

268091890, HW/GENCL

**CASE ACTIVITY REPORT**

Form 4100-160

3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Receipt of Records from Waukesha Fire Department</b>	Date of Activity <b>April 6, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess and Hazardous Waste Investigator Mike Ellenbecker went to the Waukesha Fire Department in the City of Waukesha. At that location, Hess reviewed records of fire department responses for the years 1970-1975. Hess received from the Waukesha Fire Department nine pages of documents. Hess observed the documents to memorialize fire department responses to Hein-Werner Corporation on July 30, 1970, January 9, 1973, September 27, 1973, June 20, 1974, July 20, 1974 and July 31, 1974.

Hess observed the July 30, 1970 report to indicate there was a fire at 2:37 PM around the machine that washes castings and other metal parts and that men in the shop extinguished the fire with carbon dioxide extinguisher. Hess observed the report to indicate shop superintendent Frank Nader was investigating the matter.

Hess observed the January 9, 1973 report to indicate there was an oil fire at 2:09 PM at Hein-Werner and an automatic bullard machine. Hess observed the fire was extinguished before arrival of the fire department by plant personnel by using their own extinguisher. Hess observed the apparent cause of the fire was oil vapors from the crank case of the machine exploded causing the oil in the exterior of the machine to catch fire.

Hess observed a fire report dated September 27, 1973 at 03:49 AM. Hess observed this report to indicate the response was to Hein-Werner Corporation indicating that a sprinkler went off in a paint spray booth and wanted the fire department to shut off the water. Hess observed that there had been a fire in the spray booth.

Hess observed a fire report dated June 20, 1974. Hess observed the time of the fire was 01:03 AM. Hess observed the fire was indicated to have been a "controlled rubbish fire in a pit at the east end of parking lot of Hein-Werner Corporation". The apparent cause of the fire was listed as "possibly set a fire by an employee". Hess observed in the report under the remarks section "no water was applied because of danger of a paint can might explode. Fire could not spread. Some foundry sand was applied to hold down the flames."

Hess observed the July 20, 1974 fire report of a fire at 02:18 AM. Hess observed the report to indicate the nature of the fire was a "fire in pit in far rear of plant yard. Used 1 1/2" hose and booster line using the 500 gallons of water. Pit was about 10' x 12' and was used for discarded 5-gallon paint pails". The report indicates the apparent cause of the fire is unknown. Hess observed the report to indicate in the remark section "pile of dirt from pit was there and was to be used to cover same. Advised maintenance man to have it covered first thing in morning."

Warden Reporting <b>Winter S. Hess</b> <i>WSH</i>	Date of Report <b>April 6, 1995</b>	Exhibit Reference
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Hess observed the fire report dated July 31, 1974 to indicate the fire was at 1:58 PM. Hess observed the report to indicate the nature of the fire was "the alarm was received as a fire in the backhoe department and spray booth. The fire was extinguished by employees of Hein-Werner. There was no damage to the backhoe which was being prepared for painting." Hess observed the apparent cause of the fire was listed as "the alarm was received when paint thinner which was being used to clean up grease spots was ignited by sparks from grinding."

# Waukesha Fire Department

## COMPANY FIRE REPORT

No. 1468  
 Saturday July 20, 1974.

Alarm Received by Maile - 66

Time of Alarm 2:18 AM Time Returned 2:58 AM Mileage \_\_\_\_\_

Engine			
No. 1	No. 2	No. 3	No. 4
	5.1		

Time Responding \_\_\_\_\_ Min. Delay, if Any \_\_\_\_\_

Street Condition Dry.

FIRST ALARM MEMBERS RESPONDING	SECOND ALARM MEMBERS RESPONDING	MEMBERS ABSENT
Engine # <u>2.</u>		
<u>Maile</u>		
<u>Reynolds-dr.</u>		
<u>Bergin</u>		
<u>Procek</u>		

**RECEIVED**

**APR 06 1995**

**115500**

How Extinguished Hose Streams Engine Streams	Hand Pumps	Small Extinguisher	Booster Line	Ladders Raised	Pumps Worked	Covers Used
<u>Eng. Stream</u>			<u>200'</u>		<u>Large</u>	

Hyd. Loc. \_\_\_\_\_ Condition Hyd. \_\_\_\_\_

Hyd. Pres. \_\_\_\_\_ Eng. Pres. \_\_\_\_\_ Size of Nozzle \_\_\_\_\_

Gal. Min. \_\_\_\_\_ Hose Laid Out 250' 2 1/2" 1 1/2" 50' 3/4" 200' 1"

### SPECIAL DUTY REPORT AND RESCUES

Names and Addresses of Persons Hein Werner Co.  
1300 National Ave.  
Waukesha, Wis.

State Nature of Case, Hours and Minutes Worked Fire in pit in far rear of plant yard. Used  
1 1/2" hose line & booster line using the 500 gallons of water. Pit was about 10' by 12'  
and was used for discarded 5gallon paint pails.

State Apparent Cause of Fire, in the Officer's Opinion Unknown.

Remarks Pile of dirt from pit was there and was to be used to cover same. Advised  
maintenance man to have it covered first thing in morning.

Weather Conditions Clear. Wind Direction N.E.

Temperature 64° Above Zero  
 Below Zero \_\_\_\_\_

Signed John J. Maile  
 Commanding Officer.

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# Waukesha Fire Department

## COMPANY FIRE REPORT

No. 1244

Thur. June 20, 1974

Alarm Received by Kristl - 66

Time of Alarm 1:03A.M. Time Returned 1:20A.M. Mileage Eng. # 102 - 1.8 No. 1 No. 2 No. 3 No. 4

Time Responding Min. Delay, if Any None

Street Condition Dry

FIRST ALARM MEMBERS RESPONDING	SECOND ALARM MEMBERS RESPONDING	MEMBERS ABSENT
Engine # 102		
Leverance		
Boehmke ( dr. )		
Golson		
Lindner		
		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="margin: 0;">RECEIVED</p> <p style="margin: 0;">APR 06 1995</p> </div>

How Extinguished Hose Streams Engine Streams	Hand Pumps	Small Extinguisher	Booster Line	Ladders Raised	Pumps Worked	Covers Used

Hyd. Loc. \_\_\_\_\_ Condition Hyd. \_\_\_\_\_

Hyd. Pres. \_\_\_\_\_ Eng. Pres. \_\_\_\_\_ Size of Nozzle \_\_\_\_\_

Gal. Min. \_\_\_\_\_ Hose Laid Out \_\_\_\_\_ 2 1/2" \_\_\_\_\_ 1 1/2" \_\_\_\_\_ 3/4"

### SPECIAL DUTY REPORT AND RESCUES

Names and Addresses of Persons Hein Werner Corp.  
1200 National Ave.

Note - This part of property is in the Town of Waukesha.

State Nature of Case, Hours and Minutes Worked Controlled rubbish fire in a pit at the east end of parking lot of Hein Werner Corp.

State Apparent Cause of Fire, in the Officer's Opinion Possibly set afire by an employe.

Remarks No water was applied because of danger of a paint can might explode. Fire could not spread. Some foundry sand was applied to hold down the flames.

Weather Conditions Clear Wind Direction S.W.

Temperature 60° Above Zero XXXXXXXXXX

Signed *John W. Leverance*  
Commanding Officer.

