

May 16, 1996

DEPARTMENT OF
NATURAL RESOURCES
SED

1996 MAY 21 PM 4:40

Mr. Scott J. Ferguson
Hydrogeologist
Hazardous Waste Management Section
Wisconsin Department of Natural Resources
4041 North Richards Street
Milwaukee, WI 53212-0436

268091890, GENCL

RE: Mallory Improvements Property
1005 Perkins Avenue
Waukesha, Wisconsin

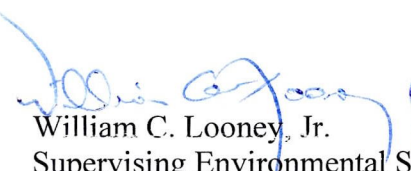
Dear Mr. Ferguson:

Pursuant to our letter of May 6, 1996, we are providing notice of investigatory/sampling as outlined in the April 4, 1996, "Site Investigation Work Plan" (SECOR, 1996) with the modifications discussed in our May 10, 1996, telephone conversation. Pending finalization of site access understandings, we plan to mobilize and initiate the investigation at 08:00 a.m. on Wednesday, May 22, 1996.

If there are any changes to this schedule, we will notify you and Mr. Ellenbecker, your on-site representative, via telephone. If you have any questions, please contact us at 414/790-1974.

Sincerely,

McLAREN/HART
ENVIRONMENTAL ENGINEERING CORPORATION


William C. Looney, Jr.
Supervising Environmental Scientist

WCL:jlh
3667\wdnr1.ltr

cc: James A. Wilke
John Greene
Michael Ellenbecker
Linda Benfield

3695-M North 126th Street, Brookfield, Wisconsin 53005 - 414/790-1974 - FAX - 414/790-1989



ENVIRONMENTAL ENGINEERING CORPORATION



FOLEY & LARDNER

ATTORNEYS AT LAW

CHICAGO
JACKSONVILLE
LOS ANGELES
MADISON
ORLANDO
SACRAMENTO

FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53202-5367
TELEPHONE (414) 271-2400
FACSIMILE (414) 297-4900

SAN DIEGO
SAN FRANCISCO
TALLAHASSEE
TAMPA
WASHINGTON D.C.
WEST PALM BEACH

WRITER'S DIRECT LINE

(414) 297-5825

August 13, 1996

Scott J. Ferguson
Department of Natural Resources
4041 N. Richards Street
P.O. Box 12436
Milwaukee, WI 53212

Re: Mallory Improvements Property
1005 Perkins Avenue, Waukesha, WI

Dear Mr. Ferguson:

As you know, on May 23, 1996, McLaren/Hart Environmental conducted trenching activities on the Mallory Improvements property as part of Hein-Werner's continuing efforts to cooperate with Department of Natural Resources ("DNR") and Department of Justice ("DOJ"). As a result of that investigation, McLaren/Hart prepared one overpack container of hazardous waste, including the paint can with some dried paint residue. This material tested hazardous for mercury pursuant to the Toxicity Characteristics Leaching Procedure. The container remains on the Mallory Improvement property until proper disposal can be arranged.

Hein-Werner has repeatedly requested that Mallory Improvements provide information regarding Mallory Improvements' generator status (including its hazardous waste generator I.D. number) as well as access to the property. Mallory Improvements has not responded at all. On June 27, 1996, Hein-Werner notified Frank Guiffre of Mallory Improvements of the waste remaining at the property and requested the relevant information. Mr. Guiffre failed to respond to the letter, or to follow-up telephone calls from Mr. Wilke. Hein-Werner sent a second letter to Mr. Guiffre on July 31, 1996, to which he has also failed to respond. I have enclosed copies of the letters for your information.

ESTABLISHED 1842

Scott J. Ferguson
August 13, 1996
Page 2

Because Mallory Improvements has not responded to our requests for information and access, Hein-Werner is unable to arrange for the disposal of the waste. While Hein-Werner agreed to conduct the additional investigation and to pay for the costs of disposal of any waste, Hein-Werner is not the owner of the generation site and, therefore, cannot dispose of the material on Mallory Improvements' property without its cooperation. It further, cannot be liable for any penalties for violations of the hazardous waste storage and disposal regulations that arise out of Mallory Improvements' inaction.

Hein-Werner requests that DNR inform Frank Guiffre that as property owner, Mallory Improvements has the ultimate responsibility for the disposal of waste generated on its property.

If you have any questions on this matter, please contact me.

