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December 2, 1993

Ms. Margaret Graefe  
Wisconsin Department of Natural Resources  
4041 N. Richards Street  
Milwaukee, WI 53212

Re: Perkins Avenue Facility  
1005 Perkins Avenue  
Waukesha, Wisconsin  
DNR File Reference 4440-2916

Dear Ms. Graefe:

This firm represents VME Americas and its affiliate Akerman, Inc. I am writing to you at this time regarding the status of remedial efforts on a spill at a facility formerly owned and operated by Akerman at 1005 Perkins Avenue in Waukesha.

My prior communications with the WDNR on this property were directed to Ms. Gina Keenan and Ms. Giselle Red. I first discussed the site with Ms. Keenan by telephone on August 24, 1992. I confirmed that contact in a letter to Ms. Red on September 1, 1992, advising the WDNR of contaminated soils that were detected in the vicinity of five underground storage tanks at the site. As indicated in the enclosed copy of my September 1 letter to Ms. Red, the contamination was discovered in connection with an environmental audit preparatory to the sale of the facility.

This site consists of two adjacent parcels, one to the east and one to the west of an unnamed creek. The USTs were located on the property to the west of the creek. The environmental audit also detected the presence of certain compounds near the surface of a parking lot on the east parcel. My September 1 letter to Ms. Red provided preliminary notification to the WDNR regarding that contamination as well.

On November 23, 1992, Ms. Red corresponded to Akerman regarding the contamination in the vicinity of the USTs. A copy of the November 23 letter is enclosed for your reference. I responded to Ms. Red on December 3, 1992, and provided her with a copy of a Phase II Environmental Assessment Report relating to the west parcel. I also enclosed for Ms. Red a copy of a Phase II B assessment prepared by Versar pertaining to the possible spill on

Ms. Margaret Graefe  
December 2, 1993  
Page 2

the east parcel. A copy of my December 3, 1992 letter is enclosed for your reference.

The contaminated soils in the vicinity of the USTs, as well as the five USTs themselves, have now been removed. I forwarded a UST closure checklist to Ms. Keenan on November 24, 1993, and spoke with Ms. Keenan regarding the facility this morning.

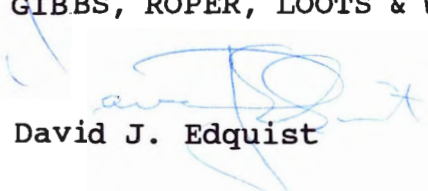
With respect to the surface lot on the east parcel, my client has conducted extensive additional testing in the nature of groundwater and soil sampling since my last report to the WDNR. This testing was performed by Versar, Inc., my client's environmental engineering consultant. Versar has concluded that the detected compounds on the east lot resulted from an isolated surface spill in this parking area, most likely during the time that the parking area was used as a demonstration area. Contamination is confined to near-surface soils, and has not impacted the groundwater.

Versar has now prepared a Phase III Environmental Assessment and Conceptual Action Plan, recommending removal of impacted soils. A copy is enclosed. Based on my discussion with Ms. Keenan this morning, it is my understanding that the WDNR has authorized VME to proceed with removal activities so that these efforts may be concluded before the ground is completely frozen. We will notify the WDNR upon completion of removal, to obtain site closure.

Please contact me as soon as you have had an opportunity to review this information. Thank you very much for your consideration.

Sincerely,

GIBBS, ROPER, LOOTS & WILLIAMS, S.C.



David J. Edquist

DJE/mss

Enclosure

cc: Gina Keenan (w/enc. Phase III report)  
Jon Hill  
Mark DeLong  
Doug Dahlberg

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September 1, 1992

Ms. Giselle Red  
Wisconsin Department of  
Natural Resources  
2300 North Martin Luther King Drive  
Milwaukee, WI 53212

Re: Akerman, Inc.  
1005 Perkins Avenue  
Waukesha, WI 53186

Dear Ms. Red:

This firm represents Akerman, Inc. The purpose of this letter is to provide you with notification regarding the discovery of contaminated soils at Akerman's Waukesha facility referenced above. This notice is given pursuant to Section 144.6(2), Wis. Stats., and ILHR 10.64. This contamination was discovered in the course of an environmental audit which was conducted in connection with the proposed sale of the facility. This letter follows up on my telephone conversation with Gina Keenan on August 24, 1992.

