1. Morey Field as currently operated is causing, and as proposed to be operated under proposed Resolution 2022-08 will cause, damage and injury to residential neighborhoods and other lands located in the Town of Middleton in the vicinity of Morey Field due to noise and air pollution (including lead pollution from aviation fuel) and low altitude overflights, and any expansion or extension of any runways, the creation of any new runway, and the establishment of additional hangars at Morey Field, will increase the level of damage and injury suffered by these neighborhoods and other lands in the Town of Middleton due to noise and air pollution and low altitude overflights.

2. The Town Board of the Town of Middleton previously adopted Town Board Resolution 20210621-1, on June 21, 2021, opposing any changes at Morey Field which were or will be included in the 2021 Morey Airport Master Plan, including, but not limited to, expansion

or extension of any existing runway, creation or establishment of any new runway of any kind or nature, or the establishment of any new hangars at Morey Airport, which Town Board Resolution 20210621-1 was previously transmitted to the Mayor and Common Council of the City of Middleton, and is incorporated by reference herein and made a part hereof.

3. Resolution 2022-08 states that the following development alternatives will be included in the new ALP for Morey Field:

- (i) Adding 200 to 400 feet of pavement to Runway 10/28;
- (ii) Developing a 3,280 foot paved runway with an east side parallel taxiway, or as an alternative placing a parallel taxiway on the westside of the runway, to include purchasing farm land for this runway expansion (including by eminent domain);
- (iii) Developing a new hangar complex on the northeast side of Morey Field adjacent to the Highwood Circle Estates single-family residential neighborhood in the Town of Middleton, to include the purchase of farmland (including by eminent domain); and
- (iv) The expansion of turf aircraft operations either in an east-west configuration north of the solar array at Morey Field or parallel to a paved east-west runway, which could include the purchase of farm land (including by eminent domain).

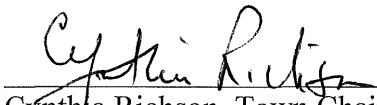
4. With respect to the proposed development alternatives described in paragraph 3 above, the proposed alternatives to be included in the proposed ALP will result in more Morey Airport aviation operations over and adjacent to the residential neighborhoods, public parks, farms and schools located in the Town of Middleton, and will therefore result in more leaded fuel pollution from airport operations being discharged on and over the residences, schools, parks and farms in the Town of Middleton, more unreasonable noise over the Town of Middleton and its residences and other lands, and more low level overflights over the Town of Middleton which will result in the loss of value of property and the creation of unreasonable safety risks in the Town of Middleton associated with Morey airport operations.

5. Neither the draft Master Plan nor draft Resolution 2022-08 have adequately considered, adopted and placed into effect, and thereafter tested for a reasonable period of time, the implementation of certain remedial measures, prior to the adoption of Resolution 2022-08, which measures could have the effect, if successfully implemented, of limiting certain negative consequences on the Town of Middleton from the proposed development alternatives included in Resolution 2022-08, such as the following: (a) adopting right turns as the standard practice for take offs from Morey Field over the Town of Middleton from Runway 10/28, and the (b) installation of sufficient capacity for unleaded gas to be sold for all piston engine aircraft at Morey Airport and the concurrent elimination of the sale of all leaded gas at Morey Airport.


5. In light of the foregoing, the Town Board of the Town of Middleton hereby opposes the adoption by the Common Council of Resolution 2022-08.

6. The Town Board of the Town of Middleton directs that staff submit this resolution to the Mayor and City Council of the City of Middleton, to the Federal Aviation Administration and to the Wisconsin Bureau of Aeronautics.

Adopted and approved this 31<sup>st</sup> day of January, 2022.

  
Cynthia Richson, Town Chair

ATTEST:

  
Barbara Roesslein, Town Clerk

It was moved by Supervisor Oberle and seconded by Supervisor Stemrich that the foregoing Resolution be adopted.

Those Supervisors voting in favor: Richson, Oberle, Bryce, Schmidt, and Stemrich.

Those Supervisors voting in opposition: None.

The Town Chair declared the resolution adopted.

**RESOLUTION 1998-20**  
**Intent for Morey Airport Property**

**WHEREAS**, Morey Airport has long been a component of the City of Middleton's master plan; and

**WHEREAS**, said airport is classified by the State of Wisconsin as a General Utility Airport; and

**WHEREAS**, the State's recently completed Airport System Plan 2020 continues to identify Morey Airport as a General Utility facility, and forecasts a 37% increase in general aviation operations at the airport through the year 2020 (from 18,000 to 24,700 operations per year, with one take-off and one landing counting as two operations); and

**WHEREAS**, over 1,000 citizens have expressed concern about the expansion of Morey Airport; and

**WHEREAS**, it is in the interest of all City and area residents to know how city officials view the future of Morey Airport; and

**WHEREAS**, the City is committed to operating a safe, viable General Utility facility;

**NOW, THEREFORE**, be it resolved that the Middleton Common Council hereby goes on record as stating its commitment to maintaining Morey Airport's classification and use as a General Utility airport; and

**BE IT FURTHER RESOLVED**, that the City intends to restrict airport improvements to those consistent with current state design guidelines for General Utility airports (including restricting the runway length to 4,000 feet); and

**BE IT FURTHER RESOLVED**, that the City does not support the construction of a crosswind runway; and

**BE IT FURTHER RESOLVED**, that the City continues to urge pilots to follow flight patterns over commercial and industrial areas and away from residential areas; and

**BE IT FURTHER RESOLVED**, when and if there is as a need to make improvements to the airport, the City will welcome further public input and will hold, at a minimum, one public hearing on the proposed improvements.

This resolution was adopted at the regular Council meeting on the 15 day of December, 1998.

  
\_\_\_\_\_  
Dan A. Ramsey, Mayor

ATTEST:

  
\_\_\_\_\_  
Timothy R. Studer, Clerk