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WISCONSIN
DEPT. OF NATURAL RESOURCES

January 16, 2015

Mr. Tom Lasse & Mr. Terry McGuire
McGuire-Lasse, LLP
400 Midland Court, Suite 101
Janesville WI 53546

Subject: Technical Assistance Request
Vapor Mitigation System - 205 East Madison Avenue
Former Burdick Corp. Property, 15 Plumb Street Milton, Wisconsin
WI BRRTS #02-54-560870

Dear Mr. Lasse and Mr. McGuire:

Purpose

The purpose of this letter is to provide you with clarifications on the vapor intrusion impact to 205 East Madison Avenue, Milton, Wisconsin ("the Property") and mitigation efforts you have undertaken. The 1.368 acre Property is located in Rock County and identified by tax identification number 257 08300901. Refer to the attached Figure 1 for a map showing the location of the Property. The Wisconsin Department of Natural Resources ("the Department") received a $700 fee for providing this letter pursuant to ss. 292.13 (2) and (3), Stats., and ch. NR 749, Wis. Adm. Code.

Summary Determination

Hazardous substance discharges have occurred on the property located at 15 Plumb Street, Milton known as the former Burdick Corp. property (a.k.a. Blackhawk Technical College), a property in which your limited partnership has/had an interest. The Department determined that vapors from the soil and/or groundwater contamination at the former Burdick property have migrated off-site and have adversely impacted the property located at 205 East Madison Avenue. The Department determined that a vapor mitigation system be offered to the owner located at 205 East Madison Avenue. The Department made this determination based on the data made available to the Department and the criteria in s. NR 716.05, Wis. Adm. Code. Two soil vapor mitigation systems were installed at the Property in October 2014.

The Property owner is not responsible for investigation or cleanup of the contamination that originated at the former Burdick Corp. The Property owner would have limited responsibility under ss. 292.12 and 292.13, Stats., for the groundwater contamination and vapors that have migrated or is migrating onto the Property. The Property owner at 205 East Madison Avenue may request that the Department issue an Off-Site Exemption letter which would explicitly determine if he (Mr. Kent Taylor) 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 (emanating in vapor form) from the groundwater, that is migrating onto the Property from the former Burdick property (the off-site source). A fact sheet, form and other information about the off-site liability exemption can be found in this DNR webpage: http://dnr.wi.gov/topic/Brownfields/offsite.html

Request

On December 10, 2014, the Department received a letter submitted by SCS Engineers on your behalf. The letter requested approval of the vapor mitigation system installed at 205 East Madison Avenue, Milton, Wisconsin. The mitigation system was installed in accordance with the Department's September 25, 2014 letter.

In order for the Department to make this determination, the following documents have been reviewed:

- A letter report *Vapor Mitigation System – 205 East Madison Avenue, Former Burdick Corp. Property, 15 Plumb Street, Milton, Wisconsin, BRRTS #02-54-560870,* prepared by SCS Engineers, dated December 5, 2014 and received by the Department on December 10, 2014.
- Department files for the former Burdick Corp. property located at 15 Plumb Street, Milton, Wisconsin, BRRTS #02-54-560870.

The Department has examined the report and associated file listed above and provides the following summary of the case and opinions concerning environmental conditions at the Property.

Background and Summary of Environmental Conditions

A Phase I and Phase II Environmental Site Assessment was performed for Blackhawk Technical College in 2012 and 2013. Blackhawk Technical College has a purchase agreement with McGuire-Lasse, LLP, to purchase the former Burdick Corp. property located at 15 Plumb Street, Milton. Subsequent site investigation work has documented the presence of vapors both on the former Burdick Corp. property and at the off-site residence located at the Property (205 East Madison Avenue).

Tetrachloroethene (PCE) and trichloroethene (TCE) vapors were detected in both the indoor air and sub-slab samples collected at the Property. No other volatile organic compounds were detected. TCE exceeded the Department's residential Vapor Risk Screening Level. PCE and TCE indoor air concentrations were below the Department's residential indoor air Vapor Action Levels. The Department required you to offer a vapor mitigation system to the affected residence in letters dated May 3, 2014 and September 25, 2014.

Two soil vapor mitigation systems were installed at the Property in October 2014. Documentation of the installation and depressurization testing was submitted to the Department in a letter report dated December 5, 2014 and received December 10, 2014. The documentation provided show that the two soil vapor mitigation systems appear to be working as designed. Continued operation of the system is necessary until such time as it can be demonstrated that a vapor risk is no longer present.

There Is A Discharge But No Additional Action Is Required

The data summarized above indicates that one or more hazardous substance discharges have occurred on the 15 Plumb Street property. However, based on the criteria in s. NR 716.05(2)(a), Wis. Adm. Code, and the criteria in ss. NR 708.09 (1) and (2), Wis. Adm. Code, the Department has determined that the installation of the vapor mitigation systems at 205 East Madison Avenue fulfills the Department's requirement at the (205 East Madison Avenue) Property as required under the NR 700, Wis. Adm. Code rule series to respond to these identified discharges.

The number and location of monitoring points, the types of media sampled, the number of samples collected, and the laboratory analysis performed are a matter of professional opinion. All areas of the Property were not assessed, the numbers of samples collected were limited based on professional judgment and financial considerations, and samples were not analyzed for all parameters. Therefore, the Department can only respond to

the information and data as presented in the reports and cannot predict what might be discovered in the future and the consequences of those discoveries.

The Department's determination, as set forth in this letter, is based upon the facts which the Department made its determination and that the facts are accurate and do not change. This letter, therefore, relates and refers only to those conditions described above and to information and data you submitted to the Department in your request for this letter. The Department makes no determination concerning the presence or absence of hazardous substances, other than those identified in the documents and reports listed above, which you submitted to us. In the future, if the Department becomes aware of new information concerning the contaminants referenced above, or the presence of other contaminants on the Property, the Department will evaluate that data at that time to determine if any response actions are required. Whenever possible, the Department requires the person who caused the discharge to take the appropriate response actions.

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 this Property. Often residual contamination remains after an approved environmental cleanup is completed.

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 case determinations such as this letter in a Department database that is available on the Internet at:
http://dnr.wi.gov/topic/Brownfields/botw.html

If you have any questions, please contact me at (608) 275-3295, by writing to the address at the top of this letter or by email to janet.dimaggio@wisconsin.gov.

Sincerely,

Janet DiMaggio

Janet DiMaggio, P.G.
Hydrogeologist
Remediation & Redevelopment Program

Attach: Figure 1, Off-site Vapor Sample Locations, 3/20/14, SCS Engineers

c: Mr. Kent Taylor, 205 East Madison Avenue, Milton, WI
Mr. Robert Langdon– SCS Engineers
Mr. Buck Sweeney, Axley Brynelson (representing McGuire-Lasse, LLP)
Mr. Art Harrington, Godfrey & Kahn (representing Blackhawk Technical College)
Ms. Renea Ranquette, Blackhawk Technical College
Mr. Mark Aquino, WDNR by Email
Ms. Linda Hanefeld, WDNR by Email