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# CASE ACTIVITY REPORT

Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Property ownership check - Waukesha Register of Deeds</b>	Date of Activity <b>May 8, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess went to the Register of Deeds office in the Waukesha County Court House, Room 110. At that location Hess reviewed records recording transactions of property easements and right-of-ways in the NE 1/4 Section 2 T 6N R 19E town of Waukesha, Waukesha County, Wisconsin for tax key WAKT 1301999001. Hess observed this to be a parcel of land east of the railroad right-of-way and creek at the end of National Ave. in the town of Waukesha. Hess observed the current owner to be Giuffre Rentals Inc., 6635 S. 13th Street, Milwaukee, WI 53221. Hess observed the property to contain approximately 8.471 acres and have an address of 1200 National Ave, Waukesha WI. Hess observed the appraised value to be \$178,000.00.

Hess reviewed property transaction records from 1981 back through 1968.

Hess found a warranty deed listing the grantor as Hein-Werner Corporation and the grantee as Akerman H. W. Inc. dated October 30, 1981 and filed November 2, 1981. This document is recorded on image 472 document 796.

Hess found an easement listing the grantor as Lottie Tesck and the grantee as Hein-Werner Corporation dated December 26, 1972 and filed December 28, 1972. This document is recorded on image 26 document 291.

Hess found an easement listing the grantor as Hein-Werner Corporation and the grantee as Wisconsin Electric Power Company dated December 17, 1968 and filed January 9, 1969. This document is recorded in volume 1147 document 181.

Hess found no additional recordings searching back through 1968. Accordingly, Hess believes Hein-Werner Corporation was, during the time period 1970 through 1976, the owner of property now owned by Giuffre Rental Inc and located at the east end of National Ave, Town of Waukesha described as part of the NE 1/4 Ne 1/4 Section 2 T 6N R 19E.

Hess also found a property listing for 1005 Perkins Ave, Waukesha with a tax key # of WAKC 1301250. Hess observed this description to be part of the NE 1/4 and NW 1/4 Section 2 and the SE 1/4 of section 35 T 7N R 19E. This description represents the property west of the rail road track and creek.

Warden Reporting Winter S. Hess <i>WSH</i>	Date of Report May 9, 1995	Exhibit Reference F
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GIBBS, ROPER, LOOTS & WILLIAMS, S.C.

ATTORNEYS AT LAW

735 NORTH WATER STREET  
MILWAUKEE, WISCONSIN 53202

TELEPHONE (414) 273-7000

FACSIMILE (414) 273-7897

March 15, 1995

WAYNE J. ROPER  
ROBERT J. LOOTS  
CLAY R. WILLIAMS  
JOHN W. HEIN  
WILLIAM J. FRENCH  
GEORGE A. EVANS, JR.  
THOMAS P. GUSZKOWSKI  
BRENT E. GREGORY  
TERRY E. NILLES  
STEPHEN L. KNOWLES  
THOMAS R. STREIFENDER  
ROBERT L. GEGIOS

DAVID J. EDQUIST  
BETH J. KUSHNER  
CATHERINE MODE EASTHAM  
WILLIAM R. WEST  
DOUGLAS S. KNOTT  
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MARK S. DIESTELMEIER  
GLEN E. LAVY  
DEANNA C. KRESS

OF COUNSEL  
RICHARD S. GIBBS  
THOMAS B. FIFIELD

Mr. Winter Hess  
Wisconsin Department of Natural Resources  
2300 N. Martin Luther King Jr. Drive  
Milwaukee, WI 53212

Re: Hein-Werner Facility  
1005 Perkins Avenue  
Waukesha, WI

Dear Mr. Hess:

This letter follows up on our telephone conversation of March 9. You indicated that you were investigating the disposal of certain paint wastes at the former Hein-Werner facility referenced above. I represent Akerman, Inc. and its corporate affiliate VME Americas Inc. Akerman purchased the facility from Hein-Werner in 1981, and sold the facility in 1993.

As you requested, I am enclosing at this time an affidavit from David Butler, a former Hein-Werner employee. Mr. Butler confirms that the paint wastes were buried on the property while it was owned by Hein-Werner, corroborating the information that the DNR obtained from an anonymous tip in June of 1993.

I have reviewed the laboratory analyses provided by Mike Ellenbecker. The lab results reveal the presence of lead in the paint wastes. It is my understanding that lead was banned from paint wastes in the mid-1970s. This provides further corroboration as to the approximate time period of disposal.

We are continuing our investigation. I would appreciate it if you could advise me of any further information that you obtain on your end. Thank you.

Sincerely,

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

  
David J. Edquist

DJE/mss  
cc: Mark DeLong  
Enclosure

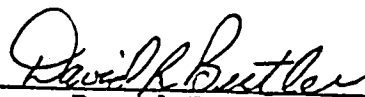
C-1

AFFIDAVIT OF DAVID R. BUTLER

David R. Butler, being first duly sworn, states under oath as follows:

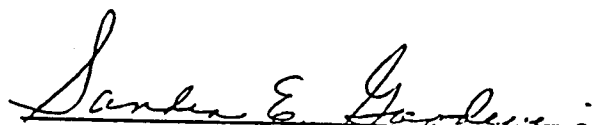
1. I am a resident of the State of North Carolina, residing at C2 Woodfield Drive, Asheville, North Carolina 28803. I am submitting this sworn statement based upon my personal knowledge.
2. I first became employed by Hein-Werner Corporation in 1966. In July, 1969, I transferred to Hein-Werner's Waukesha operations headquartered at 1005 Perkins Avenue. As of that time I held the position of Area Sales Manager for Hein-Werner.
3. The Hein-Werner facility included a parking area on the northeast corner of the property, which was east of a creek that flowed through the property. There was a narrow strip of woods just to the north of the parking area, along the northern property boundary.
4. From 1969 until approximately 1975, Hein-Werner conducted product demonstrations for its customers in this parking area. As part of the demonstration, we would frequently excavate a hole or trench in the overgrown area just to the north of the parking lot.
5. I recall that on several occasions, plant personnel would ask the sales staff not to re-fill the excavated trenches or holes after the conclusion of a product demonstration. When we would come back later, there would be paint filters, cans, pallets, and other waste in the excavated area.

6. This practice had ceased long before Hein-Werner sold the property to Akerman, Inc. in 1981.

  
David R. Butler

STATE OF NORTH CAROLINA )  
  ) ss:  
BUNCOMBE COUNTY                )

Subscribed and sworn to before me, the undersigned Notary Public, this 10 day of March, 1995.

  
Notary Public

My Commission Expires August 27, 1997.



