



ENVIRONMENTAL • CIVIL/GEOTECH • COMPLIANCE

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February 15, 2001

Mr. Scott J. Ferguson, Hydrogeologist
Wisconsin Department of Natural Resources
Southeast Region Annex
4041 North Richards Street
Milwaukee, Wisconsin 53212-0436

Reference: *Addendum to Final Report*
Former Hein Wemer Property
1005 Perkins Avenue
Waukesha, Wisconsin
WDNR FID#: 268091890

KEY ENGINEERING GROUP, LTD.
File No. 0810009

Dear Mr. Ferguson:

Pursuant to our February 13, 2001 meeting, the purpose of this letter is to further support the documented position of Hein Wemer and Key Engineering Group, Ltd. (KEY) that a Wisconsin Department of Natural Resources (WDNR) finding of *No Further Action* for Hein Wemer, a former subject site owner and occupant, is warranted for the above referenced site. This letter focuses on two specific environmental conditions at the subject site, (1) residual polychlorinated biphenyl (PCB) contamination and (2) methyl tert-butyl ether (MTBE) contamination, that have been made points of issue in recent correspondence to WDNR by Dakota Intertek Corporation (Dakota) on behalf of the current subject site owner Mallory Improvements, Inc. (Mallory).

PCB CONTAMINATION

Mallory and Dakota have asserted that the PCB contamination at the subject site has not been completely defined or addressed. Mallory and Dakota base this assertion on the fact that PCBs were detected in soil by Dakota at a single sampling point at a concentration greater than the subject site target cleanup level of 5 milligrams per kilogram (although it is the understanding of Hein Wemer and KEY that this data, and documentation supporting the credibility of this data, has never been submitted to the WDNR).

Hein Wemer and KEY strongly disagree with this Mallory/Dakota conclusion. The PCB contamination has been systematically and consistently addressed from discovery, through investigation and ultimately by remedial action (and through supplemental site investigation by Hein Wemer documented in the *Site Investigation Report* (February 20, 2000)). The WDNR concurred that the PCB contamination has been adequately addressed in a December 19, 1997 letter (attached) that stated "we require no further action in connection with the PCB contaminated soils that were investigated and remediated at this site." The Hein Wemer site investigation further validated this WDNR conclusion.

In addition, given the scope and approach of investigation and remedial action completed, a single point concentration is not significant to the overall evaluation of residual exposure/risk (or subsequently the completeness of the investigation and remedial action) at the subject site. Mallory and Dakota fail to view the available investigation and remedial action data in its entirety or understand the statistical significance of a single point concentration. This approach to data analysis is inconsistent with United States Environmental Protection Agency (USEPA) and State of Wisconsin guidance which clearly acknowledge that in evaluating the protection of human health from direct contact with contaminated soil (the only applicable exposure pathway for the residual PCB contamination at the subject site based on previous and Hein Wemer

site investigation data), exposure to site contaminants is most appropriately represented by an average concentration for an exposure area and that, while point contaminant concentrations from individual discrete samples can be used for comparison to target cleanup levels, they are not singularly relevant to exposure/risk analysis [USEPA Supplemental Guidance to RAGS: Calculating the Concentration Term, OSWER Directive 9285.7-08/ as cited in Soil Cleanup Levels for PAHs Interim Guidance, WDNR Publication RR-519-97]. In fact, Mallory and Dakota actually refute the use of statistical analysis and question the systematic procedure in which the remedial action occurred (in three successive excavation events).

MTBE CONTAMINATION

Mallory and Dakota disagree with the Hein Werner and KEY conclusion (documented in the *Site Investigation Report* (February 10, 2000) and the *Final Report* (December 18, 2000)) that MTBE contamination in soil and groundwater on the western portion of the subject site has been caused by the adjacent salvage yard (Waukesha Auto Parts and Salvage Company, a.k.a. Waukesha Iron and Metal). MTBE was the only contaminant, with the exception of a single (and likely related) benzene concentration detected in one well just above the NR 140 enforcement standard, that exceeded NR 140 groundwater quality standards. MTBE was detected in 2 of the 12 Hein Werner site investigation groundwater monitoring wells/piezometers.

It is the opinion of Hein Werner and KEY that the preponderance of the evidence clearly points to the salvage yard as the source of the MTBE impacts.

- ⊃ WDNR has documented that the salvage yard improperly stored numerous drums of gasoline under stacks of scrap vehicles in the western portion of the salvage yard and that the storage occurred for up to 7 years in 1990s. Additionally, the WDNR has documented that gasoline transfer activities (draining of gas tanks into drums) routinely occur at the salvage yard.
- ⊃ WDNR has performed a complaint investigation at the salvage yard related to "gasoline dumping."
- ⊃ Existing data clearly documents groundwater and surface water flow from the drum storage area (western portion of salvage yard) toward the impacted soil boring and groundwater monitoring well locations on the subject site.
- ⊃ Mallory and Dakota have made reference to the fact that the salvage yard has implemented measures to reduce the potential for contamination at the salvage yard, such as paving portions of the salvage yard. However, it is the understanding of Hein Werner and KEY that the WDNR observed the improper storage of petroleum impacted soil (stockpile) on the salvage yard property that was generated during grading operations associated with this paving. This stockpile likely represents a source of continued petroleum constituent impacts to the salvage yard and downgradient properties.
- ⊃ Mallory and Dakota reference groundwater data from the salvage yard; however, they do not demonstrate that this data is from monitoring wells located between the drum storage area and the subject site and therefore, Hein Werner and KEY question the relevance of this data.
- ⊃ There is a very low probability that the MTBE impacts were the result of the operations of Hein Werner, which occupied the subject site from 1955 to 1981 (MTBE, an octane enhancer in gasoline, was not widely used until the early 1980s).
- ⊃ Hein Werner used the subject site for heavy equipment storage and demonstration and starting in the mid 1970s for employee automobile parking. Petroleum products that would have been used by the heavy equipment were diesel fuel and hydraulic oils, which do not contain MTBE and any release of gasoline from parked automobiles would clearly be *de minimis* in nature.
- ⊃ Hein Werner did not store gasoline in bulk at the subject site.

CONCLUSION

In implementing the site investigation, it was anticipated by Hein Werner and KEY that the principal environmental concern at the subject site, related to former Hein Werner operations, was associated with residual paint waste at the subject site. The *Site Investigation Report* (February 10, 2000) and *Final Report* (December 18, 2000) document that the residual paint waste has been removed and that the waste has not resulted in significant soil and groundwater impacts at the subject site.

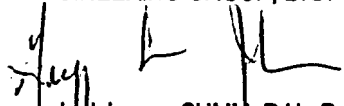
Mr. Scott J. Ferguson
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Based on the entirety of the investigation and remedial action information documented by KEY, Hein Werner and others and clarification of specific issues presented herein, Hein Werner and KEY believe that a WDNR finding of *No Further Action* for Hein Werner is warranted.

Please contact Hein Werner or KEY with any questions.

Sincerely,

KEY ENGINEERING GROUP, LTD.



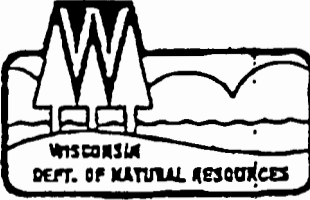
Gregory L. Johnson, CHMM, P.H., P.G., P.E.
Senior Engineer/Scientist

GLJ/kar

Enclosures: *December 19, 1997 WDNR Letter*

cc: Mr. Hiram J. Buffington, Snap-On Tools

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

Southeast Region Annex
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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
RID#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

Quality Natural Resources Management
Through Excellent Customer Service

