



February 22, 2021

John Leja
Wash Haus Development, LLC
8301 Machine Drive
Madison, WI 53717

SUBJECT: Approval of Materials Management Plan for the former Klinke Cleaners property, 412 East Washington Avenue, Madison, Wisconsin
BRRTS# 02-13-307195, FID#113053820
Parcel Identification Numbers: 070913320085, 070913320077, 070913320093, and 070913320100

SENT BY ELECTRONIC MAIL 2/22/2021

Dear Mr. Leja:

On February 8, 2021, True North Consultants submitted a technical assistance request and review fee on your behalf to the Wisconsin Department of Natural Resources (Department). The request and fee were submitted in accordance with Wis. Admin. Code section NR 749.04(1) in order to receive a Department review and response for a Materials Management Plan (MMP) about handling soil contaminated with chlorinated volatile organic compounds (CVOCs).

The 412 E. Washington Avenue property (Property) was formerly occupied by a dry-cleaning business, and residual soil and groundwater contamination remained on and off the Property at the time of case closure. The Property is scheduled for redevelopment beginning in spring 2021 with the construction of a multi-story residential building with underground parking. The work related to the CVOC contamination covers four City of Madison parcels: 070913320085, 070913320077, 070913320093, and 070913320100.

In its technical assistance request, True North responded to the following requirement in the Department's April 25, 2007 final closure letter:

Residual soil contamination remains on site beneath and adjacent to the existing building as indicated in the information submitted to the Department of Natural Resources. If soil in the specific locations described above is excavated in the future, then pursuant to ch. NR 718 or, if applicable, ch. 289, Stats., and chs. 500 to 536, the property owner at the time of excavation must sample and analyze the excavate soil to determine if residual contamination remains. If sampling confirms that contamination is present, the property owner at the time of excavation will need to determine whether the material would be considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules. In addition, all current and future owners and occupants of the property need to be aware that excavation of the contaminated soil may pose an inhalation or other direct contact hazard

and as a result special precautions may need to be taken to prevent a direct contact health threat to humans.

Soil samples were taken to determine the extent of residual soil contamination and to characterize the soil for disposal. Analytical results indicated the excavated soil could be disposed of as solid waste, and an estimated 13000 tons of contaminated soil will be taken to a licensed solid waste landfill for disposal.

The Department has reviewed your request and offers an **approval** of the proposed actions to excavate materials at the Property with some additional considerations about potential vapor intrusion and DERF (Dry Cleaner Environmental Response Fund) reimbursement.

The Department reviewed the following document to make this approval determination:

- The February 8, 2021 technical assistance request and accompanying Material Management Plan dated February 5, 2021, both submitted by True North Consultants
- Portions of the Klinker Cleaners remediation case file (02-13-307195)
- The Department's February 9, 2021 DERF variance and cost estimate approval letter

Summary of Proposed Activities

The Property, which was the site of Madison Dye Works from the 1940's to 1982 and a branch of the Klinker dry-cleaning business from 1983 to 2011, will be redeveloped as the location of a multi-story residential building with two levels of underground parking. Volatile organic compounds were found in soil and groundwater at the Property in 2002, and the associated remediation case was closed in 2007. At the time of closure, residual soil contamination remained on the Property and the adjacent N. Franklin Street right-of-way.

As part of the construction, a large excavation will take place on the Property and several adjacent parcels. True North has delineated areas of known contamination (based on both historical data and soil borings done in late 2020). Soil from contaminated areas will be handled separately from clean soil and sent to a licensed solid waste landfill for disposal.

Potential for Vapor Intrusion

While the excavation is expected to remove significant amounts of contaminated soil, it is possible that residual contamination may remain post-construction. Any remaining CVOC contamination might pose a threat for vapor intrusion into the planned residential redevelopment.

True North communicated to the Department that a chemical-resistant vapor barrier would be installed under the parking floor and that the entire parking area will have a waterproof design. The elevator shaft, while located outside the area of known contamination (see attached Figure 4), should also be protected since vapors can move in unpredictable directions. Standard air exchanges for underground parking garages are no guarantee that chemical vapor intrusion from residual CVOCs will be prevented, especially when elevators are involved.

The Department strongly recommends you confer with Curtis Hedman, a vapor intrusion expert at the Wisconsin Department of Health Services, on the adequacy of the measures proposed to prevent vapor intrusion. His contact information is:

Curtis Hedman

Phone: 608-266-6677

Email: curtis.hedman@dhs.wisconsin.gov

Additional information is also available on the [Vapor Intrusion Resources for Environmental Professionals](#) section of the Department's website.

DERF Reimbursement

In previous years, the DERF program reimbursed \$41,381.17 for this site (a claim of \$51,381.17 less a \$10,000 deductible). DERF has a cost cap of \$500,000 per site. While much of the funding eligibility for this site is still available, the decline in DERF revenue has led to significant payment delays and a likelihood of pending claims being unpaid at the time the program sunsets. For additional information see, <https://dnr.wisconsin.gov/aid/DERF.html>.

The expected cost for this project exceeds the DERF cost cap of \$500,000 per site. If you intend to file a reimbursement claim within the amount remaining for this site, be sure to review NR 169 and the details of DERF eligibility and claim preparation at <https://dnr.wisconsin.gov/aid/DERF.html>.

Approval details

The Materials Management Plan is **approved** subject to following conditions:

1. Wash Haus Development, LLC will manage excavated material according to the approved materials management plan.
2. If areas of unanticipated soil contamination are found or underground storage tanks, piping, drums, etc. are discovered, notify the Department within 24 hours and propose appropriate actions to investigate and deal with the situation. Notification of discharge will be submitted to the Department in accordance with Wis. Admin. Code section NR 706.05(1).
3. Wash Haus Development, LLC is responsible for obtaining any local, federal or other applicable state permits to carry out this project.
4. Wash Haus Development, LLC will comply with Wis. Admin. Code chapters NR 169 and NR 718 and all other applicable local, state, and federal regulations.
5. Wash Haus Development, LLC will submit a documentation report to the Department within 90 days of completing the excavation work. Follow the submittal instructions at <https://dnr.wisconsin.gov/topic/Brownfields/Submittal.html>. Include the following items in the report:
 - As-built drawings documenting compliance with the above conditions of approval;
 - A narrative description of how the above conditions were accomplished including relevant documentation;
 - Color photographs documenting construction aspects addressed in this approval;
 - Documentation of excavation. The report will include the description of the total volume and copies of landfill receipts (or other documentation of disposal, showing volumes and disposal location); and
 - Certification under the seal of a professional engineer registered in the State of Wisconsin that the project has been constructed in substantial compliance with the above conditions and explaining any deviations from the approved plan.

The Department reserves the right to require the submittal of additional information or to modify or revoke this MMP approval if the Wash Haus Development, LLC fails to comply with the requirements of the proposed MMP. The Department also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found which would warrant modification or revocation of this approval.

If you have any questions regarding this letter, please contact Cindy Koepke at 608-219-2181 or cynthia.koepke@wisconsin.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "St L Martin".

Steven L. Martin, P.G.
South Central Region Team Supervisor
Remediation and Redevelopment Program

Attachment: Figure 4, Excavation Plan Map, dated 12/21/2020, submitted by email 2/10/2021

Copies by email : T. Culp, True North Consultants
 S. Chancellor, DNR
 C. Hedman, DHS