Very truly yours,


Linda E. Benfield

Enclosures

cc: James A. Wilke, Esq.
John Green, Esq.
Rick Smith
Frank Guiffre, Sr.



JAMES A. WILKE
Corporate Attorney and Assistant Secretary

CORPORATION
(414) 542-6611

WAUKESHA, WI 53187
FAX (414) 542-4884

July 31, 1996

Frank Guiffre, Sr.
Mallory Improvements
6635 S. 13th Street
Milwaukee, WI 53221

Re: Property Located at 1005 Perkins Avenue,
Waukesha, Wisconsin

Dear Mr. Guiffre:

As I explained in my letter to you dated June 27, 1996, Hein-Werner conducted additional site investigation on the property located at 1005 Perkins Avenue, Waukesha. This property is currently owned by Mallory Improvements. The investigation generated waste that must now be disposed of according to applicable state and federal regulations.

Hein-Werner agreed to pay for the disposal of the waste; however, in order to do so, we must obtain from you: (1) information as to Mallory Improvements' generator status; and (2) access to the property.

First, the deadline by which the waste must be disposed is based on the generator status of Mallory Improvements. That deadline might be as early as the middle of August. Please provide us with information regarding Mallory Improvements' generator ID number and its generator status classification. While Hein-Werner has agreed to pay for the proper disposal of the waste from the trenching activities, it is not willing to pay any penalties or fines assessed for the late disposal of the waste.

Second, as explained in our earlier letter, the container that currently remains on the property is potential evidence in ongoing litigation between VME-Akerman and Hein-Werner. Therefore, we need access to your property for the purpose of allowing VME-Akerman's representative to view the container.

I will appreciate your immediate response to our several requests for information and access.

Sincerely,

James A. Wilke

JAW:be

cc: Linda E. Benfield

AUG 01 1996



JAMES A. WILKE
Corporate Attorney and Assistant Secretary

CORPORATION
(414) 542-6611

WAUKESHA, WI 53187
FAX (414) 542-4884

June 27, 1996

Frank Guiffre, Sr.
Mallory Improvements
6635 S. 13th Street
Milwaukee, WI 53221

Re: Property Located at 1005 Perkins Avenue,
Waukesha, Wisconsin

Dear Mr. Guiffre:

As you know, on May 23, 1996, Hein-Werner conducted a site investigation on the property located at 1005 Perkins Avenue, Waukesha, which is currently owned by Mallory Improvements. The investigation involved excavation of six trenches, which were then re-filled with the excavated soil as approved by the Wisconsin Department of Natural Resources ("DNR").

During the trenching activities, a limited amount of waste materials and debris from the excavation was secured in overpack containers prior to proper removal and disposal. All but one of the overpack containers has since been removed from your property as solid waste. One container and some dried paint residue were secured in an overpack container and remains on the property. This container must be disposed of as hazardous waste, consistent with state and federal regulations.

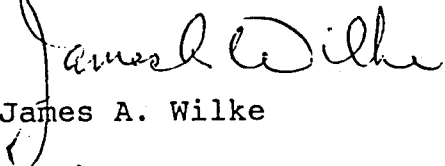
Hein-Werner, without admitting any liability that may arise from the presence of this waste, will agree to pay for the proper disposal of the waste in the overpack containers. With respect to the one container that remains on the property, the applicable regulations require that the waste be disposed of under the EPA hazardous waste generator identification number that has been assigned to the property ("generator ID number"). Therefore, the waste can only be transported off-site and disposed of using the generator ID number assigned to the Perkins Avenue property. Mallory Improvements, as current owner of the property, must have, or must apply for, that generator ID number. If you will provide us with the identification number, we will proceed with arranging for the transportation and disposal of that material. We also need to know your generator status under RCRA (e.g., large or small quantity generator) so that we can comply with the appropriate storage requirements.

JUN 23 1996

Finally, you should be aware that the container that remains on the property is potential evidence in on-going litigation between VME-Akerman and Hein-Werner. Therefore, we have notified VME-Akerman of the presence of the container and will allow them time to examine the container prior to its disposal. While the container remains on your property, it is imperative that no one tamper with the container itself or with the material in it.

We will appreciate your cooperation, as current property owner, as we fulfill the obligations we assumed when we agreed to cooperate with the DNR and conduct additional investigation of the property. If you have questions, please call me.

Sincerely,

A handwritten signature in cursive script that reads "James A. Wilke". The signature is written in dark ink and is positioned above the typed name.

James A. Wilke

JAW:be

cc: Linda E. Benfield