



June 20, 2018

Mr. Robert Lehmann
Lakewood Plaza II, LLC
310 N. Midvale Blvd. Suite 101
Madison WI 53705

Subject: Addendum to the May 20, 2013 “Final Case Closure with Continuing Obligations Letter”
Elimination of Three Requirements and Approval of the Materials Management at the
Former Taff Property Site, 601 North Sherman Avenue, Madison, WI – DNR#: 03-13-001540

Dear Mr. Lehmann:

The Department received SCS Engineer’s (SCS) “Post-Closure Modification Request” (the request) on June 18, 2018, along with the appropriate fees required under chapter 749, Wis. Adm. Code. We reviewed the request and also SCS’s February 24, 2016 “Remediation Documentation Report” in preparation for this determination.

We agree with SCS’s conclusions regarding the current site conditions and are eliminating three long-term property requirements (aka continuing obligations), which were imposed by the Department on May 20, 2013.

The “Taff Property” cleanup case was for a former petroleum site closed on May 20, 2013, with the following continuing obligations:

1. Groundwater contamination present above the ch. NR 140, Wis. Adm. Code enforcement standards.
2. Residual soil that required proper management upon excavation.
3. Maintenance of an engineered barrier for protection of direct contact with contaminated soil.
4. Implementation of vapor control technologies upon site redevelopment.

The site property and neighboring property to the east were redeveloped in 2015. Redevelopment activities were performed in compliance with the continuing obligations, and according to a Department-approved materials management plan prepared by SCS. Redevelopment activities included removal of petroleum contaminated soil, management of groundwater from dewatering of the excavation, installation of a vapor barrier and venting system, and removal of sources of contamination discovered during redevelopment.

Based on the effectiveness of the redevelopment activities, and per SCS’s request, we are eliminating three of the continuing obligations imposed on the property, per section 292.12 (6), Wis. Stats. Specifically, continuing obligations 2, 3, and 4 (as listed above) are no longer needed and are hereby eliminated.

Residual contaminated groundwater and aquifer materials remain at the site. Therefore, the following requirements will remain in place for the property:

- A. DNR approval of a water supply well prior to installation.
- B. Proper management of contaminated aquifer materials excavated at the property.
- C. Proper management of contaminated groundwater from dewatering activities.

Requirement A is imposed pursuant to section 292.12, Wisc. Stats. Requirements B and C apply to all properties in Wisconsin and are not site-specific continuing obligations. The requirements are explained on the next page.

Well Approval

This site will remain on the Department's Geographic Information System Registry (GIS Registry) of contaminated sites because of the residual groundwater contamination. DNR approval prior to well construction or reconstruction is required for all sites shown on the GIS Registry, in accordance with section NR 812.09 (4) (w), Wis. Adm. Code. This requirement does not apply to monitoring wells. To request approval, complete and submit Form 3300-254 to the DNR Drinking and Groundwater program's regional water supply specialist. This form can be obtained on-line at <http://dnr.wi.gov/topic/wells/documents/3300254.pdf>.

Contaminated Aquifer Materials

Contaminated aquifer materials remain in contact with groundwater. If contaminated material is excavated, the property owner or right-of-way holder at the time of excavation must determine if contamination remains. If contamination is present, the property owner or right-of-way holder at the time of excavation will need to determine whether the material is considered solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable standards and rules.

Contaminated Water Management

The Department regulates point source discharges of contaminated water, including discharges to surface waters, storm sewers, pits, or to the ground surface. This includes discharges from construction-related dewatering activities, including utility and building construction, and to on-going discharges from drain line and sumps.

If you or any other person plan or perform dewatering activities that withdraws contaminated water, you or that person must contact the Department's Wastewater program, and if necessary, apply for a discharge permit. Information on discharge permits is available at <http://dnr.wi.gov/topic/wastewater/GeneralPermits.html>. If residual soil or groundwater contamination is likely to affect water collected in a pit/trench that requires dewatering, a general permit for Discharge of Contaminated Groundwater from Remedial Action Operations may be needed. If water collecting in a pit/trench that requires dewatering is expected to be free of pollutants other than suspended solids and oil and grease, a general permit for Pit/Trench Dewatering may be needed.

This closure letter addendum will be posted on our database, and the original closure package will remain on our database with a watermark to show these modifications. To view the case and the associated documents, go to <https://dnr.wi.gov/botw/SetUpBasicSearchForm.do> and enter 03-13-001540 as the activity number.

Thank you for your efforts in restoring the environment and revitalizing the property.

Please contact Jeff Ackerman at jeff.ackerman@wi.gov or 608-275-3323 if you have questions.

Sincerely,



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

cc: Betty Socha, SCS
Jeff Ackerman, DNR