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CERTIFIED MAIL RETURN RECEIPT

Date: October 27, 1998

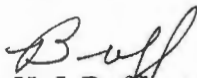
To: **Scott Ferguson**
WDNR
4041 N. Richards St.
Milwaukee, WI 53212

Re: Executed Service Agreement and Statement of Qualifications for KEY Engineering Group; Perkins Site, Waukesha, Wisconsin.

Dear Mr. Ferguson:

With regard to the remedial investigation of environmental conditions at the 1005 Perkins Avenue Site, Waukesha, Wisconsin, please find attached an executed service agreement between Hein Werner and KEY Engineering Group and KEY's Statement of Qualifications.

Best Regards,


H. J. Buffington

Cc: Gary Henning
Lori Richardson
Brooke Adams
Tami Quincanon

**KEY ENGINEERING GROUP, LTD.
AGREEMENT**

THIS AGREEMENT is entered into on this 19th day of October, 1998, by and between Key Engineering Group, Ltd. (hereinafter called "Key"), and Heinz Werner (hereinafter called the "Client").

WITNESSETH:

WHEREAS, Client desires that Key perform professional consulting services as described in Exhibit A and as further described on a task order basis jointly executed in writing by the Client and Key under this agreement.

WHEREAS, Key has agreed to perform such services in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants contained herein, the parties hereto agrees as follows:

1. Site. "Site" means:

Mallery Improvements
1005 Perkins
Waukesha, Wisconsin 53187

2. Services.

"Services" means those services to be performed by Key pursuant to this Agreement, as set forth in Exhibit A and as modified in writing on a task order basis or by written change order. It is Key's duty to render Services to the Client and to exercise that degree of care, skill and judgment which is usually exercised under like or similar circumstances by Consultants practicing in this state. Key shall commence and complete the Services promptly following the execution and delivery of this Agreement or at such later time as the parties shall agree upon in writing.

3. Compensation and Payment.

(a) Unless the Agreement provides otherwise, the proposed charges represent an estimate of the charges required to complete the described work. Client shall pay to Key as compensation for Services based upon the Hourly Rate Fee Schedule, attached hereto, unless the work is agreed to be performed for a fixed price.

(b) Key shall submit progress invoices to Client's Representative on a monthly basis showing the Services performed during the invoice period and the charges therefor. Payments shall be due and owing upon receipt of invoice.

(c) Within 30 days of the date of Key's invoice delivered to Client, Client shall pay the full amount of such invoice; provided, however, that if Client objects to all or any portion of an invoice, Client shall notify Key of Client's objection within ten (10) days from the date of invoice, and the parties shall immediately make every effort to settle the disputed portion of the invoice.

4. Warranty.

(a) Key warrants that the Services will be performed by it in a professional manner.

(b) If Key breaches the warranty contained in subparagraph (a) of this Paragraph 4, Key shall be given an opportunity to correct any Services at no additional charge to Client.

(c) Any claim pursuant to this Paragraph 4 must be in writing and such claim shall set forth in reasonable detail all known facts upon which it is based.

(d) Key shall be responsible to identify all utilities and underground structures (ie, Digger's Hotline).

5. Indemnification.

(a) Subject to the provisions of subparagraph 5(c) and except as expressly set forth in subparagraph (b) of this Paragraph 5, Client shall indemnify and hold Key, its directors, officers, and employees harmless from and against any and all liabilities, losses, damages, costs, and expenses (excluding attorney's fees) which Key, its directors, officers, and employees may hereafter suffer in connection with any claim, action, or right of action (at law or in equity) because of any injury (including death) or damage to person or property which arises out of any act of negligence or willful misconduct by Client or its directors, officers or employees, agents or invitees.

(b) Subject to the provisions of subparagraph 5(c) and except as expressly set forth in subparagraph (a) of this Paragraph 5, Key shall indemnify and hold Client, its directors, officers, and employees harmless from and against any and all liabilities, losses, damages, costs and expenses (excluding attorney's fees) which Client, its directors, officers, and employees may hereafter suffer in connection with any claim, action or right of action (at law or in equity) because of any injury (including death) or damage to person or property which arises out of any act of negligence or willful misconduct by Key or its directors, officers, employees, agents, independent contractors, material suppliers or invites. This indemnity shall be limited to the following dollar amounts listed under Paragraph 6 Insurance.

(c) In the event there is joint negligence on the part of Client and Key, the responsibility therefore and the indemnification obligations set forth in Paragraphs 5(a) and 5(b) shall be prorated to reflect the relative degree of negligence or fault attributable to Client and Key.

(d) At the Client's option, Key may be asked, to participate on an advisory basis at Key's currently existing hourly rates, in the defense of any claim or action referred to in Subparagraph (a) of Paragraph 5.

6. Insurance.

Key shall maintain in connection with the Services, for the term of this Agreement, one or more insurance policies with the following coverage and limits:

Worker's Compensation	Statutory
Employer's Liability	\$100,000 per accident \$100,000 per employee (disease)

Commercial General Liability	\$1,000,000 per occurrence
Bodily Injury and Property Damage (including Environmental Impairment Coverage or Pollution coverage endorsement)	\$1,000,000 aggregate
Professional Liability Errors	\$1,000,000 limit
Automobile Liability	\$1,000,000 per occurrence

7. Permits, licenses and access agreements.

Client shall cooperate with Key in obtaining any permits or licenses required for the performance of the Services. Client shall obtain access agreements when necessary for the performance of services. Client shall pay all costs and fees necessary for such permits, licenses and access agreements.

8. Suspension of Services or Termination of Services.

(a) Client may suspend, at any time, all or any part of the Services, or terminate all of the remaining Services to be performed pursuant to this Agreement either For Cause or due to the Client's wishes, by giving to Key two (2) days prior written notice. Upon receipt of such notice, Key shall promptly discontinue the Services except to the extent specified in such notice. Client shall pay and reimburse Key per one of the following methods:

(I) Termination of Services For Cause: if Client terminates the Services For Cause, payment shall be made in accordance with the process presented in Paragraph 3(c); or

(ii) Suspension of Services: if Client suspends services payment shall be made in full for all of the Services performed by Key prior to the effective date of said notice for which payment has not already been made; and all reasonable costs associated with demobilization of Key's personnel and equipment, and all other costs which Key is or will become legally obligated to pay in connection with the performance of the Services (including, but not limited to, amounts due under the subcontracts and supply agreements).

(b) Key may suspend performance of Services by giving Client five (5) days prior written notice hereof, if:

(I) Client is in default in its payment obligations under Paragraph 3; or

(ii) Force Majeure, as set forth in Paragraph 10 hereof, causes an uninterrupted continual delay of thirty (30) days or more.

9. Key As Independent Contractor.

Key, in performing the Services, shall be deemed to be an independent contractor and not an agent or employee of Client.

10. Force Majeure.

No delay or failure in performance by either party hereto shall constitute default hereunder or give rise to any claim for damages, if, and to the extent, such delay or failure is caused by an occurrence beyond the reasonable control and without the fault or negligence of the party affected and by which said party is unable to prevent or provide against by exercise of reasonable diligence, including, but not limited to, Acts of God or the public enemy, expropriation or confiscation of facilities, material changes in applicable law, war, rebellion, sabotage or riots, floods, unusually severe weather, fires, explosions, or other catastrophes (collectively, "Force Majeure"). Unless such Force

Majeure substantially frustrates performance of this Agreement, it shall not operate to excuse, but only to delay performance hereunder, except as provided in Paragraph 8(b)(ii) hereof.

11. Access to Site and Information.

In order that Key may perform the Services, Client represents, warrants, and covenants that:

(a) prior to the execution and delivery of this Agreement, Client has supplied to Key all information and documents in its possession, custody, or control known to the Client and (i) material to the Site and (ii) necessary for the performance of the Services, including the location of subterranean structures and conditions such as, but not limited to, pipes, tanks, and telephone cables; and

(b) during the term hereof,

(i) Key will have complete access to the Site and any facilities located thereon required to perform the services;

(ii) Client shall continue to supply to Key all material information and documents in its possession, custody or control known to the Client and material to the Site and the Services; and

(iii) Client will give prompt notice to Key whenever it becomes actually aware of any development that materially and adversely affects the scope or timing of the Services.

12. Assignment of Agreement.

Neither party shall assign this Agreement or any part hereof without the prior written consent of the other party. Any assignment not made in accordance with this Agreement shall be void.

13. Subcontracts.

Key may subcontract any part of the Services without the prior written approval of Client, but such subcontracting shall not relieve Key of any of its obligations under this Agreement.

14. Survival of Obligations.

Obligations of the parties under this Agreement shall survive termination or suspension of the Services or of this Agreement.

15. Entire Agreement.

This Agreement constitutes the entire Agreement between the parties and supersedes all prior negotiations, representations or agreements relating thereto, written or oral, except to the extent they are expressly incorporated herein. Unless otherwise provided for herein, no amendments, changes, alterations or modifications of this Agreement shall be effective unless in writing signed by Client and Key.

16. Successors and Assigns.

This Agreement shall inure to the benefit of and be binding upon the successors and permitted assigns of the parties.

17. Notices.

Any notice required or permitted to be given under this Agreement shall be in writing and shall be deemed duly given if delivered by facsimile, delivered by Federal Express, if delivered in person or deposited in the United States mail, first-class certified or registered mail, postage prepaid, return receipt requested.

18. Nondiscrimination.

Key covenants that, in providing the Services, no person, on the grounds of race, color, age, religion, sex, or natural origin, shall be excluded from participation therein, denied the benefits thereof, or otherwise be subjected to discrimination with respect thereto.

19. Governing Law.

This Agreement and the legal relations of the parties hereto shall be governed by the laws of the State of Wisconsin.

20. Severability.

The various terms, provisions and covenants herein contained shall be deemed to be separable and severable, and the invalidity or unenforceability of any of them shall in no manner affect or impair the validity or enforceability of the remainder hereof.

21. Disposal of Contaminated Material.

Key is not, and has no authority to act as, a handler, generator, operator, treater, storer, transporter or disposer of hazardous waste, substances, pollutants or contaminants found or identified at the site. Key shall have no responsibility for the transportation, storage, treatment or disposition of contaminated or potentially contaminated waste materials of any kind which are directly or indirectly generated from Key's performance of the Services hereunder. Client shall be responsible for the disposal of any such waste materials and shall be the named party on any such waste manifests. Environmental samples are not considered contaminated materials with regard to this section.

22. Reports and Ownership of Documents.

Key shall furnish six (6) copies of each report to Client. Additional copies shall be furnished for the cost of copying. With the exception of Key's final report(s) to Client, all other documents relating to the preparation of the report, including but not limited to, notes, support data, text data, memoranda and other preparation materials are and remain the property of Client. Key agrees to return all reports and information supplied by the Client.

23. Wisconsin Construction Lien Law.

AS REQUIRED BY THE WISCONSIN CONSTRUCTION LIEN LAW, KEY HEREBY NOTIFIES CLIENT THAT PERSONS OR COMPANIES FURNISHING LABOR OR MATERIALS FOR THE CONSTRUCTION ON CLIENT'S LAND MAY HAVE LIEN RIGHTS ON CLIENT'S LAND AND BUILDINGS IF NOT PAID. THOSE ENTITLED TO LIEN RIGHTS, IN ADDITION TO KEY, ARE THOSE WHO CONTRACT DIRECTLY WITH THE CLIENT OR THOSE WHO GIVE THE CLIENT NOTICE WITHIN SIXTY (60) DAYS AFTER THEY FIRST FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION. ACCORDINGLY, CLIENT PROBABLY WILL RECEIVE NOTICES FROM THOSE WHO FURNISH LABOR OR MATERIALS FOR THE CONSTRUCTION, AND SHOULD GIVE A COPY OF EACH NOTICE RECEIVED TO THE MORTGAGE LENDER, IF ANY. KEY AGREES TO COOPERATE WITH CLIENT AND THE CLIENT'S LENDER, IF ANY, TO SEE THAT ALL POTENTIAL LIEN CLAIMANTS ARE DULY PAID.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of Key and on behalf of Client as of the date first above written.

Client: HEW WERNER

By: Arcan J. Buffington

Title: Director Industrial & Environmental Service

Date: 10/19/98

Attest: _____

Key Engineering Group, Ltd.

By: [Signature]

Title: vice president

Date: 10/19/98

Attest: _____



March 28, 2013

GIUFFRE XVI LLC
445 W. OKLAHOMA AVE.
MILWAUKEE, WI 53207

SUBJECT: Request for Status Update
Former Hein Werner Property, 1005 Perkins Ave., Waukesha, WI
FID #268003120
WDNR BRRTS #02-68-000916

Dear Sir or Madam:

On 09/01/1992, you were notified by the Wisconsin Department of Natural Resources (DNR) of your responsibility to investigate and, as needed, clean up contamination located at the above-referenced property. As the responsible party of this property you have certain legal responsibilities, as outlined in Section 292.11(3), Wisconsin Stats., also known as the hazardous substances spills law. Section 292.11(3) states:

- **RESPONSIBILITY.** 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 to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of the State.

In order to get this case back on track toward DNR case closure, please submit or have your consultant prepare and documentation on the status of this case. If you do not have a consultant, please notify the department in writing within the next sixty days as to your intentions to submit the requested documentation. A lack of response to this letter may result in the initiation of formal enforcement actions.

Forward the requested updates, detailing the current status of the case, and all future correspondence to:

Victoria Stovall
Wisconsin Department of Natural Resources
2300 N Dr Martin Luther King, Jr. Dr.
Milwaukee WI 53212-3128

If you have any questions regarding this letter, please feel free to contact me.

Sincerely,

Mark Drews, P.G.
(262) 574-2146
Mark.Drews@wisconsin.gov
Remediation and Redevelopment Program

cc: SER file

1998 NOV -6 PM 3:15

CERTIFIED RETURN RECEIPT

November 5, 1998

Mr. Scott Ferguson
Wisconsin Department of Natural Resources
4041 North Richards Street
Milwaukee, WI 53212

Re: Site Investigation Work Plan, 1005 Perkins Avenue, Waukesha, WI
WDNR FID#268091890

Dear Mr. Ferguson:

Enclosed is the Site Investigation Work Plan for the referenced site. The Plan presents the site investigation objectives; review of pertinent background information, including summaries of previous investigation and remedial action data; a conceptual site model; the site investigation scope; and project management information including an estimated site investigation timeline. Also included are a Sampling and Analysis Plan, a Quality Assurance Plan, a Data Management Plan and a Health and Safety Plan for the project.

We will promptly proceed with implementation once your review and approval is completed.

Best Regards,


H. J. Buffington

Cc: Gary Henning
Lori Richardson
Brooke Adams
Tami Quincannon

DATE: October 30, 2002

FILE REF: 268003120

TO: Close Out Committee

FROM: Brenda Boyce

SUBJECT: Former Hein Werner site

Jim Delwiche has kindly agreed to present this case to the Committee in my absence, as I am in enforcement training in Madison this week. To refresh your memories of when I brought this last time, they had removed some drums/partial containers of hazardous waste (paint residue) from the site and did not collect any confirmation samples following removal. My letter is attached. They found some additional waste when they went back to sample and disposed of that properly. The lab results indicated that there were two soil samples that contained lead over the industrial direct contact level (NR 720 Table 2) of 500 mg/kg. These are identified as sample locations Area 2 and Area D. TCLP was run on all the samples >100 mg/kg and lab results indicated that the lead is not leaching (no detection).

The consultant (Key) has calculated a direct contact exposure concentration by deriving the arithmetic mean all the near surface lead results across the site. They indicate this is consistent with DNR guidance, but the only guidance I found on lead is RR Guidance: Commonly Asked Questions About the Lead (Pb) Soil Standards in Wisconsin (PUB-RR-653). This document recommends two modeling programs to determine SSRCLs, but neither are really applicable to this scenario. IEUBK is designed for determining residential values for children and the RBRG model needs adult blood -Pb samples. I spoke with Resty Pelayo about this technique of "averaging" the lead results, and he said that it is not appropriate since the samples were not collected in a grid pattern. I relayed this to the consultant who said that this method of "hot spot" sampling produces a higher concentration than grid sampling, so it is therefore more conservative.

So, my recommendation is that additional sampling be done to the northeast of Areas 2 and D to delineate the extent of the lead contaminated soil >500 mg/kg. Once that is done, what direction should I give the consultant? Can we accept the calculated exposure concentration or do they need to address the direct contact issue with either a soil performance standard or dig it out? They have stated that they would not be amenable to covering this area with asphalt or concrete because it is in a remote, brushy/woody area. Would covering the area with a layer (1-2 feet) of clean soil be acceptable as their cap? The area is not fenced, so public access is currently not restricted. They don't want to fence this area either based on the same reasons why they didn't want to pave it.



HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

Form 4430-5

Rev. 1-94

State of Wisconsin
Department of Natural Resources

*Waukesha Co.
ERR/ERP*

ID 366

Pg 1 of 1

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date	Initials	CMEL Data Entry Date	Initials	Entract Data Entry Date	Initials
Facility Name (As shown on current EPA Notification Printout) AKERMAN INC				EPA ID Number WID009325275		FID Number 268091890	
Street/Location 1005 PERKINS AVE				Notification Status (As shown in a current EPA Notification Printout) Principle Notified Status LQG			
1/4 of 1/4 of Section Town Range				This Facility is also a (circle all that apply) LQG SQG VSQG TRANS TSD			
City, Zip Code WAUKESHA 53187		County District WAUKESHA SED		Type of Contact FIELD INSPECTION		Contact Date 11/11/93	
Contact Name/ Phone FRANK P. GIUFFRE (414) 764-9200							

B. FACILITY INSPECTED AS:

Facility Inspected As : Unlicense TSD

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status Is _____

Name Change : Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input checked="" type="checkbox"/> Complaint (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp (Date _____) (5) | <input type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input checked="" type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review (3) [FRR _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information
14		INF	11/11/93	3/8/95	4/7/95		X	144.64(2)(am)	Closure of Misc unit

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: Obsvrd part. buried drums in ground. Facility is now rented out to small "shops". Facility is owned by Guiffre Brothers.

HW-SW/3 Comments: _____

District/Area Signature(s) Mike Ellenbecker MIKE ELLENBECKER Date March 08, 1995

Documentation Inspection Form; Attachment # _____ Letter/NON/NOV/ to Facility District Review Date _____
 Status Change Form Other _____

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CMEL entry Copy 3 - HW-SW/3 Copy 4 - Area



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
P.O. Box 12436
4041 North Richards Street
Milwaukee, Wisconsin 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

March 8, 1995

IN RESPONSE REFER TO: FID#: 268 09189 0
County of Waukesha
HW/ CMEL

Frank P. Giuffre
Mallory Improvements
6635 South 13th Street
Milwaukee, WI 53221
(414) 764-9200

Dear Mr. Giuffre:

Under Wisconsin law, the Department of Natural Resources is responsible for enforcing statutes relating to the reporting and remediation of hazardous waste contamination under § 144.64(2), Wisconsin Statutes. The purpose of this letter is threefold: to make sure persons know their responsibilities under the law and act accordingly; to explain what you need to do to investigate and clean up the contamination; and to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

The Department is in the process of identify other potential responsible parties who may have caused or contributed to the contamination on site. Any information that you can provide regarding past waste management activities of the facility would assist the Department in identifying other responsible parties.

On November 11, 1993, the Department began an investigation at the VME/Akerman site located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose of the investigation was to determine the validity of an anonymous complaint alleging the disposal of hundreds of 55-gallon drums containing waste paints and solvents. The Department's investigation showed that there are partially exposed 55-gallon drums in the north east corner of the facility. Further inspection of the drums showed that the drums contained a paint like waste.

On December 20, 1994, one soil sample (HW3) and two waste samples (HW1, HW2) were collected from the site. Sample HW1 showed lead concentration above the regulatory limit of 5 mg/l (see attachments). This waste sample is therefore classified as a toxic hazardous waste. All of the samples showed high levels of heavy metals.

Legal Responsibilities:

Under § 144.64(2m), Wis. Stats., any person who disposes of hazardous waste at an unapproved location or otherwise operates a hazardous waste disposal facility without a license from the Department must prepare and submit a hazardous waste facility closure plan to the Department for its review and approval. To clean close a hazardous waste facility, all wastes, all constituents and all contamination resulting from hazardous waste management activities must be cleaned up. If a hazardous waste facility is unable to clean close, it must close as a hazardous waste landfill; in that case, the owner/operator must also prepare and submit a long-term care plan for the facility. The closure plan and long-term care plan must conform to Department rules, and the plans, as approved by the Department, must be implemented.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigation, design and operation of a remedial action system, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.



Steps to Take:

The longer contamination is left in the environment the further it can spread and the more difficult it is to clean up. To ensure that the cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant. These are the first four steps to take:

- 1.) By March 21, 1995 submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this time line.
- 2.) By April 7, 1995 your consultant must submit a work plan and a schedule for conducting the investigation. The consultant must follow the Department's administrative codes and the Department's technical guidance documents. Please include with your work plan a copy of any previous information that has been completed.
- 3.) Please keep the Department informed about what is being done at your site. You or your consultant must provide the Department with a brief report every 90 days, starting after the work plan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
- 4.) When the site investigation is completed, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

The time frame above allows for you to hire a consultant and develop a work plan. The time frame does not forgive past or future violations, but recognizes the practical aspects of hiring a qualified environmental consultant and having the scope of work developed.

Additional Information:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

All correspondence to the Department should be identified with the assigned WDNR facility identification number FID 268 09189 0, County of Waukesha, HW/GENCL.

Thank you for your cooperation. If you have questions regarding this letter, please call me at (414) 229-0855 or 961-2719.

Sincerely,



Michael J. Ellenbecker
Hazardous Waste Investigator

Enclosures: Selecting an Environmental Consultant.
 Environmental Services Contractors List.
 Cleanup Process for Emergency and Remedial Response Program.
 Quarterly Updates for Cleanup of Contaminated Properties.
 Wisconsin Administrative Code NR 700 Outline.
 Laboratory Results from Samples Collected

c: SED Casefile

DATE: November 15, 1993

IN RESPONSE REFER TO: EPA#:WID 006 072 698
FID#: 268 00312 0
County of Waukesha
HW/CMEL

TO: Hein Werner Corp. File

FROM: Michael J. Ellenbecker
Hazardous Waste Investigator

SUBJECT: Site Visit at Hein Werner Corp.

On Thursday November 11, 1993, at approximately 10:00 hours Michael J. Ellenbecker, Hazardous Waste Investigator arrived at Akerman located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187-1606. The purpose for the site visit is to determine the validity of a complaint regarding the burial of drums containing waste paints and solvents.

Ellenbecker met Cicalia Waldron, Site Manager. Ellenbecker introduced himself and explained the purpose for the site visit. Waldron explained to Ellenbecker that Giuffre Brothers rents out spaces to other companies for warehousing, and that no manufacturing occurs on site. Ellenbecker asked Waldron if he could inspect the back area of the facility. Waldron stated yes. Ellenbecker used a metal detector on the site.

Ellenbecker's inspection of the facility showed two areas of concern. Ellenbecker observed 3 monitoring wells (see figure 1 for locations) at the facility. In the area of one of the monitoring wells (see figure 1 for location) there is evidence of numerous soil boring. Ellenbecker also observed a partially exposed drum lid and a partially exposed 55-gallon steel drum (see figure 1 for locations) in poor condition. Ellenbecker observed that the contents of the 55-gallon steel drum appears to be a dried paint like material. Ellenbecker also observed numerous excavation pits in the area near the drums (see figure 1 for locations).

On November 15, 1993, Ellenbecker contacted Dan Belalki, a representative of Machinist Union District 10, phone number (414) 643-4334. Belalki stated that Belalki did not have the names of any of the union people who worked at Hein Werner Corp. Belalki told Ellenbecker that Ron Olson, (414) 547-7303; Ron Fleming, (414) 925-3891; Doug "last name unknown", (414) 392-2405 would have information about union members and activities that occurred at Hein Werner. Belalki stated that Local 1377, phone number (414) 542-7340, represented Hein Werner employees. Belalki stated that Hein Werner worker on hydraulic jacks and the Akerman, Inc., located in the same building, manufactured backholes.

Ellenbecker left the site at approximately 12:00 hours.

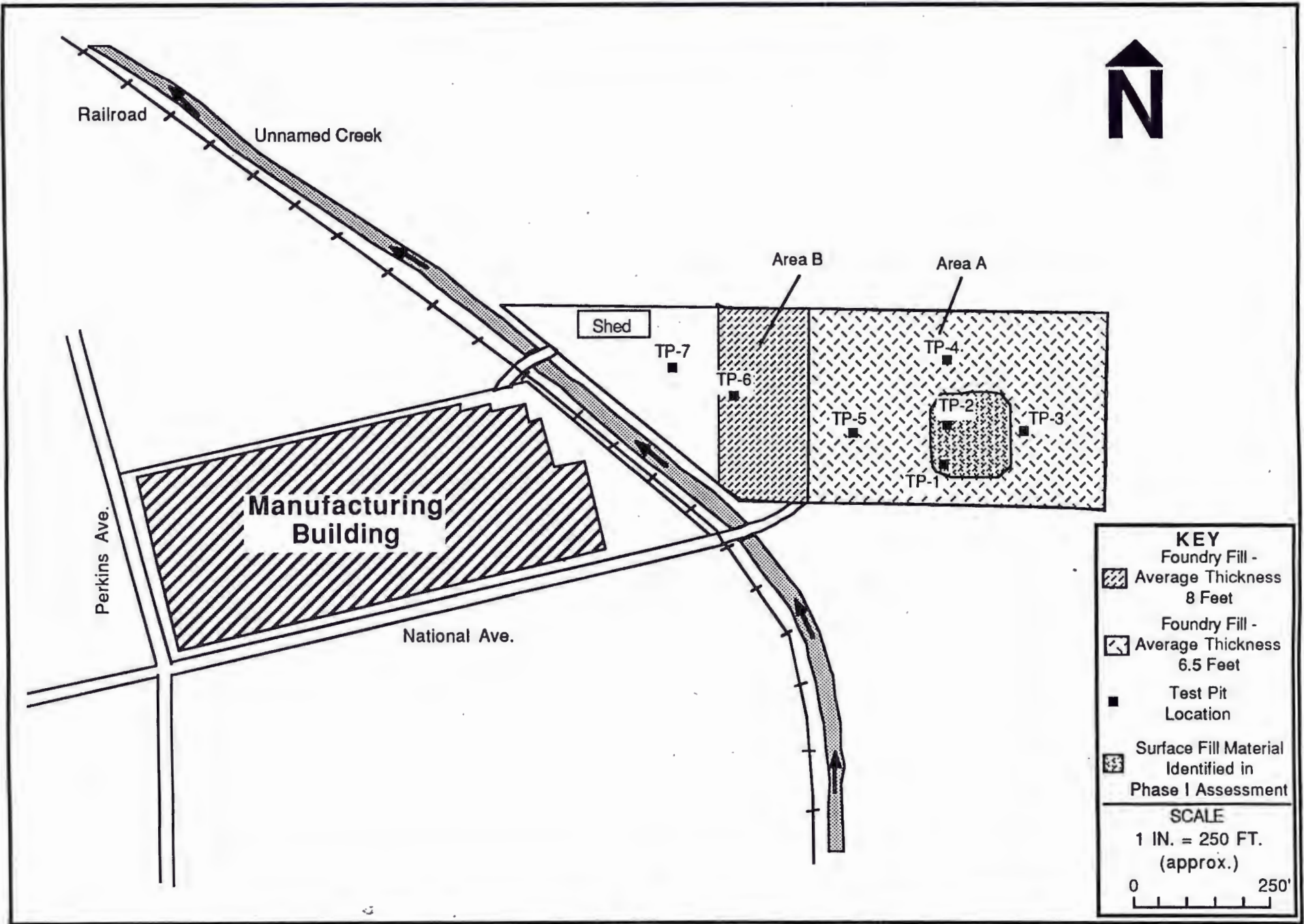


Figure 7.
Foundry Fill Areas
 VME/Akerman Excavators, Waukesha, Wisconsin

TABLE 2
Results of Laboratory Analysis

Parameter	Parameter Concentration ⁽¹⁾							Acceptance Limits
	TP-1 (5'-6') ⁽²⁾	TP-2 (5-6')	TP-3 (8-9')	TP-4 (6-7')	TP-5 (5-6')	TP-6 (5-6')	TP-7 (4-5')	
TCLP Volatiles								
Tetrachloroethylene	0.013	0.024	<0.005	<0.005	<0.005	<0.005	0.054	0.7
Trichloroethylene	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.017	0.5
TCLP Acid Extractables and Base/Neutrals	BDL	BDL	BDL	BDL	BDL	BDL	BDL	(3)
TCLP Metals								
Barium	0.6	0.5	0.6	0.4	0.5	0.3	0.4	100.0
Nickel	<0.1	<0.1	0.2	<0.1	0.2	0.4	<0.1	35.0
Zinc	0.5	0.3	0.4	0.2	0.4	0.2	0.1	200.0
TCLP Phenol	<0.12	0.33	0.20	<0.12	<0.12	<0.12	<0.12	2000 mg/l
Chlorine	<0.015%	<0.015%	0.016%	<0.015%	<0.015%	<0.015%	<0.015%	<1.0%
Cyanide	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	50 mg/l
Reactive Sulfide	<1.3 mg/kg	49 mg/kg	<1.3 mg/kg	<1.3 mg/kg	<1.3 mg/kg	4.8 mg/kg	<1.3 mg/kg	50 mg/l
Closed Cup Flash-Point	>200°F	>200°F	>200°F	>200°F	>200°F	>200°F	>200°F	>140°F
PCBs	4.5 mg/kg	2.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<Detection Limits

(1) Concentrations shown as mg/l unless otherwise noted. The units mg/l and mg/kg are approximately equal to parts per million.

(2) Sample interval shown as feet below ground surface.

(3) Acceptance limits for TCLP Acid Extractables and Base/Neutrals are shown in Table 1.

Date: May 10, 1993

File Ref:

To: Hein-Werner Company File

From: Sandy Miller *SM*

Subject: Discussion with Anonymous caller

On May 2, 1993, Sandra Miller received a call from an anonymous male about the Hein-Werner Company located at 1005 Perkins Street in the City of Waukesha. The complainant said he was an ex-employee who had worked at Hein-Werner for 15 years. The complainant said that Hein-Werner Company moved to the Skyway Plaza by the Waukesha Airport about 6 months ago. The complainant said that he was calling about Hein-Werner because of the recent publicity given to the drums buried in Hartland.

The complainant said that there are "hundreds" of 55 gallon barrels containing leaded paint and solvents in the swampy area behind the building where Hein-Werner had been located on Perkins Street. The complainant said that although he was not directly involved in the burying of the drums, he witnessed the drums being buried. The complainant said that the drums were probably buried about 3 to 10 feet deep and could be detected with a metal detector. The complainant said that other metal waste was also buried in the swampy area with the drums. The complainant said that Hein-Werner made backhoes and they would use a backhoe to bury the drums in the swamp. The complainant said the drums with their contents were buried. The complainant said that some of the containers were closed, but that some were open such that he witnessed the contents spilling out of the drums while they were being buried. The complainant said that some of the drums ignited while they were being buried. The complainant said he remembered the solvents included trichloroethylene. The complainant said that the dumping of the drums has been going on in the swampy area since about 20 years ago and didn't stop until about 6 months ago.

The complainant said that the area where Hein-Werner had been located on Perkins Street is now serviced by city sewer and water. The complainant said that Hein-Werner is still operating in Baraboo. The president, Joe Dindorff, is aware of the burying of the wastes and can be reached at the Skyway Plaza location at phone #542-1050. The complainant said that Dindorff sold the property and building on Perkins Street for warehousing in December, 1992.

The complainant would not give Miller his name. The complainant said that he would have the backhoe operator, Rollie, give Miller a call.

(Note: As of May 10, 1993, Miller has not received a phone call from Rollie.)

