

CORRESPONDENCE/MEMORANDUM

DATE: April 10, 2002

FILE REF: 268149640

TO: Judy Ohm

FROM: Tom Wentland

SUBJECT: Sanitary Transfer and Landfill, Inc. Delafield, Wisconsin

Judy, I searched our files and came up with the enclosed correspondence relating to Sanitary Transfer and Landfill, Inc. notifying the Department that it would be unable to continue providing operation and maintenance at the landfill. There may be more information in the Solid Waste files in Madison. If you feel it is worth it I could come to Madison and review those files.

I am also enclosing copies of documents I obtained at the Waukesha County Register of Deeds office. I thought they might help in tracing ownership of the property.

The third item I am enclosing is a spreadsheet of property transactions recorded at the Waukesha County Register of Deeds office showing property Ron Nickel sold totaling over nine million dollars. As far as I know these properties do not have waste on them but were once part of the entire landfill area owned by the Nickels. I have also enclosed a map showing the waste mass in relation to the properties that were sold off.

If I can help in any way please let me know.



STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 88-CV-2176⁹

SANITARY TRANSFER AND LANDFILL, INC.,
a Wisconsin corporation,
WALTER N. NICKEL TRUST,
WALTER N. NICKEL, Trustee, and
RONALD W. NICKEL,

Defendants.

FILED
IN CIRCUIT COURT

STIPULATION AND JUDGMENT

JAN 24 1992

WAUKESHA CO., WISCONSIN
CYNTHIA S. ERNST, CLERK

The plaintiff State of Wisconsin (State) brought a motion for contempt and request for remedial sanctions against defendant Sanitary Transfer and Landfill, Inc. (Sanitary) pursuant to the Judgment rendered by the court on October 10, 1990, in the above-captioned case. The parties would like to settle this matter by agreement; therefore,

IT IS HEREBY STIPULATED AND AGREED that:

1. As of October 1, 1991, and continuing to the present, Sanitary has failed to pump and haul leachate, to submit the monitoring data required by and to otherwise comply with the terms and conditions of the Abandonment Plan Conditional Approval dated August 20, 1982; and the Modification to Closure Plan Approval dated January 22, 1987, for the landfill located in Delafield and operated by Sanitary. Furthermore, Sanitary has expressed its intention to do no further work at the site.

RECEIVED
JAN 49
C.P.C.

Based on the foregoing and on the terms of the Judgment already entered in this case, Sanitary is liable to the State for the sum of \$20,000 in forfeitures and penalties.

Dated this 2nd day of ~~December~~ ^{January}, 1992.

JAMES E. DOYLE
Attorney General

Lorraine E. Stoltzfus

LORRAINE E. STOLTZFUS
Assistant Attorney General

Attorneys for Plaintiff

Dated this 16th day of December, 1991.

Scott Fleming

SCOTT B. FLEMING
Weiss, Berzowski, Brady & Donahue

Attorney for Defendant Sanitary
Transfer and Landfill, Inc.

ORDER

The court hereby accepts the foregoing stipulation of the parties, and orders that judgment be entered accordingly, according to the terms of the stipulation.

Dated this 5th day of ~~December~~ ^{January}, 1992.

BY THE COURT:

151 *Mark S. Gempeler*
HONORABLE MARK S. GEMPELER
Circuit Court Judge

JUDGMENT

Judgment is hereby entered according to the terms of the above
Stipulation and Order for Judgment.

Dated this 24 day of January, 1992.

CYNTHIA S. ERNST
Clerk of Circuit Court

By: *St. Delores Sheehan*
Deputy Clerk

CORRESPONDENCE/MEMORANDUM

DATE: December 2, 1991

FILE REF:

TO: File

FROM: Roger Klett *RK*

SUBJECT: Sanitary Transfer and Landfill - Delafield

On November 11, I met with Ron Nickel and Bob Vydrzal at Mr. Nickel's office in Delafield. At this time, Mr. Nickel informed me that a firm he owns - Kettle Moraine Equipment Co. - was going out of business on November 30, 1991. Mr. Vydrzal was employed by Kettle Moraine Equipment Co. Along with his other duties, he maintained the landfill gas venting system; plowed and salted the leachate haul-out road; and operated the leachate pump.