**CASE ACTIVITY REPORT**

Form 4100-160 3-90

State of Wisconsin  
 Department of Natural Resources  
 Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Interview of Roger A. Lutz</b>	Date of Activity <b>April 18, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess went to the residence of Roger A. Lutz, DOB 05-21-52, 4455 Meadowview East, Brookfield, Wisconsin 53005, telephone (414) 783-4645. At that location, at approximately 4:15 PM, Hess met with Lutz. Hess introduced himself as an Environmental Conservation Warden, provided a business card, and displayed his law enforcement credentials to Lutz. Hess informed Lutz that Hess was performing his official duties as a Conservation Warden. Hess indicated to Lutz that Hess was investigating the handling of paint line waste at the Hein-Werner manufacturing facility on Perkins Avenue in Waukesha, Wisconsin during the 1970's. Hess informed Lutz that Hess understood Lutz had been a previous employee of Hein-Werner. Lutz stated that he was employed by Hein-Werner starting on December 26, 1972 and continuing until November 1, 1981. Lutz stated in November of 1981 he went with Akerman and remained employed with Akerman in Waukesha until April 13, 1992. Lutz stated that he began his employment in the construction division of Hein-Werner as a backhoe assembly person on second shift. Lutz stated he worked almost exclusively second shift through his entire employment with both Hein-Werner and Akerman. Lutz stated that as an employee of Hein-Werner he also worked in the machine shop, operated a power truck (forklift), tested backhoes and worked in the jack assembly as a tester. Lutz stated he did not do any painting for Hein-Werner.

Lutz stated, while employed by Hein-Werner, he had taken line waste in "foundry skids" from the jack assembly loading dock area in the northwest portion of the manufacturing facility. Lutz described the foundry skids a pallets with sides and bound with wire in which foundry casting were received by Hein-Werner. Lutz stated the skids would be filled with waste paints and filters. Lutz stated the waste paint was in 5-gallon pails. Lutz stated he would pick up the foundry skids with a forklift and take the foundry skids into the area east of the creek into the material storage area (triangle) and deposit them at that location. Lutz stated that he never personally put any paint filters or any paint line waste into any disposal pits at the Hein-Werner facility. Lutz stated, however, he did observe disposal pits filled with wood, paint barrels, and 5-gallon paint pails. Lutz described the pit as approximately 10' across. Lutz stated these pits were located on the north side of the east lot approximately 30' east of the fence. Hess asked Lutz when did he observe the paint filters, paint barrels, and 5-gallon paint pails in the disposal pits? Lutz stated it would have been in the time range of 1973 through 1976. Lutz stated that he has no recollection of any waste being disposed in the east lot area after the arrival of Joe Dindorf in approximately 1976. Lutz stated he did not know what happened to cause this change. Lutz speculated that Dindorf might have put a stop to it.

Lutz stated that he did not personally put any waste materials into the pits. Lutz speculated he believed the outside forklift operators would put the materials into the pits. Lutz described the outside forklift drivers as people who would get supplies from the material supply yard near the yellow shed building and bring that material into the manufacturing facility. Lutz stated these were the same people that would move materials around on the outside of the manufacturing facility and thus speculates they would have moved paint filters if the paint filters were moved at all.

Warden Reporting <b>Winter S. Hess</b> <i>WSH</i>	Date of Report <b>April 18, 1995</b>	Exhibit Reference
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Hess asked Lutz if he recalled the presence of a Michigan front-end loader at Hein-Werner. Lutz stated he did recall the machine and did recall operating it from time to time. Hess asked Lutz if he ever hauled any waste with the Michigan front-end loader. Lutz stated he did not. Lutz stated he believes the Michigan front-end loader was used to haul coal.

Hess asked Lutz if he had any idea why Hein-Werner would bury waste on the east lot. Hess stated that Hess' understanding was that Hein-Werner had the ability to dispose of the waste without any charge other than transportation at the Waukesha Incinerator. Lutz stated he does not know why the material was buried instead of taking it to the incinerator.

Lutz stated, one reason materials were buried in the back lot area was to put out the fire. Lutz stated that he recalled that the pits would catch on fire periodically and they would have to be covered over to put the fire out.

Lutz stated, during his employment with Akerman, there was an open house for backhoe dealers. Lutz stated this occurred sometime in the mid 1980s. Lutz stated that either at the open house or just prior to the open house he was digging to demonstrate and test backhoes in the east lot area just inside the north side gate in the fence in the parking lot area. Lutz stated that he dug up one 5-gallon can of paint and specifically recalls seeing the liquid running out of the 5-gallon bucket. Lutz stated the paint can was reburied and he moved elsewhere to dig again. Hess asked Lutz if this activity was observed by any other people from Akerman. Lutz stated that Louie Birkel of the Akerman sales staff either saw the pail when it was dug up or was told by Lutz that this occurred. Lutz stated he was not aware of anything that became of the issue.

Lutz stated that when he was employed by Akerman he would dig on the test pad to test the backhoes. Lutz stated it was not unusually when working on the test pad to dig up pallets with wire. Miller stated during the digging he would see wood and wire in the ground. Lutz stated the presence of wood and wire meant to him that there were foundry skids in the ground. Lutz stated that foundry skids meant to him that there would be waste paint and paint filters in the foundry skids. Lutz stated, accordingly, he thinks there is paint line waste buried adjacent to the test pad.

Hess asked Lutz who his supervisor was at Hein-Werner. Lutz stated Louie Schmeier.

Lutz stated that Hess may want to talk with Ed Piller and Juan (John) Sanchez. Lutz stated that Sanchez lived on Perkins Street almost kitty corner from the former Hein-Werner manufacturing facility. Lutz stated that it was not unusual when digging in the Hein-Werner property to test backhoes to encounter different colors in the soils. Lutz stated he believed that was from paint that was in the soils.

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State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Interview of Billy D. Martin</b>	Date of Activity <b>April 13, 1995</b>

## Narrative

On this date Environmental Conservation Warden Winter Hess went to the residence of Billy D. Martin, DOB 06-02-39, 1367 North 44th Street, Milwaukee, Wisconsin, 53216. At that location Hess met with Billy D. Martin. The interview began at approximately 1:30 PM. Hess introduced himself as an environmental conservation warden and displayed his law enforcement credentials to Martin. Hess indicated to Martin that Hess was conducting an investigation into the handling and disposal of paint line waste from the Hein-Werner Manufacturing facility in Waukesha, Wisconsin. Hess informed Martin that Hess understood Martin previously was employed by Hein-Werner. Hess indicated to Martin that the nature of the investigation was that paint line waste had been found in the east lot area of the Hein-Werner property, and Hess was investigating the issue of how those wastes got there. Martin stated he was not surprised that paint line waste were located on the east lot because the Hein-Werner employees used to bury the waste there.

Martin stated he worked at the Hein-Werner facility from 1967 through 1981. Martin stated in 1981 the facility was sold to Akerman and Martin continued his employment at the facility, but with Akerman. Martin stated he worked with Akerman from 1981 until April of 1982.

Martin stated that he worked for Hein-Werner in both the backhoe assembly and jack assembly divisions. Martin stated he worked all three shifts at Hein-Werner at various times during his employment. Martin stated, as part of his employment with Hein-Werner, he did testing of the backhoes. Martin stated that testing would occur in the back lot area, but consisted only of operating the controls of the backhoe and did not include any digging.