We are currently awaiting a final report on the environmental assessment. Preliminary data from the consultant reflected a TPH concentration of 55 ppm in one soil boring immediately to the north of the facility, adjacent to three underground storage tanks. This concentration was observed in a sample taken from the top one to three feet. Other soil borings in the same vicinity were negative. The tanks involved consist of two fuel oil tanks (registration number 67060-418 and 420) and a hydraulic oil tank (registration number 67060-419). We will provide you with a copy of the report upon receipt from the engineering consultant.

Various compounds were also detected in a parking area adjacent to the facility. The company received composite data compiled from six different samples taken at a depth of two to five inches below the surface. A preliminary summary of this composite data is attached to this letter.

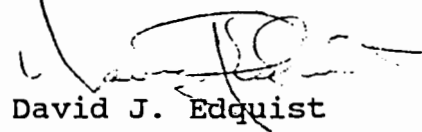
Ms. Giselle Red  
Page 2

The company intends to retain an environmental engineer for the preparation of a work plan addressing the storage tank and parking lot areas. As to the underground storage tank area, the plan may include tank removal and closure, pending discussions with the purchaser. As to the surface lot, the plan will focus on further site assessment in order to quantify the extent of horizontal and vertical contamination.

We would appreciate the DNR's assistance as we proceed with these tasks. I look forward to hearing from you.

Sincerely,

GIBBS, ROPER, LOOTS & WILLIAMS, S.C.

A handwritten signature in black ink, appearing to read "David J. Edquist", is written over the typed name. The signature is fluid and cursive, with a large initial "D" and "E".

David J. Edquist

DJE/rch  
Enclosure

cc: Mr. Mark E. DeLong  
Mr. Sten Sjoberg

## Surface Fill Analysis Results

Parameter	Concentration
Methylene Chloride	0.025 ppm
2-Chlorophenol	0.55 ppm
2,4-Dichlorophenol	0.50 ppm
4-Nitrophenol	0.52 ppm
Acenaphthene	0.61 ppm
Benzo(B)Fluoranthene	1.2 ppm
Dimethyl Phthalate	1.3 ppm
Di-N-Butyl Phthalate	2.2 ppm
1,2,-Diphenylhydrazine	0.42 ppm
Fluorene	0.59 ppm
Naphthalene	1.5 ppm
Nitrobenzene	1.2 ppm
N-Nitrosodiphenylamine	0.95 ppm
Phenanthrene	1.4 ppm
4,4 <sup>1</sup> -DDD	33 ppb
Dieldrin	140 ppb
Endosulfan I	17 ppb
Endosulfan Sulfate	10 ppb
Endrin Aldehyde	27 ppb
Heptachlor Epoxide	330 ppb
PCBs (Aroclor 1248)	42 ppm

ppm = parts per million  
ppb = parts per billion



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Received 12/1/92  
/Stur

Carroll D. Beaudry, Secretary  
Box 12436  
Milwaukee, Wisconsin 53212  
TELEFAX NO. 414-263-8483

November 23, 1992

File Ref: 4440-2916  
County: Waukesha  
ER-LUST

Akerman, Inc.  
1005 Perkins Avenue  
Waukesha, WI 53186

Dear Gentlemen:

RE: Akerman, Inc., - 1005 Perkins Avenue, Waukesha, WI

Wisconsin Department of Natural Resources (WDNR) has been notified that petroleum contamination was discovered September 1, 1992 at the above referenced location. Based on the site specific information provided, this case has been assigned to the Medium Priority Rank group. The purpose of this letter is to inform you of your legal responsibilities to address this situation.

Releases from underground storage tanks regulated under Subtitle I of the Resource Conservation and Recovery Act require compliance with the provisions of 40 CFR Parts 280 and 281. The Environmental Protection Agency (EPA) has the authority to take enforcement action at any time, but will generally not take action against parties cooperating with the state. The WDNR proceeds in LUST cases under the authority of s. 144.76, Wisconsin Statutes, commonly referred to as Wisconsin's Hazardous Substance Spill Law. The definition of "hazardous substance" as found in s. 144.01(4m), Wisconsin Statutes, includes petroleum products.