Hazardous Waste Investigation/Inspection Report

State of Wisconsin
Department of Natural Resources

Facility Name : <u>AKERMAN IN</u>	EPA ID : <u>WID009325275</u>	FID ID : <u>268091890</u>	ID : <u>801</u>	Pg <u>1</u> of <u>2</u>
Related Facility : <u>AKERMAN INC</u>	Notified Status : <u>NON-HAZ. WASTE ENTITY</u>			
Site Address : <u>1005 PERKINS AVE</u>	Facility Inspected As : <u>Under Review</u>			
<u> </u> 1/4 of <u> </u> 1/4 of Section <u> </u> Town <u> </u> Range <u> </u>	Site Investigator : <u>MIKE ELLENBECKER</u>			
City : <u>WAUKESHA</u>	Zip : <u>53187</u>	County : <u>WAUKESHA</u>		
Lead Investigator : <u>MIKE ELLENBECKER</u>				
Contact Name : <u>TODD PROCTOR</u>	Phone Number : <u>(414) 764-9200</u>	Type of Contact : <u>FIELD INSPECTION</u>	Hours on site <u>1</u>	Contact Date : <u>12/20/94</u>

Site Narrative :

On Thursday December 20, 1994, at approximately 13:30 hours Hazardous Waste Investigator Michael J. Ellenbecker and Hydrogeologist Scott Ferguson arrived at Akerman Inc. located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to collect samples from the buried drums located in the back on the facility.

Ellenbecker and Ferguson met Todd Proctor, Property Manager for Mallery Improvements. Ellenbecker introduced Ellenbecker and Ferguson to Proctor. Ellenbecker explained to Proctor the purpose for the site visit.

Ellenbecker collected a total of three samples identified as HW1, HW2 and HW3. The first two samples (HW1 and HW2) were collected from partially buried drums. The third sample (HW3) was a soil sample. Approximately 80% of the ground was covered with several inches of snow.

All of the samples were placed into a clean quart glass mason jar with teflon lids. The sample containers were supplied by the State Lab of Hygiene. Sample collection began at approximately 13:40 hours and ended at approximately 13:55 hours. Ellenbecker offered to split samples with Proctor. Proctor declined. Proctor stated that Proctor will hire a consultant to collect samples. Proctor did take photos of the sampling points.

Ellenbecker collected sampled HW1 near a partially buried 55-gallon steel drum located in the northeast corner of the facility. Sample number HW1 consisted of a dried orange like paint waste. Sample HW1 was collected with a stainless steel trowel.

Ellenbecker collected sampled HW2 from a partially buried 55-gallon steel drum located in the northeast corner of the facility. Sample number HW2 consisted of a dried orange like paint waste. Sample HW2 was collected with a stainless steel trowel.

Ellenbecker collected sampled HW3 from beneath a chunk of dried orange paint like waste located in the northeast corner of the facility. Sample number HW3 consisted of a black soil. Sample HW3 was collected with a stainless steel trowel.

Ellenbecker, Ferguson and Proctor walked over to the midnight dumping waste pile. Ellenbecker and Ferguson explained to Proctor that Proctor will need to disposed of the midnight dumping waste pile. Ellenbecker told Proctor that Ellenbecker had observed containers-from a previous site visit-labeled as containing pesticides and creosote.

Ellenbecker and Ferguson left the facility at approximately 14:00 hours.

if New Facility
Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W1 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/97 Time: 13:45 Sample Location In back of facility on N side Dmm

Description Orange paint like waste

Send Report To: Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:
 S Split F Filtered R RCRA E Enforcement B Field Blank

Post-it® Fax Note	7671	Date	3-3-95	# of pages	7
To	Dave Edquist	From	Mike Ellenbecker		
Co./Dept.		Co.	961-2719		
Phone #		Phone #	961-2719 or		
Fax #	273-7397	Fax #	229-1050		

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO) _____
- Ammonia-N _____
- Arsenic (As) _____
- Barium (Ba) _____
- BOD₅ Day _____
- Boron (B) _____
- Cadmium (Cd) _____
- Calcium (Ca) _____
- COD _____
- Cond-Lab(uMHOS)@25°C _____
- Chloride (Cl) _____
- Chromium (Cr) _____
- Chromium Hex _____
- Copper (Cu) _____
- Fluoride (F) _____
- Hardness (as CaCO₃) _____
- Iron (Fe) total only _____

- Lead (Pb) _____
- Magnesium (Mg) _____
- Manganese (Mn) _____
- Mercury (Hg) _____
- NO₃ + NO₂ (as N) _____
- Kjeldahl-N _____
- pH - Lab (Su) _____
- Selenium (Se) _____
- Sodium (Na) _____
- Sulfate (SO₄) _____
- Total Solids _____
- Total Dis. Solids _____
- Zinc (Zn) _____

Comments or add. parameters
Run totals, IF total exceed TCLP limits run TCLP

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total Dissolved.

Date Received And Sample No. _____

Date Reported _____

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458 DNR LAB ID 113133790
Inorganic chemistry (#1 of 54 on 03/06/95, unseen)

Id: Point/Well/... Field #: HW1 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE DRUM
Description: ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER

DNR Source: Other
MILWAUKEE

Account number: SW092 Collected by: ELLENBECKER
RCRA Enforcement
Date Received: 12/22/94 Labslip #: IF016243 Reported: 03/03/95

ARSENIC, ICP, DRY WT	33.	MG/KG
BARIUM, ICP, DRY WT	410.	MG/KG
CADMIUM, ICP, DRY WT	1.7	MG/KG
CHROMIUM, TCLP, ICP	0.06	MG/L
detected between 0.02 (LOD) and 0.06 (LOQ) MG/L		
CHROMIUM, ICP, DRY WT	30000.	MG/KG
DIGESTION, TCLP, ICP	DIG MET	
DIGESTION 750.1, SOLIDS, ICP	DIG MET	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	14000.	MG/KG
LEAD, TCLP, ICP	*5.42	MG/L #2
analysis rejected		
LEAD, ICP, DRY WT	120000.	MG/KG
MERCURY, AA COLD VAPOR, DRY WT	*0.046	MG/KG #3
analysis rejected		
SAMPLE PREP/HAND II	SIEVE	
STANDARD ADDITION, AAS	SA PB	

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95
Remark #2: QC EXCEEDED, EXTRACTION DUP, AVERAGE OF 4.04, 6.81
Remark #3: SEE IF016243.MM

Memo for IF016243

--- IF016243.MM/2 - MERCURY, AA COLD VAPOR, DRY WT ---
TO: DNR FIELD STAFF
FROM: AL CLARY, INORGANIC CHEMISTRY
RE: MERCURY RESULTS FOR LAB# IF016243

Q.C. ACCEPTABLE BUT SAMPLE CHARRED, DUP = 0.058 AND SPIKE
RECOVERY = 84.2%

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT (608)262-4525.

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W2 County # 69 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/94 Time: 13:45 Sample Location In back of facility on N side Drum

Description Orange paint like waste

Send Report To: Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:
 S Split F Filtered R RCRA B Field Blank
 E Enforcement

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

SOL

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe) total only

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals, if total exceed TCLP limits run TCLP

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

2234016244

Date Received And Sample No. _____

Date Reported _____

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458 DNR LAB ID 113133790
Inorganic chemistry (#2 of 41 on 02/14/95)

Id: Point/Well/... Field #: HW2 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE DRUM
Description: ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER

DNR Source: Other
MILWAUKEE

Account number: SW092 Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 12/22/94 Labslip #: IF016244 Reported: 02/09/95

ARSENIC, ICP, DRY WT 28. MG/KG
BARIUM, ICP, DRY WT 890. MG/KG
CADMIUM, ICP, DRY WT 0.5 MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG
CHROMIUM, TCLP, ICP 0.03 MG/L
detected between 0.02 (LOD) and 0.06 (LOQ) MG/L
CHROMIUM, ICP, DRY WT 18000. MG/KG

DIGESTION, TCLP, ICP DIG MET
DIGESTION 750.1, SOLIDS, ICP DIG MET
TOXICITY CHARACTERISTIC LEACHING PROCEDURE *000 #1
IRON, ICP, DRY WT *17520. MG/KG #2
analysis rejected
LEAD, TCLP, ICP 0.54 MG/L

LEAD, ICP, DRY WT 80000. MG/KG
MERCURY, AA COLD VAPOR, DRY WT 0.048 MG/KG
SAMPLE PREP/HAND II SIEVE

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95

Remark #2: QC EXCEEDED ON DUP TWICE 16880, 26390, 16200,10630

if New Facility
Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W3 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/97 Time: 13:45 Sample Location In back of facility on N side

Description Black soil beneath ~~pair~~ orange paint like waste

Send Report To:

Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:
 S Split F Filtered R RCRA E Enforcement B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

SOL

Alkalinity (as CaCO) _____

Ammonia-N _____

Arsenic (As) _____

Barium (Ba) _____

BOD₅ Day _____

Boron (B) _____

Cadmium (Cd) _____

Calcium (Ca) _____

COD _____

Cond-Lab(uMHOS)@25°C _____

Chloride (Cl) _____

Chromium (Cr) _____

Chromium Hex _____

Copper (Cu) _____

Fluoride (F) _____

Hardness (as CaCO₃) _____

Iron (Fe) total only _____

Lead (Pb) _____

Magnesium (Mg) _____

Manganese (Mn) _____

Mercury (Hg) _____

NO₃ + NO₂ (as N) _____

Kjeldahl-N _____

pH - Lab (Su) _____

Selenium (Se) _____

Sodium (Na) _____

Sulfate (SO₄) _____

Total Solids _____

Total Dis. Solids _____

Zinc (Zn) _____

Comments or add. parameters
Run totals, IF total exceed TCLP limits run TCLP

DEC 22 1997 16245

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total Dissolved.

Date Received And Sample No. _____

Date Reported _____

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458
Inorganic chemistry (#1 of 57 on 02/17/95)

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW3 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE
Description: BLACK SOIL BENEATH ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW092

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 12/22/94

Labslip #: IF016245

Reported: 02/16/95

ARSENIC, ICP, DRY WT	8.	MG/KG
detected between 3 (LOD) and 9 (LOQ) MG/KG		
BARIUM, ICP, DRY WT	50.	MG/KG
CADMIUM, ICP, DRY WT	0.6	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	ND (LOD=0.02 MG/L)	
CHROMIUM, ICP, DRY WT	220.	MG/KG
DIGESTION, TCLP, ICP	DIG MET	
DIGESTION 750.1, SOLIDS, ICP	DIG MET	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	50000.	MG/KG
LEAD, TCLP, ICP	0.14	MG/L
detected between 0.08 (LOD) and 0.26 (LOQ) MG/L		
LEAD, ICP, DRY WT	930.	MG/KG
MERCURY, AA COLD VAPOR, DRY WT	0.064	MG/KG
SAMPLE PREP/HAND II	SIEVE	

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95

Sample Collector(s) <i>Mike Ellenbecker</i>	Title/Work Station <i>Hazardous Waste Investigator</i>	Telephone No. (include area code) <i>(717) 961-2719</i>
Property Owner	Property Address	Telephone No. (include area code)

Split Samples: Offered? Yes No (Check One)
 Accepted? Yes No (Check One) Accepted By: _____
Signature

Field ID No.	Date	Time	Sample Type		Station Location Sample Description	Lab ID Number	No. of Containers	Comments
			Comp	Grab				
<i>HW1</i>	<i>12-20-94</i>	<i>~13:45</i>		<input checked="" type="checkbox"/>	<i>In back of facility N side drum orange paint like waste</i>	<i>IF016243</i>	<i>1</i>	
<i>HW2</i>	<i>12-20-94</i>	<i>~13:45</i>		<input checked="" type="checkbox"/>	<i>In back of facility N side drum orange paint like waste</i>	<i>IF016244</i>	<i>1</i>	
<i>HW3</i>	<i>12-20-94</i>	<i>~13:45</i>		<input checked="" type="checkbox"/>	<i>In back of facility N side orange paint like waste - blue soil</i>	<i>IF016245</i>	<i>1</i>	

I hereby certify that I received, properly handled, and disposed of these samples as noted below:

Relinquished By (Signature)	Date/Time	Received by: (Signature)
Relinquished By (Signature)	Date/Time	Received by: (Signature)
Relinquished By (Signature)	Date/Time	Received for Laboratory By: (Signature) <i>Chris M. Sweeney</i>

Disposition of Unused Portion of Sample:

Dispose _____ Retain for _____ days

Return _____ Other _____

*12/22/94
9:20am*

Hazardous Waste Investigation/Inspection ReportState of Wisconsin
Department of Natural Resources

Facility Name : <u>AKERMAN IN</u>	EPA ID : <u>WID009325275</u>	FID ID : <u>268091890</u>	ID : <u>766</u>	Pg <u>1</u> of <u>1</u>
Related Facility : <u>AKERMAN INC</u>	Notified Status : NON-HAZ. WASTE ENTITY			
Site Address : <u>1005 PERKINS AVE</u>	Facility Inspected As : Under Review			
<u> </u> 1/4 of <u> </u> 1/4 of Section <u> </u> Town <u> </u> Range <u> </u>	Site Investigator : MIKE ELLENBECKER			
City : <u>WAUKESHA</u>	Zip : <u>53187</u>	County : <u>WAUKESHA</u>		
Contact Name :		Phone Number :		Lead Investigator : MIKE ELLENBECKER
		Type of Contact : FIELD INSPECTION	Hours on site 1	Contact Date : 12/1/94

Site Narrative :

On Thursday December 1, 1994, at approximately 09:00 hours Hazardous Waste Investigator Michael J. Ellenbecker arrived at Akerman Inc. located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to show VME Americas Inc. the buried drums located in the back on the facility.

Ellenbecker met Mark E. Delong, Vice President of Law and Administration for VME; Douglas J. Dahlberg, Versar Consultant for VME; and David J. Edquist, Outside Attorney representing VME. Ellenbecker introduced Ellenbecker to Delong, Dahlberg and Edquist.

Ellenbecker showed Delong, Dahlberg and Edquist the buried drums. The drums are located in the north east corner of the facility (see photos 1-25, dated 12/1/94). Ellenbecker observed approximately 1/2 dozen exposed drums and containers (see photos 13-25, dated 12/1/94). The drums appear to contain an orange paint like waste (see photos 13-25, dated 12/1/94).

Edquist and Delong explained to Ellenbecker that the property is owned by the Giuffre Brothers. Edquist and Delong explained that as a condition of the sale to the Giuffre Brothers, VME would clean up the PCB contamination and the leaking underground storage tanks. Edquist and Delong explained that VME would not be responsible for the investigation and clean up of the buried drums.

Ellenbecker also observed what appeared to be a midnight dumping pile (see photos 8-10, dated 12/1/94). Ellenbecker's inspection of the pile showed pesticide containers, cresol, oils, greases and miscellaneous debris.

Ellenbecker left the facility at approximately 10:00 hours.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Waukesha Service Center
141 NW Barstow St.
Room 180
Waukesha, Wisconsin 53188
Telephone 262-574-2100
FAX 262-574-2117

July 9, 2003

Mr. Hiram J. Buffington
Snap-on Tools
2801 80th St.
Kenosha, WI 53141

FID# 268091890
FID# 268003120
BRRTS# 02-68-000916

Subject: Closure Request for the former Hein Werner Property, 1005 Perkins Avenue, Waukesha

Dear Mr. Buffington:

The Department of Natural Resources (Department) has received and reviewed the *Additional Information* report dated May 15, 2003 from your consultant. The case was again presented to the Department's Southeast Region closure committee on July 1, 2003. After careful review of your case closure request, the closure committee has decided that the site does not meet the requirements for closure at this time.

With regard to the lead-contaminated soil that is over the Wisconsin Administrative Code NR 720.11 industrial direct contact level, the closure committee cannot accept the method of calculating the direct contact exposure concentration. This methodology is inconsistent with our code and guidance on closure of sites with direct contact exceedances.²² Although the area is covered by thick vegetation, located in an industrial area, public access is somewhat restricted, and there are only three samples that are slightly over the 500 mg/kg industrial limit, these factors are not sufficient to rule out potential exposure. Therefore, a remedial action will be required to address the direct contact threat that this soil presents.

Pertaining to the MTBE contaminated groundwater on site that is over the NR 140 Enforcement Standard (ES), the Department cannot determine whether Waukesha Iron and Metal Company or the subject property is the source of this contamination based on the limited amount of data provided. Waukesha Iron and Metal will remain the primary responsible party and will continue to be monitored regarding this issue. However, you may wish to conduct the investigative work necessary to provide sufficient evidence to the Department to enable us to determine the source of the MTBE. Without this information, the Department cannot close the former Hein Werner site.

If there is additional relevant information that was not previously provided to the Department, which you believe might change the Department's closure decision; you may submit that information for our re-evaluation of your closure request. Please direct correspondence with the site FID and BRRTS numbers noted above to: Ms. Victoria Stovall, Wisconsin Department of Natural Resources, 2300 N. Dr. ML King Jr. Dr., P.O. Box 12436, Milwaukee, WI 53212-0436.

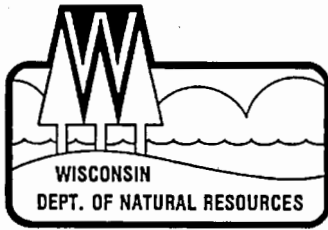
The Department appreciates the actions you have taken to restore the environment at this site. A copy of this letter has been forwarded to your environmental consultant. If you have any questions, you may contact me at (262) 574-2140.

Sincerely,

A handwritten signature in cursive script that reads "Brenda H. Boyce". The signature is written in black ink and extends across the width of the text area.

Brenda H. Boyce, P.G.
Hydrogeologist
Remediation and Redevelopment Program

C: Daniel K. Pelczar – Key Engineering Group, Ltd.
File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
4041 N. Richards Street, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-229-0800
FAX 414-229-0810

December 19, 1997

Mr. Dominick J. Giuffre
Mr. Frank P. Giuffre
6635 South 13th Street
Milwaukee, Wisconsin 53221

SUBJECT: Request for closure of polychlorinated biphenyl (PCB) contaminated soils,
Akerman, 1005 Perkins Avenue, Waukesha, Wisconsin. BRR-LUST
FID#268091890.

Dear Gentleman:

We have reviewed your request for closure of the above referenced case. Based on the information provided, we require no further action in connection with the PCB contaminated soils that were investigated and remediated at this site.

This site has been listed on the department's Register of Abandoned Landfills. Our closure of the PCB's issue does not exempt you from any solid waste regulations or hazardous waste regulations that would apply to the foundry sand or the barrels of waste that remain at the property. Due to the presence of foundry sand, if you or a future owner of the property chooses to build on the property, an exemption to build on an abandoned landfill must be obtained from the department.

We reserve the right to reopen this case pursuant to s. NR 726.09, Wisconsin Administrative Code (WAC), should additional information regarding site conditions indicate that contamination on or from the site poses a threat to public health, safety or welfare or the environment. You should note that this letter does not constitute departmental certification under s. 144.765(2) (a) 3, Stats., as created by 1993 Wisconsin Act 453 (May 12, 1994). Persons who meet the definition of purchaser in s.144.765(1)(c) must receive department pre-approval prior to conducting a site investigation in order to be eligible for the liability exemption under s. 144.765, Stats.

If you have any questions regarding this letter, you may contact me at the above address or at (414) 229-0839.

Sincerely,

Gina Keenan
Hydrogeologist

c: Versar, Inc.
SED case file

Snap-on Tools

CERTIFIED MAIL RETURN RECEIPT

November 17, 1998

Mr. Earl Vander Weilen III
Mallory Improvements
445 West Oklahoma Avenue
Milwaukee, WI 53207

DEPARTMENT OF
NATURAL RESOURCES
SED

1998 NOV 23 PM 4:09
Fid 268003120
BART 268-000916

Re: Access Agreement for Investigation Work at 1005 Perkins Avenue, Waukesha,
WI, WDNR FID#268091890

Dear Mr. Vander Weilen:

Enclosed are two copies of an Agreement For Access to Property covering the
Investigative Workplan to be implemented at the Perkins site pursuant to WDNR Order
No. 98-SEEE-056.

Please sign both copies and return one copy to:

Hiram J. Buffington
Snap-on Tools Company
2801 80th St.
Kenosha, WI . 53141

If you have any questions please contact me at 414-656-5870. Thanks for your help.

Best Regards,


H. J. Buffington

Cc: Gary Henning
Lori Richardson
Brooke Adams
Tami Quincannon

Scott Ferguson WDNR
4041 North Richards Street
Milwaukee, WI 53212

AGREEMENT FOR ACCESS TO PROPERTY

This Agreement for Access to Property ("Agreement") between Hein Werner and Guiffre Brothers d/b/a Mallory Improvements ("Property Owner") is entered into order to allow representatives of Hein Werner and the Wisconsin Department of Natural Resources ("WDNR") to enter onto and have access to property owned by Property Owner, located at 1005 Perkins Avenue, Waukesha, Wisconsin, ("the Property"), for the purpose of preparing a site investigation work plan in accordance with the WDNR Order No. 98-SEEE-056. The investigation work plan ("Work") shall be designed to define the extent and degree of horizontal and vertical soil and groundwater contamination resulting from the alleged discharge of paint wastes and solvents at the site. The Work plan shall comply with the requirements of ch. NR716, Wis. Adm. Code and all applicable federal and state laws.

Property Owner hereby grants such access to the above referenced parties subject to the following terms and conditions:

Property Owner represents and warrants that it has good and indefeasible fee simple title to the Property, free and clear of all lien and encumbrances.

Hein Werner, its employees, contractors or subcontractors (hereinafter collectively Hein Werner) shall install, operate and maintain the Work on the Property. The exact location of the Work shall be determined in consultation between Hein Werner and the designated representative of Property Owner and is outlined by the Work plan submitted to WDNR for approval.

Property Owner further agrees that, upon the mutual agreement, Hein Werner and Property Owner as to the exact location of the Work, it will allow Hein Werner access to the property in order to install, operate and maintain the Work on that portion of the Property described in the submitted Work Plan.

Hein Werner shall install, operate and maintain the Work so as not to unreasonably interfere with Property Owner's use and enjoyment of the Property. Hein Werner shall to the extent practicable, restore the Property to its original grade, condition and appearance at the completion of the Work.

Hein Werner or its agents shall be responsible for contacting Diggers Hotline prior to the performance of the Work. Property Owner will provide information regarding the location of any private underground utilities to the extent such information is reasonably available to Property Owner.

Hein Werner shall notify designated representatives of Property Owners at least three (3) business days in advance of commencing any installation or construction work on the Property.

Hein Werner shall comply with all applicable federal, state, and local laws, ordinances, rules, orders, or regulations in conducting the Work.

Hein Werner or its agents shall provide evidence of insurance satisfactory to Property Owner prior to the commencement of the Work, which insurance shall be valid during the term of the Work.

At the specific request of the Property Owner, Hein Werner shall promptly provide Property Owner with copies of information from the Work.

This Agreement may be amended only by written agreement of both Hein Werner and Property Owner.

This Agreement shall terminate on the date on which Hein Werner receives written certification from WDNR that the remediation investigation that Hein Werner is conducting has been satisfactorily completed, or upon written agreement of both parties.

Hein Werner and Property Owner each represents that it has the authority necessary to execute this Agreement.

Notices relating to the Agreement shall be sent to the following:

To: Dominic Guiffre
Mallory Improvements
6635 S. 13th Street
Milwaukee, Wisconsin 53221

To: Joseph Dindorf
Hein Werner
2120 North Pewaukee Road
Waukesha, Wisconsin 53188

To: Hiram Buffington
Snap-on Tools Company
2801 80th Street
Kenosha, Wisconsin 53141

This Agreement, including the benefits and burdens is binding upon and shall inure to the benefit of Hein Werner and Property Owner and their heirs, personal representatives, successors and assign.

This Agreement is not an admission of liability on the part of Hein Werner and Property Owner, and no statements, promises or inducements that are not contained herein shall be valid or binding.

If any provision of this Agreement is deemed invalid or unenforceable, the balance of this Agreement shall remain in full force and effect.

This Agreement shall be interpreted under the laws of the State of Wisconsin.

IN WITNESS WHEREOF, the parties hereto, which may be represented by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has the full power and authority to enter into this Agreement.

Hein Werner
By: H. J. Buffington

Property Owner
Dominic Guiffre
D/b/a Mallory Improvements

By: _____

Title: _____

Dated: _____



Dakota Intertek Corp.

d/b/a Dakota Environmental
16600 West National Avenue
New Berlin, Wisconsin 53151

Phone: (414)784-8844 Fax: (414)784-8833

~~END~~
RUBEN VASQUEZ
FID 208003120
BRIT 02-08-000914

Facsimile Transmission Cover

To: <u>WDNR</u>	Date: <u>12/7/98</u>
Attention: <u>Scott Ferguson</u>	Time: _____
From: <u>Wenbin Yuan</u>	Phone Number: _____
Subject: _____	Fax Number: <u>229-0810</u>
Urgent _____ Respond ASAP _____ For Your Info _____ Total Pages Incl. Cover <u>5</u>	

REMARKS:

Dear Scott;

Don is trying to organize the letter report and will be sending it to you soon.

I have attached the Lab ~~rep~~ report about the preliminary sampling. Please call me or Don (@ mobile 406-8317) if you have further questions.

Signature Wenbin Yuan

NOVA

Environmental Laboratory

8222 W. Calumet Rd., Milwaukee, WI 53223
 Phone: (414) 355-5800 Fax: (414) 355-3099

Wen Bin Yen
 Dakota Environmental of Wisconsin, Inc.
 S15 W22600 Arcadian Avenue
 Waukesha, WI 53186

ORGANIC REPORT

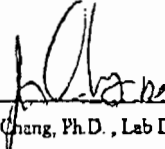
WDNR# 241340550

INVOICE NUMBER: 970989
 DATE REPORTED: 19-Nov-97
 DATE RECEIVED: 13-Nov-97
 SAMPLE TEMP (C): Rec On Ice
 PROJECT ID:
 PROJECT NAME:

Dry Weight and Dilution Factor Corrected

Compound	LUST Result	Units	LUST LOD	LUST LOQ	NOVA LOD	Dilution Factor	RQ	Method	Analyst	Date of Analysis
Sample Number: 8191	Percent Solid: 81.2%		QC Batch Number:					Sample analyzed within 9 Days from collection		
Client ID: SS-3	Sample Description:							Collection: 11/8/97		Time: 12:00
PCB1016	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1221	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1232	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1242	89900	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1248	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1254	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97
PCB1260	<2500	ug/kg	25000	60000	3800	1000		8080	dmd	11/17/97

Compound	LUST Result	Units	LUST LOD	LUST LOQ	NOVA LOD	Dilution Factor	RQ	Method	Analyst	Date of Analysis
Sample Number: 8192	Percent Solid: 90.5%		QC Batch Number:					Sample analyzed within 9 Days from collection		
Client ID: SS-4	Sample Description:							Collection: 11/8/97		Time: 13:30
PCB1016	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1221	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1232	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1242	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1248	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1254	60	ug/kg	25	60	4	1.0		8080	dmd	11/17/97
PCB1260	<25*	ug/kg	25	60	4	1.0		8080	dmd	11/17/97

Approved By:  Date: 11/19/97
 James Chang, Ph.D., Lab Director

Special LUST Format for Methanol - Preserved Soil PVOCs or VOCs, (Release News, July and October 1994)

NOVA Lab LOD = where the LOD has been determined in accordance with 40 CFR, Part 136, Appendix B.
 LUST LOD = LUST program PVOC/VOC LOD of 25 ug/kg (wet weight basis)
 LUST LOQ = LUST program PVOC/VOC LOQ of 60 ug/kg (wet weight basis)
 RQ: Run Qualifier: "J" - Results between LOD and LOQ "L" - Samples less than 20 g. "B" = Showed in Blank sample

Rounding Rules: Three significant figures were used for concentrations above 99 ug/L, two significant figures for concentrations between 1-99 ug/L, and one significant figure for lower concentrations.
 DNR Analytical Detection Limit Guidance, April 1995.



ORGANIC REPORT

Wen Bin Yen
Dakota Environmental of Wisconsin, Inc.
S15 W22600 Arcadian Avenue
Waukesha, WI 53186

INVOICE NUMBER: 970989
DATE REPORTED: 18-Nov-97
DATE RECEIVED: 13-Nov-97
SAMPLE TEMP (C) Rec On Ice
PROJECT ID:
PROJECT NAME:

Test	Result	Units	LOD	LOQ	Dil	RQ	Method	Analyst	Date Ext.	Date Anal.
Nova Sample Number: 8189		QC Batch Number: 972264					Collection: 11/8/97		Time: 09:00	
Client ID: SS-1		%Solid: 88					Sample Description:			
Diesel Range Organics	36	mg/kg	1.1	3	1		WI DRO	srh	11/13/97	11/17/97
Nova Sample Number: 8190		QC Batch Number: 972264					Collection: 11/8/97		Time: 10:00	
Client ID: SS-2		%Solid: 89.4					Sample Description:			
Diesel Range Organics	19	mg/kg	1.1	3	1		WI DRO	srh	11/13/97	11/17/97
Nova Sample Number: 8191		QC Batch Number: 972264					Collection: 11/8/97		Time: 12:00	
Client ID: SS-3		%Solid: 81.2					Sample Description:			
Diesel Range Organics	48	mg/kg	1.2	4	1		WI DRO	srh	11/13/97	11/17/97
Nova Sample Number: 8192		QC Batch Number: 972264					Collection: 11/8/97		Time: 13:30	
Client ID: SS-4		%Solid: 90.3					Sample Description:			
Diesel Range Organics	171	mg/kg	2.1	7	2		WI DRO	srh	11/13/97	11/17/97
Nova Sample Number: 8193		QC Batch Number: 972264					Collection: 11/8/97		Time: 13:45	
Client ID: SS-5		%Solid: 84.6					Sample Description:			
Diesel Range Organics	12	mg/kg	1.1	3	1		WI DRO	srh	11/13/97	11/17/97
Nova Sample Number: 8194		QC Batch Number: 972264					Collection: 11/8/97		Time: 14:50	
Client ID: SS-6		%Solid: 89.1					Sample Description:			
Diesel Range Organics	187	mg/kg	5.4	17	5		WI DRO	srh	11/13/97	11/17/97



**DAKOTA
INTERTEK
CORP.**

1/b/a Dakota
Environmental

Environmental
Technology

Environmental
Contracting

November 3, 1998

Mr. Earl VanderWeilen III
Mallory Improvements
445 West Oklahoma Avenue
Milwaukee, WI 53107

Re: Key Engineering Group, LTD. Site Investigation Work Plan for the Former
Hein Werner Property, 1005 Perkins Avenue, Waukesha, Wisconsin
WDNR FID No. 268091890

Dear Mr. VanderWeilen:

Dakota Intertek Corp. (Dakota) has reviewed the Key Engineering Group, LTD. (Key) Site Investigation Work Plan for the above referenced property, prepared for Hein Werner and dated November 9, 1998. Based on Dakota's historical work at the former Hein Werner property (subject property), the Site Investigation Work Plan appears to be well-researched and comprehensive in documentation of historical work. However, Dakota has reservations concerning the proposed scope of investigative work.

In a November 2, 1998 discussion with Wisconsin Department of Natural Resources (WDNR) Environmental Specialist Scott Ferguson, broadly outlined the scope of work to fulfill WDNR requirements. Mr. Ferguson stated that a strategy incorporating groundwater monitoring was required. Although details of the Key Site Investigation Work Plan were not discussed, Mr. Ferguson indicated that "a couple" of monitoring wells would not be sufficient. Mr. Ferguson also stated that the WDNR would not require extensive barrel inventory and excavation at this time, but would require all known barrels, paint residue, and impacted soils to be properly removed and disposed. Mr. Ferguson implied that thorough surface sampling of "native" soils adjacent to known barrels would be required to adequately assess the potential and degree of impact from paint solids.

It is important to note that the WDNR's expected scope of work is based on files, verbal reports, and historical work that is part of public record. The WDNR apparently has no record of: a sixth underground storage tank (UST); confirmed volatile organic compounds (VOC) in subject property groundwater; confirmed adsorbed diesel range organics (DRO); and confirmed polychlorinated biphenyl (PCB) contamination. It is anticipated that the expected scope of WDNR mandated site investigative and remedial response work will dramatically increase after additional information detailing confirmed contamination becomes public record. It is Dakota's professional opinion that a passive remedial response will no longer be an option, particularly with respect to PCB impacted soils.

3600 W. National Ave.
New Berlin, WI 53151
14-784-8844
FX: 414-784-8833

Internet
www.DakotaIntertekCorp.com
mail
mact@DakotaIntertekCorp.com

As described above, the two (2) additional monitoring wells, and six (6) soil borings would probably not be sufficient to address WDNR investigation requirements for existing concerns of hazardous waste associated with the partially buried barrels. In order to incorporate additional environmental concerns, a far more comprehensive scope of investigation will not only be required by the WDNR, but is in your best interest to adequately define the full extent of environmental impact existing at your property.