Therefore, after November 30, there will be no one to perform these essential tasks. Mr. Vydrzal volunteered that he would be available to see to these matters if the Department of Natural Resources would employ him in such capacity. Mr. Vydrzal wasn't sure what to charge for this service, but he did mention these estimates:

Turn pump on/off on weekends	\$35 per/hr X 2 = \$70 /day
Snow plowing and salting	\$150 per/job

I told Mr. Vydrzal that I would relay this information to the Department.

Weiss
Berzowski
Brady &
Donahue

ATTORNEYS AT LAW

~~Bob~~
→ Deb Roscak,
SE

Robert M. Weiss	Michael A. Gral
Michael M. Berzowski	Melanie N. Aska
John P. Brady	Andrea Roschke
John E. Donahue	Gregory A. Grobe
Scott B. Fleming	Philip J. Miller
Sherwin C. Peltin	Robert W. Snyder
Randy S. Nelson	Daniel J. Potter
F. Patrick Matthews	Mark P. Dooley
Thomas L. Skalmoski	Thomas P. German
Amy R. Seibel	
Debra A. Slater	
David J. Roettgers	Of Counsel
John A. Sikora	Alan Marcuvitz

November 26, 1991

Lakshmi Sridharan, Ph.D., P.E., Chief
Solid Waste Management Section
Bureau of Solid & Hazardous
Waste Management
State of Wisconsin
Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, Wisconsin 53707

RE: Notice of Intent to Modify a Plan Approval, Sanitary Transfer
& Landfill, Inc., Delafield Landfill, #719
Your File Ref: FID # 268149640
Our File No.: 6996-18

Dear Mr. Sridharan:

I am writing on behalf of Sanitary Transfer & Landfill, Inc. (the
"Corporation") in response to your Notice of Intent identified
above.

On August 7, 1991 I wrote the Department of Natural Resources
(DNR), on behalf of the Corporation, informing the DNR that the
ever escalating demands on the Delafield Landfill had exhausted the
resources of the Corporation. Without prejudice to its position,
the DNR has undertaken operation of that facility. Your proposed
modification to the closure plan sets forth requirements that in
your words "will take considerable money, time and effort . . ."
As a matter of fact, the proposed modification appears designed to
be more burdensome than enlightening. The Corporation specifically
objects to the inclusion of such requirements under the authority
of Ch. 160 of the Statutes. Section 160.23(1)(b), Stats., provides
that the requirements imposed thereunder must be "economically
feasible."

700 North Water Street
Milwaukee, Wisconsin 53202-4273
Telephone (414) 276-5800
Facsimile (414) 276-0458

Weiss · Berzowski · Brady & Donahue

Lakshmi Sridharan, Ph.D., P.E., Chief
November 26, 1991
Page 2

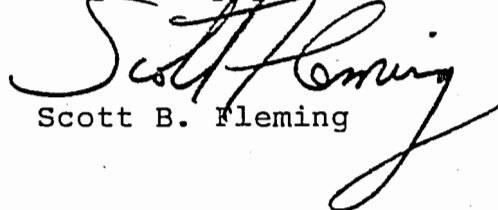
The monitoring data the DNR relies on for this admittedly burdensome order is not indicative of current conditions. Furthermore, that data addresses general welfare type concerns with respect to certain preventative action limits. Health related standards are not violated or at risk. For that reason as well, the order is excessive in its scope and requirements.

Inasmuch as the Corporation lacks the resources sufficient to meet its current obligations, it is not in a position to undertake these additional obligations. The Corporation is likewise not in a position to conduct the engineering review necessary to thoroughly evaluate your proposed order. The excessive and burdensome nature of the proposed modification cries out for a hearing. However, the Corporation lacks the resources sufficient to make such a hearing productive and therefore does not request one. The Corporation does not want the DNR to waste its resources either.

Based on the foregoing, Sanitary Transfer & Landfill, Inc. requests that the DNR reconsider the proposed modification.

Thank you for your consideration.