Hess asked Martin, if he did not do any digging, how did he know that paint line waste were buried in the east lot by Hein-Werner? Martin stated that when he was working second shift he would be told to take a forklift and transport paint line waste materials to waste disposal pits in the east lot area. Martin stated he did that and would take paint filters and paint buckets out to a waste disposal hole in the east lot area and dumped them into the hole. Martin stated he did not cover the waste, but assumed that somebody else did. Martin stated that the holes had to be covered or the holes would catch on fire because of spontaneous combustion of the paint filters. Martin stated that some of the buckets would be empty and some of the buckets would have paint line waste in them. Martin stated some of the materials would be floor sweepings from the paint booths and also there was paint from the dip tank area. Martin stated also there were paint filters that were disposed of in the holes. Hess asked Martin if he recalled where he picked up the buckets of paint line waste from, was it the jack assembly area or the backhoe assembly area? Martin stated he could not recall which area he got the buckets from. Hess asked Martin when this activity would have occurred. Martin initially stated it would have had to have been in the 80's. Hess reminded Martin that Akerman purchased the property in 1981. Martin stated then it had to have been in the late 70's,

Warden Reporting Winter S. Hess <i>WSH</i>	Date of Report April 13, 1995	Exhibit Reference
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maybe 79. Hess asked Martin if he had an recollection that he could associate with this activity such as the purchase of a new car, birth of child or some other family matter of which he knew the date. Martin stated the only thing he could remember was that he had a 1978 car at about that time. Hess asked Martin to indicate on a aerial photograph the location of where he would put materials in these waste disposal pits. Martin indicated it would have been along the south side edge of the east parking lot just inside the gate.

Hess asked Martin if he had any recollection of who, as a supervisor, it was that would instruct him to take the paint line waste materials out to the east lot for disposal. Martin stated he could not specifically recall anybody that told him to do that. Martin stated some of his supervisors at that time, however, were Lee Bailey, Ron Plemen, and John Brusenbach (phonetic spelling). Hess asked Martin if the containers of materials that he took out back for disposal were five gallon buckets or were there 55-gallon drums. Martin stated he did not recall any 55-gallon drums. Martin stated to the best of his knowledge the 55-gallon drums were placed along a fence at the Hein-Werner facility for disposal at a metal salvaging operation.

The interview ended at approximately 2:00 PM

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State of Wisconsin  
Department of Natural Resources  
Law Enforcement

<b>Case Number</b>  95-C212-007	<b>Case Title</b>  Hein-Werner
<b>Activity</b>  Interview of Nicholas S. Berish	<b>Date of Activity</b>  April 5, 1995

**Narrative**

On this date Environmental Conservation Warden Winter Hess went to the residence of Nicholas S. Berish, DOB 12-18-38, 922 Caroline Street, Waukesha, Wisconsin 53186, telephone (414) 547-9037. At that location, Hess met with Berish at approximately 2:00 PM. Hess introduced himself as an environmental conservation warden and displayed his law enforcement credentials to Berish and also left a business card. Hess informed Berish that Hess was investigating the waste disposal practices of Hein-Werner Corporation during the mid 1970s. Hess informed Berish that Hess understood that Berish was employed in the past by Hein-Werner. Berish stated he was employed by Hein-Werner, first in 1964 and worked first shift for Hein-Werner until 1981. Berish stated in 1981 Hein-Werner sold a portion of its operation to Akerman and that Berish went with Akerman as an employer. Berish stated he worked for Akerman from 1981 to 1992 also on first shift. Berish stated that he was employed as a backhoe assembly person for both Hein-Werner and Akerman. Berish stated there were times where he would do other jobs, but 99% of his employment at Hein-Werner and Akerman involved backhoe assembly.

Hess asked Berish if he had ever tested any backhoes for Hein-Werner. Berish stated that he did testing for the Hein-Werner backhoes. Hess asked Berish if he had ever buried any waste from Hein-Werner plant in the east lot area at the Perkins Street facility. Berish stated he had not. Berish stated, however, that he believes there is paint line waste buried in the east lot. Berish stated he believes that because when he was employed by Akerman he was testing a backhoe and dug a deep hole and unearthed old paint cans and paint filters. Berish stated it appeared to him that the paint filters had been stuffed inside the paint cans. Berish stated he did not observe that there was liquid paint waste inside the cans that he unearthed. Berish stated that he did not rebury this material, but left it on the surface the ground. Berish stated he did not alert anybody in management about this occurrence and has no idea what happened to the material. Berish stated this happened some time during the mid 1980s.

Hess asked Berish what he did to perform the tests on Hein-Werner backhoes. Berish stated he would just drive the backhoes to an open area and then operate the various controls on the backhoe, such as lifting the arms making sure the bucket pivots, and that the turret and track would operate properly. Berish stated he did not do any digging with the backhoes to be sure that they functioned properly.

Hess asked Berish to try to identify a specific location of where he unearthed the paint cans and paint filters when digging for Akerman in the mid 1980s. Hess offered a photocopy of an aerial photo of the Hein-Werner facility. Berish indicated that the burial would have occurred at the northeast corner of the graveled area in the east lot area.

<b>Warden Reporting</b>  Winter S. Hess <i>WSH</i>	<b>Date of Report</b>  April 5, 1995	<b>Exhibit Reference</b>
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Berish stated it would be advantageous to Hess to contact Robert Mattila, Tim Lander, Dominic Lazu or Roger Lutz. Berish stated these were former employees of Hein-Werner, and may have more knowledge about the issue Hess is investigating.

Berish stated some of his supervisors, while employed at Hein-Werner, were Jack Bongiorno, Joe Pigiontin and George Kahlas.

Hess reviewed his notes with Berish to summarize Hess' understanding of what Berish had said. Berish indicated that Hess' understanding was accurate.

**CASE ACTIVITY REPORT**  
Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Site Inspection</b>	Date of Activity <b>April 3, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess and Hazardous Waste inspector Michael Ellenbecker went to the east end of National Ave in Waukesha Wi. At that location Hess and Ellenbecker entered the former Hein-Werner east lot area. Hess observed numerous locations of bearing rusted out five gallon and 55 gallon metal containers. Hess observed one five gallon container to have the letters NTZEN. Hess observed there were illegible characters preceding the letters ntzen. Hess believes this to be a Hentzen Paint container.

Hess observed a rusty metal can half buried in the ground. Hess observed some writing on the container. Upon closer examination Hess observed what Hess believes to be the words Hein-Werner and additional illegible characters. Hess believes the writing to be customer delivery information stenciled onto the container. Hess took this container into possession and placed it in a plastic bag.

Warden Reporting <b>Winter S. Hess</b> <i>WSH</i>	Date of Report <b>April 4, 1995</b>	Exhibit Reference
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**CASE ACTIVITY REPORT**  
Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Interview of Timothy J. Lander</b>	Date of Activity <b>March 30, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess went to the residence of Timothy J. Lander, DOB 07-17-51, W330 S8174 Country Lane, Mukwonago, Wisconsin, telephone (414) 392-2153. The meeting began at approximately 9:30 AM. Hess identified himself as an environmental conservation warden, provided Lander with a business card and displayed his law enforcement credentials to Lander.

Hess informed Lander that Hess was investigating the handling of paint line waste from the Hein-Werner facility during the mid 1970s. Hess stated that Hess understood Landers had seen a news article in the Waukesha Freeman and had contacted the DNR as a person that was involved with that activity in the past. Landers stated that was correct. Landers stated he was employed by Hein-Werner from February of 1970 through 1981. Landers stated, in 1981 Hein-Werner sold its backhoe operation to Akerman, and Landers then began employment with Akerman. Landers stated he was employed by Akerman from 1981 through 1992. Lander stated he worked first shift for both Hein-Werner and Akerman. Lander stated he began his work at Hein-Werner as an outside forklift driver. Lander stated that meant he was a forklift operator who moved materials around the outside of the manufacturing facility. Lander stated he worked in that capacity for approximately 6 months and then was laid off. Lander stated he was recalled back after a short layoff and resumed his duties as a forklift operator. Lander stated over the period of years he had held several different jobs besides forklift operator. Lander stated he was employed in the painting section, the welding section, and the jack assembly section of Hein-Werner.

