

FOLEY & LARDNER

268091890

CHICAGO
NEW YORK
SAN FRANCISCO
WASHINGTON, D.C.
PHILADELPHIA

POSTAL CENTER
100 WEST WASHINGTON AVENUE
MILWAUKEE WISCONSIN 53202-5825
TELEPHONE (414) 297-5825
FAX (414) 297-4900

JAN DIEBO
SAN FRANCISCO
TALLAHASSEE
TAMPA
WASHINGTON, D.C.
WEST PALM BEACH

WRITER'S DIRECT LINE
(414) 297-5825

October 2, 1996

Mr. John S. Greene
Department of Justice
123 West Washington Avenue
Madison, WI 53707-7857

Mr. Scott Ferguson
Department of Natural Resources
4041 N. Richards Avenue
Milwaukee, WI 53202

Re: Hein-Werner Investigation of Property Located at
1005 Perkins Avenue, Waukesha, Wisconsin

Gentlemen:

We received Mr. Hess' letter dated September 11, 1996 regarding his meeting with Frank and Dominic Giuffre. While I admit to being confused by Mr. Hess' involvement at this time, I will respond to the issues he raises on behalf of our client, Hein-Werner.

First, as advised by Michael Ellenbecker, Hein-Werner will use an EPA ID number assigned to it at the 1005 Perkins Avenue site to properly dispose of the one barrel of waste that remains on the property. Prior to removing the waste for disposal, we are obligated to provide an opportunity for a representative of VME/Akerman to inspect the material. We will inform Messrs. Giuffre and the Department of Natural Resources of the date on which we will remove the barrel.

Second, as documented in the Site Investigation Report submitted to the DNR and DOJ, Hein-Werner has conducted all work approved by the DNR in its letter of May 6, 1996. Hein-Werner has no further obligation under the DNR-approved work plan for exploration or remediation at the property. The specific items identified by Mr. Hess and Messrs. Giuffre as steps to be done have, in fact, all been executed by Hein-Werner. The exploration trenching was conducted on the site May 23, 1996. DNR personnel selected and approved the exact locations of each of the six trenches and observed and approved all work conducted at the site. A representative of the Giuffres was also on site during at least a portion of the work.

Mr. John S. Greene
Mr. Scott Ferguson
October 2, 1996
Page 2

Several investigations have been completed on this property, including multiple investigations by VME/Akerman (conducted by Versar), investigation by Mallory Improvements (conducted by Dakota) and the most recent investigation by Hein-Werner (conducted by McLaren/Hart). None of these investigations has revealed evidence of any burial of significant amounts of solid waste. Any solid waste present at the site is consistent with the land use of the adjoining properties. Furthermore, the several investigations indicated no environmental impacts or continuing environmental problems. Based on the results of these investigations, including this most recent one, Hein-Werner has completed its obligations under the DNR-approved work plan.

Sincerely,

Linda E. Benfield/shm

Linda E. Benfield

cc: James A. Wilke
Joseph Dindorf