Very truly yours,


Scott B. Fleming

SBF/aam

cc: Sanitary Transfer & Landfill, Inc.
Attn: Mr. Ronald F. Nickel

Mr. Steven M. Streck
Ms. Lorraine Stoltzfus



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL
Patricia J. Gorence
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

Lorraine C. Stoltzfus
Assistant Attorney General
608/266-9228

October 7, 1991

Scott B. Fleming
Weiss, Berzowski, Brady & Donahue
700 North Water Street
Milwaukee, Wisconsin 53202

Re: State v. Sanitary Transfer & Landfill, Inc. et al
Case No. 88-CV-2176

Dear Mr. Fleming:

I am writing to confirm the understanding which I believe we reached by telephone on Friday, October 4, 1991. I told you that although it continues to be the state's position that Sanitary Transfer and Landfill is responsible for leachate pumping and hauling at the Delafield Landfill, DNR is making arrangements to do so in the face of your client's discontinuance. DNR staff have informed me that a pump valve must be manually activated every day in order for the leachate collection system to function properly. I asked whether Ron Nickel would be willing to see to it that that is done each day, as he is generally on site, rather than the state having to pay a consultant to do so. You agreed that Mr. Nickel would be willing to see to it that the pump valve is activated each day.

We also agreed that this arrangement would not be construed by either party as a compromise on their legal position, and that you would draft a stipulation to that effect.

Please contact me if this letter does not match your understanding of the agreement we reached. Thank you for your cooperation.

Sincerely,

Lorraine C. Stoltzfus
Assistant Attorney General

LCS:bhs

bcc: Debby Roszak ✓



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Patricia J. Gorence
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

October 3, 1991

Lorraine C. Stoltzfus
Assistant Attorney General
608/266-9226

Scott B. Fleming
Weiss, Berzowski, Brady & Donahue
700 North Water Street
Milwaukee, Wisconsin 53202

Re: State v. Sanitary Transfer & Landfill, Inc. et al
Case No. 88-CV-2176

Dear Mr. Fleming:

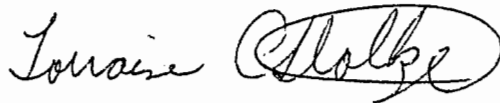
I am writing in response to the letter which you faxed to my office this morning. I do not know where you gained your understanding that WDNR has arranged for leachate hauling at the Delafield Landfill, but I suspect it was via the misunderstanding of your client. Although WDNR is currently attempting to arrange to handle the leachate hauling, and is attempting to find funds to cover this work, no such arrangements are presently in place.

In any event, it is unequivocally the state's position that leachate hauling from the Delafield Landfill is Sanitary Transfer and Landfill's responsibility. It is also Sanitary's responsibility to submit the required monitoring data and to otherwise comply with all the terms and conditions set forth in the Abandonment Plan Conditional Approval dated August 20, 1982, and the Modification to Closure Plan, dated January 22, 1987. Sanitary agreed to fulfill these responsibilities in a Stipulation signed by you on October 1, 1990, on behalf of Ron Nickel and Sanitary Transfer and Landfill, and entered as a Judgment and Order of the Waukesha County Circuit Court on October 10, 1990. Sanitary Transfer and Landfill is bound by that Judgment and Order, and may be in contempt of court if it does not continue to fulfill the responsibilities imposed by that judgment.

Scott B. Fleming
October 3, 1991
Page 2

Although DNR is attempting to arrange for leachate hauling, it is only because your client has stated his intention to discontinue doing so, an abdication of responsibility which could potentially result in a threat to public health and to the environment. Please let me know immediately if your client has changed his position and intends to fulfill the responsibilities imposed on him by court judgment. Otherwise, I will contact you next week with regard to further proceedings.

Sincerely,

A handwritten signature in cursive script, reading "Lorraine Stoltzfus". The signature is enclosed in a hand-drawn oval.

