



November 7, 2019

Ms. Taylor Brown
Economic Development Specialist
City of Sun Prairie
300 E. Main Street
Sun Prairie WI 53590

Subject: Environmental Liability Clarification for the property located at
402 E. Main Street, Sun Prairie, Wisconsin (formerly Don's Service Station)
County Parcel #: 282/0811-054-4623-4
DNR BRRTS #s: 03-13-000478 and 07-13-584474

Dear Ms. Brown:

On October 10, 2019, the Department of Natural Resources ("Department") received a request for a liability clarification letter from you, on behalf of the City of Sun Prairie ("City"), for the property located at 402 E. Main St., Sun Prairie, Wisconsin ("Property"), which is currently owned by the City. The Department received the fee for providing assistance, in accordance with Wis. Admin. Code § NR 749.04(1). A map of the 0.15-acre Property is included with this letter as Figure 2, Site Layout Map with Soil and Groundwater Sampling Locations.

The purpose of this letter is to provide you and the City with clarifications regarding environmental liability that a purchaser, owner, and/or lessee may have related to the Property. The Department, per Wis. Stat. § 292.55, has agreed to prepare this letter clarifying the environmental liability associated with contaminants detected at the Property, describe earlier response actions taken at the Property, and address your specific questions as listed below.

Summary Determination

Hazardous substance discharges or environmental pollution have occurred on the Property. However, the Department has determined that **no response actions are required**. The Department has made this determination based on the data made available to the Department and the criteria in Wis. Admin. Code § NR 716.05.

Request

You requested the Department make a determination as to whether a response action was required. The Department has made the determination following the review of the following documents:

- Phase I Environmental Site Assessment, Don's Automotive, 402 E. Main St., Sun Prairie, WI 53590, dated June 2019 and prepared by TRC;
- Phase II Environmental Site Assessment, Don's Automotive, 402 E. Main St., Sun Prairie, WI 53590, dated August 2019 and prepared by TRC;
- Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request, Form 4400-237, dated October 2, 2019;

- Naphthalene was detected above the NR 720 Wis. Admin. Code direct contact soil RCL. The soil sample was collected from 10-12.5 feet bgs.
- The groundwater sample from the temporary well in this location showed TMBs, benzene, naphthalene, and lead above their respective NR 140 Wis. Admin. Code enforcement standards (ESs) and ethylbenzene, total xylene, and naphthalene above their respective preventive action limits (PALs).
- Naphthalene and lead were not listed in the “Notice of Contamination to Property” recorded for the site.

Investigation of the second REC showed:

- No soil NR 720 Wis. Admin. Code RCL exceedances.
- Lead was detected above the NR 140 Wis. Admin. Code PAL in the groundwater sample.
- TRC concluded there may not have been a UST in that location, or the UST has not leaked.
- The lead detected in the groundwater sample may be associated with the other known petroleum contamination at the site as leaded gasoline was historically present.

Replies to Specific City Questions

1. If the property would be developed with commercial and residential components would a vapor mitigation system be required by DNR?
 - a. A vapor assessment was not done at the property. Due to the presence of petroleum contamination above both soil and groundwater standards at the site (groundwater is about 10 feet bgs) there is a risk of hazardous vapor migration into buildings which may be constructed on the property. Department guidance document RR-800, Addressing Vapor Intrusion at Remediation and Redevelopment Sites in Wisconsin, provides guidance on when to investigate the vapor risk. <https://dnr.wi.gov/files/PDF/pubs/rr/RR800.pdf>
 - b. It is recommended that a vapor barrier and a passive vapor mitigation system (which could later be converted into an active system) be incorporated into building designs with residential components and/or sensitive population (such as a daycare) commercial components. Once the buildings have been constructed, the passive system should be tested to ensure effectiveness and/or determine the need for an active vapor mitigation system. Results of all testing should be forwarded to the department to determine the need for a post closure modification on this site.
2. Is a materials management plan required at time of excavation of the property when a new building is constructed on site?
 - a. The department recommends a materials management plan (MMP) be submitted for approval.
 - b. A MMP would incorporate plans for management of all excavated materials and unanticipated soil contamination. This ensures the development of the property can proceed smoothly. Without an approved MMP, if any new discharges are discovered, work would be required to stop until a MMP could be approved by the department.
 - c. You may also need a WPDES permit from the department’s Stormwater Program. Please contact Eric Rortvedt at eric.rortvedt@wisconsin.gov or by phone at (608) 273-5612 to discuss.
3. What would be the liability and obligations of a developer looking to purchase and complete a project on this site?
 - a. Wis. Stat. § 292.11(3) states: RESPONSIBILITY. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall 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.

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, P.G.
Hydrogeologist - Remediation & Redevelopment Program
South Central Region

Attach: Figure 2, Site Layout Map with Soil and Groundwater Sampling Locations, August 2019, TRC

cc: Mike Ursin, TRC Environmental Corporation



LEGEND

- APPROXIMATE SITE BOUNDARY
- 250-GALLON WASTE/USED OIL AST
- SUSPECTED WASTE/USED OIL UST
- SOIL BORING/TEMPORARY WELL
- SOIL BORING

REMOVED USTs (1990)

- | | |
|---|--------------------------|
| 1 | 1000 GALLON FUEL OIL |
| 2 | 3000 GALLON LEADED GAS |
| 3 | 3000 GALLON UNLEADED GAS |
| 4 | 2000 GALLON UNLEADED GAS |
| 5 | 5000 GALLON UNLEADED GAS |

NOTES

1. BASE MAP IMAGERY FROM NEARMAP 2019.



PROJECT:

**DON'S AUTOMOTIVE
402 E. MAIN ST.
SUN PRAIRIE, DANE COUNTY, WI**

TITLE:

**SITE LAYOUT MAP
WITH SOIL AND GROUNDWATER SAMPLING LOCATIONS**

DRAWN BY: S. MAJOR

CHECKED BY: L. AJNER

APPROVED BY: M. URSIN

DATE: AUGUST 2019

PROJ. NO.: 346054.9990

FILE: 346054-003.mxd

FIGURE 2



708 Heartland Trail
Suite 3000
Madison, WI 53717
Phone: 608.826.3600