State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
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October 14, 2013

Ms. Rita Giovannoni
Independent Living, Inc.
2970 Chapel Valley Road, Suite 203
Madison, WI 53711

Subject: Liability Clarification and Current Environmental Conditions at Lot 2 of Proposed CSM, Part of 3802 Packers Avenue and 1902 Tennyson Lane, Madison WI.

Dear Ms. Giovannoni:

Purpose

The purpose of this letter is to provide you with clarifications as to environmental liabilities and current environmental conditions at Lot 2 of Proposed CSM, Part of 3802 Packers Avenue and 1902 Tennyson Lane, Madison WI., ("the Property"). The Property consists of approximately 8 acres of land located at 3802 Packers Avenue and 1902 Tennyson Lane, in Dane County.

Request

On September 25, 2013, Terracon Consultants on your behalf requested that the Department of Natural Resources ("the Department") issue a liability clarification letter. The letter is to contain a determination whether further response actions are needed under the ch. NR 700 rule series, Wis. Adm. Code, based on the release or presence of one or more hazardous substances at the Property. The Department received the fee for providing assistance, in accordance with s. NR 749.04(1), Wis. Adm. Code.

In order for the Department to make this determination, you have requested a review of the following documents:

- A release notification submitted on September 25, 2013
- A September 13, 2013 Terracon Limited Site Investigation Report
- An August 6, 2013 Terracon Phase 1 Environmental Site Assessment

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

Background and Summary of Environmental Conditions

The Limited Site Investigation report documented the completion of six borings along the western boundary of Lot 2. Lot 2 is in the process of being separated from two larger parcels, 1902 Tennyson Lane and 3802 Packers Avenue. The concern was whether contamination from a release (known as the Keller Property, BRRTS # 03-13-553975) on 1902 Tennyson had migrated onto Lot 2, or whether other historical uses on Lot 2 had resulted in any contamination being present on the Property. Twelve soil samples obtained from the six borings were analyzed for diesel range organics (DRO), lead, and volatile organic compounds (VOCs). Temporary groundwater wells were installed but did not yield samples. DRO was not detected in the soil samples. Lead was detected in the range of 2.5 to 12.8 mg/kg, which is below screening levels and within the range of background concentrations. The only VOC detected was methylene chloride, which is almost certainly a laboratory contaminant. Given the results, there is no indication of soil contamination at the location of the borings completed.

Liability Determination

The Wisconsin Hazardous Substance Discharge Law, s. 292.11, Wis. Stats., commonly called the Spill Law, requires those who cause, possess or control a hazardous substance discharge to "take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state." Section 292.55, Wis. Stats., authorizes the Department to issue clarification letters concerning liability for environmental pollution.

Based on the criteria in s. NR 716.05(2), Wis. Adm. Code, the Department has determined that further site investigation activities are not required and that no further response action is required under the ch. NR 700, Wis. Adm. Code. This response letter relates only to those conditions described above, and makes no determination concerning the presence or absence of hazardous substances, other than those identified in the reports listed above. The information contained in documents submitted to the Department indicates there are minimal to no environmental impacts to soil at the location of the borings.

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 not previously identified, the Department will need to evaluate that data to determine if response actions may be required. Whenever possible, the Department requires the person who caused the discharge to take the appropriate response actions.

This determination does not pertain to the open environmental repair case on the 1902 Tennyson property (known as the Keller Property, BRRTS # 03-13-553975).

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/org/aw/rr/. See "BRRTS on the web" under "Contaminated Land Databases". Since there is no action required for this case, the Department has issued BRRTS case number 07-13-561019 and will track this site activity as a "No Action Required" determination.

If you have any questions, please contact me at 608-267-7572, by writing to the address at the top of this letter or by email to james.walden@dnr.state.wi.us.

Sincerely,

Jim Walden, Hydrogeologist
Bureau for Remediation and Redevelopment

cc: Janet Dimaggio – SCR
Brynn Bemis – City of Madison
Tom Keller – Keller Development LLC