Lorraine C. Stoltzfus
Assistant Attorney General

LCS:bhs

bcc: Roger Klett ✓
Debbie Roszak

Weiss

Berzowski

Brady &

Donahue

ATTORNEYS AT LAW

Robert M. Weiss
Michael M. Berzowski
John P. Brady
John E. Donahue
Scott B. Fleming
Sherwin C. Peltin
Randy S. Nelson
F. Patrick Matthews
Thomas L. Skalmoski
Amy R. Seibel
Debra A. Slater
David J. Roettgers
John A. Sikora

Michael A. Gral
Melanie N. Aska
Andrea Roschke
Gregory A. Grobe
Philip J. Miller
Robert W. Snyder
Daniel J. Potter
Mark P. Dooley
Thomas P. German
Of Counsel
Bruce D. Glaser
Alan Marcuvitz

October 3, 1991

VIA FAX

Ms. Lorraine Stoltzfus
Assistant Attorney General
Wisconsin Department of Justice
P.O. Box 7857
Madison, Wisconsin 53707

Mr. Roger Klett
Wisconsin Department of
Natural Resources
P.O. Box 12436
Milwaukee, Wisconsin 53212

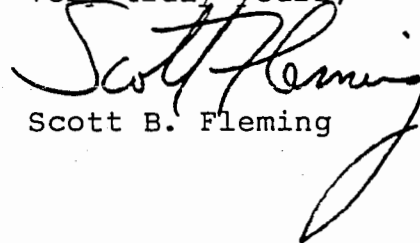
RE: Sanitary Transfer and Landfill, Inc.
Delafield Landfill
Our File No.: 6996-18

Dear Ms. Stoltzfus and Mr. Klett:

It is the understanding of Sanitary Transfer and Landfill, Inc. and myself that the Wisconsin Department of Natural Resources has arranged for leachate hauling at the Delafield Landfill. Ron Nickel and myself will be conducting ourselves accordingly.

Thank you for your cooperation.

Very truly yours,



Scott B. Fleming

SBF/aam

cc: Sanitary Transfer and Landfill
Attn: Mr. Ron Nickel

→ Roger Klett, SEA

FID 268149640

Weiss

Berzowski

Brady &

Donahue

ATTORNEYS AT LAW

Robert M. Weiss	Michael A. Gral
Michael M. Berzowski	Melanie N. Aska
John P. Brady	Andrea Roschke
John E. Donahue	Gregory A. Grobe
Scott B. Fleming	Philip J. Miller
Sherwin C. Peltin	Robert W. Snyder
Randy S. Nelson	Daniel J. Potter
F. Patrick Matthews	Mark P. Dooley
Thomas L. Skalmoski	Thomas P. German
Amy R. Seibel	
Debra A. Slater	Of Counsel
David J. Roettgers	Bruce D. Glaser
John A. Sikora	Alan Marcuvitz

August 7, 1991

Ms. Barbara Gear
Wisconsin Department of
Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, Wisconsin 53707

RE: Sanitary Transfer and Landfill, Inc.
Delafield Landfill (No. 0719)
Our File No.: 6996-18

Dear Ms. Gear:

Enclosed please find the June 30, 1991 monitoring results for the Delafield Landfill which is operated by Sanitary Transfer and Landfill, Inc. (the "Landfill").

As you know, the Delafield Landfill was closed in 1982 and has been managed since then under various Closure Plans issued by the DNR. Unfortunately, the escalating demands applicable to solid waste landfills have exhausted the ability of Sanitary Transfer to finance those requirements. Sanitary Transfer has previously supplied you, through your counsel, Robert M. Hunter, Assistant Attorney General, with complete financial statements establishing the sound financial management of the corporation and further establishing that all resources and assets of that corporation remained in the corporation for the benefit of the landfill. Despite the best efforts and good faith of everyone involved, the costs of monitoring as well as the costs of leachate treatment have escalated beyond any reasonable expectation and have exhausted these resources.

700 North Water Street
Milwaukee, Wisconsin 53202-4273
Telephone (414) 276-5800
Facsimile (414) 276-0458

RECEIVED
AUG 12 1991
BUREAU OF SOLID
HAZARDOUS WASTE MANAGEMENT

Weiss · Berzowski · Brady & Donahue

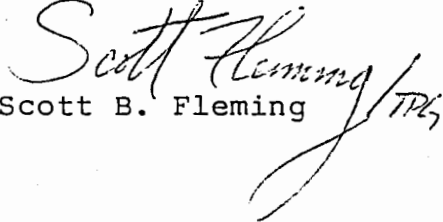
Ms. Barbara Gear
Wisconsin Department of
Natural Resources
August 7, 1991
Page Two

As a result of the foregoing, Sanitary Transfer will not be able to continue handling leachate and monitoring requirements as of September 30, 1991. We would like to meet with you to coordinate the transfer of responsibilities. We will of course retain all records and provide you access to all information you need to respond to this situation.