There are five areas Dakota would like to see incorporated into the proposed work plan. First and most importantly, the area of PCB contamination must be comprehensively investigated. A previous attempt at excavation has apparently failed. Borings and monitoring wells must be used to completely define both the lateral and vertical extents of PCB impacted soils. Monitoring wells should be used to assess the potential presence of PCB impacted groundwater. Although the lateral and vertical extents of the contaminant plume(s) cannot yet be estimated, PCB contamination could potentially be the biggest environmental concern at the subject property.

Second, a thorough investigation of existing barrels, paint solids, and adjacent soils should be conducted through surface grab samples, soil borings, and strategic monitoring well placement. Preliminary investigation by Dakota during November 1997 identified barrels and barrel remnants trending in two "lines" approximately 60 feet wide by 200 feet long. Because the removal of barrels, paint solids, and impacted soils will be required by the WDNR, it will be important to adequately define the scope and volume of contamination. To protect your interests, Dakota would also like to see additional intrusive investigation to assess the possibility of large numbers of buried barrels on the subject property. The WDNR received unconfirmed reports of "hundreds" of abandoned barrels. Dakota identified approximately sixty on the surface during a one-half day preliminary assessment. Without further investigation, the potential for a large volume of toxic hazardous waste to remain buried on the subject property exists.

Third, the sixth UST should be properly closed and assessed. If contamination is discovered, appropriate investigative and remedial activities beyond the current scope of work should be completed. To confirm that the environment has not been impacted in the vicinity, Dakota also recommends additional investigation near the historic location of the five removed USTs.

Fourth, the nature and extent of DRO contamination should be investigated. During the preliminary investigation of November 1997, no obvious source for the confirmed DRO contamination was identified. Further investigation should target DRO contamination.

And finally, the extent of VOC groundwater contamination should be investigated. Although there could be some overlap of investigative activities designed to address other concerns, monitoring wells should be established in the historic source area.

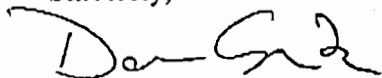
Key Engineering Work Plan Review
November 3, 1998

Page 3

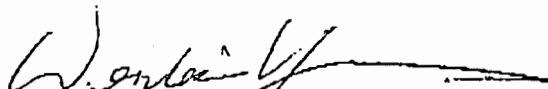
Regrettably, these environmental concerns are largely in different geographical areas. A more inclusive work plan can be designed to investigate all potential and confirmed contaminants at the subject property. It is unfortunate for all concerned that the scope of environmental problems is large. However, to ensure a future clean bill of health, all environmental impacts should be completely defined and an appropriate remedial response designed at this time.

Thank you for this opportunity to be of service. If you need further information or clarification, do not hesitate to contact the undersigned at 784-8844.

Sincerely,



Donald O. Callen Jr.
Project Manager



Wenbin Yuan, P.E.
General Manager

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

Form 4430-5

Rev. 4-96

State of Wisconsin
Department of Natural Resources

ID 1774

Pg 1 of 1

CAER file

HW CME

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date	Initials	CME Data Entry Date	Initials	Entract Data Entry Date	Initials
Facility Name (As shown on current EPA Notification Printout) AKERMANS H W INC				EPA ID Number WID009325275		FID Number 268091890	
Street/Location 1005 PERKINS AVE				Notification Status (As shown in a current EPA Notification Printout) Notified Status <u>UNCLASSIFIED</u>			
City, Zip Code WAUKESHA 53186				County WAUKESHA		Region SE	
Contact Name/ Phone				Type of Contact FIELD INSPECTION		Contact Date 3/10/97	

B. FACILITY INSPECTED AS:

Facility Inspected As : _____

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status Is _____

Name Change : Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input type="checkbox"/> Complaint (Date) (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp. (Date) (5) | <input checked="" type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review (3) [FRR _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol. Type	Enforcement Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: On site for sampling. collected six soil samples. See #766 for initial site visit.

HW-SW/3 Comments: _____

District/Area Signature(s) *[Signature]* MIKE ELLENBECKER Date September 15, 1997

Documentation Inspection Form, Attachment # _____ Letter/NON/NOV/ to Facility District Review Status Change Form Other _____ Date

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CME entry Copy 3 - HW-SW/3 Copy 4 - Area

Hazardous Waste Site Investigation/Inspection Report

State of Wisconsin
Department of Natural Resources

Facility Name AKERMANS H W INC			EPA ID WID009325275	FID ID 268091890	ID 1774	Pg1 of 2
Related Facility AKERMANS H W INC			Facility Inspected As			
Site Address 1005 PERKINS AVE			Notified Status UNCLASSIFIED			
City WAUKESHA	Zip 53186	County WAUKESHA	Lead Investigator MIKE ELLENBECKER			
Contact Name		Phone Number	Type of Contact FIELD INSPECTION	Hours 0	Contact Date 3/10/97	

Site Narrative

On Monday March 10, 1997, at approximately 09:30 hours Waste Investigator Michael J. Ellenbecker arrived at the Guiffre Brother's rental property located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to collect samples from the buried containers located in the back on the facility. Ellenbecker contact the Guiffre Brother's property manager on March 6 to obtain permission for sampling.

Ellenbecker collected a total of six soil samples identified as HW97-1, HW97-2, HW97-3, HW97-4, HW97-5, and HW97-6. All of the samples were placed into a clean quart glass mason jar with Teflon lids. The sample containers were supplied by the State Lab of Hygiene. Sample collection began at approximately 09:45 hours and ended at approximately 10:15 hours.

Ellenbecker's walk around the buried container area showed fewer containers than on previous site visits. Ellenbecker estimated that there were only about 2 dozen containers visible on the surface.

Ellenbecker collected soil sampled HW97-1 from beneath a chunk of red paint waste in a wooded area located on the north side of the parking lot. During sample collection Ellenbecker observed chunks of red paint wastes in the soil sample. Ellenbecker estimated that the bigger paint chunks were approximately 1/8" in diameter. Sample HW97-1 was collected with a stainless steel trowel.

Ellenbecker collected soil sampled HW97-2 from beneath a container of red paint waste in a wooded area located on the northeast side of the parking lot. During sample collection Ellenbecker did not observed any chunks of red paint waste in the soil sample. Sample HW97-2 was collected with a stainless steel trowel.

Ellenbecker collected soil sampled HW97-3 from beneath a chunk of red paint waste in a wooded area located on the northeast side of the parking lot. During sample collection Ellenbecker observed chunks of red paint wastes in the soil sample. Ellenbecker estimated that the bigger paint chunks were approximately 1/8" in diameter. Sample HW97-3 was collected with a stainless steel trowel.

Ellenbecker collected soil sampled HW97-4 from beneath a container of red paint waste in a wooded area located on the northeast side of the parking lot. During sample collection Ellenbecker observed chunks of red paint wastes in the soil sample. Ellenbecker estimated that the bigger paint chunks were approximately 1/8" in diameter. Sample HW97-4 was collected with a stainless steel trowel.

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H497-1 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 1

Description Q+ glass jar w/ soil

Send Michael J. Ellenbecker
Report Wisc. Dept of Natural Resources
To: P.O. Box 12436
Milwaukee, WI 53212

Account Number SW 107

Collected By Mike Ellenbecker

Phone (414) 229-0855

Check all appropriate:

- S Split
- F Filtered
- R RCRA
- E Enforcement
- B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other

ENF
SOL

Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters

Run totals, if totals above
TCLP value, run TCLP for the
AQA metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

R.H. Laessig, PhD., Director
Wisconsin State Laboratory of Hygiene
Madison, Wisconsin 53706

Date Received And Sample No. _____

Date Reported Mar 20 1997 20521

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW97-1 Route: SW21
Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)
From: LOCATION 1 QT GLASS JAR WITH SOIL
To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020521

Reported: 04/28/97

BARIUM, ICP, DRY WT	54.	MG/KG
CADMIUM, ICP, DRY WT	1.0	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	0.03	MG/L
detected between 0.02 (LOD) and 0.06 (LOQ) MG/L		
CHROMIUM, ICP, DRY WT	190.	MG/KG
DIGESTION, TCLP, ICP	DIG MET (qualitative)	
DIGESTION 750.1, SOLIDS, ICP	DIG MET (qualitative)	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	*33000	MG/KG #2
LEAD, TCLP, ICP	ND (LOD=0.08 MG/L)	
LEAD, ICP, DRY WT	*180	MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT	0.043	MG/KG
SAMPLE PREP/HAND II	SIEVE	
PH, RCRA SOLIDS	7.90	SU
TEMPERATURE	ICED	C

--- Footnotes ---

Remark #1: EXTRACTED 4/17/97

Remark #2: QC EXC., AVG OF 4 REPS (37370 32340 31870 & 29030)

Remark #3: QC EXCEEDED, AVG 4 REPS (179.3 156.8 217.9 170.9)

if New Facility
Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. 14697-2 County # 68 Route Code swa1

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 2

Description Q+ glass jar w/ soil

Send Report To: Michael J. Ellenbecker
Wisc. Dept of Natural Resources
P.O. Box 12436
Milwaukee, WI 53212

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Account Number sw 109

Collected By Mike Ellenbecker

Phone (414) 229-0355

Check all appropriate:
 S Split F Filtered R RCRA B Field Blank
 E Enforcement

Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fid (Uncorrected) _____

Cond-fid (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals if totals above
ICRP value run ICRP for the
ACHA metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

R.H. Laessig, PhD., Director
Wisconsin State Laboratory of Hygiene
Madison, Wisconsin 53706

Date Received And Sample No. _____
Date Reported Mar 20 1997 20522

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW97-2 Route: SW21
Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)
From: LOCATION 2 QT GLASS JAR WITH SOIL
To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020522

Reported: 04/28/97

BARIUM, ICP, DRY WT 53. MG/KG
CADMIUM, ICP, DRY WT 0.6 MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG
CHROMIUM, TCLP, ICP ND (LOD=0.02 MG/L)
CHROMIUM, ICP, DRY WT 140. MG/KG
DIGESTION, TCLP, ICP DIG MET (qualitative)
DIGESTION 750.1, SOLIDS, ICP DIG MET (qualitative)
TOXICITY CHARACTERISTIC LEACHING PROCEDURE *000 #1
IRON, ICP, DRY WT *36000 MG/KG #2
LEAD, TCLP, ICP ND (LOD=0.08 MG/L)
LEAD, ICP, DRY WT *770 MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT 0.052 MG/KG
SAMPLE PREP/HAND II SIEVE
PH, RCRA SOLIDS 8.00 SU
TEMPERATURE ICED C

--- Footnotes ---

Remark #1: EXTRACTED 4/17/97

Remark #2: QC EXCEEDED, AVG OF 2 REPS (33380 & 38860)

Remark #3: QC EXCEEDED, AVG OF 2 REPS (817.4 & 713.8)

if New Facility Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. HW97-3 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 3

Description Q+ glass jar w/ soil

Send Report To: Michael J. Ellenbecker Wisc. Dept of Natural Resources P.O. Box 12436 Milwaukee, WI 53212

Account Number SW107

Collected By Mike Ellenbecker

Phone (414) 229-0855

Check all appropriate: S Split F Filtered R RCRA E Enforcement B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO₃)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals, if totals above
ICRP value, run ICRP for the
ACHA metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

R.H. Laessig, PhD., Director Wisconsin State Laboratory of Hygiene Madison, Wisconsin 53706

Date Received And Sample No. _____

Date Reported Mar 20 1997 20523

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/...: Field #: HW97-3 Route: SW21
Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)
From: LOCATION 3 QT GLASS JAR WITH SOIL
To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020523

Reported: 04/28/97

BARIUM, ICP, DRY WT	81.	MG/KG
CADMIUM, ICP, DRY WT	0.9	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	ND (LOD=0.02 MG/L)	
CHROMIUM, ICP, DRY WT	410.	MG/KG
DIGESTION, TCLP, ICP	DIG MET (qualitative)	
DIGESTION 750.1, SOLIDS, ICP	DIG MET (qualitative)	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	*32000	MG/KG #2
LEAD, TCLP, ICP	ND (LOD=0.08 MG/L)	
LEAD, ICP, DRY WT	*2500	MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT	0.079	MG/KG
SAMPLE PREP/HAND II	SIEVE	
PH, RCRA SOLIDS	7.60	SU
TEMPERATURE	ICED	C

--- Footnotes ---

Remark #1: EXTRACTED 4/17/97

Remark #2: QC EXCEEDED, AVG OF 2 REPS (35210 & 28720)

Remark #3: QC EXCEEDED, AVG OF 2 REPS (1956 & 3126)

if New Facility
Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other _____

I.D. Number _____ Point/Well # _____ Field No. HW97-4 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 4

Description Q+ glass jar w/ soil

Send Michael J. Ellenbecker
Wisc. Dept of Natural Resources
Report P.O. Box 12436
To: Milwaukee, WI 53212

Account Number SW109

Collected By Mike Ellenbecker

Phone (414) 229-0955

Check all appropriate:
 S Split F Filtered R RCRA B Field Blank
 E Enforcement

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals if totals above
TCAP value, run TCAP for the
hcat metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

Date Received And Sample No. _____
Date Reported Mar 20 1997 20524

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW97-4 Route: SW21
Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)
From: LOCATION 4 QT GLASS JAR WITH SOIL
To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020524

Reported: 04/28/97

BARIUM, ICP, DRY WT	28.	MG/KG
CADMIUM, ICP, DRY WT	0.5	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	ND (LOD=0.02 MG/L)	
CHROMIUM, ICP, DRY WT	82.	MG/KG
DIGESTION, TCLP, ICP	DIG MET (qualitative)	
DIGESTION 750.1, SOLIDS, ICP	DIG MET (qualitative)	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	*15000	MG/KG #2
LEAD, TCLP, ICP	ND (LOD=0.08 MG/L)	
LEAD, ICP, DRY WT	*770	MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT	0.019	MG/KG
detected between 0.007 (LOD) and 0.021 (LOQ) MG/KG		
SAMPLE PREP/HAND II	SIEVE	
PH, RCRA SOLIDS	8.10	SU
TEMPERATURE	ICED	C

--- Footnotes ---

Remark #1: EXTRACTED 4/17/97

Remark #2: QC EXCEEDED, AVG OF 2 REPS (13860 & 16700)

Remark #3: QC EXCEEDED, AVG OF 2 REPS (1105 & 441.6)

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other _____

I.D. Number _____ Point/Well # _____ Field No. HW97-5 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 5

Description Qtz glass jar w/ soil

Michael J. Ellenbecker
Wisc. Dept of Natural Resources
P.O. Box 12436
Milwaukee, WI 53212

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Account Number SW107

Collected By Mike Ellenbecker

Phone (414) 229-0355

Check all appropriate:
 S Split F Filtered R RCRA E Enforcement B Field Blank

Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO₃)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals if totals above
ICAP value run ICAP for the
RCRA metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

R.H. Laessig, PhD., Director
Wisconsin State Laboratory of Hygiene
Madison, Wisconsin 53706

Date Received _____
And Sample No. _____
Date Reported MAR 20 97 20525

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW97-5 Route: SW21

Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)

From: LOCATION 5 QT GLASS JAR WITH SOIL

To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020525

Reported: 04/28/97

BARIUM, ICP, DRY WT	33.	MG/KG
CADMIUM, ICP, DRY WT	0.8	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, ICP, DRY WT	36.	MG/KG
DIGESTION 750.1, SOLIDS, ICP	DIG MET	(qualitative)
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	**	#1
IRON, ICP, DRY WT	*21525	MG/KG #2
LEAD, ICP, DRY WT	*42	MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT	0.045	MG/KG
SAMPLE PREP/HAND II	SIEVE	
PH, RCRA SOLIDS	7.90	SU
TEMPERATURE	ICED	C

--- Footnotes ---

Remark #1: TOTAL CONCENTRATION INSUFFICIENT TO BE HAZARDOUS

Remark #2: QC EXCEEDED, AVG OF 2 REPS (21570 & 21480)

Remark #3: QC EXCEEDED, AVG OF 2 REPS (41.71 & 43.33)

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. HW97-6 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 03/10/97 Time: 09:30 Sample Location Location 6

Description Q+ glass jar w/ soil

Michael J. Ellenbecker
Wisc. Dept of Natural Resources
P.O. Box 12436
Milwaukee, WI 53212

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



SOL

Send Report To:

Account Number SW109

Collected By Mike Ellenbecker

Phone (414) 229-0855

Check all appropriate:

- S Split
- F Filtered
- R RCRA
- E Enforcement
- B Field Blank

Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-flid (Uncorrected) _____

Cond-flid (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

- Alkalinity (as CaCO₃)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe)

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals if totals above
TCHP value, run TCHP for the
ACHA metals

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

R.H. Laessig, PhD., Director
Wisconsin State Laboratory of Hygiene
Madison, Wisconsin 53706

Date Received And Sample No. _____

Date Reported Mar 20 1997 20526

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section
Inorganic chemistry

(608) 262-3458

DNR LAB ID 113133790

Id: Point/Well/... Field #: HW97-6 Route: SW21
Collection Date: 03/10/97 Time: 09:30 County: 68 (Waukesha)
From: LOCATION 6 QT GLASS JAR WITH SOIL
To: MICHAEL J. ELLENBECKER

DNR

Source: Soil

MILWAUKEE

Account number: SW115

Collected by: ELLENBECKER

RCRA Enforcement

Date Received: 03/20/97

Labslip #: IH020526

Reported: 04/28/97

BARIUM, ICP, DRY WT	36.	MG/KG
CADMIUM, ICP, DRY WT	0.6	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, ICP, DRY WT	38.	MG/KG
DIGESTION 750.1, SOLIDS, ICP	DIG MET	(qualitative)
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	**	#1
IRON, ICP, DRY WT	*36000	MG/KG #2
LEAD, ICP, DRY WT	*79	MG/KG #3
MERCURY, AA COLD VAPOR, DRY WT	0.028	MG/KG
SAMPLE PREP/HAND II	SIEVE	
PH, RCRA SOLIDS	7.90	SU
TEMPERATURE	ICED	C

--- Footnotes ---

Remark #1: TOTAL CONCENTRATION INSUFFICIENT TO BE HAZARDOUS

Remark #2: QC EXCEEDED, AVG OF 2 REPS (36750 & 35340)

Remark #3: QC EXCEEDED, AVG OF 2 REPS (82.02 & 76.43)

Sample Collector(s) <i>Mike Ellenbecker</i>	Title/Work Station <i>Waste Investigator</i>	Telephone No. (include area code) <i>414-229-0855</i>
Property Owner <i>Hein Wirner</i>	Property Address	Telephone No. (include area code)

Split Samples: Offered? Yes No (Check One)
 Accepted? Yes No (Check One) Accepted By: _____
 Signature

Field ID No.	Date	Time	Sample Type		Station Location Sample Description	Lab ID Number	No. of Containers	Comments
			Comp	Grab				
HW97-1	3-10-97	~09:30		X	Location 1 Qt glass jar w/ soil	IHO20521	1	
HW97-2	3-10-97	~09:30		X	Location 2 Qt glass jar w/ soil	IHO20522	1	
HW97-3	3-10-97	~09:30		X	Location 3 Qt glass jar w/ soil	IHO20523	1	
HW97-4	3-10-97	~09:30		X	Location 4 Qt glass jar w/ soil	IHO20524	1	
HW97-5	3-10-97	~09:30		X	Location 5 Qt glass jar w/ soil	IHO20525	1	
HW97-6	3-10-97	~09:30		X	Location 6 Qt glass jar w/ soil	IHO20526	1	

I hereby certify that I received, properly handled, and disposed of these samples as noted below:

Relinquished By (Signature) <i>Mike Ellenbecker</i>	Date/Time <i>3-19-97</i>	Received by: (Signature)
Relinquished By (Signature)	Date/Time	Received by: (Signature)
Relinquished By (Signature)	Date/Time <i>03-20-97 10:47 AM</i>	Received for Laboratory By: (Signature) <i>Christ. Clay</i>

Disposition of Unused Portion of Sample:
 Dispose _____ Retain for _____ days
 Return _____ Other _____

Hein-Werner

CORPORATION

WAUKESHA, WI 53187
(414) 542-6611

RECEIVED S.E.D.

SEP 17 2 11 PM '83

September 14, 1983

Mr. Francis J. Trcka
Department of Natural Resources
P.O. Box 13248
Milwaukee, Wisconsin 53213

Dear Mr. Trcka:

Re: File Ref. #4430

I am enclosing a copy of the analysis of our paint residue waste stream,
per your request previously in letter of 7-7-83.

Sincerely,

HEIN-WERNER CORPORATION



H. P. Miller

HPM:abb

cc: Mr. Wm. Kamper

Enclosure

SPECIAL WASTE ANALYSIS REPORTLABORATORY: CONTROLLED WASTE DIVISION

SALES

CODE

CWD

B11827

WASTE PROFILE SHEET CODE

PROFILE SHEET RECEIVED ON: 7/19/83 REPRESENTATIVE SAMPLE RECEIVED ON: 7/19/83CERTIFICATE OF REP. SAMPLE RECEIVED: 7/19/83 SAMPLE TAKEN: 7/15/83

PROPOSED TREATMENT/DISPOSAL FACILITY: _____

THE ANALYSES BELOW REPORTED WERE SELECTED BY ME, BASED UPON THE GENERATOR'S REPRESENTATIONS IN THE PROFILE SHEET AND ANY APPLICABLE WASTE ANALYSIS PLAN ESTABLISHED BY THE PROPOSED FACILITY FOR WASTE OF THIS TYPE. ANALYSES REQUIRED BY A WASTE ANALYSIS PLAN ARE INDICATED BY AN ASTERISK (*).

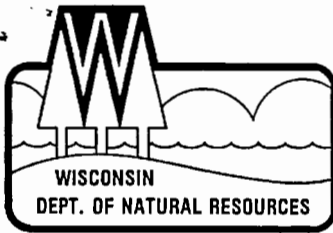
DATE OF ANALYSIS: 8/31/83

LAB MANAGER: _____

RUSSELL JANESHEK

Test	As Received	Leachate	Analyst Initials	Test	As Received	Leachate	Analyst Initials
Specific Gravity	1.00		TB				
pH	7.80		TB				
Acidity, % as							
Alkalinity, % as				Phenols, mg/l	<10		KN
C O D, mg/l				Cyanides, as CN, Total, mg/l			
B O D ₅ , mg/l				Cyanides, as CN, Free, mg/l	<50.0		TB
Total Solids @ 105°C	21.32%		KN				
Total Dissolved Solids, mg/l				Nitrogen, Ammonia, as N, mg/l			
Total Suspended Solids, mg/l				Nitrogen, Organic, as N, mg/l			
Residue on Evaporation @ 180°C				Total Kjeldahl Nitrogen, as N, mg/l			
Flash Point, F°	> 200		TB	Total Alkalinity (P), as CaCO ₃ , mg/l			
Ash Content, on ignition	6.30%		TB	Total Alkalinity (M), as CaCO ₃ , mg/l			
Heating Value, BTU/lb				Total Hardness, as CaCO ₃ , mg/l			
"Acid Scrub," gNaOH/g				Calcium Hardness, as CaCO ₃ , mg/l			
				Magnesium Hardness, as CaCO ₃ , mg/l			
Arsenic, as AS, mg/l	0.030						
Barium, as Ba, mg/l	< 0.086		KN				
Boron, as Bi, mg/l				Oil and Grease, mg/l			
Cadmium, as Cd, mg/l	< 0.086		KN				
Chromium, Total as Cr, mg/l	1152.19		KN				
Hexavalent Chromium @ Cr, mg/l	≤ 0.086		KN	Aldrin, mg/l			
Copper, as Cu, mg/l	395.53		KN	Chlordane, mg/l			
Iron, Total as Fe, mg/l				DDT's, mg/l			
Iron, dissolved, as Fe, mg/l				Dieldrin, mg/l			
Lead, as Pb, mg/l	6147.89	211.84	JB	Endrin, mg/l			
Manganese, as Mn, mg/l				Heptachlor, mg/l			
Magnesium, as Mg, mg/l				Lindane, mg/l			
Mercury, as Hg, mg/l	< 0.002			Methoxychlor, mg/l			
Nickel, as Ni, mg/l	94.58		KN	Toxaphene, mg/l			
Selenium, as Se, mg/l	0.602		KN	Parathion, mg/l			
Silver, as Ag, mg/l	< 0.086		KN	2, 4, D, mg/l			
Zinc, as Zn, mg/l	4.47		KN	2, 4, 5, TP (Silvex), mg/l			
				PCB's, mg/l			
Bicarbonates, as HCO ₃ , mg/l				Layered	None		TB
Carbonates, as CO ₃ , mg/l							
Chlorides, as Cl, mg/l				Physical State	Liquid	with	TB
Fluorides, as F, mg/l				moist solid-sludge on	bottom		
Nitrate, as NO ₃ , mg/l				Color	Grey-black		TB
Nitrite, as NO ₂ , mg/l							
Phosphate, as P, mg/l				Odor	Sewer water		TB
Sulfate, as SO ₄ , mg/l							
Sulfides, as S, mg/l	20 to 30		TB				

THIS REPORT HAS BEEN PREPARED FOR THE
 EXCLUSIVE USE AND BENEFIT OF WASTE MANAGE-
 MENT OF WASTE DIVISION.
 NO REPRESENTATION IS MADE FOR SAMPLE VALIDITY
 OR ANALYTICAL ACCURACY OR COMPLETENESS IS
 HEREBY MADE TO ANY OTHER PERSON RECEIVING
 THIS REPORT.



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
P.O. Box 12436
4041 North Richards Street
Milwaukee, Wisconsin 53212
TELEPHONE 414-229-0800
TELEFAX 414-229-0810

March 8, 1995

IN RESPONSE REFER TO: FID#: 268 09189 0
County of Waukesha
HW/ CMEL

Frank P. Giuffre
Mallory Improvements
6635 South 13th Street
Milwaukee, WI 53221
(414) 764-9200

Dear Mr. Giuffre:

Under Wisconsin law, the Department of Natural Resources is responsible for enforcing statutes relating to the reporting and remediation of hazardous waste contamination under § 144.64(2), Wisconsin Statutes. The purpose of this letter is threefold: to make sure persons know their responsibilities under the law and act accordingly; to explain what you need to do to investigate and clean up the contamination; and to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

The Department is in the process of identify other potential responsible parties who may have caused or contributed to the contamination on site. Any information that you can provide regarding past waste management activities of the facility would assist the Department in identifying other responsible parties.

On November 11, 1993, the Department began an investigation at the VME/Akerman site located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose of the investigation was to determine the validity of an anonymous complaint alleging the disposal of hundreds of 55-gallon drums containing waste paints and solvents. The Department's investigation showed that there are partially exposed 55-gallon drums in the north east corner of the facility. Further inspection of the drums showed that the drums contained a paint like waste.

On December 20, 1994, one soil sample (HW3) and two waste samples (HW1, HW2) were collected from the site. Sample HW1 showed lead concentration above the regulatory limit of 5 mg/l (see attachments). This waste sample is therefore classified as a toxic hazardous waste. All of the samples showed high levels of heavy metals.

Legal Responsibilities:

Under § 144.64(2m), Wis. Stats., any person who disposes of hazardous waste at an unapproved location or otherwise operates a hazardous waste disposal facility without a license from the Department must prepare and submit a hazardous waste facility closure plan to the Department for its review and approval. To clean close a hazardous waste facility, all wastes, all constituents and all contamination resulting from hazardous waste management activities must be cleaned up. If a hazardous waste facility is unable to clean close, it must close as a hazardous waste landfill; in that case, the owner/operator must also prepare and submit a long-term care plan for the facility. The closure plan and long-term care plan must conform to Department rules, and the plans, as approved by the Department, must be implemented.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigation, design and operation of a remedial action system, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment the further it can spread and the more difficult it is to clean up. To ensure that the cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant. These are the first four steps to take:

- 1.) By March 21, 1995 submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this time line.
- 2.) By April 7, 1995 your consultant must submit a work plan and a schedule for conducting the investigation. The consultant must follow the Department's administrative codes and the Department's technical guidance documents. Please include with your work plan a copy of any previous information that has been completed.
- 3.) Please keep the Department informed about what is being done at your site. You or your consultant must provide the Department with a brief report every 90 days, starting after the work plan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
- 4.) When the site investigation is completed, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

The time frame above allows for you to hire a consultant and develop a work plan. The time frame does not forgive past or future violations, but recognizes the practical aspects of hiring a qualified environmental consultant and having the scope of work developed.


Additional Information:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

All correspondence to the Department should be identified with the assigned WDNR facility identification number FID 268 09189 0, County of Waukesha, HW/GENCL.

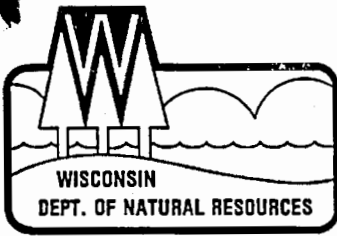
Thank you for your cooperation. If you have questions regarding this letter, please call me at (414) 229-0855 or 961-2719.

Sincerely,


Michael J. Ellenbecker
Hazardous Waste Investigator

Enclosures: Selecting an Environmental Consultant.
 Environmental Services Contractors List.
 Cleanup Process for Emergency and Remedial Response Program.
 Quarterly Updates for Cleanup of Contaminated Properties.
 Wisconsin Administrative Code NR 700 Outline.
 Laboratory Results from Samples Collected

c: SED Casefile



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District
Post Office Box 12436
2300 N. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212
TELEPHONE: 414-263-8500
TELEFAX #: 414-263-8483
TDD: 414-263-8713

September 6, 1995

269 09199 0
C M E L

Mr. Frank Giuffre
Mallory Improvements
6635 South 13th Street
Milwaukee, WI 53221

NOTICE OF VIOLATION

The Department of Natural Resources has reason to believe that Mallory Improvements is in violation of s. 144.64(2m), Wis. Stats., which requires the submittal of a hazardous waste closure plan for any person who operates a hazardous waste facility.

In November, 1993, the Department discovered partially exposed 55-gallon drums at the property which you own located at 1005 Perkins Avenue in Waukesha, Wisconsin. These drums contained a paint like waste which was sampled by the Department on December 20, 1994. Subsequent analysis of the waste material indicated that the waste was a characteristic hazardous waste due to the concentration of leachable lead. High levels of total lead and chromium were also found in the samples.

Mallory Improvements was notified of these results in a March 8, 1995, letter from Michael Ellenbecker, Hazardous Waste Investigator with the Department. No closure plan has been submitted.

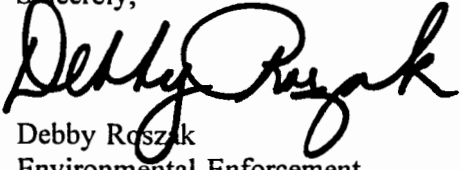
In order to discuss this matter, the following enforcement conference has been scheduled:

Conference Date: September 27, 1995
Conference Time: 10:00 a.m.
Location: DNR Richards Street Annex
4041 N. Richards Street
Milwaukee, Wisconsin 53212

The Department is authorized to seek forfeitures of up to \$25,000 for each day of violation.

If you have any questions, contact me at (414) 263-8671 or Michael Ellenbecker at (414) 229-0855.

Sincerely,

A handwritten signature in black ink, appearing to read "Debby Roszak". The signature is written in a cursive, flowing style with a large initial "D".

Debby Roszak
Environmental Enforcement

c: Bureau of Solid Waste Management HW/3
Michael Ellenbecker SED

FOLEY & LARDNER

ATTORNEYS AT LAW

FIRST STAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53202-5367

TELEPHONE (414) 271-2400
TELEX 26-819
(FOLLY LARD MIL)
FACSIMILE (414) 297-4900
WRITER'S DIRECT LINE

A MEMBER OF GLOBALEX
WITH MEMBER OFFICES IN

BERLIN
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DRESDEN
FRANKFURT
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STUTTGART
TAIPEI

MADISON
CHICAGO
WASHINGTON, D.C.
JACKSONVILLE
ORLANDO
TALLAHASSEE
TAMPA
WEST PALM BEACH

(414) 297-5825

March 30, 1995

VIA FACSIMILE

Mr. Ronald W. Kazmierczak
Assistant District Director
Environmental Protection
Department of Natural Resources
2300 North Martin Luther King Jr. Drive
Milwaukee, WI 53202

Re: 1005 Perkins Avenue, Waukesha, Wisconsin

Dear Ron:

As we discussed, I am enclosing two articles that have appeared in the Waukesha Freeman and The Waukesha Journal regarding the above-referenced property. In the Waukesha Freeman article, Mr. Ellenbecker is quoted as saying that DNR officials believe Hein-Werner Corp. was operating on the site at the time waste was buried on the property. He also notes that the waste dates back 10 or 15 years.