Lander stated as a forklift operator he would be contacted, usually on a Friday afternoon, and told to report to the loading dock of the jack assembly area. Lander stated at that location he would pick up paint line waste and transport the paint line waste to a disposal pit in the east lot area. Lander stated he recalls that he would use a Michigan front end loader on some occasions and a forklift truck on other occasions. Lander stated when he used the Michigan front end loader he would pull up to the loading dock and people from the paint line would throw paint filters and cans of floor sweepings into the bucket of the front end loader. Lander stated by floor sweepings he means the sweepings of dry paint overspray from inside the paint booth. Lander stated he would then transport the materials from the loading dock area to a disposal pit located east of the railroad track and creek in the east lot area. Lander stated there would be a hole already dug and he would just dump the materials from the front end loader into the hole. Lander stated the paint filters would spontaneously burst into flame and that there were frequent fires in the east lot at Hein-Werner. Lander stated he recalls specifically disposing of the waste materials in this manner on a couple of occasions. Lander stated he was aware that this operation went on and other forklift

Warden Reporting Winter S. Hess <i>WSH</i>	Date of Report March 30, 1995	Exhibit Reference
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operators were involved. Lander stated it seemed that the paint filters were changed about every two weeks. Lander stated he did not recall ever transporting any barrels of liquid waste to the disposal area in the east lot. Lander stated that what he transported was paint filters and 5 gallon pails of floor sweepings. Lander stated he also recalled that there was a paint dipping operation in the jack assembly area of Hein-Werner. Lander stated that he recalls transporting pails of crusty paint type of material to the east lot disposal area. Lander stated he speculated the origin of that waste was from the clean up and scraping of dry paint off of the dip tanks. Lander stated he was also suspicious that there were barrels of oil buried in the east lot area. Hess asked if Lander meant hydraulic oil or another type of oil. Lander stated it could be almost anything - hydraulic or motor oil. Lander stated he has no personal knowledge of that activity, but believes that it did occur.

Lander stated the activity that he had described had occurred during the time period approximately 1970 through 1975.

Lander stated he recalls that the foreman from various operations within the Hein-Werner manufacturing facility would give him instructions to pick up the paint line waste. Lander stated that he specifically recalls one of those foremen that gave him instructions to do this was Bill Moore. Lander stated he recalls this incident because Landers was upset that Moore instructed him to go to get the paint line filters and wastes for disposal and there was only ten minutes of work time left. Lander stated he was very protective of his personal time and wanted to leave. Lander stated he recalls that he vociferously protested having to perform this function at the late hour in the day and thus remembers the incident. Lander stated he did haul the wastes paint filters and paint this day and in the process got the Michigan front end loader stuck. Lander stated he recalls this because he then went on overtime to retrieve the vehicle. Lander stated he was able to push himself out with the bucket of the Michigan .

Landers stated that the paint line waste that he disposed of were disposed of inside the fence and gate area on the east lot area. Landers reviewed an aerial photograph with Hess and Hess observed that Landers was indicating the materials were buried in the northwest portion of the parking lot area. Landers stated that a Hein-Werner backhoe was used to dig holes specifically for the disposal of waste materials. Lander stated that he personally dug the holes specifically to be used for waste disposal. Lander stated the digging of the holes for waste materials was not necessarily a testing operation. Lander stated it was specifically for the disposal of waste. Lander stated the holes he dug were dug approximately 12-14 feet deep. Landers state he would dig until he hit water. Landers stated the holes would be approximately 20 feet across on top and then would taper down to a bottom area. Landers stated the area where the holes were dug was silty area, but he thought that there was some clay area also. Landers stated that after the holes were dug then waste was put in the holes until the holes were filled. Landers stated then the holes were filled with dirt and a new hole was dug. Landers stated there were times where you would dig and you would end up unearthing previously disposed of waste. Landers stated in that case you would just cover the area back up and go find another place to dig a hole.

Hess asked Landers if he recalled who the paint supplier to Hein-Werner was. Lander stated he believed it was Hetzen. Lander stated he did very little painting for Hein-Werner and thus was not familiar with the paint operation at Hein-Werner. Lander stated the predominant color for the backhoes at Hein-Werner were yellow and black. Lander stated the predominant color for the jacks was orange or yellow.

Hess asked Landers if he had ever complained to anybody in management that the burial of the waste materials was perhaps not proper. Lander stated he did not and did not know of anybody else that complained of the activity either. Lander stated he was aware of one person that complained about oil being discharged to the sewers. Landers stated this other employee had complained to management and wrote a letter about the subject. Landers stated the letter was posted on the bulletin board at Hein-Werner, and Hein-Werner either did or attempted to fire the employee for improper use of the bulletin board.

Hess asked Landers what was done with the waste materials from Akerman. Landers stated he began for Akerman in 1981 and did a lot of painting. Landers stated that the paint filters were placed into plastic bags, sealed, and then placed into cardboard boxes. Landers stated the cardboard boxes were shipped by Akerman off site to a place unknown to Landers. Landers stated he was not aware of materials being buried in the east lot. Landers stated that Akerman had a totally different attitude toward waste disposal than Hein-Werner.

Hess asked Landers if he recalled what was done with the solvents generated from the painting operation at Akerman. Landers stated that the solvents that were generated were from the cleaning of the paint guns. Landers stated that he recalled that he would use a solvent which he described as paint thinner to clean out his guns. Landers stated that he would just spray the waste materials into the paint filters. Landers stated he did not recall specifically cleaning out paint lines themselves. Landers stated any waste solvents that he generated was placed into a 55-gallon drum in the paint line area. Landers stated that drum was then tested and shipped off site for proper disposal. Landers stated he was aware that the disposal of that drum was very costly and thus knew that Akerman was not crazy about generating a lot of waste solvent. Landers stated he did not know what the name of the thinner was or who the supplier was.

Landers stated that other people who may have knowledge about this subject would be Joseph Algier and Robert Mattila. Landers stated that Armon Frakaro was a jack assembly foreman. Landers stated that Frakaro probably would know about this, but because he was a company man may not talk about it.

**CASE ACTIVITY REPORT**

Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Interview of David Reed</b>	Date of Activity <b>March 23, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess went to the residence of David R. Reed, DOB 05-27-54, 21305 Beeheim Road, New Berlin, Wisconsin 53151, telephone (414) 549-9570. Hess identified himself as an environmental conservation warden and provided a business card and displayed his law enforcement credentials to Reed. The meeting took place at Reed's residence and began at approximately 4 PM. Hess informed Reed that Hess was conducting an investigation into the waste disposal and handling practices of Hein-Werner Corporation during the mid 1970s at the Hein-Werner Perkins Street facility. Hess asked Reed if Reed was employed by Hein-Werner at that time. Reed stated he was employed by Hein-Werner on two occasions. Reed stated he first began employment with Hein-Werner right out of high school in 1972. Reed stated he worked for Hein-Werner until 1976. Reed stated he left at the time of a labor strike at Hein-Werner.

