



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Regional Headquarters
2300 N. Dr. ML King Drive, PO Box 12436
Milwaukee, Wisconsin 53212-0436
Telephone 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

June 8, 1998

Mr. Joseph Dindorf
Hein-Werner Corporation
2120 North Pewaukee Road
Waukesha, WI 53188

CERTIFIED MAIL

NOTICE OF VIOLATION

RE: Contamination at 1005 Perkins Avenue, Waukesha, WI 53187.

Dear Mr. Dindorf:

The Department of Natural Resources has reason to believe that you are in violation of s. 292.11(3), Wis. Stats., which 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.

Department records indicate that the you owned the property at 1005 Perkins Avenue, Waukesha, Wisconsin, from 1936 to 1981. During the 1970s, Hein-Werner operated a manufacturing facility at the site. Department records indicate that paint line wastes were buried on the property during this time. These records include interviews from former employees and historical records from the Waukesha Fire Department.

Mike Ellenbecker, Hazardous Waste Investigator, noted barrels of paint waste on the property and collected three samples of the waste on December 20, 1994. These samples indicate that the wastes contained elevated levels of heavy metals. In addition, one of the samples contained lead concentrations above the regulatory limit of 5 mg/L which classified this waste as a hazardous waste. An additional sample of waste paint was collected by the Department on May 23, 1996. This sample was determined to be a characteristic hazardous waste.

Mr. Ellenbecker also noted drums at the site on March 10, 1997. Six soil samples were collected during Mr. Ellenbecker's inspection on this date. All six samples contained high levels of metals. These sample results indicate a release to the environment.

The Department contends that Hein-Werner has caused a discharge of a hazardous substance and is therefore responsible for restoring the environment. Subsequently Mr. Scott Ferguson sent a "responsible party" letter dated August 20, 1997 to Hein-Werner. This letter required Hein-Werner to take the actions necessary to restore the environment.



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Mr. James Wilke, corporate attorney, responded to Mr. Ferguson in a letter dated August 28, 1997. In this letter Mr. Wilke states that "Hein-Werner will not , however, proceed with the steps outlined in your August 20 letter..".

Therefore, I have schedule the following enforcement conference to discuss this matter further:

Conference Date: July 1, 1998
Conference Time: 10:00 a.m.
Location: Southeast Region Annex Building
4041 N. Richards Street
Milwaukee, WI 53212

Please be advised that under s. 281.98(1), Wis. Stats., the Department is authorized to seek forfeitures of up to \$5,000 per day for violations of Wisconsin's Spill Law.

You can contact me at (414) 263-8670 or Scott Ferguson at (414) 229-0849 if you have any questions on this matter.

Sincerely,

David Dahms

David Dahms
Environmental Enforcement

c: Ed Lynch - BRR/3
Scott Ferguson - SER Annex