You should note that Hein-Werner previously operated at that address, and manufactured back-hoes. In 1981, the backhoe operation, including the building, all assets, and production processes, were sold to Akerman. Akerman continued to manufacture backhoes and other earth moving equipment at the property, and exclusively occupied, owned and controlled the eastern portion of the property where we understand that the alleged paint waste has been found.

Hein-Werner leased a small amount of space on the west side of the office building, where it continued to assemble and ship small jacks, and lease office space. Hein-Werner's employees parked on the northwest side of the building, and were not allowed access to the eastern portion of the property. I have also enclosed a map that shows these sections of the property.

Mr. Ronald W. Kazmierczak
March 30, 1995
Page 2

Winter Hess notified Hein-Werner of the investigation on Friday, March 17, 1995, and set a meeting for Monday, April 3 at 1:00 to discuss the investigation with Hein-Werner. We look forward to the opportunity to discuss these issues in more detail with Mr. Hess. As you know, this adverse publicity is detrimental to Hein-Werner's community relations and ongoing operations in the state. To the extent that the investigation is continuing, and Hein-Werner has not even had the opportunity to explain to Mr. Hess the details about its operations at the property, we believe that statements about Hein-Werner's liability for the waste is inappropriate.

Thank you for your attention to this matter. Please call me if you have any questions.

Sincerely,


Linda E. Benfield

Enclosures

cc: James A. Wilke

Tuesday, March 28, 1995



Waukesha, Wisconsin

Buried paint found near Perkins Avenue

Hein-Werner denies firm buried waste

By Andy Nelssen
Freeman Staff

WAUKESHA — The state Department of Natural Resources is investigating the discovery of drums of dried paint buried behind the old Hein-Werner Corp. plant on Perkins Avenue.

"There were some samples of the waste taken and they came back high for metals," said Michael Ellenbecker, hazardous waste investigator for DNR. "Metals like chromium and lead were found in a paint-like waste discovered at the site."

The barrels have begun to push through the ground at the site, 1005 Perkins Ave., Ellenbecker said.

DNR officials said the waste is toxic stuff. Lead levels found in the waste are much higher than normal.

The building's current owner, Frank Giuffre, said he knows about the problem and is working with the DNR to resolve it.

"We have the report from the DNR," Giuffre said. "Someone discovered a barrel that popped up back in November."

Joseph Dindorf, president and chief executive officer for Hein-Werner, said his firm is aware of the DNR investigation.

"Within the last week or 10 days, we became aware the

DNR has been looking into things," Dindorf said.

DNR officials said they do not know who is responsible for burying the paint, nor how much it will cost to clean up.

Hein-Werner sold the building in 1981, but rented some office and industrial space back from the new owner for several years, Dindorf said.

He denied that Hein-Werner ever buried any paint drums.

The building has since been sold to Mallory Improvement Co., Giuffre's company.

Tests showed lead levels around 150,000, 80,000 and 50,000 parts per million for waste samples taken from the drums, DNR officials said. Soil samples taken from the area contained whole paint chips.

DNR officials consider lead levels of about 100 ppm normal for soil in this area.

"Definitely 100,000 parts per million sets off red flags," Ellenbecker said.

Giuffre said his company, which does environmental cleanup projects, will handle the cleanup as soon as the DNR gives the go-ahead.

Ellenbecker said DNR officials believe Hein-Werner Corp. was operating on the site at that time the waste was buried.

"This is historical waste," he said. "It's hard to say how old it is. It probably dates back 10 or 15 years. We need time to determine what is out there and who is responsible for it."

Ellenbecker said the DNR investigation is expected to be completed in two months.

The Waukesha Journal

995 COMPLETE WORLD, NATIONAL AND LOCAL NEWS SECTIONS INSIDE

Waukesha Metro Edit

Another fuel slick found on Fox River

City officials don't know the source of problems near Frame Park

By SAM MARTINO
of the Journal staff

Waukesha — Another fuel slick has been found on the Fox River near Frame Park, causing concern among city officials who have been unable to locate the source of sources of previous slicks.

City Chief Robert Steadman said public works employees and firefighters were called to the riverfront March 22 to observe a

sheen on the river near the Schuetze recreation building.

Steadman said he was concerned because during the past two years there have been repeated fuel slicks observed on the river, including one recovery of a petroleum product dug out of frozen ice by an environmental cleanup firm.

The source needs to be found. We may have to be real aggressive with the Department of Natural Resources and find the source, Steadman said. We go down there every year because of reported spills and we have not been able to find the source.

Meanwhile, Michael Ellen-

becker, a DNR hazardous waste investigator, said Wednesday the DNR was supervising the clean-up of discarded paint buried at the former Hein-Werner Corp. plant, at 1005 Perkins Ave.

Ellenbecker said a drum with lead paint was discovered on the Hein-Werner property in 1993 after an anonymous caller reported a drum being buried at the site.

Ellenbecker said Mallory Improvements/Co., the firm that now owns the former Hein-Werner plant is conducting a clean-up of the property.

He said the problem with the sheen on the Fox River was not likely from the material discovered

at the Mallory firm, now a storage and warehouse facility.

The type of contamination in the Fox River is a petroleum product that would not be typical of paint-related waste, as found at the Hein-Werner site, Ellenbecker said.

Ellenbecker said a DNR investigation of the former Hein-Werner facility, which later was sold

to VME/Akerman, a manufacturer of backhoes, showed that there were partially exposed 3-gallon drums of paintlike waste.

REGULATORY LIMITS EXCEEDED

Recent tests conducted by the DNR showed soil contamination from the lead to be higher than

regulatory limits for toxic waste.

Ellenbecker said a previous cleanup by VME/Akerman was based on removing PCB contaminants.

Frank Guifre, current owner of the property, said his firm was following DNR procedures to clean up the paint waste.

It will be disposed of. This is something that was missed in the earlier cleanup. No one is denying responsibility. We are following through, he said.

Steadman said he was unaware of the cleanup being conducted at the former Hein-Werner facility.



Man made fatal switch in car crash

He moved to front of drunken driver's car

By JESSICA WERTZ

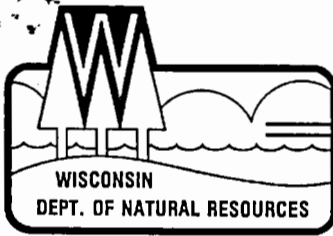
School stages monster show

2638606; # 4/6

F&L 297-4970

3-30-95 ; 2:50PM ;

SENT BY:



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

George E. Meyer
Secretary

Southeast District - Annex Building
Post Office Box 12436
4041 N. Richards St.
Milwaukee, Wisconsin 53212
TELEPHONE: 414-961-2727
TELEFAX #: 414-961-2770

August 24, 1995

IN RESPONSE REFER TO: FID# 268 09189 0
County of Waukesha
HW/CMEL

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

Dear Mr. Dindorf:

Under Wisconsin law, the Department of Natural Resources is responsible for enforcing statutes relating to the reporting and remediation of hazardous waste contamination under § 144.64, Wisconsin Statutes. The purpose of this letter is threefold: to make sure persons know their responsibilities under the law and act accordingly; to explain what you need to do to investigate and clean up the contamination; and to provide you with information about cleanups, environmental consultants, and working cooperatively with the Department of Natural Resources.

The Department has identified Hein-Werner as a responsible party who may have buried and burned paint related wastes (paints, solvents and paint filters) at the former Hein-Werner site located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. This determination is based on a on-site investigation, interviews, and record reviews.

On November 11, 1993, the Department began an investigation at the VME/Akerman site located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose of the investigation was to determine the validity of an anonymous complaint alleging the disposal of hundreds of 55-gallon drums containing waste paints and solvents. The Department's investigation showed that there are partially exposed 55-gallon drums in the north east corner of the facility. Further inspection of the drums showed that the drums contained a paint like waste. In the same area the Department also observed numerous 5 gallon containers also containing a paint like waste.

On December 20, 1994, one soil sample (HW3) and two waste samples (HW1, HW2) were collected from the site. Sample HW1 showed lead concentration above the regulatory limit of 5 mg/l. This waste sample is therefore classified as a toxic hazardous waste. All of the samples showed high levels of heavy metals.

Interviews of former employees indicate that paint related wastes were buried and burned on site. In addition a review of the Waukesha Fire Department records showed that paint related wastes were burned in pits at the site.

Hein-Werner
August 24, 1995

The Department would like to schedule a meeting with you and Mallory Improvements to discuss clean-up issues on September 27, 1995 at 10:00 a.m. The meeting will be at the DNR Annex building located at 4041 North Richards Street, Milwaukee, Wisconsin, 53212. The Department encourages you to work with Mallory Improvements in regards to the site clean-up.

This letter does not prevent the Department of Natural Resources or the Department of Justice from taking further legal action against Hein-Werner. Including bringing enforcement actions for any violation of law connected with the company's waste disposal activities.

Legal Responsibilities:

Under § 144.64(2m), Wis. Stats., any person who disposes of hazardous waste at an unapproved location or otherwise operates a hazardous waste disposal facility without a license from the Department must prepare and submit a hazardous waste facility closure plan to the Department for its review and approval. To *clean close* a hazardous waste facility, all wastes, all constituents and all contamination resulting from hazardous waste management activities must be cleaned up. If a hazardous waste facility is unable to clean close, it must close as a hazardous waste landfill; in that case, the owner/operator must also prepare and submit a long-term care plan for the facility. The closure plan and long-term care plan must conform to Department rules, and the plans, as approved by the Department, must be implemented.

Wisconsin Administrative Codes chapters NR 700 through NR 728 establish requirements for emergency and interim actions, public information, site investigation, design and operation of a remedial action system, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment the further it can spread and the more difficult it is to clean up. To ensure that the cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant. These are the first four steps to take:

- 1.) By September 11, 1995 submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. You will need to work quickly to meet this time line.
- 2.) By September 25, 1995 your consultant must submit a work plan and a schedule for conducting the investigation. The consultant must follow the Department's administrative codes and the Department's technical guidance documents. Please include with your work plan a copy of any previous information that has been completed.

Hein-Werner
August 24, 1995

- 3.) Please keep the Department informed about what is being done at your site. You or your consultant must provide the Department with a brief report every 90 days, starting after the work plan is submitted. These quarterly reports should summarize the work completed since the last report. Quarterly reports need only include one or two pages of text, plus any relevant maps and tables. However, please note that should conditions at your site warrant, you may receive a letter requiring more frequent contacts with the Department. You will also receive one annual site status report form in February.
- 4.) When the site investigation is completed, your consultant must submit a full report on the extent and degree of soil and groundwater contamination and a proposal for cleaning up the contamination.

The time frame above allows for you to hire a consultant and develop a work plan. The time frame does not forgive past or future violations, but recognizes the practical aspects of hiring a qualified environmental consultant and having the scope of work developed.

Additional Information:

Enclosed is a list of environmental consultants and some important tips on selecting a consultant. Also enclosed are materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method. This information has been prepared to help you understand your responsibilities and what your environmental consultant needs to do. Please read this information carefully.

All correspondence to the Department should be identified with the assigned WDNR facility identification number FID 268 09189 0, County of Waukesha, HW/GENCL.

Thank you for your cooperation. If you have questions regarding this letter, please call me at (414) 229-0855.

Sincerely,

ME

Michael J. Ellenbecker
Hazardous Waste Investigator

Enclosures: Selecting an Environmental Consultant.
Environmental Services Contractors List.
Cleanup Process for Emergency and Remedial Response Program.
Quarterly Updates for Cleanup of Contaminated Properties.
Wisconsin Administrative Code NR 700 Outline.

c: SED Casefile

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

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

ATTORNEYS AT LAW
735 NORTH WATER STREET
MILWAUKEE, WISCONSIN 53202
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DAVID J. EDQUIST
BETH J. KUSHNER
CATHERINE MODE EASTHAM
WILLIAM R. WEST
DOUGLAS S. KNOTT
KENNETH A. HOOGSTRA
MARK S. DIESTELMEIER
GLEN E. LAVY
DEANNA C. KRESS

OF COUNSEL
RICHARD S. GIBBS
THOMAS B. FIFIELD

March 8, 1995

Mr. Michael J. Ellenbecker
State of Wisconsin
Department of Natural Resources
4041 N. Richards Street
P.O. Box 12436
Milwaukee, WI 53212

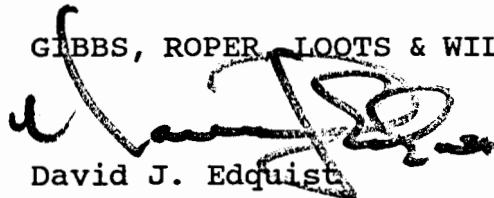
Re: Hein-Werner Corporation
Perkins Avenue Facility

Dear Mr. Ellenbecker:

At your request, I am enclosing a copy of a Dun and Bradstreet report on Hein-Werner Corporation.

Sincerely,

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



David J. Edquist

DJE/mss
Enclosure
cc: Mark DeLong

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IN DATE

Statement Date: OCT 01 1994

DUNS: 00-607-2698
HEIN-WERNER CORPORATION
+GREAT BEND INDUSTRIES
DIVISION
+WINONA VAN NORMAN DIVISION
+COLLISION REPAIR EQUIPMENT
GROUP

DATE PRINTED
MAR 07 1995

MFG COLLISION
REPAIR EQUIP,
FLUID POWER
COMPONENTS AND
ENGINE REBUILDING
EQUIP

SIC NOS.
35 59 35 93 35 41

SUMMARY
RATING 4A3

STARTED 1921
SALES F \$60,328,000
WORTH F \$12,618,000
EMPLOYS 566(49 HERE)
HISTORY CLEAR
FINANCING SEC-UNSEC
FINANCIAL
CONDITION FAIR

PO BOX 1606
WAUKESHA WI 53187
2120 PEWAUKEE RD
AND BRANCH(ES) OR DIVISION(S)
WAUKESHA WI 53188
TEL: 414 542-6611

CHIEF EXECUTIVE: JOSEPH L DINDORF, PRES

SPECIAL EVENTS

- 02/27/95 EARNINGS UPDATE: According to published reports, comparative operating results for the year ended December 31, 1994 are as follows: sales of \$67,100,000; net income (loss) of \$827,000 and earnings per share of \$.33 compared to sales of \$60,328,000; net income (loss) of \$(1,576,000) and earnings per share of \$(.63) for the comparable period in the prior year.
- 10/27/94 EARNINGS UPDATE: According to published reports, comparative operating results for the 9 months ended October 1, 1994 are as follows: sales of \$47,731,000; net income (loss) of \$666,000 and earnings per share of \$.28 compared to sales of \$42,163,000; net income (loss) of \$(1,661,000) and earnings per share of \$(.70) for the comparable period in the prior year.
- 07/28/94 EARNINGS UPDATE: According to published reports, comparative operating results for the 6 months ended July 2, 1994 are as follows: sales of \$33,194,000; net income (loss) of \$378,000 and earnings per share of \$.16 compared to sales of \$28,567,000; net income (loss) of \$(901,000) and earnings per share of \$(.38) for the comparable period in the prior year.
- 05/02/94 EARNINGS UPDATE: According to published reports, comparative operating results for the 3 months ended April 2, 1994 are as follows: sales of \$15,873,000; net income (loss) of \$123,000 and earnings per share of \$0.05 compared to sales of \$14,761,000; net income (loss) o

Total in D&B's file 172 1,845,200 500,000

Top 10 Industries:

1 Whol metal	15	821,750	300,000	23	46	31	-	-
2 Whol industrial suppl	13	95,250	45,000	15	48	37	-	-
3 Whol electrical equip	6	58,700	45,000	1	1	98	-	-
4 Short-trm busn credit	3	21,250	20,000	99	1	-	-	-
5 Mfg industrial gases	2	25,250	25,000	49	-	-	50	1
6 Mfg cutting tool/part	2	30,000	20,000	83	17	-	-	-
7 Mfg hardware	2	20,000	15,000	50	50	-	-	-
8 Mfg steel pipe/tubes	1	500,000	500,000	-	100	-	-	-
9 Mfg electric wire dev	1	55,000	55,000	-	-	100	-	-
10 Periodical-print/publ	1	20,000	20,000	50	50	-	-	-
11 OTHER INDUSTRIES	112	163,850	10,000	38	24	22	12	4

Other Payment Categories:

Cash experiences	3	2,850	2,500
Payment record unknown	10	30,550	20,000
Unfavorable comments	0	0	0
Placed for collection			
with D&B	1	750	
other	0	N/A	

The highest "Now Owes" on file is \$250,000
 The highest "Past Due" on file is \$100,000

Dun & Bradstreet has 172 payment experiences in its file for this company. For your convenience, we have displayed 80 representative experiences in the PAYMENTS section.

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PAYMENTS (Amounts may be rounded to nearest figure in prescribed ranges)

Antic - Anticipated (Payments received prior to date of invoice)
 Disc - Discounted (Payments received within trade discount period)
 Ppt - Prompt (Payments received within terms granted)

REPORTED	PAYING RECORD	HIGH CREDIT	NOW OWES	PAST DUE	SELLING TERMS	LAST SALE WITHIN
02/95	Ppt	2500	-0-	-0-		2-3 Mos
	Ppt	1000	-0-			6-12 Mos
	Ppt	1000	-0-	-0-		1 Mo
	Ppt	1000	1000	-0-		1 Mo
	Ppt	500	500	-0-	N30	1 Mo
	Ppt	250	-0-	-0-	N30	2-3 Mos
	Ppt	100	-0-	-0-	N30	6-12 Mos

01/95

Ppt	50	-0-	-0-			1 Mo
Ppt	50	-0-	-0-	N30		6-12 Mos
Ppt-Slow 30	20000	-0-	-0-	1/2 10 N30		6-12 Mos
Ppt-Slow 30	5000	2500	2500			1 Mo
Ppt-Slow 30	2500	500	50			1 Mo
Ppt-Slow 30	500	250	-0-			1 Mo
Ppt-Slow 60	100000	85000	25000	1/2 10 N30		1 Mo
Ppt-Slow 60	30000	-0-	-0-	1/2 10 N30		6-12 Mos
Ppt-Slow 60	50	-0-	-0-	N30		1 Mo
Slow 35	250	-0-		N30		2-3 Mos
Slow 45	1000	-0-		N30		6-12 Mos
Slow 30-60	45000	15000	7500	1 10 N30		1 Mo
Slow 60	45000	25000	25000	1 10 Prox		1 Mo
Slow 30-60	10000	5000	2500	N30		1 Mo
Slow 30-60	250	-0-	-0-			2-3 Mos
Slow 30-60	250	-0-	-0-	N30		4-5 Mos
Disc	2500	2500	-0-	2 30 N30		1 Mo
Disc	1000	100	-0-			1 Mo
Disc	250	250	-0-	1 10 N30		1 Mo
Ppt	20000	15000	-0-			1 Mo
Lease agreement						
Ppt	2500	-0-	-0-			1 Mo
Ppt	2500	2500	-0-	N30		1 Mo
Ppt	2500	2500	-0-	N30		1 Mo
Ppt	2500	2500	-0-	N30		1 Mo
Ppt	1000	-0-	-0-			6-12 Mos
Lease agreement						
Ppt	250	250	-0-			1 Mo
Ppt	250	-0-	-0-	N15		4-5 Mos
Ppt	100	50	-0-			1 Mo
Ppt	100	-0-	-0-			1 Mo
Ppt	50	-0-	-0-			6-12 Mos
Disc-Slow 30	15000	10000	500			1 Mo
Disc-Slow 30	1000	500	-0-			1 Mo
Ppt-Slow 30	2500	750	750	N30		1 Mo
Ppt-Slow 30	2500	2500	500	N30		1 Mo
Ppt-Slow 30	1000	1000	1000			1 Mo
Ppt-Slow 30	1000	1000	-0-	N30		1 Mo
Ppt-Slow 45	750	-0-	-0-	N15		6-12 Mos
Ppt-Slow 45	250	50	50	N15		1 Mo
Ppt-Slow 45	250	50	50	N15		1 Mo
Ppt-Slow 60	2500	2500	-0-			1 Mo
Ppt-Slow 60	1000	1000	250	N30		1 Mo
Ppt-Slow 60	1000	-0-	-0-	N30		6-12 Mos
Ppt-Slow 60	1000	100	-0-	N30		1 Mo
Ppt-Slow 90	2500	2500	2500			1 Mo
Slow 5	1000	-0-	-0-	N30		1 Mo
Slow 25	1000	750	750	N30		1 Mo
Slow 30	300000	200000		1 10 N30		
Slow 30	2500	1000	1000	N30		2-3 Mos
Slow 30	250	-0-	-0-	N30		6-12 Mos
Slow 60	5000	-0-	-0-	N30		2-3 Mos

	Slow 60	2500	-0-	-0-		6-12 Mos
	Slow 30-60	2500	750	-0-	N30	1 Mo
	Slow 30-60	1000	-0-	-0-		2-3 Mos
	Slow 60-90	5000	-0-	-0-		2-3 Mos
	Slow 30-90	2500	1000	-0-	2 10 N30	1 Mo
	Slow 30-90	1000	-0-	-0-		6-12 Mos
	Slow 90	500	100	100		6-12 Mos
	Slow 90	500	500	50	N30	1 Mo
	Slow 30-120	7500	2500	2500	N30	1 Mo
	Slow 60-120	2500	1000	100	N30	1 Mo
12/94	Slow 15-120	500	250	250	N30	2-3 Mos
	Ppt	250	-0-	-0-		4-5 Mos
	Ppt	250	-0-	-0-		4-5 Mos
	Ppt	50	-0-	-0-		6-12 Mos
	Ppt-Slow 30	15000	15000	10000	1/2 10 N30	1 Mo
	Ppt-Slow 45	95000	85000	45000	1 10 N30	1 Mo
	Ppt-Slow 60	5000	-0-	-0-	N30	6-12 Mos
	Ppt-Slow 60	1000	1000	1000		1 Mo
	Slow 60	1000	1000	1000	N30	1 Mo
	Slow 60	100	100	100	N30	
11/94	Slow 30-90	1000	1000	1000	N30	2-3 Mos
04/94	Ppt	5000	5000	1000	N30	1 Mo
	(080)			750		

Placed for collection.

* Accounts are sometimes placed for collection even though the existence or amount of the debt is disputed.

* Payment experiences reflect how bills are met in relation to the terms granted. In some instances payment beyond terms can be the result of disputes over merchandise, skipped invoices etc.

* Each experience shown represents a separate account reported by a supplier. Updated trade experiences replace those previously reported.

STATEMENT UPDATE

11/21/94 Interim Consolidated statement dated OCT 01 1994:

Cash	\$	196,000	Accts Pay	\$	6,431,000
Accts Rec		18,228,000	Notes Pay		3,589,000
Inventory		17,459,000	Accruals		5,884,000
Other Curr Assets		1,166,000	L.T. Liab-(1yr)		317,000
		-----			-----
Curr Assets		37,049,000	Curr Liabs		16,221,000
Fixt & Equip		5,336,000	Long-term Debt		14,113,000
Intangibles		1,658,000	L.T. Liab-Other		1,727,000
Other Assets		2,294,000	COMMON STOCK		2,386,000
			ADDIT. PD.-IN CAP		11,377,000
			CURRENCY		
			ADJUSTMENTS		224,000
			RETAINED EARNINGS		666,000
			TREASURY STOCK		(377,000)
		-----			-----

Total Assets 46,337,000 Total 46,337,000
 From JAN 01 1994 to OCT 01 1994 sales \$47,731,000; cost of goods sold \$30,852,000. Gross profit \$16,879,000; operating expenses \$15,537,000. Operating income \$1,342,000; other income \$295,000; other expenses \$1,404,000; net income before taxes \$233,000; income tax benefit \$433,000. Net income \$666,000.

Statement received by mail NOV 21 1994. Statement obtained from an interim filing with the Securities and Exchange Commission. Prepared from books without audit.

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Item worth shown in summary section was computed after deduction of intangibles, excess cost of net assets acquired and def debt issuance costs, totaling \$1,658,000. Accounts receivable shown net less \$1,889,000 allowance. Fixed assets shown net less \$10,606,000 depreciation.

FINANCE
 04/11/94

	Fiscal Consolidated Dec 31 1991	Fiscal Consolidated Dec 31 1992	Fiscal Consolidated Dec 31 1993
Curr Assets	55,238,000	37,500,000	35,584,000
Curr Liabs	20,792,000	16,539,000	16,341,000
Current Ratio	2.66	2.27	2.17
Working Capital	34,446,000	20,961,000	19,243,000
Other Assets	9,332,000	7,986,000	7,985,000
Noncurrent Liabs	27,188,000	15,761,000	16,288,000
Worth	16,590,000	13,186,000	10,940,000
Sales	54,708,000	60,258,000	60,328,000
Net Income (loss)	(5,207,000)	(2,487,000)	(1,576,000)
Depreciation & Amor	1,786,000	1,527,000	1,175,000
Interest Expense	2,165,000	2,096,000	1,597,000
Capital			
Expenditures	970,000	1,541,000	1,148,000
Cash (Prov)Used			
Oper	2,757,000	2,343,000	3,458,000
Fiscal Consolidated statement dated DEC 31 1993:			
Cash	\$ 339,000	Accts Pay	\$ 7,622,000
Accts Rec	18,957,000	Notes Pay	2,954,000
Inventory	14,624,000	Accruals	4,976,000
Other Curr Assets	1,664,000	L.T. Liab-(1yr)	789,000

Curr Assets	35,584,000	Curr Liabs	16,341,000
Fixt & Equip	5,658,000	Long-term Debt	14,071,000
Intangibles	1,776,000	L.T. Liab-Other	2,217,000
Other Assets	2,327,000	COMMON STOCK	2,386,000
		ADDIT. PD.-IN CAP	12,023,000
		CURRENCY	
		ADJUSTMENT	(670,000)
		RETAINED EARNINGS	1,306,000
		TREASURY STOCK	(2,329,000)

Total Assets 45,345,000 Total 45,345,000
From JAN 01 1993 to DEC 31 1993 sales \$60,328,000; cost of goods sold \$38,820,000. Gross profit \$21,508,000; operating expenses \$21,599,000. Operating income \$(91,000); other income \$284,000; other expenses \$1,610,000; net income before taxes \$(1,417,000). (net loss) \$1,576,000. Income taxes \$163,000. Discontinued business \$(756,000). Extraordinary gain \$760,000. Retained earnings at start \$4,742,000. Net loss \$1,576,000; dividends \$1,860,000; retained earnings at end \$1,306,000.

Statement received by mail MAR 22 1994. Prepared from statement(s) by Accountant: KPMG Peat Marwick, Milwaukee, WI.

ACCOUNTANTS OPINION: A review of the accountant's opinion indicates the financial statements meet generally accepted accounting principles and that the audit contains no qualifications.

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Item worth shown in summary section was computed after deduction of intangibles, excess cost of net assets acquired and debt issuance costs, totaling \$1,776,000. Accounts receivable shown net less \$1,938,000 allowance. Fixed assets shown net less \$9,600,000 depreciation.

..... BALANCE SHEET EXPLANATIONS

INVENTORY is stated at the lower of cost (FIFO method) or market.

Inventory composition:.

Raw materials	\$4,078,000.
Work-in-process	3,225,000.
Finished goods	7,321,000.
Total	\$14,624,000.

OTHER CURRENT ASSETS consist of income tax benefit receivable, prepaid expenses and other items.

FIXTURES AND EQUIPMENT reflect property, plant and equipment.

OTHER ASSETS consist of patents, the noncurrent portion of non-trade receivables and other items.

NOTES PAYABLE are short-term unsecured foreign obligations. The Company has various lines of credit with foreign banks aggregating \$6,027,000 of which \$3,073,000 unused at Dec 31 1993.

LONG-TERM DEBT consists of:.

Revolving credit agreement	\$8,935,000.
8% convertible subordinated notes	4,500,000.
Other obligations	1,425,000.
Less current maturities	(789,000).
Total	\$14,071,000.

On Oct 13 1993, the Company and its domestic banks entered into a new secured revolving credit agreement. The agreement provides for borrowings up to \$12 million (based on the availability of collateral assets, primarily accounts receivable and inventory) through Sep 30 1995.

8% convertible subordinated notes, convertible into common stock, are due 1996-99. Other obligations are comprised of an unsecured term loan, capitalized lease obligations and other items.

SUBSEQUENT MATURITIES of long-term liabilities (including long-term debt and capital lease obligations) are: Fiscal Dec 31 1994 - \$789,000; 1995 - \$9,104,000 (reflecting maturity of the Company's revolving credit agreement); 1996 - \$1,306,000; 1997 - \$1,353,000 and 1998 - \$1,142,000.

LONG-TERM LIABS-OTHER refer to noncurrent liabilities related to a disposed business, and other items.

CONTINGENCIES: At Dec 31 1993 the Company was contingently liable for amounts up to approximately \$3,500,000 in connection with notes sold with recourse. Proceeds from sales of notes receivable sold with recourse totaled approximately \$1,600,000 in 1993.

..... INCOME STATEMENT EXPLANATIONS

OTHER EXPENSES: \$19,848,000 selling, engineering and administrative expenses; and \$1,751,000 provision for bad debt expense.

OTHER INCOME relates to a gain on foreign currency translation and other non-interest items.

OTHER EXPENSES: \$1,597,000 interest expense and \$13,000 loss on the sale of property.

DISCONTINUED BUSINESS (loss from the sale of a business, net of related income tax).

EXTRAORDINARY GAIN (gain from the involuntary conversion of assets, net of related income tax).

----TANGIBLE WORTH RECONCILIATION----

FISCAL DEC 31 1993: A reduction in tangible worth reflected the net loss, dividends and a translation loss.

DIVIDENDS: The Company's ability to declare dividends is restricted by the terms of the Company's 8% convertible subordinated notes and by a revolving credit facility.

Dividends in the reconciliation of retained earnings: \$1,859,000 a 5% stock dividend paid Jan 22 1993 with 106,952 shares issued; and \$1,000 a 5% stock dividend, fractional shares.

----WORKING CAPITAL RECONCILIATION----

FISCAL DEC 31 1993: An increase in net fixed assets was substantially offset by some decrease in other noncurrent items with other assets remaining at a comparable level with the prior year. An increase in noncurrent liabilities primarily reflected increased utilization of credit facilities.

The preceding factors, together with a decrease in tangible worth, contributed to a decrease in net working capital at year end in comparison to Dec 31 1992.

FISCAL DEC 31 1992: During 1992, proceeds from the sale of the Company's North American Automotive Service Equipment business were used to significantly reduce long-term debt. Long-term debt to banks and other financial institutions was \$12.9 million at Dec 31 1992 compared to \$25.2 million at Dec 31 1991, a reduction of 48.8%.

----RECENT TREND----

On APR 06 1994 Edward F Duffy, vice president, referred to the above figures.

NOTE: Comments regarding operating trend and financial condition incorporate remarks by the Company's management and disclosure in public releases to shareholders as well as documents filed with the

Securities and Exchange Commission.

FISCAL DEC 31 1993: Consolidated sales were essentially unchanged from the levels achieved in 1992. The fourth quarter of 1993 was especially strong, however, posting an 18.6% increase in sales from the prior year quarter; \$15.2 million compared to 1992.

The Company's North American operations continue to improve with six consecutive quarterly increases in sales compared to prior year periods. This increase offset a 16.4% decline in European sales from 1992 levels.

Gross margin improvement in terms of a percentage of sales was offset by an increase in operating expenses. The increase in operating expenses, 35.8% of sales versus 33.1% in 1992, resulted primarily from increased bad debt expense, health and product liability self-insurance reserves and legal expenses.

An operating loss of \$(91,000) in 1993 compares to a \$1,054,000 profit in 1992. A decrease in nonoperating expense, net, and changes in the effective income tax rate and other after-tax items offset the decrease in operating results with net loss lower in 1993.

While net losses have been sustained for the three fiscal years ended Dec 31 1993, it should be noted that net income adjusted for non-cash items has increased consistently during the same period. 1993 produced \$1.9 million compared to 1992 which used \$131,000 and 1991 which used \$2.1 million. The improvement has resulted from the continued effort of the Company to reduce costs and increase sales volume.

-----SELECTED FISCAL OPERATING RATIOS-----

DEC 31	1991	1992	1993.
Sales - % (decrease)	(19.4)	11.4	0.1.
Gross Profit - % of sales	36.6	34.8	35.7.
Operating Expenses - % sales	41.0	33.1	35.8.
Oper Profit (Loss) - % sales	(4.4)	1.7	(0.1).
Net Income (Loss) - % sales	(9.5)	(4.1)	(2.6).