Reed stated he worked at other businesses until 1979 when he returned to Hein-Werner Corporation. Reed stated he stayed with Hein-Werner Corporation until 1982.

Reed stated when he began work in 1972 at Hein-Werner he was backhoe tester. Reed stated the duties of a backhoe tester were to take a backhoe, after production was completed, and test the machinery for at least one hour. Reed stated that every unit that came off the production line was subjected to this testing. Reed stated the testing occurred in the east lot area to the east of the creek behind the Hein-Werner facility. Reed stated that the backhoe testers, of which he was one, dug holes and then filled them back in and then dug another hole as a test procedure. Reed stated that on occasion waste materials from the Hein-Werner facility would be brought out to the backhoe testing area. Reed stated that the procedure was then to dig a hole for those wastes, put the waste in the hole and then cover it back up. Reed stated the backhoe testers were the people who would dig the holes in which the waste was placed. Reed stated the reason for burying the waste immediately was to reduce the chance of spontaneous combustion of the paint filters. Reed stated the material placed in the holes was paint line waste and other rubbish. Reed stated there would be barrels of liquid paint waste, paint thinner, and "wrap around" pallets of paint filters. Reed stated the materials would be brought out by a forklift and deposited in the east lot. Reed stated it seemed to him that Fridays were the days that the wastes were brought out to the lot for disposal. Reed stated that he personally remembers burying barrels of paint waste, paint thinners and paint filters in the east lot at Hein-Werner.

Reed stated this activity occurred regularly and continually during the time period 1972-1976. Reed stated that his personal involvement with the burial of the paint wastes and other materials in the east lot terminated in approximately 1975. Reed stated he was promoted to maintenance at that time and that then terminated his involvement with actual waste disposal.

Warden Reporting Winter S. Hess	<i>WSH</i>	Date of Report March 23, 1995	Exhibit Reference
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Hess asked Reed if he knew what the name of the solvents were that he buried in the east lot. Reed stated he did not know what the materials were. Hess asked Reed if Reed was familiar with solvents to the extent that Reed would know the difference between a solvent paint mix and just paint. Reed stated that he knew the difference and knows there were barrels of solvent buried. Reed stated the predominant color for Hein-Werner products was orange and green for the hydraulic jacks and yellow and black for the backhoes. Reed stated that barrels of paint waste from both the hydraulic jack and the backhoe operations at Hein-Werner were taken out to the east lot and buried by him. Hess asked Reed if he knew who his supervisor was at the time 1972-1974. Reed stated he could not remember the name exactly, but it was Louie Beckel. Reed could not recall the last name. Reed stated after beginning his work in the maintenance department his supervisor was Ray Schmoeler.

Hess asked Reed if he had any estimate of how many barrels were buried in the east lot area behind Hein-Werner. Reed stated he did not know exactly, but he would say that it was in the hundreds. Reed stated that the forklift would bring a pallet of barrels out and there would normally be four barrels on a pallet. Reed stated that seemed to occur every week. Reed stated that would then amount for about 16 barrels per month and that it would add up quite quickly.

Reed stated there was an acid wash tank at the Hein-Werner facility when he was employed there. Reed stated the waste acids from that tank which was dumped down the sewer. Reed stated that Larry Smart was in charge of that operation.

Hess asked Reed if Reed was familiar with the name Harold Miller. Reed stated he recognized the name and knew Harold Miller to be an engineer with Hein-Werner. Reed stated Harold Miller's wife name is Cheryl and believes Miller is at the Baraboo plant of Hein-Werner.

Hess asked Reed if the employees at Hein-Werner were ever concerned about the burial of the drums of paint waste and solvents in the east lot area. Reed stated there was concern about it by the employees. Hess asked if that concern was ever relayed to a supervisor or higher up people in the chain of command. Reed stated he was not aware of any mention of the waste issues or concerns to management. Reed stated that he recalls one time in 1974 or 1975 there was an oil spill inside the plant. Reed stated the floor drains inside the Hein-Werner manufacturing facility drained directly to the creek. Reed stated, thus the material ran straight to the creek. Reed stated that an employee put up a note indicating to management that this was not a good thing. Reed stated that employee was fired. Reed stated this occurred in the backhoe division of Hein-Werner.

Reed stated there was an oil pit in the compressor room at Hein-Werner. Reed stated that the oil from Hein-Werner was pumped directly to the sewer system for disposal.

Reed stated there was arsenic used in the Hein-Werner facility. Reed stated it was used by the tool makers. Reed stated he does not know what happened to the arsenic.

Reed stated other backhoe testers that he could recall were Hubert Caldwell, Roger Lutz, Billy D. Martin, Nick Berish, and Robert Congemi. Reed stated that Berish was a first shift backhoe tester. Reed stated that Congemi was a backhoe tester and then worked his way up and transferred to Akerman when Hein-Werner sold their backhoe operation to Akerman. Reed stated that Romain Miller was a welder and sometimes acting shift supervisor who was aware of the barrels being buried in the back east lot. Reed stated that Doug McKaffery who was a maintenance employee would also be aware of the burial of wastes in the back lot area. Reed stated Jim Ziffero (owner of Kettle Moraine Septic) was employed by Hein-Werner in the maintenance department and would have knowledge of the waste burial.

Reed stated to Hess that Reed had drawn a rough map of the Hein-Werner facility and indicated on the map various locations of operational components of the Hein-Werner manufacturing facility. Reed stated the area where he buried most of the waste paint materials was just inside the northwest gate of the east lot area.

Hess asked Reed if it was true that there were product demonstration digs put on for prospective customers at Hein-Werner. Reed stated that was true, but that the product demonstrations were put on at locations other than where the barrels were buried. Reed stated the reason for that was that Hein-Werner did not want to be embarrassed by having barrels of waste

paint being dug up during the demonstration. Reed stated that he did not have any knowledge of barrels being buried on the extreme east end of the Hein-Werner property.

Hess asked Reed if he had ever worked for Akerman. Reed stated he had not. Reed stated that when Akerman bought the Hein-Werner backhoe operation a physical wall was built almost immediately inside the manufacturing facility. Reed stated that sealed Hein-Werner employees off from Akerman employees and denied any access by Hein-Werner employees to the back lot areas. Hess asked Reed if he knew where the waste materials were disposed of after Akerman took over the Hein-Werner backhoe operation. Reed stated he did not know.

Hess and Reed reviewed Hess' notes for accuracy and Reed made no corrections to the notes.

# CASE ACTIVITY REPORT

Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Telephone conversation with Rollo Carlson</b>	Date of Activity <b>March 22, 1995</b>

## Narrative

On this date Environmental Conservation Warden Winter Hess telephoned Rollo R. Carlson, DOB 02/08/22, 860 Sunnycrest Dr., Waukesha, WI 53186, 414-782-3529. Hess identified himself as an Environmental Conservation Warden. Hess told Carlson that Hess was involved in an investigation into the handling of wastes at the Hein Werner facility on Perkins Ave, in Waukesha during the mid 1970s. Hess asked to meet with Carlson. Carlson stated he did not know much about that subject.

Carlson stated that he worked in the machine shop at Hein Werner and was aware that wastes were buried in the lot east of the creek and railroad track. Carlson stated he did not know details of the dumping.