Wisconsin Statute 144.76(2a) states: "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempted under sub.(9)."

Wisconsin Statute 144.76(3) states: "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."

Because you possess or control a hazardous substance which has been released to the environment, the Department identifies you as the party responsible for taking the actions necessary to restore the environment. You are required to:

1. Immediately notify the WDNR Spills Hotline at (414) 263-8491 should emergency conditions involving explosive vapors and/or well contamination develop.
2. Conduct an investigation to determine the extent of soil and groundwater contamination.
3. Remediate all of the environmental impacts caused by this situation.
4. Sample private water supply wells which may have been impacted by the release.

The Department suggests that you have a qualified environmental engineer or hydrogeologist direct the remedial investigation, assess the environmental impact, and coordinate the implementation of a cleanup program. Within 15 days of receiving this letter, you should provide the WDNR with the date the remedial investigation will begin.

The Department requires that the location of the tank and/or release be submitted with the work plan. Requirements for location are Latitude, Longitude, 1/4, 1/4, Township, and Range (east or west).

Final documentation of the investigation and cleanup should be prepared according to the guidance enclosed and sent to this office on completion of compliance with all applicable federal, state and local laws and regulations. Remedial actions must adequately cleanup contaminated soil and/or groundwater to current WDNR guidelines and/or standards. All product, soil, wastewater, and sludge must be disposed of in compliance with all applicable federal, state and local laws and regulations. Because the Department is experiencing a backlog of leaking underground storage tank cases of emergency status and your case is not currently ranked as an emergency, your submittals will be reviewed as time permits. Investigation and cleanup should not, however, be delayed pending WDNR review of your case.

The WDNR requests that concise LUST project updates be submitted every six months for all medium priority sites; biannual updates will enable WDNR project managers to monitor the status of remedial investigations and/or corrective actions on projects which are not under direct WDNR oversight.

You are encouraged to contact the Department of Industry, Labor, and Human Relations (DILHR), the state agency that administers the Petroleum Environmental Cleanup Fund (PECFA). This fund may reimburse you for eligible costs associated with the remedial investigation and cleanup. DILHR should be contacted at (608) 267-4545 to obtain current information regarding the PECFA program.

Please be aware that your ability to utilize PECFA funds will be dependent on your cooperation in adequately addressing this problem.

Sincerely,



Giselle Red  
Program Assistant, Environmental Repair Section

Enclosures: Remedial Investigation Checklist  
Application to Treat or Dispose of Petroleum Contaminated Soil

c: SED Case File

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December 3, 1992

Ms. Giselle Red  
Wisconsin Department of  
Natural Resources  
2300 North Martin Luther King Drive  
Milwaukee, WI 53212

Re: Akerman, Inc.  
1005 Perkins Avenue  
Waukesha, WI 53186  
DNR File Ref. 4440-2916

Dear Ms. Red:

You will recall that this office represents Akerman, Inc. in connection with the discovery of contaminated soils at its Waukesha facility referenced above. Akerman has forwarded to me a copy of your letter of November 23, 1992, which responded to my letter to you of September 1, 1992.

In your letter, you requested that Akerman advise you within 15 days of the date on which the remedial investigation will commence. Please be advised that Akerman has already commenced its remedial investigation on the site. I am enclosing at this time a copy of a Phase II Environmental Assessment Report by Versar, Inc. for the Akerman facility. The company presently is in the process of obtaining a contractor for the site remediation.

My September 1 letter also referenced compounds detected in a parking area adjacent to the facility. I am enclosing at this time a copy of Phase IIB assessment prepared by Versar specifically assessing the parking area.



Ms. Giselle Red  
Page 2

We will, of course, keep the DNR advised of the company's progress in addressing these concerns. Should you at any time have any comments or questions regarding this matter, please do not hesitate to give me a call.

Sincerely,

GIBBS, ROPER, LOOTS & WILLIAMS, S.C.



David J. Edquist

DJE/rch  
Enclosure  
cc: Mr. Mark E. DeLong