-----SELECTED FISCAL STATEMENT RATIOS-----

DEC 31	1991	1992	1993.
Quick Ratio (times)	1.37	1.26	1.18.
Collection Period (DSO)	176.4	123.9	113.1.
Inventory Turnover (days)	266.7	143.4	135.8.
Total Operating Cycle (days)	443.1	267.3	248.9.
Long-term Debt/Total Capital - %	55.4	46.1	52.5.
Total Debt/Worth - %	160.2	123.4	140.1.
Total Liabs/Tang Worth (times)	2.84	2.45	2.98.

NOTE: Other expenses consist of selling, engineering and administrative expenses; and a provision for bad debt expense. DSO reflects days sales outstanding at year end. Cost of goods sold is divided by inventory and converted into days for inventory turnover.

Total operating cycle is a combination of collection period and inventory turnover. Total debt refers to all short and long-term borrowings. Only the last ratio excludes intangibles in calculation.

..... ANALYST COMMENTS

In addition to direct sales of equipment, the Company sells customer's notes receivable to several financial institutions in order to accelerate cash flow. These notes are provided to customers who

finance collision repair and automotive service equipment for up to five year terms and are primarily sold with recourse.

The inclusion of notes receivable in accounts receivable should be kept in mind in viewing collection period. A significant level of work-in-process, adding to total inventory levels, should also be kept in mind viewing inventory turnover.

On Oct 13 1993, the Company and its domestic banks entered into a new secured revolving credit agreement. This line of credit, along with cash provided by operating activities is adequate to satisfy the cash needs of the Company, according to management.

The subordinated credit agreement with one institution places a debt interest coverage requirement on Company earnings. The Company has not been able to meet the requirement for the three fiscal years ended Dec 31 1993. The institution has waived compliance with the covenant until after the first quarter of 1995.

In the 1993 annual report the Company commented that as the economic recovery in the United States continues, there will be a need to support additional working capital and machine tool expenditures delayed during the recession. These items may place additional requirements on liquidity sources. The Company believes that its current debt arrangements provide sufficient flexibility to meet those requirements.

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PUBLIC FILINGS

The following data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

If it is indicated that there are defendants other than the report subject, the lawsuit may be an action to clear title to property and does not necessarily imply a claim for money against the subject.

* * * SUIT(S) * * *

CASE NO.: 64286

PLAINTIFF: \$750,000-RODRICK LEE DAVIS

STATUS: Pending

DEFENDANT: HEIN WERNER INC

DATE STATUS ATTAINED: 08/30/1994

and OTHERS

DATE FILED: 08/30/1994

WHERE FILED: SHELBY COUNTY CIRCUIT COURT,
MEMPHIS, TN

LATEST INFO RECEIVED: 10/26/1994

* * * UCC FILING(S) * * *

COLLATERAL: Specified Negotiable instruments including proceeds and products -
All Inventory including proceeds and products - All Account(s)
including proceeds and products - All Chattel paper including
proceeds and products - and OTHERS

FILING NO: 1450694 DATE FILED: 08/22/1994
TYPE: Original LATEST INFO RECEIVED: 09/15/1994
SEC. PARTY: NYNEX CREDIT CO, NEW YORK, NY FILED WITH: SECRETARY OF
DEBTOR: HEIN WERNER CORP STATE/UCC DIVISION,
HEIN WERNER CORP, BARABOO, WI WI

COLLATERAL: Specified Negotiable instruments including proceeds and products -
Specified Inventory including proceeds and products - Specified
Account(s) including proceeds and products - Specified Fixtures
including proceeds and products - and OTHERS

FILING NO: 1624224 DATE FILED: 10/20/1993
TYPE: Original LATEST INFO RECEIVED: 11/17/1993
SEC. PARTY: FIRSTAR BANK NA, MILWAUKEE, WI FILED WITH: SECRETARY OF
CONTINENTAL BANK NA, CHICAGO, IL STATE/UCC DIVISION,
DEBTOR: HEIN-WERNER CORPORATION MN

FILING NO: 1697538 DATE FILED: 08/22/1994
TYPE: Release LATEST INFO RECEIVED: 12/01/1994
SEC. PARTY: FIRSTAR BANK MILWAUKEE, N.A., ORIG. UCC FILED: 10/20/1993
MILWAUKEE, WI ORIG. FILING NO: 1624224
CONTINENTAL BANK N.A., CHICAGO, IL FILED WITH: SECRETARY OF
DEBTOR: HEINSWERNER CORPORATION STATE/UCC DIVISION,
MN

COLLATERAL: Specified Negotiable instruments including proceeds and products -
Specified Inventory including proceeds and products - Specified
Account(s) including proceeds and products - Specified Fixtures
including proceeds and products - and OTHERS

FILING NO: 1385536 DATE FILED: 10/15/1993
TYPE: Original LATEST INFO RECEIVED: 11/11/1993
SEC. PARTY: FIRSTAR BANK MILWAUKEE NA, FILED WITH: SECRETARY OF
MILWAUKEE, WI STATE/UCC DIVISION,
CONTINENTAL BANK NA, CHICAGO, IL WI
DEBTOR: WINONA VAN NORMAN A DIVISION OF
HEIN-WERNER CORPORATION

FILING NO: 1452498 DATE FILED: 08/31/1994
TYPE: Release LATEST INFO RECEIVED: 10/20/1994
SEC. PARTY: FIRSTAR FINANCIAL SERVICES DIV ORIG. FILING NO: 1385536
OF FIRSTAR BANK MILWAUKEE NA AS FILED WITH: SECRETARY OF
AGENT, MILWAUKEE, WI STATE/UCC DIVISION,
DEBTOR: WINONA VAN NORMAN WI
and OTHERS

COLLATERAL: Specified Negotiable instruments including proceeds and products -
Specified Inventory including proceeds and products - Specified
Fixtures including proceeds and products - Specified Equipment
including proceeds and products - and OTHERS

FILING NO: 1385535 DATE FILED: 10/15/1993
TYPE: Original LATEST INFO RECEIVED: 11/11/1993
SEC. PARTY: FIRSTAR BANK MILWAUKEE NA, FILED WITH: SECRETARY OF
MILWAUKEE, WI STATE/UCC DIVISION,

DEBTOR: CONTINENTAL BANK NA, CHICAGO, IL
GREAT BEND INDUSTRIES A DIVISION
OF HEIN-WERNER CORPORATION

WI

FILING NO: 1452497
TYPE: Release
SEC. PARTY: FIRSTAR FINANCIAL SERVICES DIV
OF FIRSTAR BANK MILWAUKEE NA AS
AGENT, MILWAUKEE, WI
DEBTOR: GREAT BEND INDUSTRIES
and OTHERS

DATE FILED: 08/31/1994
LATEST INFO RECEIVED: 10/20/1994
ORIG. FILING NO: 1385535
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
WI

COLLATERAL: Specified Negotiable instruments and proceeds - Leased Inventory
and proceeds - Specified Account(s) and proceeds - Specified
Vehicles and proceeds - and OTHERS

FILING NO: 2053910
TYPE: Original
SEC. PARTY: NYNEX CREDIT CO., NEW YORK, NY
DEBTOR: HEIN WERNER CORPORATION, GREAT
BEND, KS
and OTHERS

DATE FILED: 08/22/1994
LATEST INFO RECEIVED: 12/08/1994
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
KS

COLLATERAL: All Accounts receivable including proceeds and products - All
Inventory including proceeds and products - All Account(s)
including proceeds and products - All Notes receivable including
proceeds and products - and OTHERS

FILING NO: 1958755
TYPE: Original
SEC. PARTY: FIRSTAR BANK MILWAUKEE N A C/O
FIRSTAR FINANCIAL SERVICES,
MILWAUKEE, WI
CONTINENTAL BANK N A C/O FIRSTAR
FINANCIAL SERVICES, CHICAGO, IL
DEBTOR: GREAT BEND INDUSTRIES
and OTHERS

DATE FILED: 10/25/1993
LATEST INFO RECEIVED: 01/07/1994
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
KS

FILING NO: 2053908
TYPE: Release
SEC. PARTY: FIRSTAR BANK MILWAUKEE, N.A.,
MILWAUKEE, WI
CONTINENTAL BANK N.A., CHICAGO,
IL
DEBTOR: GREAT BEND INDUSTRIES, A
DIVISION OF HEIN-WERNER CORP.

DATE FILED: 08/22/1994
LATEST INFO RECEIVED: 12/08/1994
ORIG. UCC FILED: 10/25/1993
ORIG. FILING NO: 1958755
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
KS

COLLATERAL: All Inventory including proceeds and products - All Accounts
receivable including proceeds and products - All Account(s)
including proceeds and products - All Notes receivable including
proceeds and products - and OTHERS

FILING NO: 1958754
TYPE: Original
SEC. PARTY: FIRSTAR BANK MILWAUKEE N A C/O

DATE FILED: 10/25/1993
LATEST INFO RECEIVED: 01/07/1994
FILED WITH: SECRETARY OF

FIRSTAR FINANCIAL SERVICES, STATE/UCC DIVISION,
MILWAUKEE, WI KS
CONTINENTAL BANK N A C/O FIRSTAR
FINANCIAL SERVICES, CHICAGO, IL
DEBTOR: HEIN-WERNER CORPORATION
and OTHERS

COLLATERAL: All Inventory including proceeds and products - All Account(s)
including proceeds and products - All Notes receivable including
proceeds and products - All Equipment including proceeds and
products - and OTHERS

FILING NO: 1958753 DATE FILED: 10/25/1993
TYPE: Original LATEST INFO RECEIVED: 01/07/1994
SEC. PARTY: FIRSTAR BANK MILWAUKEE N A C/O FILED WITH: SECRETARY OF
FIRSTAR FINANCIAL SERVICES, STATE/UCC DIVISION,
MILWAUKEE, WI KS
CONTINENTAL BANK N A C/O FIRSTAR
FINANCIAL SERVICES, CHICAGO, IL
DEBTOR: HEIN-WERNER CORPORATION

FILING NO: 2053909 DATE FILED: 08/22/1994
TYPE: Release LATEST INFO RECEIVED: 12/08/1994
SEC. PARTY: FIRSTAR BANK MILWAUKEE, N.A., ORIG. UCC FILED: 10/25/1993
MILWAUKEE, WI ORIG. FILING NO: 1958753
CONTINENTAL BANK N.A., CHICAGO, FILED WITH: SECRETARY OF
IL STATE/UCC DIVISION,
DEBTOR: HEIN-WERNER CORPORATION KS

COLLATERAL: All Inventory including proceeds and products - All Account(s)
including proceeds and products - All Fixtures including proceeds
and products - All Equipment including proceeds and products - and
OTHERS

FILING NO: 1466764 DATE FILED: 12/24/1991
TYPE: Original LATEST INFO RECEIVED: 01/20/1992
SEC. PARTY: FIRST WISCONSIN NATIONAL BANK, FILED WITH: SECRETARY OF
MILWAUKEE, WI STATE/UCC DIVISION,
DEBTOR: HEIN-WERNER CORP MN

FILING NO: 1512941 DATE FILED: 06/29/1992
TYPE: Release LATEST INFO RECEIVED: 08/21/1992
SEC. PARTY: FIRST WISCONSIN NATIONAL BANK OF ORIG. UCC FILED: 12/24/1991
MILWAUKEE, MILWAUKEE, WI ORIG. FILING NO: 1466764
DEBTOR: HEIN-WERNER CORP FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
MN

FILING NO: 1624222 DATE FILED: 10/20/1993
TYPE: Amendment LATEST INFO RECEIVED: 11/17/1993
SEC. PARTY: FIRST WI NATIONAL BANK, ORIG. UCC FILED: 12/24/1991
MILWAUKEE, WI ORIG. FILING NO: 1466764
FIRSTAR BANK NA, MILWAUKEE, WI FILED WITH: SECRETARY OF
CONTINENTAL BANK NA, CHICAGO, IL STATE/UCC DIVISION,

DEBTOR: HEIN-WERNER CORPORATION

MN

FILING NO: 1697537
TYPE: Release
SEC. PARTY: FIRSTAR BANK MILWAUKEE, N.A.,
MILWAUKEE, WI
CONTINENTAL BANK N.A., CHICAGO,
IL

DATE FILED: 08/22/199
LATEST INFO RECEIVED: 12/01/199
ORIG. UCC FILED: 12/24/1991
ORIG. FILING NO: 1466764
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
MN

DEBTOR: HEINSWERNER CORPORATION

COLLATERAL: All Accounts receivable and proceeds - All Notes receivable and
proceeds - All Equipment and proceeds

FILING NO: 911834
TYPE: Original
SEC. PARTY: HEIN WERNER CORPORATION,
WAUKESHA, WI
DEBTOR: HEIN-WERNER CORPORATION
and OTHERS

DATE FILED: 07/05/199
LATEST INFO RECEIVED: 10/03/199
FILED WITH: SECRETARY OF
STATE/UCC DIVISION,
AR

There are additional UCC's in D&B's file on this company
available by contacting 1-800-DNB-DIAL.

The public record items contained in this report may have been
paid, terminated, vacated or released prior to the date this
report was printed.

BANKING

MAR 1994: The Company has various lines of unsecured short-term
credit with foreign banks aggregating \$6,027,000 of which \$3,073,000
unused at Dec 31 1993. On Oct 13 1993, the Company and its domestic
banks entered into a new secured revolving credit agreement. The
agreement provides for borrowings up to \$12 million (based on the
availability of collateral assets, primarily accounts receivable and
inventory) through Sep 30 1995. At Dec 31 1993, \$8,935,000 was
outstanding under the revolving credit agreement (as per statement
footnotes).

HISTORY
09/24/94

JOSEPH L DINDORF, PRES-CEO+
J P BARTHELME, V PRES

M J KOONS, V PRES
M J MC SWEENEY, SEC+

DIRECTOR(S): The officers identified by (+) and O A Friend, J S Jones
and D J Schuetz.

R D LIEGEL, SR V PRES-TECHNOLOGY
EDWARD F DUFFY, V PRES-FINANCE-
TREAS-ASST SEC
JAMES P QUEENAN, V PRES

DEPARTMENT OF
NATURAL RESOURCES
SED

Hein-Werner[®]

1994 APR 25 PM 1:41

CORPORATION
(414) 542-6611

WAUKESHA, WI 53187
FAX (414) 542-4884

FID # 268003120

HW/NOTICE CME L

Waukesha County

April 21, 1994

Wisconsin Dept. of Natural Resources
Southeast District
4041 North Richard Street
Milwaukee, WI 53212
Attn: Delores Hayden

Dear Delores,

In the past we have had various individuals handling our environmental issues, and I have just received this responsibility as of April 18, 1994.

Upon looking over our records, I found copies (which should have been previously mailed to the Wisconsin Department of Natural Resources) of Uniform Hazardous Waste Manifests dating back to February 19, 1993.

On April 21, 1994 I phoned Cathy Thompson (with the Bureau of Solid Waste Management) and asked her how to properly resolve this issue. She requested that we mail them to your attention, and that after you looked them over you could then forward said copies to her.

I would like to thank Cathy Thompson and yourself for helping to resolve this problem.

Sincerely,

Harold P. Miller
Industrial Engineer

HPM/dmm

Enclosures (3)

Manifests rec'd: WIJ 329858
WIJ 407128
WIJ 443951

→ SED

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: 8/13/83

File Ref: 4430 (SW Coordinator)

To: District Director Rhinelander Spooner Eau Claire Southern Milwaukee Green Bay

From: W. Rock - SW/3 R. Fischer - SW/3

Attn: Frank Treka

SEP 14 9 35 AM '83 RECEIVED S.E.D.

Subject: Information Audit by Bureau of Solid Waste Management (Hazardous Waste Non-Activity Form Review)

EPA ID #: WID006072698

Facility Name: Hein-Werner Corp.

Location Address: 1005 Perkins Ave

City: Waukesha, WI 53187

Auditor: Cary Edelstein

To be completed by Hazardous Waste Section:

I have completed an audit for the above named facility of the following information:

- Form completion checklist with checkboxes for EPA Notification Form, Subsequent Notification, EPA Part A Submittal, DNR Part A Submittal, Facility Inspection Forms, District Field Verification, Other File Information, Small/Non-Generator Activity Form, HW Transport Non-Activity Form, T-S-D Non-Activity Form, HW Manifest File Copies, Waste Analysis Report, Annual/Quarterly Reports.

Comments: (Note reason for incomplete audit, etc.) For conversations with Frank Treka of 8/4/83 and 8/23/83, the facility is a sm quantity gen (>100 kg/mo.). The treatment will not be regulated unless he decides otherwise.

Based on the audit I recommend that the Facility's HW Activity Status be designated as: (check all appropriate boxes)

- | | |
|---|---|
| <input type="checkbox"/> HW Generator Activity | <input checked="" type="checkbox"/> Small Quantity Generator (only) |
| <input type="checkbox"/> HW Transporter Activity | <input checked="" type="checkbox"/> >100 kg <1,000 kg |
| <input type="checkbox"/> Non-HW Status and Generator Activity | <input type="checkbox"/> >1 kg <100 kg |
| <input type="checkbox"/> Non-HW Status with no activity specified | <input type="checkbox"/> T-S-D HW Activity |
| <input type="checkbox"/> Closed/ceased operations | <input type="checkbox"/> Treatment |
| <input type="checkbox"/> A recommendation cannot be made at this time (see comments above). | <input type="checkbox"/> Storage |
| <input type="checkbox"/> Other (explain) _____ | <input type="checkbox"/> Disposal |

HWS Auditor

[Signature]

Date

3/15/83

To Be Completed By Systems Management Section:

The Facility's HW Status/Activity Code(s) will:

- | | |
|--|--|
| <input type="checkbox"/> be changed to HW Generator (only) | <input type="checkbox"/> be changed to HW Transporter (only) |
| <input type="checkbox"/> be changed to HW Generator and HW Transporter | |
| <input checked="" type="checkbox"/> be changed to Small Quantity Generator (only) | |
| <input checked="" type="checkbox"/> >100 kg <1,000 kg | <input type="checkbox"/> >1 kg <100 kg |
| <input type="checkbox"/> be changed to HW T-S-D (only) | |
| <input type="checkbox"/> be changed to Non-HW Status and Generator activity specified | |
| <input type="checkbox"/> be changed to Non-HW Status and no activity specified | |
| <input type="checkbox"/> be changed to HW Status "Under Review" and facility status "closed" | |
| <input type="checkbox"/> not be changed at this time (see comments) | |

SMS Reviewer

Wesley Rinsch

Date

9-2-83

Comments

HW status will be changed when procedures for HW Notification System data modifications are implemented. Need clarification on correct location address - may require subsequent Notification submitted

cc: HW Notification & Correspondence File
HW Auditor

to WDNR + USEPA.

Case file



State of Wisconsin
P.O. Box 13248
Milwaukee, WI 53213

DEPARTMENT OF NATURAL RESOURCES

Carroll D. Besadny
Secretary

August 15, 1983

File Ref: 4430

Mr. R. E. Ittner
Hein-Werner Corporation
1200 National Avenue
Waukesha, WI 53187

Dear Mr. Ittner:

RE: Leaking Drums Containing Caustic Soda
on Hein-Werner Corporation Property,
Waukesha, WI

As followup to a complaint received by this office an inspection of the Hein-Werner Corporation in Waukesha was conducted on July 29, 1983. The complaintant indicated that drums containing a hazardous waste located outside the plant near the loading dock area were leaking. The Department's inspection found six cardboard drums containing a caustic soda in storage outside the facility in the area indicated. Due to the extremely poor conditions of these drums, their content was oozing out onto the ground. In addition, a number of drums containing waste oil were also in storage near this area. It was obvious that an oil spill had occurred. You indicated that a fork lift driver had punctured one of these drums causing the spill.

As I indicated to you at the time of this inspection these leaking cardboard drums must be placed in over pack drums to prevent further discharge of the caustic soda. Also, all caustic soda which has leaked from the drums must be cleaned up and placed in an over pack drum. This waste after it is repackaged, must be delivered to a licensed treatment, storage or disposal facility within 90 days of the date of this letter. Until then it must be stored in an environmentally sound manner. To store this waste longer than 90 days would require an interim license to store hazardous waste under Chapter NR 181, Wisconsin Administrative Code. Hein-Werner has not been issued such a license by the Department.

The waste oil which was spilled at the Hein-Werner facility must also be cleaned up, if it has not been already. The area where both the waste oil and caustic soda are stored slopes toward a creek which runs behind the facility. Any significant rainfall

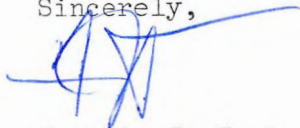
presents the danger of washing both the oil and caustic soda into the creek representing an unlawful discharge of a hazardous and deleterious substance to waters of the State.

The Department requires that within five (5) days of receipt of this letter that Hein-Werner submit a report to this office outlining the cleanup of both the caustic soda and waste oil. This report shall also present the arrangements made for the disposal of both these items.

In another matter, at the time of the inspection it was noted that a significant amount of waste paint was stored near a loading dock in the rear of the facility. This waste was stored in a manner (i.e. in plastic bags, some of which were leaking), which presents a risk to human health and the environment. At my inspection of the Hein-Werner facility on June 10, 1983 this waste was stored in the same manner. At that time I instructed Mr. Kamper to correct this situation by placing the waste in non-leaking drums. This has not yet been done so I am again instructing Hein-Werner to correct this situation and to include progress made on this matter in the report required above.

If you have any questions regarding the contents of this letter do not hesitate to call me at (414) 257-4476.

Sincerely,



Francis J. Trcka
Hazardous Waste Specialist

FJT:ljl

cc: Wayne Ringquist SW/3

P.O. Box 13248
Milwaukee, WI 53213

July 7, 1983

File Ref: 4430

Mr. William Kamper
Hein-Werner Corporation
1005 Perkins Ave.
Waukesha, WI 53187

Dear Mr. Kamper:

RE: Hazardous Waste Treatment, Storage or Disposal
Non-Activity Inspection

Enclosed is a copy of the inspection form that was completed and verified concerning the Hein-Werner Corporation, located at 1005 Perkins Ave., Waukesha, Wisconsin, EPA ID No. WID006072698 on June 10, 1983.

As a result of this inspection, the Department has determined that the amounts of hazardous waste currently generated at your facility fall under the special requirements for hazardous waste generated by small quantity generators as specified in s. NR 181.13, Wisconsin Administrative Code.

In the event that circumstances change, and your facility generates more than the exclusion levels specified in s. NR 181.13, you must comply with the requirements for generators, Subchapter III, Chapter NR 181. This would include, but is not limited to the manifest, contingency plan, and personnel training requirements.

Generators who accumulate more than 1,000 kilograms (2,200 pounds) and store this waste for longer than 90 days from the day it was accumulated, are operators of a hazardous waste storage facility. An operator of a storage facility must have either an interim license or a final license to store as specified in s. NR 181.43(1).

If your facility accumulates more than 100 kilograms (220 pounds) of hazardous waste at any given time, you must submit an annual report on a form provided by the Department.

The present practice of waste paint storage which is done in plastic bags placed outside the facility is not environmentally sound since they could be easily punctured causing release of their contents to the environment. These bags should be placed in sturdy, non-leaking drums for storage as soon as possible.

Also, you should be aware that the mixing of waste alkali cleaner with waste rust inhibitor (phosphoric acid) to neutralize the pH's of the solutions before releasing to the sanitary sewer could be a licensable treatment operation under Chapter NR 181, Wisconsin Administrative Code, if these wastes exhibit some other hazardous waste characteristic in addition to corrosivity. Therefore, as we discussed, I am requiring that an analysis of both waste streams be submitted to this office as soon as possible (i.e. EP toxicity test for lead, arsenic, cadmium, barium, selenium, mercury, chromium, and silver). Based on these analyses and taking into account the small quantities of these waste streams generated as well as the infrequency of the mixing process (approximately 2-3 times/year), the Department will determine the status of this process relative to the licensing requirements in Chapter NR181, Wisconsin Administrative Code.

If there are any questions regarding the inspection or the hazardous waste management rules (NR 181), please do not hesitate to contact me at (414) 257-4476.

Sincerely,

Francis J. Trcka
Hazardous Waste Specialist

jc

c: Mr. Wayne Ringquist - SW/3

File _____

INQUIRY

COMPLAINT

Route To _____

RECEIVED BY	Name <u>VINCE KALVIN</u>	Date <u>7/27/83</u>	Time <u>3:00 PM</u>
RECEIVED FROM	Name <u>JOHN WEBER</u>	Address	
	Phone <u>(414) 594-2135</u>	Title/Affiliation <u>WAUKESHA CO. WARDEN</u>	
SUBJECT	Operation Description <u>MFG. COMPANY</u>		
	Site or Operators Name <u>HEIN-WERNER/ACKERMAN Co</u>	Lic/Permit No.	
LOCATION	County <u>WAUKESHA</u>	Tn, Vil, City <u>WAUKESHA</u>	
	of _____, _____, _____		
	$\frac{1}{4}$	$\frac{1}{4}$	Section _____ Township _____ Range _____
ADDRESS (if any)	<u>1005 PERKINS AVE</u>		
NATURE OF COMPLAINT/INQUIRY			
<u>Anonymous complainant called John Weber indicating there were leaking containers on the premises of the Hein-Werner/Ackerman. Apparently no further information was given. Companies</u>			
ACTION	COMMENTS		
<input checked="" type="checkbox"/> Resolved by phone	<u>Complainant was probably the president of the union.</u>		
<input type="checkbox"/> Investigation initiated	<u>There have been union/management differences lately according to</u>		
<input type="checkbox"/> Filed, no action taken	<u>for Bill Kamper.</u>		
<input type="checkbox"/> Answered by letter			
<input checked="" type="checkbox"/> Referred to <u>FRANK TRUCKA</u>			
Investigation on <u>7/27/83</u>	Remarks <u>I called Mr. William Kamper, the Department's contact at Hein-Werner. Mr. Kamper indicated the leaky containers of which the complainant spoke contained caustic soda. The material which had leaked had been cleaned up and placed in a non-leaking drum. The original caustic soda drum (and contents) was also re-drummed. The material was placed behind the facility awaiting pick up by Waste Management.</u>		
	<u>Frank Trucka</u>		Signature

White-Originator
Green-Investigator
Yellow-Return to originator after investigation

Mr. Kamper offered me an opportunity to inspect.

HAZARDOUS WASTE ACTIVITY FOR

File Reference: 4430

DESIGNATED USE: [] Inspection Form Supplement
 [] Non/Small Generator Follow-up
 [✓] TSD Non-Activity Follow-up

A) GENERAL INFORMATION

EPA ID # WID006072698 District SOUTHEAST
 (if applicable)

FACILITY NAME: HEIN-WERNER CORPORATION

FACILITY LOCATION: 1005 PERKINS AVE
WAUKESHA, WI 53187

FACILITY CONTACT PERSON: MR. BILL KAMPER TITLE: MFG. ENG.

TELEPHONE NUMBER: (414) 542-6611

DNR INSPECTOR: FRANK TRCKA

B) CONTACT TYPE

Telephone Only [] Personal Meeting [✓]
 Field Inspection [✓] Contact Date 6/10/83

DNR Master File Indicates Facility Type As: Gen, TSD

C) WASTE STREAM INFORMATION

	<u>WASTE TYPE</u>	<u>POTENTIAL HAZARDOUS CONSTITUENTS/CHARACTERISTICS</u>	<u>GENERATOR RATE</u>	<u>EPA WASTE CODE</u>
1)	<u>PAINT RESIDUE</u>	<u>Lead 6.9%</u> <u>CHROMATE 1.6%</u>	<u><100kg/m</u>	<u>D008</u> <u>D007</u>
2)				
3)	<u>ALKALI CLEANER (Degreasing)</u>	<u>HIGH PH</u>	<u>~600gal/yr</u>	<u>F001</u>
4)	<u>RUST INHIBITOR (H₃PO₄)</u>	<u>ALKALINE</u>	<u>Combined with</u>	<u>3 Above. —</u>
5)				

Attach Waste Profile or Analysis for each Waste Stream or indicate how facility has complied with NR 181.22, Hazardous Waste Determination, for each Waste Stream.

D) WASTE MANAGEMENT INFORMATION

Indicate any on-site Treatment, Storage, or Disposal methods in use for the above Waste Streams:

TANK storage (Before waste is sewered)

If the waste is shipped off-site, indicate how it is transported, the transporter names, and whether licensed:

WASTE MANAGEMENT
MR. FRANKS

Where is the waste being transported to:

ILLINOIS

E) COMPLIANCE INFORMATION

Indicate any areas of Non-compliance with NR 181:

Improper storage (plastic bags) of paint waste (leaking)

Additional Comments:

The Alkali Cleaners are mixed with the rust inhibitor (H_3PO_4) periodically for neutralization. The mixture is then disposed of through the sewer. Analysis of these waste streams is needed to determine if they exhibit any other hazardous waste characteristics (i.e. heavy metals in TEP analysis). Analysis (TEP) of paint sludge should be submitted

Facility Classification Based on District Verification:

Small Quantity Gen

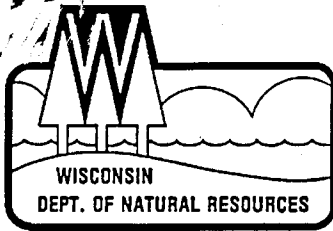
Signature:

Francis Franks

Date:

6/22/83

cc:



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District

Post Office Box 12436
2300 N. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212
TELEPHONE: 414-263-8500
TELEFAX #: 414-263-8483
TDD: 414-263-8713

October 2, 1995

Mr. Dominic Giuffre
Mallory Improvements
6635 S. 13th Street
Milwaukee, WI 53221

Dear Mr. Giuffre,

Thank you for meeting with us to discuss investigation and cleanup at your site at 1005 Perkins Avenue in Waukesha. Barrels have surfaced at the site which need to be analyzed and the extent of drum burial needs to be determined. Some subsurface investigation and cleanup will be required since some of the barrels were leaking. If you are not in agreement with the summary of this meeting, please contact the Department.

Meeting Date: September 27, 1995 10:00 a.m.

Location: DNR Richards Street Annex

Attendance List is attached.

CONFERENCE AGREEMENT

Mallory Improvements will submit a site investigation plan to the Department by November 15, 1995. Following Department approval of this plan, Mallory Improvements will implement the plan according to terms and conditions of the approval.

SUMMARY OF DISCUSSION

We explained to Mr. Giuffre that high levels of chromium and lead material had been found in barrels buried on the Perkins Street facility in Waukesha. One barrel was determined to be a characteristic hazardous waste. A plan needs to be developed to determine where other barrels and containers are on the property. This will probably involve some geophysical work. Sampling and proper disposal of the barrels will then be necessary. A soil and groundwater investigation will also be required since at least some of the barrels have leaked. Finally, a remediation plan may be necessary depending on the results of the subsurface investigation.

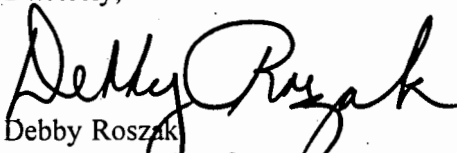
Although Mallory Improvements felt that the persons responsible for the deposition of barrels on the property should take the responsibility to clean up, they realized their responsibilities as property owner to initiate action on the site. They expressed their desire to work with both Hein-Werner and Ackerman (both previous property owners) in sharing costs for the necessary work.

James Wilke of Hein Werner said they don't know that there are barrels out there and that former Hein Werner employees say that nothing ever happened out there. Mr. Wilke also stated that they can't do anything since they don't own the property. Mr. Wilke expressed his dismay that the Department was assuming that Hein Werner was responsible for the barrels. Mr. Wilke said he had met with Department staff in Madison and thought they had an understanding and the next thing he knew the barrels were reported in the newspaper.

We assured Mr. Wilke that access to the property could be obtained if Hein Werner was willing to take responsibility for the cleanup. We cited the current Chrysler cleanup in Hartland as an example of a nonproperty owner assuming responsibility for a site.

The Department believes that the barrels contain paint related waste with VOCs and metals being the likely compounds of concern.

