

DEPARTMENT OF
NATURAL RESOURCES
SER

Hein-Werner®

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Corporate Attorney and Assistant Secretary

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August 28, 1997

Scott J. Ferguson, Hydrogeologist
Waste Management Section
Wisconsin Department of Natural Resources, SER
P.O. Box 12436
Milwaukee, WI 53212

Re: Property at 1005 Perkins Avenue, Waukesha, Wisconsin
FID#268091890

Dear Mr. Ferguson:

We have reviewed your letter to Mr. Joseph Dindorf, dated August 20, 1997 regarding the above-referenced property. We are surprised and frustrated by your letter, given Hein-Werner's history of cooperation in investigating past allegations related to this site, the lack of evidence regarding past disposal problems on the property, and the current ownership of the site.

Hein-Werner has not owned this property since 1981. In the sixteen years since Hein-Werner sold the property, the property has been the subject of a lengthy and multi-phased pre-purchase audit, and various parties have performed an extensive soil excavation, soil investigation and trenching activities, and have installed and sampled groundwater monitoring wells. All of this work has clearly established one thing: there is no support for the anonymous allegations of widespread waste disposal during Hein-Werner's ownership of the property.

To the extent that the DNR is concerned about containers found on the site in March of this year, we believe you are directed by state law to look to the current owner of the property, Mallory Improvements, to address any concerns. Section 292.11(3), Wis. Stats.

Last year, Hein-Werner conducted the extensive trenching activities on the property all of which was observed by DNR personnel, at locations that were approved by, and in part selected by, the DNR. At the time, all materials that were encountered were properly characterized and disposed of at Hein-Werner's expense. At this point, Hein-Werner has

done more to investigate and remediate any potential conditions at this site than it is obligated to do under law. To the extent that you believe Hein-Werner has any additional responsibility for this property, we would be happy to review any new information that you have, including the results of the March 1997 sampling, and any workplans, quality assurance procedures and protocols, and any reports or summaries relating to that work.

We are willing to meet with you and other DNR staff involved in this matter to discuss DNR's concerns regarding this property. Hein-Werner will not, however, proceed with the steps outlined in your August 20 letter, as there is no legal basis to require Hein-Werner to do so, and Hein-Werner has already conducted a DNR-approved site investigation that addressed the DNR's concerns relating to Hein-Werner's historical use of the property.

Sincerely,

HEIN-WERNER CORPORATION



James A. Wilke

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