Carlson stated that Rolly Reed may know more about this subject.

Carlson stated he was setting up a 25th reunion for Hein-Werner employees in April 1995. Accordingly he had a list of names, addresses and telephone numbers for former employees. Hess told Carlson that Hess was looking for a back hoe operator/tester named Raleigh. Carlson stated that could be Rolly Reed, 16450. W Coffee Rd, New Berlin, WI 414-786-7215.

Carlson stated that Hein-Werner had foundry sand hauled into the rear of the west lot. Carlson stated foundry cores and sand was hauled into the east lot.

Carlson stated other people Hess may want to contact are Roman Struck, 414-744-1787 and Mike Casey (no phone or address known).

Warden Reporting <b>Winter S. Hess</b> <i>WSH</i>	Date of Report <b>March 23, 1995</b>	Exhibit Reference
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# CASE ACTIVITY REPORT

Form 4100-160 3-90

State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Telephone conversation with Roland Reed</b>	Date of Activity <b>March 22, 1995</b>

**Narrative**

On this date Environmental Conservation Warden Winter Hess telephoned Roland Reed, DOB 05/28/32, 16450 W. Coffee Rd., New Berlin, WI 53151, 414-786-7215. Hess identified himself as an Environmental Conservation Warden. Hess told Reed that Hess was involved in an investigation into the handling of wastes at the Hein Werner facility on Perkins Ave, in Waukesha during the mid 1970s. Hess asked to meet with Reed.

Reed stated he worked in the back hoe division of Hein Werner and was aware that a lot of wastes were buried in the lot east of the creek and railroad track. Reed stated he worked at Hein-Werner for about 35-40 years and retired in 1992.

Reed stated he recalled putting barrels of paint wastes in the hole that had been dug and then seeing the barrels catch on fire spontaneously. Sometimes the paint line waste caught on fire in the plant. Reed stated this activity occurred during the mid 1960 through about 1974-75. Reed stated he recalled that all sorts of scrap parts were also buried in the east lot. Reed stated that "turn tables" and other large parts from discontinued products were buried in the east lot. Reed stated that Hein-Werner had foundry sand hauled into the rear of the west lot. Reed stated foundry cores and sand was hauled into the east lot. Reed stated there were underground storage tanks on the Hein-Werner property. Reed stated he suspected the tanks were leaking.

Reed stated that in the past "we" had discussed the fact that barrels of waste were buried in the east lot and that was going to haunt Hein-Werner someday. Reed stated it looks like that day is here. Hess asked who "we" was regarding this discussion. Reed stated it was just amongst the workers at the plant. Hess asked if these concerns were passed up the chain of command. Reed stated they were not.

Reed stated that Harold Miller, an Engineer at Hein Werner, was the person in charge of waste disposal at the Perkins street facility. Reed stated that Miller may still be with Hein-Werner at Waukesha or Baraboo.

Reed suggested that Hess contact Harry Behrens (Town of Brookfield Chairman). Reed stated that Behrens was the purchasing agent for Hein-Werner's backhoe division. Reed believed Behrens would know what chemical products and paints were bought.

Hess and Reed made no plans to meet. Hess asked Reed to keep Hess' phone number and call Hess if Reed had additional information.

Warden Reporting <b>Winter S. Hess</b> <i>WSH</i>	Date of Report <b>March 23, 1995</b>	Exhibit Reference
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**CASE ACTIVITY REPORT**  
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State of Wisconsin  
Department of Natural Resources  
Law Enforcement

Case Number <b>95-C212-007</b>	Case Title <b>Hein-Werner</b>
Activity <b>Interview of John J. (Jack) Bongiorno</b>	Date of Activity <b>March 21, 1995</b>

Narrative

On this date Environmental Conservation Wardens Winter Hess and Randy Falstad met with John J. (Jack) Bongiorno, DOB 03-12-28, 1481 South Springdale Road, Waukesha, Wisconsin 53186, telephone (414) 542-5372. The meeting occurred at Bongiorno's residence and began at approximately 1 PM.

Hess and Falstad introduced themselves as environmental conservation wardens and Hess displayed his law enforcement credentials and provided a business card to Bongiorno. Hess explained to Bongiorno that Hess and Falstad were investigating the hazardous waste handling practices of Hein-Werner Corporation. Hess informed Bongiorno that Hess was interested in discussing the use of land believed owned by Hein-Werner located east of the Perkins Street facility and east of the creek and railroad tracks. Hess stated he understood that Bongiorno was employed, in the past, by Hein-Werner.

Bongiorno stated he had been employed by Hein-Werner from 1945 through 1981. Bongiorno stated in 1981 Hein-Werner sold a portion of their manufacturing operation to a company called Akerman. Bongiorno stated he went with Akerman and became superintendent of the construction division of Akerman. Bongiorno stated that in 1981 Akerman bought the Hein-Werner construction division and the property previously owned by Hein-Werner. Bongiorno stated two of his supervisors when he was superintendent of the construction division were Mark Marino (deceased) and Frank Nader. Bongiorno stated that Bongiorno had worked in the construction division of Hein-Werner from 1960. Bongiorno stated part of his duties at Hein-Werner included managing the painting operation. Bongiorno stated that Armon Frakaro was a paint line supervisor in the jack division of Hein-Werner. Bongiorno stated that after Frakaro retired Harold Miller took over Frakaro's position.

Bongiorno stated, from a historical prospective Hess should understand that Hein-Werner owned the property involved in the investigation during the early 1970s. Bongiorno stated in 1972 or perhaps 1973 a parcel of land east of the main Hein-Werner manufacturing facility and east of the railroad tracks and creek, was purchased by Hein-Werner. Bongiorno stated he believed that Hein-Werner bought the east lot from a Robert Tesch, probably in 1972.

Bongiorno stated the east lot was purchased for the storage of materials, parking, and future expansion. Bongiorno stated in 1974 there was a labor strike at Hein-Werner. Bongiorno stated also at about that time Hein-Werner expanded the size of its manufacturing facility. Bongiorno characterized this time as a "helter skelter time" for Hein-Werner. Bongiorno stated in approximately 1976 activities at Hein-Werner returned to a more controlled mode of operation.

Warden Reporting Winter S. Hess <i>WSH</i>	Date of Report March 21, 1995	Exhibit Reference
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Hess informed Bongiorno that Hess' understanding of waste disposal practices at Hein-Werner in the 1970s was that backhoes were demonstrated for prospective customers in the east lot area. Hess continued by indicating that Hess understood the backhoe operators to be instructed not to close the demonstration excavations and then later other employees put waste into the excavations for disposal by burial. Bongiorno stated that was not true and did not occur.