Sincerely,



Debby Roszak
Environmental Enforcement

c: Bureau of Solid & Hazardous Waste HW/3
Scott Ferguson SED
Mike Ellenbecker SED
Winter Hess SED

Mallory / Hein Shernet

9-27-95

10:00

DeMy Rozak
Scott Ferguson
Dominic J. Draffon
Christopher Stecker
Mike Ellulak
Walt Eberich
Linda Benfield
James A. Wilke
Susan Martin
Wenbin Yuan

DNR - enforcement
DNR - HW
Stuffe Bros / Mallory Improvements
Stuffe Bros / Mallory Improvements
DNR - HW
DNR - HW
Foley + Lardner
Hein-Werner Corporation
Foley & Lardner
Dakota Environmental

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

ATTORNEYS AT LAW

735 NORTH WATER STREET
MILWAUKEE, WISCONSIN 53202
TELEPHONE (414) 273-7000
FACSIMILE (414) 273-7897

WAYNE J. ROPER
ROBERT J. LOOTS
CLAY R. WILLIAMS
JOHN W. HEIN
WILLIAM J. FRENCH
GEORGE A. EVANS, JR.
THOMAS P. GUSZKOWSKI
CHARLES P. MAGYERA
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
KENNETH A. HOOGSTRA
MARK S. DIESTELMEIER
GLEN E. LAVY

OF COUNSEL
RICHARD S. GIBBS
THOMAS B. FIFIELD

September 18, 1995

Mr. Michael J. Ellenbecker
Hazardous Waste Investigator
Department of Natural Resources
4041 N. Richards Street
P.O. Box 12436
Milwaukee, WI 53212

Re: Hein-Werner Site
1005 Perkins Avenue
Waukesha, Wisconsin
FID #268091890

Dear Mr. Ellenbecker:

As you know, I am counsel for Akerman, Inc. and VME Americas. It is my understanding that you obtained waste and soil samples from the Hein-Werner Site on December 20, 1994, identified as samples HW1, HW2 and HW3. I would appreciate it if you could provide me with copies of all test results relating to those three samples. This will confirm that I am willing to reimburse the Department for all reasonable costs for photocopying of those test results. Thank you.

Sincerely,

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



David J. Edquist

DJE/mss

Client/Matter Code:

39930-102

FOLEY & LARDNER
FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53202-5367
TELEPHONE (414) 271-2400
TELEX 26-819
(FOLEY LARD MIL)
FACSIMILE (414) 297-4900

Sender's Direct Line:

297-5825

FAX TRANSMISSION COVER SHEET

TO: Michael J. Ellenbecker

COMPANY NAME: Department of Natural Resources

COMPANY'S DIRECT PHONE NUMBER: 229-0855

COMPANY'S FAX NUMBER: 229-0810

FROM: Linda E. Benfield

DATE: September 12, 1995

TOTAL NUMBER OF PAGES INCLUDING COVER PAGE: 5

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION OR IF YOU HAVE NOT RECEIVED ALL OF THE PAGES PLEASE CALL 414/297-5444.

SPECIAL INSTRUCTIONS:

Fax Operator: _____

Date/Time Sent: _____

FOLEY & LARDNER

ATTORNEYS AT LAW

MADISON
CHICAGO
WASHINGTON, D.C.
JACKSONVILLE
ORLANDO
TALLAHASSEE
TAMPA
WEST PALM BEACH

FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN 53202-5367
TELEPHONE (414) 271-2400
TELEX 28-819
(FOLEY LARD MIL)
FACSIMILE (414) 297-4900
WRITER'S DIRECT LINE

A MEMBER OF GLOBALEX
WITH MEMBER OFFICES IN

BERLIN
BRUSSELS
DRESDEN
FRANKFURT
LONDON
PARIS
SINGAPORE
STUTTGART
TAIPE

(414) 297-5825

September 12, 1995

VIA FACSIMILE

Mr. Michael J. Ellenbecker
Hazardous Waste Investigator
Department of Natural Resources
Southeast District
P.O. Box 12436
Milwaukee, WI 53212

Re: Mallory Improvements Property, 1005 Perkins Avenue,
Waukesha, Wisconsin
FID 268 09189 0, County of Waukesha, HW/GENCL

Dear Mr. Ellenbecker:

We represent Hein-Werner Corporation and have reviewed your letter dated August 24, 1995 to Mr. Joseph Dindorf regarding the above-referenced property formerly owned by Hein-Werner. We understand that the letter was sent to Mr. Dindorf only in his official capacity as President of Hein-Werner. Hein-Werner continues to be willing to cooperate with the Department of Natural Resources ("DNR") regarding this matter. Indeed, we have previously shared the information we have obtained regarding this former property, first with Mr. Hess at the DNR, and then with legal counsel for the DNR and Department of Justice.

However, based on the information we have seen, we do not believe that the information establishes that any hazardous wastes were buried on the property, or that Hein-Werner is responsible for any buried waste on the property. Hein-Werner sold the assets of its backhoe division, including this property and the right to use the Hein-Werner trade name with the backhoe products, to Akerman (now known as VME Americas, Inc.) on November 1, 1981. Although Hein-Werner continued to lease the west portion of the building for the assembly and warehousing of jacks, Hein-Werner has had no access to the eastern portion of the property, where we understand that the burial is alleged to have occurred, since November of 1981.

Mr. Michael J. Ellenbecker
September 12, 1995
Page 2

We understand that the information about burial of wastes was provided to the DNR by an anonymous caller in 1993. However, visual inspections of the property have indicated that only a very small number of drums exist on the surface of the site, which have all been observed since 1993. The property was the subject of several phases of environmental work by subsequent owners, including subsurface sampling and extensive soil excavation, from 1992-1994. None of that work ever indicated the presence, or suspected presence, of buried drums. In fact, the Phase I report, which was prepared for the sale of the property, and which was intended to identify areas of the property which should be investigated further for potential environmental contamination, did not identify this area of the property as a suspect area, and did not report any evidence of drums on the property. In a memorandum dated November 15, 1993, you indicated that you observed one drum and one drum lid on the site. In an inspection report dated more than a year later, in December 1994, you observed "approximately 1/2 dozen exposed drums and containers" on the property.

The Phase II, IIB and III work performed on the property on behalf of Akerman from 1992-1994 included seven test pits on the property, which each extended to the bottom of the fill material, and groundwater sampling. We understand from Mr. Hess that the area of these excavations included the area where former employees have indicated that waste may have been buried. However, the test pit logs from the test pits do not identify any drums or drum fragments in any of the test pits. None of the reports states that buried drums or other waste was encountered. In a Letter Report in 1994, the consultant noted that the property "contains fill deposits composed of foundry sand with minor amounts of wood, brick and concrete fragments." See Versar Letter Report to Daniel Edquist dated February 2, 1994. Ultimately, we understand from the Versar reports that 175.49 tons of PCB-impacted soil was excavated from the property and disposed.

Moreover, we do not believe that the information identifies Hein-Werner as the party responsible for any buried waste, if there is any. As noted above, Hein-Werner has not had access to this property for 14 years. The purchaser of the backhoe division -- Akerman -- continued to operate on the property, and continued to produce backhoes, for 12 more years. Akerman also continued to use the same paint supplier for a period of time after the purchase of the property from Hein-Werner, and records from one of the paint suppliers indicate that Akerman was invoiced under the name "Hein-Werner." None of these issues were raised in the two years that Akerman and Mallory Improvements had an environmental consultant on the site performing site assessments and extensive remedial work. In addition, although we have not had access to the investigators' files, and cannot determine the source of the rumors

Mr. Michael J. Ellenbecker
September 12, 1995
Page 3

of burial of waste, we have previously discussed with the DNR the tense relations that Hein-Werner has had with its union, including a very bitter six-month strike in the 1970's.

We have also previously provided the DNR with information on Hein-Werner's disposal practices in the 1970's. The Waukesha City incinerator opened in 1971 and we understand from conversations with the City that use by City residents, which would have included Hein Werner, was free. We also provided the DNR with a memorandum dated 1978 which discusses the City's "new procedure" for the incinerator as requiring some changes in how paint department materials were contained for disposal at the incinerator. Given that the paint filters were highly flammable, that incineration was legal and free, that the area identified as a potential burial area was the union members' parking lot, and that backhoes are not designed for deep digging, it is very hard for us to fathom that Hein-Werner went to the extraordinary measures that Mr. Hess has indicated to bury any waste.

Finally, we understand from Mr. Hess that he has focused on the mid 1970's as the period of alleged dumping. The hazardous waste statutes (§ 144.64 Wis. Stats.) cited in your letter first took effect in 1978, and the applicable federal Resource Conservation and Recovery Act ("RCRA") regulations did not take effect until November 19, 1980. It is well established that liability under RCRA is prospective only; it is not retroactive. See, e.g., Chemical Waste Management, Inc. v. U.S. EPA, 869 F.2d 1526, 1531 (D.C. Cir. 1989); (RCRA does not require the cleanup of wastes not deemed hazardous at the time they were disposed); Jones v. Inmont Corp., 584 F. Supp. 1425, 1433 (S.D. Ohio 1984) (RCRA cannot be applied to dumping activities engaged in prior to the effective date). As a result, any waste that may have been disposed of by any party at this property during the early to mid 1970's cannot be retroactively characterized as hazardous waste. It is therefore inappropriate to apply the statutory requirement for closure of an unlicensed hazardous waste disposal facility to any necessary cleanup of this property.

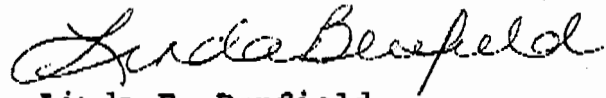
We understand that by letter dated March 8, 1995, the current owner of the property, Mallory Improvements, was directed by the DNR to take a number of actions, including hiring an environmental consultant, submitting a work plan and schedule for conducting an investigation, submitting quarterly progress reports, and submitting full report upon completion of investigation. However, we also understand that to date, Mallory Improvements has not responded to the DNR letter. We believe the DNR should continue to work with the current owner with respect to these issues. The liability (if any) of former owners can be addressed by the private parties themselves, if and when any buried waste is

Mr. Michael J. Ellenbecker
September 12, 1995
Page 4

finally identified at the site. Although we are willing to cooperate with the DNR in this matter, and we will attend the meeting scheduled for September 27, we do not believe that the DNR has the evidence, or the authority, to require Hein-Werner to take any action at the site to investigate the rumor of buried drums.

If you have questions, please feel free to call me.

Sincerely,



Linda E. Benfield

cc: Brenda B. Hagman (via facsimile)
James A. Wilke
Susan H. Martin

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

State of Wisconsin
Department of Natural Resources

ID 801

Form 4430-5

Rev. 1-94

Pg 1 of 1

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date	Initials	CMEL Data Entry Date	Initials	Entract Data Entry Date	Initials
Facility Name (As shown on current EPA Notification Printout) HEIN WERNER, CORP.				EPA ID Number WID009325275		FID Number 268091890	
Street/Location 1005 PERKINS AVE				Notification Status (As shown in a current EPA Notification Printout) Principle Notified Status NON-HAZ. WASTE ENTITY			
____ 1/4 of ____ 1/4 of Section ____ Town ____ Range ____				This Facility is also a (circle all that apply) LQG SQG VSQG TRANS TSD			
City, Zip Code WAUKESHA 53187		County WAUKESHA		District SED		Other _____	
Contact Name/ Phone TODD PROCTOR (414) 764-9200				Type of Contact FIELD INSPECTION		Contact Date 12/20/94	

B. FACILITY INSPECTED AS:

Facility Inspected As : Under Review

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status Is _____

Name Change : Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input type="checkbox"/> Complaint (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp (Date _____) (5) | <input checked="" type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review (3) [FRR _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information

Sampling

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: On site w/ Scott Ferguson. Collected 3 samples. Will submit samples to the SLOH for metals.

HW-SW/3 Comments: _____

District/Area Signature(s)

MIKE ELLENBECKER

Date
September 12, 1995

Documentation Inspection Form; Attachment # _____ Letter/NON/NOV/ to Facility District Review Status Change Form Other _____

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CMEL entry Copy 3 - HW-SW/3 Copy 4 - Area

Hazardous Waste Site Investigation/Inspection Report

State of Wisconsin
Department of Natural Resources

Facility Name HEIN WERNER, CORP.			EPA ID WID009325275	FID ID 268091890	ID 801	Pg1 of 2
Related Facility MALLORY IMPROVEMENTS, AKERMAN, GUIFFRE			Facility Inspected As Under Review			
Site Address 1005 PERKINS AVE			Notified Status NON-HAZ. WASTE ENTITY			
City WAUKESHA	Zip 53187	County WAUKESHA	Lead Investigator MIKE ELLENBECKER			
Contact Name TODD PROCTOR	Phone Number (414) 764-9200	Type of Contact FIELD INSPECTION	~Hrs on site 1	Contact Date 12/20/94		

Site Narrative

On Thursday December 20, 1994, at approximately 13:30 hours Hazardous Waste Investigator Michael J. Ellenbecker and Hydrogeologist Scott Ferguson arrived at Akerman Inc. located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to collect samples from the buried drums located in the back on the facility.

Ellenbecker and Ferguson met Todd Proctor, Property Manager for Mallory Improvements. Ellenbecker introduced Ellenbecker and Ferguson to Proctor. Ellenbecker explained to Proctor the purpose for the site visit.

Ellenbecker collected a total of three samples identified as HW1, HW2 and HW3. The first two samples (HW1 and HW2) were collected from partially buried drums. The third sample (HW3) was a soil sample. Approximately 80% of the ground was covered with several inches of snow.

All of the samples were placed into a clean quart glass mason jar with teflon lids. The sample containers were supplied by the State Lab of Hygiene. Sample collection began at approximately 13:40 hours and ended at approximately 13:55 hours. Ellenbecker offered to split samples with Proctor. Proctor declined. Proctor stated that Proctor will hire a consultant to collect samples. Proctor did take photos of the sampling points.

Ellenbecker collected sampled HW1 near a partially buried 55-gallon steel drum located in the northeast corner of the facility. Sample number HW1 consisted of a dried orange like paint waste. Sample HW1 was collected with a stainless steel trowel.

Ellenbecker collected sampled HW2 from a partially buried 55-gallon steel drum located in the northeast corner of the facility. Sample number HW2 consisted of a dried orange like paint waste. Sample HW2 was collected with a stainless steel trowel.

Ellenbecker collected sampled HW3 from beneath a chunk of dried orange paint like waste located in the northeast corner of the facility. Sample number HW3 consisted of a black soil. Sample HW3 was collected with a stainless steel trowel.

Ellenbecker, Ferguson and Proctor walked over to the midnight dumping waste pile. Ellenbecker and Ferguson explained to Proctor that Proctor will need to disposed of the midnight dumping waste pile. Ellenbecker told Proctor that Ellenbecker had observed containers-from a previous

site visit-labeled as containing pesticides and creosote.

Ellenbecker and Ferguson left the facility at approximately 14:00 hours.

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W1 County # 69 Route Code sw21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/94 Time: 13:45 Sample Location In back of facility on N side Drmm

Description Orange paint like waste

Send Report To: Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:

- S Split
- F Filtered
- R RCRA
- E Enforcement
- B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 7202

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

SOL

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe) total only

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters

Run totals, if total exceed TCLP limits run TCLP

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

Date Received And Sample No. _____

Date Reported _____

EC 2234016243

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458 DNR LAB ID 113133790
Inorganic chemistry (#4 of 83 on 03/07/95)

Id: Point/Well/... Field #: HW1 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE DRUM
Description: ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER
DNR Source: Other
MILWAUKEE

Account number: SW092 Collected by: ELLENBECKER
RCRA Enforcement
Date Received: 12/22/94 Labslip #: IF016243 Reported: 03/03/95

ARSENIC, ICP, DRY WT	33.	MG/KG
BARIUM, ICP, DRY WT	410.	MG/KG
CADMIUM, ICP, DRY WT	1.7	MG/KG
CHROMIUM, TCLP, ICP	0.06	MG/L
detected between 0.02 (LOD) and 0.06 (LOQ) MG/L		
CHROMIUM, ICP, DRY WT	30000.	MG/KG
DIGESTION, TCLP, ICP	DIG MET	
DIGESTION 750.1, SOLIDS, ICP	DIG MET	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	14000.	MG/KG
LEAD, TCLP, ICP	*5.42	MG/L #2
analysis rejected		
LEAD, ICP, DRY WT	120000.	MG/KG
MERCURY, AA COLD VAPOR, DRY WT	*0.046	MG/KG #3
analysis rejected		
SAMPLE PREP/HAND II	SIEVE	
STANDARD ADDITION, AAS	SA PB	

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95
Remark #2: QC EXCEEDED, EXTRACTION DUP, AVERAGE OF 4.04, 6.81
Remark #3: SEE IF016243.MM

Memo for IF016243

--- IF016243.MM/2 - MERCURY, AA COLD VAPOR, DRY WT ---
TO: DNR FIELD STAFF
FROM: AL CLARY, INORGANIC CHEMISTRY
RE: MERCURY RESULTS FOR LAB# IF016243

Q.C. ACCEPTABLE BUT SAMPLE CHARRED, DUP = 0.058 AND SPIKE
RECOVERY = 84.2%

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT (608)262-4525.

if New Facility

Bill to: Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W2 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/94 Time: 13:45 Sample Location In back of facility on N side Drum

Description Orange paint like waste

Send Report To: Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:
 S Split F Filtered R RCRA
 E Enforcement B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 7202

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____

Compliance Sample? Yes No

SOL

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe) total only

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals, IF total exceed TCLP
limits run TCLP

3224016244

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

Date Received _____
And Sample No. _____

Date Reported _____

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458 DNR LAB ID 113133790
Inorganic chemistry (#2 of 41 on 02/14/95)

Id: Point/Well/... Field #: HW2 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE DRUM
Description: ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER

DNR Source: Other
MILWAUKEE
Account number: SW092 Collected by: ELLENBECKER
RCRA Enforcement
Date Received: 12/22/94 Labslip #: IF016244 Reported: 02/09/95

ARSENIC, ICP, DRY WT	28.	MG/KG
BARIUM, ICP, DRY WT	890.	MG/KG
CADMIUM, ICP, DRY WT	0.5	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	0.03	MG/L
detected between 0.02 (LOD) and 0.06 (LOQ) MG/L		
CHROMIUM, ICP, DRY WT	18000.	MG/KG
DIGESTION, TCLP, ICP	DIG MET	
DIGESTION 750.1, SOLIDS, ICP	DIG MET	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	*17520.	MG/KG #2
analysis rejected		
LEAD, TCLP, ICP	0.54	MG/L
LEAD, ICP, DRY WT	80000.	MG/KG
MERCURY, AA COLD VAPOR, DRY WT	0.048	MG/KG
SAMPLE PREP/HAND II	SIEVE	

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95

Remark #2: QC EXCEEDED ON DUP TWICE 16880, 26390, 16200, 10630

Bill to: New Facility Solid Waste Hazardous Waste Wastewater Water Supply Spills Other

I.D. Number _____ Point/Well # _____ Field No. H.W3 County # 68 Route Code SW21

I.D. Name _____ P.O. or City _____

Collection Date 12/20/94 Time: 13:45 Sample Location In back of facility on N side

Description Black soil beneath orange paint like waste

Send Report To: Mike Ellenbecker
P.O. Box 12436
Milwaukee, WI 53212

Account Number SW092

Collected By Michael J. Ellenbecker

Phone (414) 961-2719

Check all appropriate:
 S Split F Filtered R RCRA E Enforcement B Field Blank

- MW Monitoring Well
- LY Lysimeter
- LE Leachate
- SE Sediment
- SU Surface Water
- PW Private Well
- EF Effluent - OW Waste
- IF Influent
- SO Soil
- OI Oil
- SL Sludge
- OT Other



Depth to Groundwater 72002

Water Elevation (MSL) 00842 247

Temperature (°C) 00010 131

Cond-fld (Uncorrected) _____

Cond-fld (uMHOS/CM@25°C) 00872 115

Ph-Field (su) 00400 096

BOD estimate _____ Compliance Sample? Yes No

- Alkalinity (as CaCO)
- Ammonia-N
- Arsenic (As)
- Barium (Ba)
- BOD₅ Day
- Boron (B)
- Cadmium (Cd)
- Calcium (Ca)
- COD
- Cond-Lab(uMHOS)@25°C
- Chloride (Cl)
- Chromium (Cr)
- Chromium Hex
- Copper (Cu)
- Fluoride (F)
- Hardness (as CaCO₃)
- Iron (Fe) total only

- Lead (Pb)
- Magnesium (Mg)
- Manganese (Mn)
- Mercury (Hg)
- NO₃ + NO₂ (as N)
- Kjeldahl-N
- pH - Lab (Su)
- Selenium (Se)
- Sodium (Na)
- Sulfate (SO₄)
- Total Solids
- Total Dis. Solids
- Zinc (Zn)

Comments or add. parameters
Run totals, IF total exceed TCLP limits run TCLP

Analyses for SOLIDS are reported in mg/Kg. NON-SOLIDS are reported in mg/L or ug/L depending on parameter and whether Total or Dissolved.

DEC 22 94 016245

Date Received And Sample No. _____

Date Reported _____

State Laboratory of Hygiene
University of Wisconsin Center for Health Sciences
465 Henry Mall, Madison, WI 53706

R.H. Laessig, Ph.D., Director

S.L. Inhorn, M.D., Medical Director

Environmental Science Section (608) 262-3458 DNR LAB ID 113133790
Inorganic chemistry (#1 of 57 on 02/17/95)

Id: Point/Well/...: Field #: HW3 Route: SW21
Collection Date: 12/20/94 Time: 13:45 County: 68 (Waukesha)
From: IN BACK OF FACILITY ON N SIDE
Description: BLACK SOIL BENEATH ORANGE PAINT-LIKE WASTE
To: MIKE ELLENBECKER
DNR Source: Soil
MILWAUKEE

Account number: SW092
RCRA Enforcement

Collected by: ELLENBECKER

Date Received: 12/22/94 Labslip #: IF016245 Reported: 02/16/95

ARSENIC, ICP, DRY WT	8.	MG/KG
detected between 3 (LOD) and 9 (LOQ) MG/KG		
BARIUM, ICP, DRY WT	50.	MG/KG
CADMIUM, ICP, DRY WT	0.6	MG/KG
detected between 0.4 (LOD) and 1.2 (LOQ) MG/KG		
CHROMIUM, TCLP, ICP	ND (LOD=0.02 MG/L)	
CHROMIUM, ICP, DRY WT	220.	MG/KG
DIGESTION, TCLP, ICP	DIG MET	
DIGESTION 750.1, SOLIDS, ICP	DIG MET	
TOXICITY CHARACTERISTIC LEACHING PROCEDURE	*000	#1
IRON, ICP, DRY WT	50000.	MG/KG
LEAD, TCLP, ICP	0.14	MG/L
detected between 0.08 (LOD) and 0.26 (LOQ) MG/L		
LEAD, ICP, DRY WT	930.	MG/KG
MERCURY, AA COLD VAPOR, DRY WT	0.064	MG/KG
SAMPLE PREP/HAND II	SIEVE	

--- Footnotes ---

Remark #1: EXTRACTED 1/23/95

Sample Collector(s) Mike Ellenbecker	Title/Work Station Hazardous Waste Investigator	Telephone No. (include area code) (715) 961-2719
Property Owner	Property Address	Telephone No. (include area code)

Split Samples: Offered? Yes No (Check One)
 Accepted? Yes No (Check One) Accepted By: _____ Signature _____

Field ID No.	Date	Time	Sample Type		Station Location Sample Description	Lab ID Number	No. of Containers	Comments
			Comp	Grab				
HW1	12-20-94	~13:45		✓	In back of facility N side drum orange paint like waste	IFO16243	1	
HW2	12-20-94	~13:45		✓	In back of facility N side drum orange paint like waste	IFO16244	1	
HW3	12-20-94	~13:45		✓	In back of facility N side orange paint like waste blk soil	IFO16245	1	

I hereby certify that I received, properly handled, and disposed of these samples as noted below:

Relinquished By (Signature)	Date/Time	Received by: (Signature)
Relinquished By (Signature)	Date/Time	Received by: (Signature)
Relinquished By (Signature)	Date/Time	Received for Laboratory By: (Signature) Chris M. Swear

Disposition of Unused Portion of Sample:

Dispose _____ Retain for _____ days
 Return _____ Other _____

12/22/94
9:20am

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

Form 4430-5

Rev. 1-94

State of Wisconsin
Department of Natural Resources

ID 766

Pg 1 of 1

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date	Initials	CMEL Data Entry Date	Initials	Entract Data Entry Date	Initials
Facility Name (As shown on current EPA Notification Printout) HEIN WERNER, CORP.				EPA ID Number WID009325275		FID Number 268091890	
Street/Location 1005 PERKINS AVE				Notification Status (As shown in a current EPA Notification Printout) Principle Notified Status VSQG			
City, Zip Code WAUKESHA 53187				County District WAUKESHA SED			
Contact Name/ Phone FRANK P. GIUFFRE (414) 764-9200				Type of Contact FIELD INSPECTION		Contact Date 12/1/94	

B. FACILITY INSPECTED AS:

Facility Inspected As : Unlicense TSD

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status Is _____
Name Change : Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input checked="" type="checkbox"/> Complaint (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp (Date _____) (5) | <input type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input checked="" type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review (3) [FRR _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information
14		RP	12/1/94	3/8/95	4/7/95		X	144.64(2)(am)	Unlicense Disposal facility.

Case Development

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: On site with VME personal. Took photos of drums. See also #366

HW-SW/3 Comments: _____

District/Area Signature(s) **MIKE ELLENBECKER** Date **September 12, 1995**

Documentation Inspection Form; Attachment # _____ Letter/NON/NOV/ to Facility District Review Status Change Form Other _____ Date _____

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CMEL entry Copy 3 - HW-SW/3 Copy 4 - Area

Hazardous Waste Site Investigation/Inspection Report

State of Wisconsin
Department of Natural Resources

Facility Name HEIN WERNER, CORP.			EPA ID WID009325275	FID ID 268091890	ID 766	Pg 1 of 1
Related Facility MALLORY IMPROVEMENTS, AKERMAN, GUIFFRE			Facility Inspected As Unlicense TSD			
Site Address 1005 PERKINS AVE			Notified Status VSQG			
City WAUKESHA	Zip 53187	County WAUKESHA	Lead Investigator MIKE ELLENBECKER			
Contact Name FRANK P. GIUFFRE	Phone Number (414) 764-9200	Type of Contact FIELD INSPECTION	~Hrs on site 1	Contact Date 12/1/94		

Site Narrative

On Thursday December 1, 1994, at approximately 09:00 hours Hazardous Waste Investigator Michael J. Ellenbecker arrived at Akerman Inc. located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to show VME Americas Inc. the buried drums located in the back on the facility.

Ellenbecker met Mark E. Delong, Vice President of Law and Administration for VME; Douglas J. Dahlberg, Versar Consultant for VME; and David J. Edquist, Outside Attorney representing VME. Ellenbecker introduced Ellenbecker to Delong, Dahlberg and Edquist.

Ellenbecker showed Delong, Dahlberg and Edquist the buried drums. The drums are located in the north east corner of the facility (see photos 1-25, dated 12/1/94). Ellenbecker observed approximately 1/2 dozen exposed drums and containers (see photos 13-25, dated 12/1/94). The drums appear to contain an orange paint like waste (see photos 13-25, dated 12/1/94).

Edquist and Delong explained to Ellenbecker that the property is owned by the Giuffre Brothers. Edquist and Delong explained that as a condition of the sale to the Giuffre Brothers, VME would clean up the PCB contamination and the leaking underground storage tanks. Edquist and Delong explained that VME would not be responsible for the investigation and clean up of the buried drums.

Ellenbecker also observed what appeared to be a midnight dumping pile (see photos 8-10, dated 12/1/94). Ellenbecker's inspection of the pile showed pesticide containers, cresol, oils, greases and miscellaneous debris.

Ellenbecker left the facility at approximately 10:00 hours.

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information
14		RP	12/1/94	3/8/95	4/7/95		X	144.64(2)(am)	Unlicense Disposal facility.

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

Form 4430-5

Rev. 1-94

State of Wisconsin
Department of Natural Resources

ID 366

Pg 1 of 1

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date	Initials	CMEL Data Entry Date	Initials	Entract Data Entry Date	Initials
Facility Name (As shown on current EPA Notification Printout) HEIN WERNER, CORP.				EPA ID Number WID009325275		FID Number 268091890	
Street/Location 1005 PERKINS AVE				Notification Status (As shown in a current EPA Notification Printout) Principle Notified Status LQG			
City, Zip Code WAUKESHA 53187				County District WAUKESHA SED			
Contact Name/ Phone FRANK P. GIUFFRE (414) 764-9200				Type of Contact FIELD INSPECTION		Contact Date 11/11/93	

B. FACILITY INSPECTED AS:

Facility Inspected As : Unlicense TSD

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status Is _____
Name Change : Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|---|--|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input checked="" type="checkbox"/> Complaint (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp (Date _____) (5) | <input type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input checked="" type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review (3) [FRR _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information
<i>Complaint</i>									

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: Obsrvd part. buried drums in ground. Facility is now rented out to small "shops". Facility is owned by Guiffre Brothers. See also record # 766 12/1/94.

HW-SW/3 Comments: _____

District/Area Signature(s) **MIKE ELLENBECKER** Date **September 12, 1995**

Documentation Inspection Form; Attachment # _____ Letter/NON/NOV/ to Facility District Review Date _____
 Status Change Form Other _____

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CMEL entry Copy 3 - HW-SW/3 Copy 4 - Area

DATE: November 15, 1993

IN RESPONSE REFER TO: EPA#:WID 006 072 698
FID#: 268 00312 0
County of Waukesha
HW/CMEL

TO: Hein Werner Corp. File

FROM: Michael J. Ellenbecker
Hazardous Waste Investigator

SUBJECT: Site Visit at Hein Werner Corp.

On Thursday November 11, 1993, at approximately 10:00 hours Michael J. Ellenbecker, Hazardous Waste Investigator arrived at Akerman located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187-1606. The purpose for the site visit is to determine the validity of a complaint regarding the burial of drums containing waste paints and solvents.

Ellenbecker met Cicalia Waldron, Site Manager. Ellenbecker introduced himself and explained the purpose for the site visit. Waldron explained to Ellenbecker that Giuffre Brothers rents out spaces to other companies for warehousing, and that no manufacturing occurs on site. Ellenbecker asked Waldron if he could inspect the back area of the facility. Waldron stated yes. Ellenbecker used a metal detector on the site.

Ellenbecker's inspection of the facility showed two areas of concern. Ellenbecker observed 3 monitoring wells (see figure 1 for locations) at the facility. In the area of one of the monitoring wells (see figure 1 for location) there is evidence of numerous soil boring. Ellenbecker also observed a partially exposed drum lid and a partially exposed 55-gallon steel drum (see figure 1 for locations) in poor condition. Ellenbecker observed that the contents of the 55-gallon steel drum appears to be a dried paint like material. Ellenbecker also observed numerous excavation pits in the area near the drums (see figure 1 for locations).

On November 15, 1993, Ellenbecker contacted Dan Belalki, a representative of Machinist Union District 10, phone number (414) 643-4334. Belalki stated that Belalki did not have the names of any of the union people who worked at Hein Werner Corp. Belalki told Ellenbecker that Ron Olson, (414) 547-7303; Ron Fleming, (414) 925-3891; Doug "last name unknown", (414) 392-2405 would have information about union members and activities that occurred at Hein Werner. Belalki stated that Local 1377, phone number (414) 542-7340, represented Hein Werner employees. Belalki stated that Hein Werner worker on hydraulic jacks and the Akerman, Inc., located in the same building, manufactured backholes.

Ellenbecker left the site at approximately 12:00 hours.

Date: May 10, 1993

File Ref:

To: Hein-Werner Company File

From: Sandy Miller *SM*

Subject: Discussion with Anonymous caller

On May 2, 1993, Sandra Miller received a call from an anonymous male about the Hein-Werner Company located at 1005 Perkins Street in the City of Waukesha. The complainant said he was an ex-employee who had worked at Hein-Werner for 15 years. The complainant said that Hein-Werner Company moved to the Skyway Plaza by the Waukesha Airport about 6 months ago. The complainant said that he was calling about Hein-Werner because of the recent publicity given to the drums buried in Hartland.

The complainant said that there are "hundreds" of 55 gallon barrels containing leaded paint and solvents in the swampy area behind the building where Hein-Werner had been located on Perkins Street. The complainant said that although he was not directly involved in the burying of the drums, he witnessed the drums being buried. The complainant said that the drums were probably buried about 3 to 10 feet deep and could be detected with a metal detector. The complainant said that other metal waste was also buried in the swampy area with the drums. The complainant said that Hein-Werner made backhoes and they would use a backhoe to bury the drums in the swamp. The complainant said the drums with their contents were buried. The complainant said that some of the containers were closed, but that some were open such that he witnessed the contents spilling out of the drums while they were being buried. The complainant said that some of the drums ignited while they were being buried. The complainant said he remembered the solvents included trichloroethylene. The complainant said that the dumping of the drums has been going on in the swampy area since about 20 years ago and didn't stop until about 6 months ago.

