



March 20, 2017

Rider Rental LLC
529 North Lawn Avenue
Madison, WI 53704

Subject: Off-site Liability exemption for properties located at 502 and 506 East Washington Avenue and 7 North Franklin Street, Madison with groundwater contamination from an off-site source
BRRTS: 07-13-578872

Dear Ms. Rider:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the properties located at 502 and 506 East Washington Avenue and 7 North Franklin Street, which will be referred to in this letter as "the Properties." Refer to the attached Attachment 1 for a site map of the Property. The Department received a \$700 fee for providing this letter pursuant to s. 292.13 (2) and (3), Stats, and ch. NR 749, Wis. Admin. Code,

Summary Determination

The Department, based on the information made available to it, is confirming that Rider Rental LLC qualifies for the off-site liability exemption, and Rider Rental LLC is not responsible for investigation or cleanup of the contamination that originated on a neighboring property. The Property owner would have limited responsibility under ss. 292.12 and 292.13, Stats, for the groundwater contamination that has migrated or is migrating onto the Property.

Request

You have requested that the Department determine if Rider Rental LLC is exempt from ss. 292.11(3), (4) and (7)(b) and (c), Wis. Stats. (commonly known as the "Hazardous Substance Spill Law"), with respect to the existence of a hazardous substance in the groundwater, that you believe is migrating onto the Property from an off-site source.

Section 292.13(2), Wis. Stats., requires the Department to issue upon request, a written determination regarding a liability exemption for a person who possesses or controls property that is contaminated by an off-site source, when certain conditions are met. In order to make this determination, the Department has reviewed information about the Property, including groundwater sampling data for the Property and/or other sites contained in the following documents:

- The Off-Site Application form dated February 3, 2017;

Results of Phase 2 Environmental Assessment Rider Rental/Apex Properties 502-506 East Washington Avenue and 7-11 North Franklin Street, Madison, December 29, 2016

Background

The Department considered the documents listed above in making the determinations presented in this letter. Chlorinated groundwater contamination has been detected beneath each of the properties for which an offsite exemption is requested and no data was presented to suggest these properties would be the source of the chlorinated compounds.

Determination

Based upon the available information and in accordance with s. 292.13, Stats., the Department makes the following determinations regarding the presence of chlorinated compound contamination in the groundwater beneath each of the subject parcels as shown in borings B01-B06.

The Department, based on the information available, has determined that the Property owner/lessee has met the conditions in s.292.13, Stats., to qualify for the liability exemption, including but not limited to the following provisions:

1. The hazardous substance discharge originated from a source on property that is not possessed or controlled by Rider Rental LLC.
2. Rider Rental LLC did not possess or control the hazardous substance on the property on which the discharge originated.
3. Rider Rental LLC did not cause the discharge.
4. Rider Rental LLC will not have liability under the Hazardous Substance Spill Law for investigation or remediation of the soil, sediment or groundwater contamination originating from off-site onto the Property, provided that Rider Rental LLC does not take possession or control of the property on which the discharge originated.

Exemption Conditions

The Department's determination, as set forth in this letter, is subject to the following conditions being complied with, as specified in ss. 292.13(1) and (1m), Wis. Stats:

1. The facts upon which the Department based its determination are accurate and do not change.
2. Rider Rental LLC agrees to allow the following parties to enter the Property to take action to respond to the discharge: the Department and its authorized representatives; any party that possessed or controlled the hazardous substance or caused the discharge; and any consultant or contractor of such a party.
3. Rider Rental LLC agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.

Conclusion

The Department has granted Rider Rental LLC an off-site exemption under s. 292.13, Stats. Please note that the Department may revoke the determinations made in this letter if it determines that any of the requirements under ss. 292.13, Stats., cease to be met.

Future Property owners are eligible for the exemption under s. 292.13, Stats., if they meet the requirements listed in that statute section. The determinations in this letter regarding a liability exemption, however, only apply to Rider Rental LLC, and may not be transferred or assigned to other parties. The Department will provide a written

determination to future owners of this Property, if such a determination is requested in accordance with the requirements of s. 292.13, Wis. Stats.

The Bureau for Remediation and Redevelopment Tracking System (BRRTS) identification number for this activity is shown at the top of this letter. The Department tracks information on all determinations such as this in a Department database that is available on the Internet at. <http://dnr.wi.gov/topic/Brownfields/botw.html>

If you have any questions or concerns regarding this letter, please contact me at 608-275-3303.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Michael Schmoller".

R. Michael Schmoller
Hydrogeologist

cc: Michael Prager RR/5 (electronic)

