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MAY 22 1978

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May 22, 1978

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Mr. Andrew C. Damon
Deputy Secretary
Department of Natural Resources
Box 7921
Madison, Wisconsin

Re: DNR Order No. 2A-78-1190 (your reference No. 4530)

Dear Mr. Damon:

Please be advised that we are retained and appear on behalf of Tecumseh Products Company in the above referenced matter.

With regard to DNR order number 2A-78-1190, dated May 12, 1978, pursuant to Section 144.35, Wis. Stats., notice is hereby given that Tecumseh Products Company requests a hearing on that order.

It should be noted that Tecumseh has no real objection to the order as it pertains to Tecumseh because it merely dictates obedience to applicable statutes and regulations regarding which Tecumseh has been and is in full compliance.

Tecumseh's objection is to the findings of fact and the implications of them as well as of paragraph 1 of the order. Specifically, paragraph 3 of the findings of facts asserts, on information and belief, that the dike is owned and might be maintained by Tecumseh. In fact, the dike was constructed and is maintained by the City of Sheboygan Falls on an easement granted by Tecumseh to the City. Regarding paragraph 5, Tecumseh does not know what materials have been deposited on the dike and states that all solid waste materials are currently disposed of in accordance with all applicable statutes and regulations. As to paragraphs 6 through 8, Tecumseh admits that the Department

Mr. Andrew C. Damon

May 22, 1978

Page Two

has claimed finding various levels of polychlorinated biphenols, but Tecumseh is without information sufficient to form a belief as to what concentrations, if any, of PCB's may exist.

Finally, the wording of paragraph 1 of the order implies that Tecumseh is now disposing of solid waste materials other than at a licensed facility. This implication is contrary to fact.

Tecumseh is willing to withdraw its request for a hearing on this order if the findings of fact are amended and paragraph 1 of the order is reworded. Additionally, Tecumseh is anxious to work with the Department in reaching a satisfactory resolution of the PCB problem affecting the Sheboygan River.

Please feel free to contact us regarding this matter.

FOLEY & LARDNER
ALLEN W. WILLIAMS, JR.
DAVID A. BAKER

Attorneys for Tecumseh
Products Company

By 

cc: Bernard Schultz
Attorney Charles Hammer