The complainant said that the area where Hein-Werner had been located on Perkins Street is now serviced by city sewer and water. The complainant said that Hein-Werner is still operating in Baraboo. The president, Joe Dindorff, is aware of the burying of the wastes and can be reached at the Skyway Plaza location at phone #542-1050. The complainant said that Dindorff sold the property and building on Perkins Street for warehousing in December, 1992.

The complainant would not give Miller his name. The complainant said that he would have the backhoe operator, Rollie, give Miller a call.

(Note: As of May 10, 1993, Miller has not received a phone call from Rollie.)

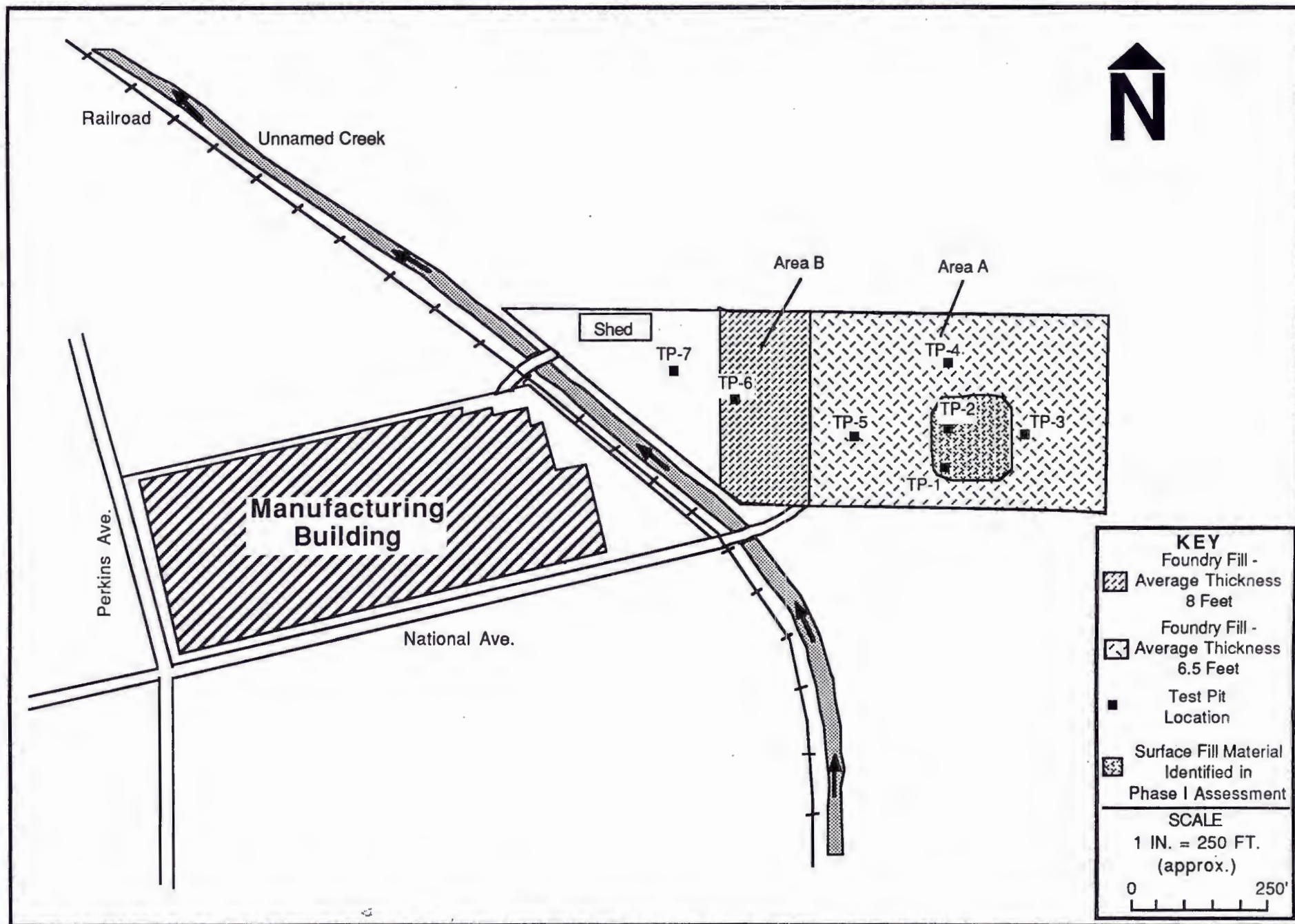


Figure 7.
Foundry Fill Areas

VME/Akerman Excavators, Waukesha, Wisconsin

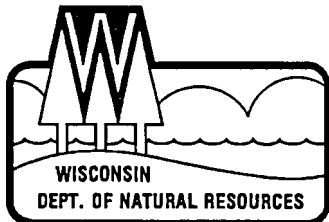
TABLE 2
Results of Laboratory Analysis

Parameter	Parameter Concentration ⁽¹⁾							Acceptance Limits
	TP-1 (5'-6') ⁽²⁾	TP-2 (5-6')	TP-3 (8-9')	TP-4 (6-7')	TP-5 (5-6')	TP-6 (5-6')	TP-7 (4-5')	
TCLP Volatiles								
Tetrachloroethylene	0.013	0.024	<0.005	<0.005	<0.005	<0.005	0.054	0.7
Trichloroethylene	<0.005	<0.005	<0.005	<0.005	<0.005	<0.005	0.017	0.5
TCLP Acid Extractables and Base/Neutrals	BDL	BDL	BDL	BDL	BDL	BDL	BDL	(3)
TCLP Metals								
Barium	0.6	0.5	0.6	0.4	0.5	0.3	0.4	100.0
Nickel	<0.1	<0.1	0.2	<0.1	0.2	0.4	<0.1	35.0
Zinc	0.5	0.3	0.4	0.2	0.4	0.2	0.1	200.0
TCLP Phenol	<0.12	0.33	0.20	<0.12	<0.12	<0.12	<0.12	2000 mg/l
Chlorine	<0.015%	<0.015%	0.016%	<0.015%	<0.015%	<0.015%	<0.015%	<1.0%
Cyanide	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	<5.0 mg/kg	50 mg/l
Reactive Sulfide	<1.3 mg/kg	49 mg/kg	<1.3 mg/kg	<1.3 mg/kg	<1.3 mg/kg	4.8 mg/kg	<1.3 mg/kg	50 mg/l
Closed Cup Flash-Point	> 200°F	> 200°F	> 200°F	> 200°F	> 200°F	> 200°F	> 200°F	> 140°F
PCBs	4.5 mg/kg	2.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<0.5 mg/kg	<Detection Limits

(1) Concentrations shown as mg/l unless otherwise noted. The units mg/l and mg/kg are approximately equal to parts per million.

(2) Sample interval shown as feet below ground surface.

(3) Acceptance limits for TCLP Acid Extractables and Base/Neutrals are shown in Table 1.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast District Headquarters
2300 N. Dr. ML King, Jr. Drive, Box 12436
Milwaukee, WI 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

September 11, 1996

Linda Benfield
Foley & Lardner
777 East Wisconsin Ave.
Milwaukee WI 53202-5367
6635 South 13th Street
Milwaukee, WI 53221

Dear Ms. Benfield,

Ref your client Hein Werner

This letter is intended to communicate to you the contents of a meeting I had with Frank and Dominic Giuffre of Giuffre Rentals. The subject of the meeting was contamination at the "east lot" at the former Hein Werner and Ackerman property in Waukesha, WI.

On this date Environmental Conservation Warden Winter Hess went to 6635 S. 13th Street, Milwaukee WI 53221, Giuffre Crane Rental. At that location Hess met with Frank Giuffre, Dominic Giuffre, Earl VanderWielen (General Manager of Mallory Improvements) and Wenbin Yuan (General Manager of Dakota Environmental). Hess introduced himself as an Environmental Conservation Warden and provided a business card to each person present. Hess indicated the purpose of Hess's presence was to confirm or deny communications that had been related by various people regarding attempts to remidiate the property located east of the former Hein Werner property at the end of National Ave in Waukesha WI.

Hess asked, if Giuffre Brothers had any objection to Hein Werner removing a barrel of waste materials that was generated during the most recent exploration of the site. Both Frank and Dominic Giuffre stated they had no objection. Frank Giuffre stated the hang up has been the EPA ID number needed to ship the drum off site. Frank stated Hein Werner wants Giuffre Brothers to obtain an EPA ID number for the site and then that number can be used. Giuffre Brothers feel Hein Werner should use a Hein Werner EPA ID number for the site. Giuffre Brother indicated they did not feel they should assume liability for shipment and disposal of a hazardous waste they did not generate. Giuffre Brothers feel they would be assuming a liability by using an EPA ID # issued to them. Hess indicated Hess would determine which ID number should be used for disposal of the one drum on site and what that ID number is. Hess indicated he would relay that information to Giuffre Brothers. Hess was told the current owner of the parcel is Giuffre Rentals Inc.

Hess asked if Giuffre Brothers had told Hein Werner that Hein Werner could not go on the property to conduct exploration for buried wastes, and if wastes were found, remediation of the site. Frank and Dominic Giuffre stated they had not. Frank stated in fact there had been past offers to Hein Werner's



Jim Wilke to get the site checked and cleaned up. Frank stated one offer was to have Giuffre develop a clean up plan and Hein Werner execute the plan. Another was for Hein Werner to develop a clean up plan and Giuffre execute the plan. Frank indicated both offers were rejected. Another plan offered was for Hein Werner to establish a money fund to begin a clean up project. Hein Werner, Ackerman and Giuffre would all contribute funds to the project. When the project was done the three could then decide who owed what to whom. Giuffre stated it is silly to ignore the fact the site has contamination and needs to be cleaned up. Frank questioned why spend a large amount of money on attorneys and environmental firms in order to argue about the clean up. Those funds could be used to clean up the site instead.

Hess asked if the following things occurred would Giuffre Rentals allow Hein Werner to proceed with a clean up?:

- ▶ Hein Werner develop a comprehensive plan to do exploration and remediation
- ▶ Hein Werner received DNR approval of the plan
- ▶ Hein Werner received Giuffre Rental's review and approval of the plan
- ▶ Hein Werner agreed to have a Giuffre consultant on site to ensure the plan was executed as approved

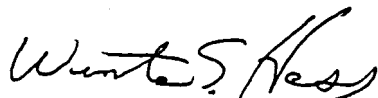
Both Frank and Dominic Giuffre stated they would allow Hein Werner to proceed.

Frank Giuffre stated he has never put that in writing but would immediately author a letter to Hein Werner making this offer and send a copy to Hess. Frank indicated this would provide a record of Giuffre Rental's offer to Hein Werner.

Hess indicated Hess would relay the above information to John Green of the Wisconsin Attorney General's office.

Subsequent to this meeting I spoke with Michael Ellenbecker, a Hazardous Waste Investigator with the Wisconsin DNR. Ellenbecker is very familiar with this case. Ellenbecker advised, since the waste was generated by Hein Werner while doing the exploration, the proper EPA ID # to be used is the Hein Werner EPA ID # which is WID006072698. Accordingly, Hein Werner should arrange for proper disposal of the waste, complete a hazardous waste manifest, and upon shipment sign the manifest as the generator.

Sincerely



Winter S. Hess
Environmental Conservation Warden

cc: J. Green Wis DOJ



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
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Milwaukee, WI 53212-0436
TELEPHONE 414-263-8500
FAX 414-263-8483
TDD 414-263-8713

September 11, 1996

Frank Giuffre
6635 South 13th Street
Milwaukee, WI 53221

Dear Mr. Giuffre,

Thank you, your brother Dominic and your staff for meeting with me today. The following represents my understanding of our meeting. If there is something that I miss understood please correct me.

On this date Environmental Conservation Warden Winter Hess went to 6635 S. 13th Street, Milwaukee WI 53221, Giuffre Crane Rental. At that location Hess met with Frank Giuffre, Dominic Giuffre, Earl VanderWielen (General Manager of Mallory Improvements) and Wenbin Yuan (General Manager of Dakota Environmental). Hess introduced himself as an Environmental Conservation Warden and provided a business card to each person present. Hess indicated the purpose of Hess's presence was to confirm or deny communications that had been related by various people regarding attempts to remediate the property located east of the former Hein Werner property at the end of National Ave in Waukesha WI.

Hess asked, if Giuffre Brothers had any objection to Hein Werner removing a barrel of waste materials that was generated during the most recent exploration of the site. Both Frank and Dominic Giuffre stated they had no objection. Frank Giuffre stated the hang up has been the EPA ID number needed to ship the drum off site. Frank stated Hein Werner wants Giuffre Brothers to obtain an EPA ID number for the site and then that number can be used. Giuffre Brothers feel Hein Werner should use a Hein Werner EPA ID number for the site. Giuffre Brother indicated they did not feel they should assume liability for shipment and disposal of a hazardous waste they did not generate. Giuffre Brothers feel they would be assuming a liability by using an EPA ID # issued to them. Hess indicated Hess would determine which ID number should be used for disposal of the one drum on site and what that ID number is. Hess indicated he would relay that information to Giuffre Brothers. Hess was told the current owner of the parcel is Giuffre Rentals Inc.

Hess asked if Giuffre Brothers had told Hein Werner that Hein Werner could not go on the property to conduct exploration for buried wastes, and if wastes were found, remediation of the site. Frank and Dominic Giuffre stated they had not. Frank stated in fact there had been past offers to Hein Werner's Jim Wilke to get the site checked and cleaned up. Frank stated one offer was to have Giuffre develop a clean up plan and Hein Werner execute the plan. Another was for Hein Werner to develop a clean up plan and Giuffre execute the plan. Frank indicated both offers were rejected. Another plan offered was for Hein Werner to establish a money fund to begin a clean up project. Hein Werner, Ackerman and Giuffre would all contribute funds to the project. When the project was done the three could then decide who owed what to whom. Giuffre stated it is silly to ignore the fact the site has contamination and needs to be cleaned up. Frank questioned why spend a large amount of money on attorneys and

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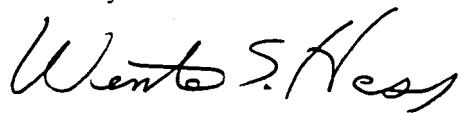
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I have sent a letter to Linda Binfield, legal counsel for Hein Werner, relating the above issues.

Sincerely



Winter S. Hess
Environmental Conservation Warden

cc: John Green - Wis DOJ

CASE ACTIVITY REPORT
Form 4100-160 3-90

State of Wisconsin
 Department of Natural Resources
 Law Enforcement

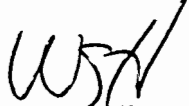
Case Number 95-C212-007	Case Title Hein Werner
Activity Meeting with Giuffre Brothers	Date of Activity September 11, 1996

Narrative

On this date Environmental Conservation Warden Winter Hess went to 6635 S. 13th Street, Milwaukee WI 53221, Giuffre Crane Rental. At that location Hess met with Frank Giuffre, Dominic Giuffre, Earl VanderWielen (General Manager of Mallory Improvements) and Wenbin Yuan (General Manager of Dakota Environmental). Hess introduced himself as an Environmental Conservation Warden and provided a business card to each person present. Hess indicated the purpose of Hess's presence was to confirm or deny communications that had been related by various people regarding attempts to remediate the property located east of the former Hein Werner property at the end of National Ave in Waukesha WI.

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Warden Reporting Winter S. Hess 	Date of Report September 11, 1996	Exhibit Reference
--	--------------------------------------	-------------------

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- ▶ Hein Werner received DNR approval of the plan
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Frank Giuffre stated he has never put that in writing but would immediately author a letter to Hein Werner making this offer and send a copy to Hess. Frank indicated this would provide a record of Giuffre Rental's offer to Hein Werner.

Hess indicated Hess would relay the above information to John Green of the Wisconsin Attorney General's office.

268 09189 0
HW/CME/L



GIUFFRE BROS. CRANES, INC.

September 11, 1996

James A. Wilke
Hein-Werner Corporation
2120 Pewaukee Road
Waukesha, Wisconsin 53221

Dear Mr. Wilke,

I have just concluded a meeting with Winter Hess of the State of Wisconsin Department of Natural Resources regarding the property located at 1005 Perkins Avenue, Waukesha, Wisconsin. This letter is to clarify to you and all involved what our position is concerning access to this site for remediation work.

We will allow access for work at the site at any time, with certain conditions. The conditions are simply that we receive ample notice of the needed access, that a representative of ours is present during the work and that we are reimbursed for our expenses relating to overseeing the work.

In addition to the question of access, we have been asked to supply generator identification number for removal of a drum of waste on the property. We do not generate any waste and therefore we do not have a generator number. Mr. Hess has agreed to search to see if there has been a number designated to the site in the past. If no number is available he will attempt to receive an emergency number so that the drums can be removed.

I hope this clarifies the situation for you. We in no way want to impede the clean up of this site and will do whatever is in our power to expedite the process.

Sincerely,

Frank P. Giuffre
President

cc Joseph Dindorf, Hein-Werner
Mark DeLong, VME
Winter S. Hess, WDNR
Scott J. Ferguson, WDNR
John Green, Assistant Attorney General
Wenbin Yuan, Dakota Environmental
bcc Micheal Ellenbecker WDNR

Hazardous Waste Site Investigation/Inspection Report

State of Wisconsin
Department of Natural Resources

Facility Name HEIN WERNER CORP		EPA ID WID006072698	FID ID 268003120	ID 1542	Pg1 of 1
Related Facility MALLORY IMPROVEMENTS, AKERMAN, GUIFFRE		Facility Inspected As			
Site Address 1005 PERKINS AVE		Notified Status UNCLASSIFIED			
City WAUKESHA	Zip 531871606	County WAUKESHA	Lead Investigator MIKE ELLENBECKER		
Contact Name	Phone Number	Type of Contact FIELD INSPECTION	Hours 7	Contact Date 5/23/96	

Site Narrative

On Thursday, May 23, 1996, at approximately 09:00 hours Hazardous Waste Investigator Michael J. Ellenbecker arrived at the old Hein Warner site located at 1005 Perkins Avenue, Waukesha, Wisconsin, 53187. The purpose for the site visit was to observe the excavation of six test pits. The test pits were being excavated, because drums containing paint wastes were believed to have been disposed of on-site.

Test Pit 1

Excavation of test pits 1 showed observable signs that paint like wastes were disposed of. Test pit 1 revealed a buried container lid, and a chunk of a red paint like waste. (see photos numbered 1 and 2, dated 5/23/96).

Test Pit 2

Excavation of test pit 2 did not show any observable signs that paint like wastes were disposed of.

Test Pits 3 & 4

Excavation of test pits 3 and 4 showed signs that paint like wastes were buried on-site. Each test pit revealed several containers containing a red paint like waste. Ellenbecker observed that the paint like wastes was similar to the paint like wastes Ellenbecker had observed and sampled on the ground. Ellenbecker observed that most of the paint like wastes was discovered at a depth of approximately 6 feet. Ellenbecker took photos of the paint like wastes (see photos numbered 3-11, dated 5/23/96).

Test Pits 5 & 6

Excavation of test pits 5 and 6 did not show any observable signs that paint like wastes were disposed of. Test pit 6 did reveal however a buried container lid. Ellenbecker took photos of the test pits and container lid (see photos numbered 12-18, dated 5/23/96).

Ellenbecker left the facility at approximately 14:30 hours.



George E. Meyer
Secretary

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Southeast District - Annex Building

4041 N. Richards Street

P. O. Box 12436

Milwaukee, WI 53212

TELEPHONE 414-229-0800

TELEFAX 414-229-0810

December 12, 1995

In Response Refer To: FID#268091890

County of Waukesha

HW/GENCL

Mr. Dominic Giuffre
Mallory Improvements
6635 S. 13th Street
Milwaukee, WI 53221

Dear Mr. Giuffre:

Re: Acknowledgement of Receipt of Site Investigation Plan

This letter acknowledges receipt of the Site Investigation Closure Plan entitled "Site Investigation Work Plan For the 1005 Perkins Avenue Site, Waukesha, WI" which was prepared by Dakota Environmental and dated November 30, 1995. The Site Investigation Plan was received by the Department on December 11, 1995.

Dakota has indicated that they intend to conduct a geophysical survey (magnetometer) of the Mallory Improvements property today in order to determine if additional containers of hazardous waste are buried on the property. Because of the short review time allowed (one day), we are providing you with our preliminary assessment as it relates to the geophysical investigation.

An area of great concern to us at this time is that Dakota was vague in their description of how and where the geophysical survey was to be performed (e.g., the proposal consists of four sentences and the site map, which shows an area of surface fill material, does not include the area where hazardous waste drums have "popped out" of the ground). The Department is requesting that Mallory Improvements submit a workplan that identifies the grid spacing that will be used for the geophysical program and the specific method and type of geophysical equipment that will be used. You should be aware that in addition to buried containers of waste paints and solvents, the Department has reason to believe that scrap metal may also be buried at the property. The workplan should include a plan sheet that shows the geophysical program grid pattern. All areas of the property, including paved areas, that are not covered by manmade structure should be included in the geophysical survey. The workplan should indicate a start date for the geophysical investigation and the date when a report of the results of the geophysical survey will be submitted to the Department as well as recommendations for any needed future actions (additional

Mr. Dominic Giuffre, December 12, 1995

2

investigations, hazardous waste determinations, excavations or clean-up activities) that are required. Please note that the Department is expecting Mallory Improvements to propose an extremely tight grid pattern for the geophysical survey.

As required in s. NR 600.08, Wisconsin Administrative Code, the Department has 65 business days from receiving your request to review and approve, deny or deem your submittal incomplete.

If you have any questions, please contact me at (414)229-0849. Thank you.

Sincerely,



Scott J. Ferguson, Hydrogeologist
Hazardous Waste Management Section

sjf:mallory1.geo

xc: Mike Ellenbecker, Deb Roszak - SED
Wenbin Yuan - Dakota (via fax and hard copy)
Bureau - HWS - SW/3
SED HW File

HAZARDOUS WASTE COMPLIANCE MONITORING AND ENFORCEMENT (CME) FORM

State of Wisconsin
Department of Natural Resources

ID 1272

Form 4430-5

Rev. 1-94

Pg 1 of 1

A. GENERAL INFORMATION:

Date Sent to HW-SW/3	Date Received by HW-SW/3	HW-SW/3 Review Date Initials	CMEL Data Entry Date Initials	Entract Data Entry Date Initials
Facility Name (As shown on current EPA notification printout) ADVANCE STORAGE WEST		EPA ID Number WID006072698	FID Number 268003120 <i>208 09/1/95</i>	
Street/Location 1005 PERKINS AVE		Notification Status (As shown in a current EPA Notification Printout) Principle Notified Status NON NOTIFIER		
____ 1/4 of ____ 1/4 of Section ____ Town ____ Range ____		This Facility is also a (circle all that apply) LQG SQG VSQG TRANS TSD		
City, Zip Code WAUKESHA 531871606	County WAUKESHA	District SED	Other _____	
Contact Name/ Phon TERRY TYLEE (414) 549-0035		Type of Contact FIELD INSPECTION	Contact Date 10/26/95	

B. FACILITY INSPECTED AS:

Facility Inspected As : Non - Hazardous Waste Entity

C. NOTIFICATION CHANGE:

Status Change (Attach Status Change Form 4430-12): Field Verified Status is _____
Name Change: Change Name To _____

D. EVALUATION TYPE (Check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Compliance Evaluation Ins (1) | <input type="checkbox"/> Interview | <input type="checkbox"/> Comp GW Monitoring Eval (4) |
| <input type="checkbox"/> Land Disposal Restriction (13) | <input checked="" type="checkbox"/> Complaint (6) | <input type="checkbox"/> O & M Inspection (12) |
| <input type="checkbox"/> Follow-up Insp. (Date _____)(5) | <input type="checkbox"/> Sampling Insp. (2) | <input type="checkbox"/> Closure/Long Term Care (9) |
| <input type="checkbox"/> Routine Surveillance (10) | <input type="checkbox"/> Case Development (11) | <input type="checkbox"/> Licensing Evaluation (7) |
| <input type="checkbox"/> Activity Verification (8) | <input type="checkbox"/> Immediate Threat (14) | <input type="checkbox"/> Other _____ |
| | <input type="checkbox"/> Record Review 3) [FRP _____] | |

E. ENFORCEMENT ACTIONS (List violation and/or enf. type separately):

Viol Type Class 1	Viol Type Class 2	Enf Type	Violation Discovery Date	Date Issued	Response Due	Actual Comp.	Enf Stat.	NR 600 Citation or State Stats.	Additional Information

F. SPECIALTIES (CHECK ONLY IF VIOLATION(S) HAVE BEEN CONFIRMED WITH OFFICE OF ENVIROMENTAL ENFORCEMENT):

This Facility is: High Priority Violator (H) Violating CA Schedule (C) Violating Insurance/Liability Regs (I)

District/Area Comments: Small trench around machine pit with oil. Does not appear to be laeking to the environment.

HW-SW/3 Comments: _____

District/Area Signature(s) *Mike Ellenbecker* **MIKE ELLENBECKER** Date **November 14, 1995**

Documentation Inspection Form; Attachment # _____ Letter/NON/NOV/ to Facility District Review _____ Date _____
 Status Change Form Other _____

Distribution: Copy 1 - District Copy 2 - HW-SW/3; Rtn to Dist after CMEL entry Copy 3 - HW-SW/3 Copy 4 - Area

Date Received Mo. <u>10</u> Day <u>16</u> Yr. <u>95</u>		Time Received <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	Violation <u>WASTE OIL IN DIKED AREA</u>				Violation Code
Name of Caller <u>Lt. Steve Holman</u>		Return Call (✓) <input type="checkbox"/>	Fire No.	County	Co. Code	Township	
Street or Route <u>WAUKESHA F.D.</u>		Suspect Name					
City, State, Zip Code		Suspect Address			City	State	
Telephone Number (include area code) <u>(414) 524-3648 (BEEPER # 663-8244)</u>		Suspect's Vehicle Make	Model	Color	Lic. No. and State		

COMPLAINT DETAILS

SMALL PIT AROUND MACHINERY AREA. May
BE PCB'S
ADVANCED ~~AND~~ STORAGE WEST
1005 PERKINS AVE.
OWNERS: DOMINIC & FRANK GUIFFE
SITE MGR: TERRY TYLER SA9-0035

ACTION TAKEN

- Filed, no action taken
- Referred to Mike Ellenbecker 10/17/95
- Answered by letter
- Arrested (name) _____
- Resolved by telephone
- Investigated on (date & time) _____

INVESTIGATIVE REMARKS

Received By <u>Frank Schultz</u>	Copy 1 - Action Copy	Copy 2 - Informational - Preparer	Copy 3 - Area Warden (Warden Supervisor)
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Spill ID Number

Y Y M M D D 0-99

Date of Incident <i>unknown</i>	Day of Week <i>—</i>	Time of Incident <i>—</i>	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	Reported By (Name) <i>Lt. Steve Howard</i>	Telephone Number <i>(414) 524-3648</i>
Date Reported <i>9-20-95</i>	Day of Week <i>Wed.</i>	Time Reported <i>1:40</i>	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	Agency or Firm Reporting <i>FIRE DEPT.</i>	Reported thru Div. Emergen. Gov't. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Substance Involved <i>machine oil</i>	Quantity <i>250</i>	Units <i>gallons</i>	Person or Firm Responsible <i>Advanced Storage West</i>		
Substance Involved	Quantity	Units	Contact Name <i>Dominic & Frank Giuffre</i>	Telephone Number <i>()</i>	

Physical Characteristics

Solid Liquid Semisolid Gas

Color _____ Odor _____

Address - Street or Route
6635 S. 13th St.

City, State, Zip Code
Milwaukee, WI 53221

Cause of Incident
unknown

Exact Location - Description (intersection, mileage, etc.)
1005 Perkins Avenue, Waukesha

County Location
Waukesha

DNR Dist *S2D* DNR Area _____ Groundwaters Affected Yes No Potential

Surface Waters Affected Yes No Potential Name of Surface Water _____

Action Taken By Spiller

No Action Taken No Notification Investigate

Containment; Type _____

Cleanup; Method _____

Amount Recovered _____

Monitor _____

Contractor Hired; Name _____

Other Action _____

Spill Location

Industrial Facility/Paper Mill/Chem. Co.

Gas/Service Station/Garage, Auto Dealer, Repair Shop

Ag Coop/Facility/Cheese Factory/Creamery

Other Small Business (bank, grocery, insurance co., etc.)

Public Property (city, county, state, church, school, etc.)

Utility Co., Power Generating/Transfer Facility

Private Property (home/farm)

Pipeline, Terminal, Tank Farm, Oil Jobber/Wholesaler

Transportation Accident, Fuel Supply Tank Spill

Transportation Accident, Load Spill

Construction, Excavation, Wrecking, Quarry, Mine

Other _____

Action Taken By DNR

No Action Taken Investigation Supervise/Conduct Cleanup

Spiller Required To Take Action; Type _____

Contractor Hired By DNR; Name _____

Amount Recovered _____

29.29 Enforcement

Other Agencies on Scene

Local _____

State _____

Federal _____

Spilled Substance Destination

Air Soil Groundwater Surface Water Storm Sewer Sanitary Sewer Contained/Recovered Other _____

Person Filing This Report (print name)
GINIA KEENAN

Signature *[Signature]* Date Signed *9-20-95*

Additional Comments:
The Giuffres acknowledge the problem, but due to costs are trying to get the renter of the building to improperly dispose of the oil and/or cement over it. The oil is currently contained in a machine pit.

