



January 8, 2019

Mr. Gary Ries
Dental Building LLC.
406 Science Drive, Suite 410
Madison, WI 53711

Subject: Off-site Liability exemption for property located at 4002 Monona Drive, Madison, WI with vapor contamination from an off-site source
Parcel Identification Number 251/01710-093-0401-6
BRRTs: 07-13-582882

Dear Mr. Ries:

Purpose

The Department of Natural Resources ("the Department") has recently reviewed your request for an off-site exemption letter for the property located at 4002 Monona Drive, Madison, WI, which will be referred to in this letter as "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, Wisconsin Administrative Code,

Summary Determination

The Department, based on the information made available to it, is confirming that Gary Ries/Dental Building LLC qualifies for the off-site liability exemption, and 4002 Dental Building 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 and subsequent vapor contamination that has migrated or is migrating onto the Property.

Request

You have requested that the Department determine if 4002 Dental Building LLC Property 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 and subsequent vapor, 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. To make this determination, the Department has reviewed information about the Property, including groundwater and vapor sampling data for the Property and/or other sites contained in the following documents:

- The Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request Form 4400-237 dated December 18, 2018.;
- Results of Sub-Slab Vapor Sampling and GLC Request Dental Building, LLC Property 4002 Monona Drive, Madison, Wisconsin dated December 21, 2018 submitted by True North Consultants.
- Phase I Environmental Site Assessment 4002 Dental Building LLC Property Prepared by Hoey Apothecary dated November 16, 2018.
- Wisconsin Department of Natural Resources Remediation and Redevelopment files for Classic Cleaners, BRRTS 02-13-368525.

Background

The Department considered the documents listed above in making the determinations presented in this letter. The nearby dry-cleaning operation, Classic Cleaners, is an 'open' site in the Remediation and Redevelopment Program. A soil boring (GB-22) and monitoring well (MW-5) from the site investigation work for Classic Cleaners provided evidence to be a 'Recognized Environmental Concern' (REC) for the 4002 Dental Building LLC property. Sub-slab vapor sampling performed at the Property resulted in finding contamination in the vapors that exceeded the Vapor Risk Screening Level for commercial and residential properties. There were no other RECs determined in the Phase I Environmental Site Assessment for the Property.

Determination

Based upon the available information and in accordance with s. 292.13, Stats., the Department makes the following determinations regarding the presence of perchloroethylene (PCE) contamination in the groundwater and vapor as determined by the sub-slab vapor sampling.

The Department, based on the information available, has determined that the Property owner 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 4002 Dental Building LLC Property.
2. 4002 Dental Building LLC Property did not possess or control the hazardous substance on the property on which the discharge originated.
3. 4002 Dental Building LLC Property did not cause the discharge.
4. 4002 Dental Building LLC Property 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 4002 Dental Building LLC Property 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. 4002 Dental Building LLC Property 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. 4002 Dental Building LLC Property agrees to avoid any interference with action undertaken to respond to the discharge and to avoid actions that worsen the discharge.
4. 4002 Dental Building LLC Property agrees to any other condition that the Department determines is reasonable and necessary to ensure that the Department and any other authorized party can adequately respond to the discharge.

Responsibilities for Continuing Obligations

In addition to the conditions above, after the contamination at the source property is remediated, the Department's approval of the clean-up may include continuing obligations at the source property as well as your Property. Often residual contamination remains after an approved environmental cleanup is completed. This approval may include requirements to maintain engineering controls, such as a cap or soil cover, to reduce the impact of the contamination. In that event, you may also be required to obtain Department approval to construct a water supply well on your Property. If the request for cleanup

approval includes requirements for your Property, the party conducting the cleanup is required to notify you before the Department reviews the proposal for final approval of the clean-up.

Conclusion

The Department has granted 4002 Dental Building LLC Property 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 4002 Dental Building LLC Property, 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, by email at Michael.schmoller@wisconsin.gov.

Sincerely,



Michael Schmoller
Hydrogeologist
South Central Region Remediation & Redevelopment Program

cc: Michael Prager RR/5 (electronic)
Janet DiMaggio (electronic)
Chris Valcheff, True North Consultants, Inc. 525 Junction Road, Suite 1900, Madison, WI 53717