Bongiorno stated that Hein-Werner did not use lead based paints in their operations after 1970s. Bongiorno stated that accordingly they did not have anything to worry about with their paint waste. Bongiorno stated that the filters from the paint booths were not an issue and could just be put into the dumpsters. Bongiorno stated accordingly, the filters went into plastic bags and then into the dumpsters. Bongiorno then amplified his answer stating that there were some filters that went into 55-gallon barrels. Bongiorno stated he remembered that because some of the barrels of filters would burst into flames spontaneously. Bongiorno stated the barrels were put on the east lot property and then the barrels were "dumped". Bongiorno stated by the word dumped he meant that the contents of the barrels were dumped into excavation trenches for disposal. Bongiorno stated this practice was not the routine, but he does know of his own personal knowledge did occur. Bongiorno stated after 1981 Hein-Werner no longer had access to the east lot property because Akerman owned it, and thus there was no disposal of any waste by Hein-Werner after 1981 on the east lot property. Bongiorno then amplified that statement by saying that there was one barrel of unknown material was found in 1983 which he believed belonged to Hein-Werner. Bongiorno described it as a 55-gallon drum, approximately 1/3 full of material that he knew to be paint dust. Bongiorno stated he believed that the material came from Hein-Werner. Bongiorno stated he arranged for analysis and proper disposal of that barrel and it cost him \$600 for the analysis and approximately a total of \$1,000 for the analysis and disposal.

Hess asked Bongiorno if there was a predominant product color for Hein-Werner equipment. Bongiorno stated it was orange and green. Hess asked the same question for the Akerman equipment. Bongiorno stated the colors were orange, yellow and black. Hess showed Bongiorno a photograph of paint wastes on the ground in the east lot area. Bongiorno stated that the paint in the picture appeared to be the same color paint used by Hein-Werner to paint their hydraulic jacks.

Hess asked Bongiorno if there was a person in charge of the painting operation at Hein-Werner. Bongiorno stated Armon Frakaro was the paint superintendent at Hein-Werner. Hess asked Bongiorno if Bongiorno knew if Hein-Werner used xylene and toluene as solvents in their paint line operation. Bongiorno stated they did. Bongiorno stated that there was a company based in Milwaukee that recycled the dirty solvents from the paint line operation. Hess offered the name of Milsolv or Milwaukee Solvent. Bongiorno stated that sounded familiar.

Bongiorno stated that Hein-Werner used a paint dipping process to paint their product. Bongiorno stated that paint would build up on the dip tanks and have to be scraped. Bongiorno stated the jacks for Hein-Werner were painted orange and green and the backhoes for Hein-Werner were painted yellow and black. Bongiorno stated the buildup of paint on the sides of the dip tank would get to be 3/8 to 1/2 inch thick and then would need to be scraped. Bongiorno stated the waste paint scraped from these tanks was material that could have been dumped in the east lot area for disposal.

Hess asked Bongiorno by what means the barrels of waste material would be moved from the Hein-Werner facility to the east lot area? Bongiorno stated the forklifts would be used. Bongiorno stated he knows that paint booth waste were some of the materials that were put into barrels and taken back into the east lot area for disposal. Bongiorno stated the paint booths had to be scraped of paint buildup periodically. Bongiorno stated that the paint booths had to be scraped about twice a month at Hein-Werner. Bongiorno stated again he recalled seeing barrels burst into flames by spontaneous combustion. Bongiorno stated that the practice of taking waste to the east lot area occurred from approximately 1974 through 1980. Bongiorno stated he knows that it had stopped in 1981. Hess asked Bongiorno why that activity stopped in 1981. Bongiorno stated because Hein-Werner did not have access to the east lot area due to the land transaction.

Hess asked Bongiorno if Bongiorno was familiar with a forklift operator by the name of Rollie. Bongiorno stated he did not have a distinct recollection of a forklift operator by the name of Rollie, but there was a Rolo Carlson who was an assembler. Bongiorno stated other people who may have operated backhoes would be Mike Casey, Hubert Caldwell, and Sam Arthur.

Bongiorno stated after 1981 the paint booth waste and the paint filters from Akerman went into the dumpsters and thus the trash. Bongiorno stated the solvents from Akerman's painting operation was recycled.

Bongiorno stated that Harold Miller was a paint supervisor for Hein-Werner.

Hess asked Bongiorno if Bongiorno was familiar with Joe Dindorf. Bongiorno stated he was familiar with Dindorf in that Dindorf was the President of Hein-Werner. Bongiorno stated he believed Dindorf came to Hein-Werner in about 1976. Hess asked Bongiorno if Dindorf would have been aware of the material buried in the east lot. Bongiorno stated Dindorf most likely did not know that.

Hess asked Bongiorno if he had ever told Dindorf or Bongiorno's supervisor that material was buried in the east lot. Bongiorno stated he had not.

Bongiorno stated that Akerman conducted product testing in the east lot area. Bongiorno stated, however, Akerman stayed in the western portion of the east lot. Bongiorno stated that Akerman never did any digging that he knows of in the eastern portion of the east lot. Bongiorno stated that there was outside rubble type material brought into the east lot area as part of the Akerman product testing operations. Bongiorno characterized that as bringing in material that was very hard and thus subjecting the equipment to difficult tests.

Bongiorno stated the east lot area was filled with "foundry dirt" from International Harvester.

Falstad asked Bongiorno how the backhoe operators would know they were supposed to cover the waste materials placed in the excavations. Bongiorno stated he really didn't know and that it was possibly just one of those practices that had gone on and perpetuated itself. Bongiorno reiterated that in 1974 there was a period of time where things just sort of seemed out of control due to labor issues and the expansion of the plant. Bongiorno stated at that time there were "stupid things done", and that people would take stuff out there (east lot) on their own. Bongiorno stated he also recalled there was hydraulic oil spilled on that east lot ground area from a machine. Bongiorno stated the machine was being stored on the east lot and they found that the machine had leaked its hydraulic fluid to the ground. Bongiorno stated that Hein-Werner cleaned up the spill by digging up the contaminated soil. Hess asked Bongiorno where the contaminated soil went. Bongiorno stated it was just spread out in the parking lot.

Bongiorno stated that east lot area was used as a test and proving ground for the Hein-Werner backhoes. Bongiorno stated that material that had been buried previously would frequently be dug up again. Bongiorno stated there could have been barrels in the east lot that were dug up ten times. Bongiorno stated he was aware of this because he had seen it. Bongiorno stated when that would happen, the barrel would be retrieved from the ground and disposed of properly. Bongiorno stated he thinks that proper disposal occurred perhaps on two occasions. Bongiorno stated he thought that might have been the source of the drum that cost him \$600 for analysis.

Hess asked Bongiorno who signed the hazardous waste manifest at Hein-Werner. Bongiorno stated he did.

Bongiorno stated that Frank Nader was the plant superintendent of the jack division of Hein-Werner.

Falstad asked Bongiorno where the paint wastes were being disposed of prior to 1974? Bongiorno stated he did not know. Bongiorno stated the industrial engineering group took care of the waste. Bongiorno stated that Fred Schmidt and Rienhart Ittner were two industrial engineers that may have knowledge about waste disposal at Hein-Werner.

Hess asked Bongiorno if there were periodic staff meetings at Hein-Werner. Bongiorno stated there were. Hess asked Bongiorno if the issue of waste disposal was ever discussed at these staff meetings. Bongiorno stated it was not. Bongiorno stated that waste disposal was not really an issue for him as superintendent of the construction division, but was the responsibility of the industrial engineer group. Bongiorno stated that the issues of waste disposal would have dealt with by the industrial engineering group.

Hess asked Bongiorno if at the time of the sale of property from Hein-Werner to Akerman if Bongiorno was aware of any environmental audit or any mechanism which relayed information about the barrels of buried waste in the east lot to Akerman. Bongiorno stated he is not aware of any and does not believe that Akerman knew that the barrels of waste materials were present.