ZL8091890, GENCL



W66 N215 Commerce Court
Cedarburg, Wisconsin 53012
(414) 375-4750 • (800) 645-7365
Cedarburg • Racine • DePere

1998 JUL 28 PM 1:37

STATEMENT OF QUALIFICATIONS

Inc.
500

KEY ENGINEERING GROUP, LTD

- *Client Service, Quality Engineering, Practical and Cost Effective Solutions*

- *Offices in Cedarburg, Racine and DePere*

- *Environmental and Geotechnical Engineering Consulting*
 - *Professional Engineers (P.E.) and Geologists (P.G.)*
 - *Certified Hazardous Materials Managers (CHMM)*
 - *Civil, Environmental and Geotechnical Engineers*
 - *Hydrogeologists, Chemists and Biologists*
 - *Health and Safety Specialists*
 - *Certified Site Assessors*
 - *Registered Environmental Assessors*
 - *Asbestos Inspectors/Supervisors*
 - *Lead Inspectors/Risk Assessors*

- *Project Team customized specifically to Client's needs and project goals*

- *Site-specific/risk-based contamination management goals*

PROFESSIONAL STAFF EXPERIENCE AND QUALIFICATIONS

Professional Staff	Title	Education	Experience (Years)
<i>Principals</i>			
Gregory A. Konicek, P.G., CHMM	President	B.S. Geology	15
Kenneth W. Wein, CHMM	Vice President	B.B.A. Finance Assoc. Wastewater Treatment/Chemistry	18
<i>Senior Level Professionals</i>			
Richard J. Anderson, P.E.	Geotechnical Dept Manager	M.S. Geotechnical Engineering B.S. Geology	12
Irene S. Fanelli, CIH*	Health and Safety Specialist	M.S. Occupational Safety and Health B.S. Industrial Hygiene J.D. Law	18
Douglas W. Graham, P.E.	Senior Project Manager	B.S.E. Biomedical Engineering	12
Gregory L. Johnson, CHMM, P.G., P.E.	Manager of Technical Services	M.S.E. Geotechnical Engineering B.S.E. Civil/Geological Engineering B.S. Geology	9
E. John Simon	Technical Consultant	B.B.A. Marketing	12
Larry J. Wehrheim, P.G., CHMM	Senior Project Manager	M.S. Geology B.S. Geology B.S. Wildlife Biology	12
<i>Project Professionals</i>			
Jeffrey M. Buntrock	Business Development	B.A. Biological Aspects of Conservation	11
Malathi G. Karri, E.I.T., CHMM	Project Engineer	M.S. Environmental Engineering B.S. Civil Engineering	6
Michael P. Matter	Project Scientist	M.S. Water Resources B.S. Reclamation	5
Virendra S. Verma, P.G.	Project Geologist/ Supervisor of Field Operations	M.S. Geochemistry B.S. Geology	8
<i>Project Associates</i>			
Scott W. Cramer	Staff Scientist	B.S. Biology	6
Curtis M. Hoffart, CHMM	Staff Scientist	B.S. Environmental and Public Health	4
Daniel K. Pelczar, CPG	Staff Hydrogeologist	B.S. Geology	7
<i>Staff Professionals</i>			
Rachel A. Ames	Staff Hydrogeologist	M.S. Hydrogeology B.S. Environmental Science/Geology	1
Zoy Begos	Staff Professional	B.S. Atmospheric Science	4
Scott R. Jacobson	Staff Professional	B.S. Geography-Land Use/Environmental Studies	12
Kenneth E. Konicek	Manager of Field Services	B.B.A. Finance/Accounting	5
<i>Engineering Technicians</i>			
Joshua J. Babiasz	Field Engineer	B.S. Civil/Environmental Engineering	3
Sheri L. Gandrey	Engineering Technician/Drafter	Assoc. Drafting	8
David J. Kleber	Field Geologist	B.S. Hydrogeology	1

* - Contract Senior Technical Advisor

PROFESSIONAL ORGANIZATION MEMBERSHIPS

Academy of Hazardous Materials Managers
American Chemical Society
American Institute of Professional Geologists
American Society of Civil Engineers
American Society of Testing and Materials
Better Business Bureau
Cedarburg Chamber of Commerce
Cedarburg/Grafton Rotary
Chicago Gas Chromatography Group
Construction Specification Institute
Federation of Environmental Technologists
Grafton Chamber of Commerce
Independent Business Association of Wisconsin
Institute of Hazardous Materials Managers
Keep Greater Milwaukee Beautiful, Inc.
Milwaukee County Historical Society
Milwaukee Metropolitan Association of Commerce
National Fire Protection Association
National Ground Water Association
National Safety Council
Ozaukee County Historical Society
Petroleum Marketers Association of Wisconsin
Racine Area Manufacturers and Commerce
Society of Environmental Toxicology and Chemistry
Water Environment Federation
Waukesha County Safety Council
West Bend Chamber of Commerce
Wisconsin Board of Realtors
Wisconsin Chapter Certified Hazardous Materials Managers
Wisconsin Council of Safety
Wisconsin Fabricare Institute
Wisconsin Ground Water Association
Wisconsin Manufacturers & Commerce
Wisconsin Water Well Association

ACCOMPLISHMENTS

- Continued repeat business from our Clients and Client referrals*

- Inc. Magazine's 1997 List of Top 500 Fastest-Growing Private Companies in America***

- Metropolitan Milwaukee Association of Commerce Council of Small Business Executives Future 50 List the last three years*

- Greater than 99% reimbursement of PECFA claims for our clients*

- First WDNR site closure based on site-specific soil cleanup standard (and performance standard) for a chlorinated organic compound which resulted in an approximate \$500,000 savings to our client*

- Excellent Regulatory Relationship*

PROPERTY TRANSACTIONS AND DEVELOPMENT

□ Environmental Assessments

- *Industrial, commercial, residential and agricultural properties*
- *Transaction screens*
- *ASTM Standard Phase I ESAs*
- *Customized to clients needs*
- *Multi-party transactions*
- *Phase II ESA to confirm presence or absence of subsurface contamination*
- *Expeditiously performed to minimize transaction and development delays*

□ Asbestos and Lead Inspections and Management

- *Asbestos Inspectors/Supervisors*
- *Lead Inspectors/Risk Assessors*

□ Grant and Cost Reimbursement Programs

- *Aggressive and experienced in evaluating and obtaining grant and cost reimbursement program funding*
- *Wisconsin's Brownfields Grant Program*
- *Wisconsin's Petroleum Environmental Cleanup Act Program*
- *WDNR Waste Reduction and Recycling Demonstration Grant Program Application*
- *Dry Cleaner Environmental Response Fund Program*

□ Supporting Studies

- *Flood plain hydrology and hydraulics*
- *Stormwater Management*
- *Identification and delineation of wetlands*
- *Threatened or endangered species area studies*
- *Archeological and historical area studies*
- *Land use planning*
- *Permitting*
- *Regulatory administration*

GEOTECHNICAL ENGINEERING

- *KEY offers a wide variety of geotechnical engineering, construction and land development-related services.*
- *KEY's staff includes registered professional Geotechnical Engineers and registered professional Geologists.*
- *Geotechnical Services*
 - Site feasibility studies
 - Geotechnical exploration
 - Shallow and deep foundations
 - Pavement design
 - Earth dams and embankments
 - Bridges and abutments
 - Slope stability and retaining walls
 - Settlement analysis
 - Seismic analysis
 - Landfill liner and cover systems
 - Forensic evaluations
- *Construction Services*
 - Fill control and compaction testing
 - Foundation subgrade evaluation
 - Pavement placement monitoring
 - Concrete testing
 - Construction monitoring

INVESTIGATION OF ENVIRONMENTAL CONTAMINATION

□ Site Investigation

- *Source identification and "fingerprinting"*
- *Spills and continuous sources*
- *Saturated and unsaturated zones*
- *Unconsolidated deposits and fractured bedrock (various geologic and hydrogeologic settings)*
- *Soil, sediment, groundwater and surface water sampling*
- *Volatile organic compounds, semi-volatile organic compounds (including PCBs) and metals*
- *LNAPLs (lighter-than-water nonaqueous phase liquids) such as gasoline and other petroleum products*
- *DNAPLs (denser-than-water nonaqueous phase liquids) such as chlorinated volatile organic solvents including TCE, PCE, TCA and vinyl chloride*
- *Hydrogeologic and geophysical studies*
- *Biodegradation studies*

□ Site-Specific Soil Cleanup Standards

- *NR 720 methods utilizing SESOIL, equilibrium partitioning models*
- *Risk-Based Corrective Action (RBCA) methods*

□ Contaminant Fate and Transport Evaluations

- *One-, two- and three-dimensional algorithms and models*
- *Advection/dispersion and diffusion, sorption/retardation and bio-transformation*
- *Receptor exposure point travel times and concentrations*
- *Risk-Based Corrective Action (RBCA) methods*

□ Risk Assessment

- *Conceptual model development*
- *Qualitative to quantitative*
- *Evaluation of contaminant release and transport mechanisms*
- *Evaluation of current and potential human and environmental receptors (and land uses)*
- *Data collection and evaluation*
- *Exposure assessment*
- *Toxicity assessment*
- *Risk characterization*

REMEDIATION OF ENVIRONMENTAL CONTAMINATION

☐ Interim Actions

- *Free-product recovery system design and implementation*
- *Temporary engineering controls (capping, etc.)*
- *Source removal and waste consolidation*

☐ Feasibility Study

- *Pilot studies*
- *Development of remedial action objectives to address exposure pathways of concern*
- *Development of general response actions that meet the remedial action objectives*
- *Screening of remedial action technologies*
- *Development of remedial action options*
- *Evaluation of remedial action alternatives according to technical, economic and administrative feasibility criteria*

☐ Remedial Action

- *Soil removal and off-site bio-pile and thermal treatment*
- *In-place soil treatment using soil vapor extraction, bioventing, in-situ oxidation and others*
- ***Groundwater remedial action by natural attenuation (RNA)***
- *Groundwater extraction and on-site treatment*
- *In-situ oxidation (hydrogen peroxide and ozone) of impacted groundwater*
- *Engineering and administrative controls*
- *Design reports, plans and specifications*
- *Bid Documents and bid selection assistance*
- *Remedial action implementation oversight and documentation*
- *Remedial Action Documentation Reports*

☐ Coordination of Remedial Action with Construction

- *State and county highway expansion/construction*
- *Railroad ROW expansion*
- *Building construction, demolition, reconstruction*
- *UST upgrades and new UST installations*

☐ Monitoring, Operation and Maintenance

- *Groundwater Monitoring Plan development and implementation*
- *Operation and Maintenance Plan development and implementation*

ENVIRONMENTAL COMPLIANCE

□ Environmental Management

- *Pollution prevention*
- *Waste minimization*
- *Management systems*

□ Permitting, Reporting and Compliance Issues

- *Compliance audits*
- *Air permitting, air emissions inventory reporting*
- *Hazardous waste reporting*
- *SARA Title III reporting*
- *Toxic Release Inventory (TRI) reporting (Form R)*
- *Stormwater permits/management plans*
- *NPDES/WPDES permits*

□ Environmental Response and Health and Safety

- *Spills Prevention, Control and Countermeasures (SPCC) Plans*
- *Contingency and Emergency Preparedness Plans*
- *OSHA Health and Safety Plans*
- *Process Safety Management Plans*
- *Risk Management Plans*
- *SARA Title III Emergency Action Plans*
- *Health and Safety audits*

□ Hazardous Waste Management

- *Identification/classification, organization and labeling*
- *Accumulation and staging*
- *Disposal coordination*
- *Documentation and reporting*

□ Underground and Aboveground Storage Tank Management

- *Industrial, commercial marketers (stations and bulk plants)*
- *Site assessment*
- *Coordination of closure (removal, in-place closure)*
- *Closure documentation and reporting*
- *Coordination of closure with system upgrades*
- *Supervision of new system installations or system upgrades*

LANDFILL WASTE MANAGEMENT

□ Industrial/Commercial/Municipal Landfill Sites

- *CERCLA and State lead sites*
- *Limits of waste determination by air photo interpretation, test pits and geophysical methods*
- *Waste, soil, sediment, groundwater and surface water characterization*
- *Feasibility study and risk assessment*
- *Conceptual and detailed designs for landfill caps, waste consolidation, and groundwater, stormwater and gas management controls*
- *Borrow source investigations*
- *Negotiations with State agencies and USEPA*

□ Fly Ash and Foundry Sand Sites

- *Site investigations*
- *Solid Waste Management Plans*
- *Solid waste exemption applications*

CLIENT SERVICES

Litigation Support

- *Peer review*
- *NCP and CERCLA compliance*
- *PRP searches and studies*
- *Cost allocation formula development*
- *Expert witness testimony*

Community Relations Support

- *Public meetings/presentations*
- *Public notices*

Project Management

- *Clear channels of communication between the project team, the Client and its representatives*
- *Appropriate and regular reporting from the project team to the Client*
- *Project costs within the established budget*
- *Timely completion of the work according to an established project schedule*
- *Project quality through quality assurance technical reviews of project work*
- *Work within Client's individual or corporate budget*

Third-Party Agreements

- *Access agreements*
- *Municipal and railroad ROW permits*
- *Contractor agreements*

REFERENCES

□ *KEY provides consulting services to a wide range of clients, including:*

Attorneys	Industrial Facilities
Commercial Facilities	Municipalities
Construction Contractors	Petroleum Marketers
Developers	Real Estate Agencies
Financial Institutions	Educational Institutions
Government Agencies	Solid/Hazardous Waste Facilities
Home Owners	Transportation Firms

Industrial/Commercial

Wisconsin Central, Ltd.	Rosemont, IL
Cadence Design Systems	San Jose, CA
Weyco Group, Inc.	Milwaukee, WI
Mox-Med, Inc.	Portage, WI
Tecumseh Products, Inc.	New Holstein, WI
Powder Finishers, Inc.	Sturtevant, WI
Milsolv Corporation	Butler, WI
Mercury Marine	Fond du Lac, WI
Riteway Bus Service, Inc.	Richfield, WI
Stark Oldsmobile, Inc.	Menomonee Falls, WI
Wisconsin Petroleum	Beaver Dam, WI
Francois Oil Company	Belleville, WI
Tri Par Oil Company	Saukville, WI
Wisconsin Fuel & Heating	Kenosha, WI
One Stop Petroleum	Racine, WI
Sam's Self Service	Milwaukee, WI
Mashiana Oil	Milwaukee, WI
Applied Power	New Berlin, WI

Property Development/Investment

Luterbach Construction	New Berlin, WI
Continental Properties Co., Inc.	Menomonee Falls, WI
Megal Development	Brookfield, WI
Forward Cedarburg	Cedarburg, WI
Skyline Development	Milwaukee, WI
MSI General	Oconomowoc, WI
New Land Enterprises	Mequon, WI
Ogden & Company, Inc.	Milwaukee, WI
Harrigan Company	Milwaukee, WI
Brian R. Riordan, Inc.	Milwaukee, WI
Schmit Realty	Grafton, WI
Boerke Company	Milwaukee, WI
Cedarburg Village Investment Partnership	Germantown, WI

Municipalities, Schools, Public and Non-Profit Organizations

City of Cedarburg, WI
City of Hartford, WI
Village of Menomonee Falls, WI
City of Wauwatosa, WI
City of Independence, KS
Waukesha County Tech College, Pewaukee, WI
Port Washington School District, WI
Kenosha Airport, Kenosha, WI
Great Circus Parade, Milwaukee, WI

Financial Institutions

Firststar Bank	Milwaukee, WI
Firststar Bank	Sheboygan, WI
Firststar Bank	Sheboygan, WI
Firststar Bank	Menomonee Falls, WI
Liberty Bank	Milwaukee, WI
Heritage Bank	Kenosha, WI
Milwaukee Western Bank	Milwaukee, WI
M&I Bank	Brookfield, WI
Tri City Bank	Cedarburg, WI
Banc One	Milwaukee, WI

Attorneys

Don Rintelman, Whyte Hirschboeck Dudek	Milwaukee, WI
Pam Schaefer, Cook & Franke, S.C.	Milwaukee, WI
Kaye Vance, Cook & Franke, S.C.	Milwaukee, WI
Micheal Bannon, Demark, Kolbe & Brodek	Racine, WI
Don Gallo, Michael, Best & Friedrich	Milwaukee, WI
John Rupke, Schmidt & Rupke	Milwaukee, WI
Elizabeth Rich, Whyte Hirschboeck Dudek	Milwaukee, WI
Jane Clokey, Quarles & Brady	Madison, WI
Chris Trebatoski, Michael Best & Friedrich	Milwaukee, WI
Ted Warpinski, Friebert Finerty & St. John	Milwaukee, WI
John Van Lieshout, Reinhardt Boerner	Milwaukee, WI
VanDeuren Norris & Reiselbach, S.C.	

Technical Oversight

John Lang, P.E., Quantum Management Group	Cincinnati, OH
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REPRESENTATIVE PROJECT DESCRIPTIONS

MULTIPLE SITE INVESTIGATION AND REMEDIAL ACTION

Oil Company, Madison Area, Wisconsin. KEY has completed or is in the process of completing site investigation and remediation activities for eleven (11) sites in Madison, Belleville, Janesville, Stoughton, Verona and Evansville, Wisconsin, including nine (9) gasoline service stations and two (2) bulk plants for an individual oil company. KEY is currently performing groundwater pump and treat system operation and groundwater quality monitoring at one (1) of the sites. Site investigation activities have included or will consist of advancing soil borings and probes, installing groundwater monitoring wells, and performing in-situ hydraulic conductivity testing. For many of the sites, the site investigation included off-site investigations to determine the extent of soil and groundwater impacts. KEY has coordinated site investigation and remediation efforts to increase overall cost effectiveness. In addition, KEY has coordinated remediation work with system upgrades and new installations to minimize business down time and overall cost savings to KEY's client. In many cases, KEY has developed site specific soil cleanup standards to reduce the volume of soil requiring remedial action. KEY is applying the Wisconsin Department of Natural Resources "flexible closure" procedures at several of the sites to eliminate the need for long-term groundwater pump and treat systems.

DEVELOPMENT OF SITE SPECIFIC SOIL STANDARDS

Manufacturing Facility, Southeastern Wisconsin. KEY conducted Phase I and Phase II Environmental Site Assessments at a 60,000-square foot sign manufacturing facility for the potential purchaser of the site. The facility had formerly been occupied by several other manufacturers since its initial development in the late 1950s. Former USTs and indications of spills were identified at the site at the time of the Phase I Environmental Site Assessment. The Phase II Environmental Site Assessment consisted of several soil probes with the collection and analysis of soil samples. The Phase II Environmental Site Assessment did not indicate contamination in the vicinity of the former USTs; however, it did indicate the presence of tetrachloroethylene (PCE) in soil in the vicinity of the spills. Due to the identified presence of PCE on-site, KEY was subsequently retained by the site owner to investigate the degree and extent of PCE contamination. The site investigation consisted of conducting additional soil probes, drilling soil borings, and installing groundwater monitoring wells and a piezometer. Following the completion of the site investigation, KEY utilized a contaminant fate and transport model (SESOIL[®] software) to establish a site-specific soil cleanup level for PCE concentrations in site soil. The model utilized primarily site-specific data collected during the site investigation. The results of the modeling indicated that the concentrations of PCE in site soil, over time, would not impact site groundwater at concentrations exceeding State of Wisconsin groundwater standards. The WDNR indicated that the evaluation and report were one (1) of the most technically sound that they had reviewed, which greatly expedited their review and closure approval process. In addition, it is KEY's understanding that this site is the first WDNR closure based on an evaluation of site-specific cleanup levels for chlorinated compounds. It is estimated that KEY's efforts saved the client approximately \$500,000 in remedial action costs.

PHYTOREMEDIATION PROJECT

Railroad Facility Site, Fond du Lac, Wisconsin. KEY is currently performing site suitability, soil amendment (nutrient, organic, bulking), application (treatment) method and plant selection evaluations in support of a phytoremediation project in Fond du Lac, Wisconsin. The project will include implementing several phytoremediation plots/cells using different combinations of amendments and plant species to treat soil contaminated with heavy petroleum (diesel and fuel oil). KEY is currently preparing a *WDNR Waste Reduction and Recycling Demonstration Grant Program Application* to procure state funding that is available for innovative treatment methods that reduce the amount of waste generated, landfilled or treated.

LANDFILL (CERCLIS) SITE RI/FS, INTERIM ACTION, REMEDIAL ACTION

Former Solid Waste Landfill, CERCLIS Site, Cedarburg, Wisconsin. Work has involved performing limits of waste investigation by evaluating historical aerial photographs, performing test pits and hand auger borings, and performing an electromagneticsurvey; on-site clay borrow source investigation; abandonment of an on-site former water supply well; and installation of monitoring wells nests (unconsolidated and bedrock units). KEY is currently completing the Remedial Investigation/Feasibility Study (RI/FS) Work Plan including the Sampling and Analysis Plan, Quality Assurance Project Plan, Data Management Plan and Health and Safety Plan. KEY is also preparing a Waste Consolidation (Interim Action) Plan. KEY will be completing remedial investigation, feasibility study, and risk assessment work in the near future. KEY is also currently assisting the Potential Responsible Party (PRP) group in scope of work negotiations with the WDNR. KEY has developed a conceptual design for waste consolidation, landfill cap configuration, and stormwater control. Future work will include engineering analyses and detailed design of cover grades, cover components, and stormwater management control and implementation of a comprehensive groundwater monitoring program.

BROWNFIELDS SITES

Property Redevelopment Project, Wauwatosa, Wisconsin. KEY prepared a successful grant application for the funding of the cleanup of a vacant parcel under State of Wisconsin's new Brownfields Grant Program. As a result, the state is providing \$300,000 to the City of Wauwatosa and the Wauwatosa Economic Development Corporation for the cleanup of the site which was previously occupied by a chemical manufacturing facility. KEY identified the former use of the property as a chemical manufacturing facility through a Phase I Environmental Site Assessment (ESA) and confirmed the presence of soil and groundwater impacts during a Phase II ESA. KEY is currently scoping the remedial investigation.

Dry Cleaning Facility, West Bend, Wisconsin. A portion of the facility has operated as dry cleaner for more than 30 years. Chlorinated volatile organic compound contamination was encountered in both soil and groundwater during preliminary screening activities. In order to assist in the future sale of the property, KEY has applied and has been accepted into Wisconsin's Voluntary Party Liability Exemption Program (State Brownfields initiative) and has begun conducting a comprehensive site investigation. This program requires that KEY meet certain property assessment and contaminant investigation and remedial action criteria in order to ultimately receive a "certificate of completion" from the WDNR. Once received, this certificate will exempt the current property owner and any future owners of liability associated with the detected contamination, effectively making the property more marketable. Under the program, KEY is required to work under relatively strict WDNR oversight to ensure that applicable regulations are met during each phase of the work. This WDNR involvement also effectively reduces property owner liability by having the WDNR "buy into" selected site strategies. KEY is also in the preliminary stages of obtaining eligibility to get the property owner reimbursed for a significant portion of the investigation and remedial action costs incurred at the facility under an emerging funding mechanism. This funding program was recently enacted is currently being codified.

MULTIPLE SITE PHASE I ENVIRONMENTAL SITE ASSESSMENTS AND GEOTECHNICAL INVESTIGATIONS

Cellular Telephone Communications Company, National. KEY conducted a series of Phase I Environmental Site Assessments and Geotechnical Investigations at proposed cellular communication tower locations. The Phase I Environmental Site Assessments were conducted in accordance with ASTM standards. The assessments were conducted on a variety of types of property, ranging from agricultural land to commercial and industrial property. The geotechnical phase of the assessments consisted of advancing borings at each site to a depth of approximately 30 to 35 feet below ground surface. Soil samples were collected from the boring, field screened with a photoionization detector to support the Phase I Environmental Site Assessment, and tested for geotechnical strength and index properties. KEY performed geotechnical evaluations and calculations to support the design of tower spread and pile foundations.

INDUSTRIAL FACILITY WITH MULTIPLE CONTAMINANT PLUMES

Manufacturing Facility, New Holstein, Wisconsin. The facility has several areas of significant petroleum and chlorinated volatile organic compound contamination in soil and groundwater. KEY has completed the site investigation activities consisting of soil borings and the installation of groundwater monitoring wells and piezometers in each of the areas. For one (1) of the areas, a former leaking UST area, KEY has completed soil excavation and on-site bio-pile remediation. The excavated soils were successfully bioremediated. The excavated area was located between the manufacturing building and a public street; therefore, all of the impacted soil could not be practically removed. KEY is currently pursuing closure under the WDNR "flexible closure" procedures. KEY determined that a chlorinated groundwater plume in this area was due to an off-site source by evaluating groundwater flow patterns and chemical degradation pathways. For another area of the site, KEY completed soil vapor extraction and groundwater pump testing. Based on this testing, an ex-situ action (excavation and off-site bio-pile treatment) was selected for the remediation of soil; however, the remediation is complicated by the regulatory requirements associated with a commingled plume of gasoline and xylene product. Because gasoline constituents and xylene are amenable to aerobic biodegradation, KEY is in the process of obtaining a hazardous waste variance from the WDNR to treat the xylene contaminated soil along with the gasoline contaminated soil, despite the classification of the xylene contaminated soil as a hazardous waste. Soil remediation is expected to make the site amenable to natural attenuation as a final remedy for groundwater, which is contaminated to a depth greater than 40 feet. This area is further complicated due to the commingling of petroleum contamination from two (2) adjacent sites.

SLUDGE STABILIZATION AND RISK-BASED CORRECTIVE ACTION

Airport Site, Independence, Kansas. KEY conducted field oversight and environmental consulting services for a confidential client in Independence, Kansas. The client was responsible for remediating numerous environmental problems at the airport without impacting the construction schedule of a large new industry development at the airport industrial park. This new industry was going to be situated over the environmentally affected areas. KEY was retained to remediate soils totaling approximately 4,200-tons (3,000 cubic yards) at: two (2) sludge ponds, a sludge impacted ditch, a former petroleum AST area, a sludge concrete vault and a characteristically hazardous waste lead area by excavating with local landfill disposal. Due to the amount of and severity of petroleum constituents within the impacted media "Risk Based Corrective Action" (RBCA) was utilized and approved by the state regulatory agency. The remediation of the ponds was conducted by solidifying the pond sludge with fly ash and the characteristically hazardous waste lead soils were mixed with concrete in order to stabilize the concentration of the lead. Subsequent to dilution and mixing, the lead impacted soils were disposed of as non-hazardous material. The project was completed in a timely and cost-effective manner without impacting the construction schedule while meeting Kansas Department of Health and Environmental requirements.

INNOVATIVE IN-SITU TREATMENT TECHNOLOGY

Petroleum UST Site, Johnson Creek, Wisconsin. KEY completed a site investigation to establish the extent of petroleum contamination in soil and groundwater. KEY is currently remediating petroleum contaminated soil and groundwater by in-situ oxidation using hydrogen peroxide. KEY was successful in gaining approval from the WDNR and the Wisconsin Department of Industry, Labor and Human Relations to implement the technology. The use of this technology expedites site closure by eliminating the need for long term operation and maintenance typical of traditional in-situ soil and groundwater treatment systems.

OPERATING INDUSTRIAL FACILITY, FORMER FOUNDRY, LANDFILL

Manufacturing Facility, Fort Atkinson, Wisconsin. KEY conducted a Phase I Environmental Site Assessment at a 23-acre site with a 300,000 square foot manufacturing building, a 6,500 square foot storage building and a 20,000 square foot office space. The site had formerly operated as a foundry since the early 1920s. The Phase I Environmental Site Assessment was conducted in accordance with ASTM Standards. KEY identified numerous former USTs and ASTs on Sanborn Fire Insurance Maps, private insurance maps and City records. During the site reconnaissance, based on an evaluation of site features and topography, KEY discovered a large area of subsurface fill materials that included foundry sand and slag, bricks, partially buried 55-gallon drums, and concrete and steel debris along an adjacent drainage way. Several other potential environmental concerns were discovered through the records review and site reconnaissance including potential asbestos containing material (ACM) and lead paint, a PCB contaminated and leaking transformer, a former utility tunnel, deteriorating chemical storage containers and an adjacent site oil storage yard with numerous unmanaged 55-gallon drums and ASTs. Based on KEY's findings, general maintenance improvements and a Phase II Environmental Site Assessment were recommended. The Phase II Environmental Site Assessment recommended scope of work consisted of: (1) subsurface investigation to determine the extent of the fill material, the presence or absence of the several USTs, and if soil and groundwater are impacted by former ASTs/USTs, (2) a ACM and lead paint survey, (3) an inspection and mapping of the formerly used utility tunnel, and (4) an evaluation of the adjacent oil storage facility to determine if there is a potential for impacts to the site from this facility.

HAZARDOUS WASTE MANAGEMENT

Industrial Facility, Brookfield, Wisconsin. The project involved the organization, documentation, labeling, and evaluation of the various drums and process and storage containers of product/waste located throughout the facility and decontamination of the building interior to obtain WDNR/NR 600 closure. The subject site is approximately 4.7 acres in size and developed with one (1) structure. The structure consists of approximately 60,000 square feet and was used to manufacture printed wire circuit boards. A site visit identified numerous areas and methods of waste storage. In order to identify the volumes and various types of waste and proper disposal procedures, an effective organization of the site's waste accumulation and storage needed to be conducted. This process also identified any hazardous wastes exceeding the 90-day storage period for a large quantity generator (LQG). Approximately 221 full 55-gallon drums were found within the building. The drums were classified as acids, caustics, oxidizers and other groupings using general process information, on-site Material Safety Data Sheets and other available information. These drums were then moved to a staging area. In preparation for disposal, the drums were staged based on their grouping and put in chronological order according to the waste accumulation date on the hazardous waste label. The proper identification and documentation process allowed for an efficient and expedited disposal of the wastes. Building interior decontamination included dismantling and cleaning of waste water treatment system components, piping, subsurface concrete vaults and channels, HVAC components, floors and walls. Wipe sampling was performed to verify effectiveness of decontamination procedures.

ENVIRONMENTAL MANAGEMENT/REGULATORY COMPLIANCE

Industrial Facility, Multiple Locations, Wisconsin. KEY has been contracted by a large industrial manufacturing facility to manage its environmental needs. KEY's responsibilities include conducting environmental audits/compliance at individual facilities, completing annual regulatory reporting, evaluating the need for regulatory permits (air emissions, wastewater discharge, stormwater management, etc.), and industrial hygiene air monitoring. KEY's activities are discussed in more detail below.

- **Environmental Audits.** KEY has completed environmental audits at several of the industrial facilities. Auditing activities included a site reconnaissance paying particular attention to industrial practices that have caused or have the potential to cause environmental concern and preparation of an environmental audit report. The report included a discussion of the site location, site description, manufacturing processes; identification of hazardous materials (and availability of MSDS sheets); the handling, storage, and disposal practices of hazardous materials; review of current and/or existing regulatory compliance reporting and permits; and KEY's recommendations based on the overall evaluation. All activities involved the cooperation of and coordination with facility management and personnel.
- **Regulatory Compliance.** KEY manages the regulatory reporting requirements which are required at most of the industrial facilities. Reporting includes annual hazardous waste reports (waste generation and management) as required by NR 600 - NR 685, SARA Title III Tier II emergency and hazardous chemical inventories, SARA Title III toxic release inventories, air emission inventories as required by NR 438, and wastewater discharge reporting as required under the WPDES permit and local wastewater treatment facility's requirements. KEY has also assisted in creating or updating SARA Title III Emergency Plans, OSHA Hazardous Communication Plans, and other compliance issues where required.
- **Industrial Hygiene Air Monitoring.** Personal air monitoring and sampling have been performed at several of the industrial facilities. These air monitoring events were performed to determine the level of hazardous fugitive emissions (primarily chlorinated VOCs and/or styrene) that employees may be exposed within the facility. Air sampling pumps were worn by individuals or left in areas suspected of elevated concentrations of fugitive emissions. Results were presented in comparison with OSHA Exposure Limits and NIOSH and ACGIH guidelines.
- **Air Permits.** KEY completed a Synthetic Minor Non-Part 70 air pollution control operation permit at one of the industrial facilities. Permit activities included obtaining extensive knowledge of process systems and determining material usage and those materials that have contaminant air emissions. Air emission control systems including a carbon adsorption unit were evaluated for effectiveness by performing air sampling events, stack emission testing, and material and solvent flow balances. Calculations included determining actual emissions, theoretical emissions, and potential to emit based on a projected five (5) year output.
- **Wastewater Permits.** KEY has updated and resubmitted a WPDES permit application for one of the industrial facilities. The WPDES permit requires quarterly discharge sampling for defined parameters and annual reporting. Several local wastewater treatment facilities also require quarterly and/or biannual wastewater discharge sampling (typically in permit required confined spaces) to meet the local discharge parameters.
- **Stormwater Permit/Stormwater Management Plans.** KEY has completed and submitted Stormwater Permits and Stormwater Management Plans for several of the industrial facilities. Permit activities included site reconnaissance during a stormwater event to determine overland flow on and off of the properties detention ponds, ditches, water bodies and storm sewers. The management plans included developing pollution prevention procedures and best management practices (i.e., housekeeping, vegetation, structural erosion prevention practices, runoff prevention practices, and sediment preventing practices).

STANDARD FEE SCHEDULE

Staff

Staff Assistant	\$	35.00/Hour
Field Technician	\$	50.00/Hour
CAD Technician	\$	50.00/Hour
Professional Assistant	\$	50.00/Hour
Senior Field Technician	\$	55.00/Hour
Staff Professional	\$	65.00/Hour
Project Associate	\$	70.00/Hour
Project Professional	\$	80.00/Hour
Technical Consultant	\$	80.00/Hour
Senior Project Manager	\$	90.00/Hour
Principal	\$	105.00/Hour
Expert Witness Testimony	\$	150.00/Hour

Expenses

Auto	\$	00.38/Mile
Service Truck	\$	00.45/Mile
Per Diem	\$	75.00/Day

Equipment

Air Sampling Pumps	\$	45.00/Day
CAD Station	\$	25.00/Hour
Calibrator	\$	20.00/Day
Coliwassas	\$	15.00/Each
Drum(s)	\$	40.00/Each
Explosion Meter	\$	75.00/Day
Field Scale	\$	25.00/Day
Free-Product Recovery System	\$	50.00/Day
Hach Meter	\$	10.00/Each
Hermit/Transducer (2 Channel)	\$	150.00/Day
Hydro Lab Water Quality Meter	\$	125.00/Day
Magnetic Locator	\$	50.00/Day
Monitoring Well Sampling	\$	45.00/Day
Photoionization Detector	\$	75.00/Day
Pump w/Hose	\$	125.00/Day
Sample Containers (24 Per Box)	\$	20.00/Box
Survey Equipment	\$	65.00/Day
Water Level Indicator	\$	10.00/Day

Standard Terms and Conditions

All other expenses, including subcontractors required during the project, with the exception of PECFA projects, will be billed at cost plus 15%. Minimum on-site costs for field personnel and equipment rentals are four (4) hours. Overtime rates (Saturdays, Sundays, Holidays, and outside the normal business hours of 8:00 a.m. to 5:00 p.m.) will be billed at 150% of the normal charges.

Payment is due within 15 days after receipt of invoice. All unpaid balances will accrue interest at 1.5% per month after 30 days, plus all reasonable attorney fees incurred to collect unpaid invoices, should it become necessary.