I will be out of the office until August 12, 1991. Please contact me anytime thereafter to arrange for such a meeting.

Thank you for your cooperation.

Very truly yours,


Scott B. Fleming

SBF/aam

cc: Sanitary Transfer and Landfill
Attn: Mr. Ronald Nickel

Robert M. Hunter, Esq.
Assistant Attorney General

DOCUMENT NO.

1911452

STATE BAR OF WISCONSIN FORM 13-1982
SATISFACTION OF MORTGAGE

THIS SPACE RESERVED FOR RECORDING DATA

1911452
REGISTER'S OFFICE
WAUKESHA COUNTY, WIS. 53

93 DEC -3 PM 3:15

REC'D 1838 1530

John J. Chapman
REGISTER OF DEEDS

The undersigned certifies that Walter N. Nickel,
surviving joint tenant of Maxine B. Nickel
is the present owner of a mortgage executed by Ronald W. Nickel
to Walter N. Nickel and Maxine B. Nickel,
his wife
to secure payment of \$ 175,000.00 dated
May 1, 1981, 1981, recorded in the
office of the Register of Deeds of Waukesha County,
Wisconsin, on May 28, 1981,
as Document Number 1158358, in
(Reel) 454 (Records) (Image)
(~~XXX~~) of (Mortg's) on (~~XXX~~) 128
has a right to satisfy the same, and hereby satisfies the above described
mortgage.

RETURN TO Atty. Wm. Chapman
156 E. Wisconsin Ave.
Oconomowoc, WI 53066

*Pk
12*

SEE REVERSE SIDE FOR LEGAL DESCRIPTION

Dated this 4th day of November, 1993.

(SEAL)

Walter N. Nickel

(SEAL)

Walter N. Nickel
Surviving Joint Tenant of
Maxine B. Nickel (SEAL)

AUTHENTICATION

Signature(s) of Walter N. Nickel

authenticated this 4th day of November, 1993.

William Chapman
William Chapman
TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
William Chapman

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF WISCONSIN

County. } SE

Personally came before me this _____ day of _____, 19____ the above named

to me known to be the person _____ who executed the foregoing instrument and acknowledge the same.

Notary Public _____ County, Wis.
My Commission is permanent. (If not, state expiration date: _____, 19____.)

*Names of persons signing in any capacity should be typed or printed below their signatures.

FEE
\$7.25 (4)
EXEMPT

QUIT CLAIM DEED

1133366

417 608

WALTER N. NICKEL

grantor of Logan County of Cache State of Utah, hereby
QUIT CLAIM to

THE WALTER NICKEL TRUST

grantee of Logan, Cache County, Utah
for the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION
the following described tracts of land in Waukesha County, State of Wisconsin

The West 1/2 of the N.W. 1/4 of Section 27, Town 7 North, Range 18 East, City of Delafield, Waukesha County, Wisconsin, Also all that part of the S.W. 1/4 of Section 22, Town 7 North, Range 18 East, City of Delafield, Waukesha County, Wisconsin bounded and described as follows: Commencing at the S.W. corner of Section 22; thence North 0°16'07" East on the West line of the S.W. 1/4 1153.66 feet to the South line of I-94; thence South 81°07'32" East on said line, 1257.49 feet to the N.W. corner of lands described in Vol. 569 on Page 599; thence South 5°03'07" West, 184.12 feet; thence South 27°11'07" West, 53.00 feet to the S.W. corner of said parcel; thence South 9°12'17" West, 235.16 feet; thence South 80°47'23" East, 199.60 feet; thence South 7°00'00" West, 448.30 feet to the N.E. corner of the West 1/2 of the N.W. 1/4 of Section 27; thence South 89°07'18" West, 1312.24 feet to the place of beginning, EXCEPTING THEREFROM Vol. 548, Page 446 of Deeds.

