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Milwaukee, WI

Bronson C. La Follette  
Attorney General

Ed Garvey  
Deputy Attorney General

Shari Eggleston  
Assistant Attorney General  
(608) 266-9627

123 West Washington Avenue  
Mailing Address: P.O. Box 7857  
Madison, Wisconsin 53707-7857

January 29, 1986

Ms. Amy Wittman  
Division of Corrections  
141 North West Barstow  
Waukesha, Wisconsin 53186

Re: State v. Ron Ahnert and Try Chem

Dear Ms. Wittman:

As you prepare for the probation revocation hearing next month, I thought it might be helpful if I could summarize for you the enforcement history of this case.

I first heard of Ron Ahnert in January of 1984, when the Department of Natural Resources (DNR) asked the Attorney General to prosecute him for violations of the state's hazardous waste management act. I was advised that Ahnert had buried numerous barrels of toxic wastes beneath a loading dock on Try-Chem's premises, after having been explicitly directed by DNR personnel not to do so. This incident was not the beginning of DNR's problems with Ahnert, but rather the culmination of their long-running, unsuccessful efforts to compel him to comply with the state's hazardous waste disposal regulations.

Until recently, the Try-Chem Corporation, owned and managed by Ahnert, operated metal finishing facilities at 1333 West Pierce Street. One of the processes utilized at Try Chem generated a waste, referred to as kolene sludge, which is considered a hazardous waste under ch. 144, Stats., and chapter NR 181, Wis. Adm. Code, because of its high pH and concentrations of toxic metals.

In 1981, when the Department of Natural Resources (DNR) started implementing the state's new hazardous waste management laws, Ahnert was informed that the kolene sludge was a hazardous waste, that it could not be stored on the premises for more than ninety days, and that it would have to be disposed of at a licensed hazardous waste disposal facility. For the next two years, Ahnert continued to accumulate kolene sludge waste on the Try Chem premises. DNR hazardous waste specialists met with him, called him, sent him letters and notices of violation, set deadlines for the proper disposal of the wastes, and granted extensions on the deadlines, all to no avail.

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During a site inspection on March 14, 1983, DNR hazardous waste specialist Vic Pappas noticed a barrel of kolene sludge laying on fill in Try Chem's eastern lot. He directed Ahnert to remove the barrel from the fill, and reminded him that under no circumstances could he dispose of hazardous waste on his property, specifically not in the east lot.

A meeting was held with Mr. Ahnert on April 28, 1983. At that time, Ahnert was told that if the kolene waste was not shipped out to a licensed disposal facility promptly, legal action would be initiated.

On June 16, 1983, during another site inspection, Pappas found that the east lot had been filled, and observed kolene sludge in the fill. When told to remove all kolene wastes from the fill, Ahnert stated his intention to pour concrete over the fill. He was directed not to do so until DNR was satisfied that no kolene waste was buried there.

On June 20, 1983, Pappas again visited Try Chem, to find the east lot fill covered with concrete. At that time, Ahnert said that he would "guarantee" that no waste had been buried in the fill.

On July 5, DNR representatives ordered Ahnert to excavate the fill. The area was excavated on July 14 through 22, 1983, and numerous barrels of kolene waste were found in the fill. DNR asked the Attorney General to take enforcement action.

After reviewing the evidence presented to us, we concluded that it represented one of the most egregious hazardous waste violations DNR has referred to us, and that criminal prosecution was, therefore, warranted. We filed charges under sec. 144.74(4) on July 30, 1984, and, at the same time, filed a civil lawsuit seeking a mandatory injunction requiring Ahnert to properly dispose of all hazardous wastes he had allowed to accumulate on the Try-Chem premises, and to hire professionals to investigate the extent of the residual toxic contamination on the site.

While investigating these charges, I received numerous complaints from DNR and Milwaukee Health Department personnel concerning acid discharges flowing from the Try-Chem building, across the sidewalk, and into the sewer. They were greatly concerned about the hazards these discharges posed to local residents, especially children, and about Ahnert's repeated failure to take corrective action. I understand that he eventually did repair the leak which was the cause of this

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problem, and replace that portion of the sidewalk which had been eaten away by the discharges.

We held numerous meetings with the defendant and his attorney, during the latter half of 1984, in an effort to explain to them what remedial work needed to be undertaken at the site. It soon became apparent that Ahnert's sole objective was to get us off his back while spending no more money on it than was absolutely necessary. We, in turn, made it clear that while we were willing to do everything we could to minimize expenses, the site work necessary would inevitably be a costly undertaking. We seemed to reach a stalemate at that point, but just before the trial date last February, defense counsel notified us that Ahnert wished to plead no contest, and that he would agree to do the necessary site clean-up work we'd discussed as a condition of probation. The pleas were entered on February 19, 1985, with the attached stipulated conditions of probation.

Shortly after the pleas were entered, DNR personnel and I started receiving communications from Ahnert asking for extensions of the deadlines in the conditions of probation, and assistance complying therewith. There followed a series of correspondence and meetings with Ahnert, the purpose of which was to further explain to him (as we had already previously explained at great length) exactly what he needed to do to prepare a site investigation and clean-up plan. Unfortunately, it quickly became obvious that Ahnert's "difficulty" in satisfying the terms of probation continued to arise not from a lack of understanding as to what was required, but from his ongoing reluctance to make the necessary financial investment in the effort. Consequently, Ahnert never did submit an acceptable site investigation plan, and the work on the site was, therefore, never even commenced. There are still unidentified toxic wastes on the premises, and the extent of the residual contamination of the site (and the attendant risk to human health and the environment) remains unknown.

While contemplating how to respond to Ahnert's complete and utter failure to comply with the terms of probation he'd agreed to, still more violations were brought to my attention. I was advised by a representative of the Milwaukee Metropolitan Sewerage District that Ahnert had yet to install the pretreatment equipment necessary to prevent further discharges of toxic metals to the sewerage system. I was also informed, by DNR air management personnel, that Ahnert had installed and commenced operating an incinerator, without the necessary permits, although he had been advised, well in advance, that to do so would be illegal. Finally, it was brought to my attention that Ahnert had

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generated still more barrels of toxic wastes, and, as in the past, was storing them improperly and unlawfully on the Try-Chem premises. Accordingly, I concluded that a review of probation, as I had suggested earlier, would not be adequate, and that much stronger measures needed to be taken. I was, therefore, relieved to hear that you had commenced revocation proceedings.

Ahnert's attitude toward the hazardous waste regulations enacted to protect human health and the environment is among the worst I've seen. While he is a personable enough individual, I am convinced that he still does not appreciate the severity of his offenses. His nonchalance toward continuing violations which pose a serious threat to public health and welfare have persuaded me to pursue both (1) a maximum sentence in this case, and (2) further prosecution for the more recent violations. I have, as you know, already initiated a second enforcement action, but am concerned that he will commit still more toxic waste crimes in the course of his "new" business, which, as far as I can tell, is merely an extension of the old one, which he's sent into bankruptcy in an effort to walk away from the chemically contaminated disaster area he's created.

If you need any more information with respect to the incidents and activities I've described in this letter, please let me know. DNR personnel have thoroughly documented each of Ahnert's many violations, and would, I am sure, be more than willing to meet with you to help you prepare for the revocation hearing.

Sincerely,



Shari Eggleston  
Assistant Attorney General

SE:kdh