WITNESS, the hand of said grantor, this 25th day of February A. D. 19 80

Signed in the presence of
X *Walter Nickel*

STATE OF UTAH }
County of Cache } ss.
On the 25th day of February
A. D. 19 80 personally appeared before me

Walter N. Nickel

RECORDING DATA
1133366
REGISTER'S OFFICE
WAUKESHA COUNTY, WIS.
RECORDED ON
1980 AUG -7 AM 9:14
NEEL 417 IMAGE 608
Richard A. ...
REGISTER OF DEEDS

the signer of the within instrument, who duly
acknowledged to me that he executed the same.

George ...
Notary Public
Commission expires: 7/24/80
Residing in River Heights

Daines & Daines
128 N. Main
Provo, Utah 84601

Land Title Company

DOCUMENT NO.

STATE BAR OF WISCONSIN FORM 1-1988
WARRANTY DEED

THIS SPACE RESERVED FOR RECORDING DATA
1669487

REGISTRAR'S OFFICE
WAUKESHA COUNTY, WISCONSIN
RECORDS DIV.

1991 AUG 26 AM 8:38

REEL 1343 PAGE 0002

G. Chapman

1669487

RETURN TO Wm. Chapman
156 E. Wisconsin Ave.
Oconomowoc, WI 53066

This Deed, made between Walter N. Nickel Trust,
Walter N. Nickel, Trustee
and Ronald W. Nickel, Grantor,

Witnesseth, That the said Grantor, for a valuable consideration

conveys to Grantee the following described real estate in Waukesha
County, State of Wisconsin:

Tax Parcel No: _____

Being all of the SW-1/4 of the NW-1/4 and a part of the NW-1/4 of the NW-1/4 of Section 27, T 7 N, R 18 E, City of Delafield, Waukesha County, WI, more fully described as follows: Commencing at the NW corner of said Section 27; thence S 01° 01' 44" E., along the West line of said NW-1/4, 1275.00 ft. to the point of beginning of the hereinafter described lands; thence N 77° 30' 00" E., 1339.35 ft. to a point on the East line of the W-1/2 of said NW-1/4; thence S 01° 08' 21" E., along said East line, 1651.76 ft. to the SE corner of the SW-1/4 of said NW-1/4; thence S 89° 06' 37" W., along the South line of said NW-1/4, 1315.78 ft. to the W-1/4 corner of said Section 27; thence N 01° 01' 44" W., along the West line of said NW-1/4 1382.19 ft. to the point of beginning.

Said lands containing 1,993,795 sq. ft. (45.77 Ac.)

This deed given in satisfaction of certain land contract dated 6/1/88 and recorded in the office of the Register of Deeds for Waukesha County, Wisconsin on 7/29/88 in Reel 1025, Image 0440 and 0441, as Document No. 1492907.

This is not homestead property.
(is) (is not)

TRANSFER

Together with all and singular the hereditaments and appurtenances thereunto belonging;
And Walter N. Nickel Trust
warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except easements and restrictions of record and municipal zoning ordinances

\$330.00
FEE

and will warrant and defend the same.

Dated this 8/11 1st day of August, 1991
Walter N. Nickel Trust

(SEAL) (SEAL)

By: Walter N. Nickel, Trustee
(SEAL) (SEAL)

AUTHENTICATION

Signature(s) _____

authenticated this _____ day of _____, 19____

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not authorized by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY

William Chapman

(Signatures may be authenticated or acknowledged. Both are not necessary.)

ACKNOWLEDGMENT

STATE OF ~~WISCONSIN~~ UTAH)

CACHE County,) ss.

Personally came before me this 1st day of August, 1991 the above named Walter N. Nickel, to me known to be the Trustee of the Walter N. Nickel Trust, and

to me known to be the person who executed the foregoing instrument and acknowledge the same.

NOTARY PUBLIC

ROSALIE GARNER

North Main Street

My Commission Expires _____ County, Utah
STATE OF UTAH
date: 8/11/91

*Names of persons signing in any capacity should be typed or printed below their signatures.