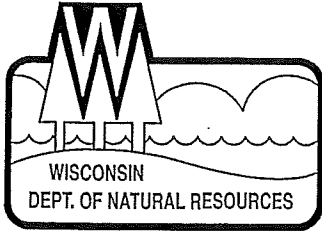


Amadi



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary
Gloria L. McCutcheon, Regional Director

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May 21, 2009

John Curtin, Vice President, Legal and Environmental Issues.
Connell Limited Partnership
Connell Aluminum Properties, LLC
1 International Place-Fort Hill Square
Boston, MA 02110

FID# 246048000

ENFORCEMENT CONFERENCE SUMMARY

Thank you for meeting with the Department of Natural Resources staff on May 12, 2009 to discuss the Notice of Violation that was sent to you on April 20, 2009. This summary concerns the property located at 9100 South 5th Avenue, Oak Creek, Wisconsin. If you are not in agreement with the summary of this meeting, please send a letter describing your concerns to my attention at the above address.

MEETING SUMMARY

In attendance: John V. Curtin (Connell Aluminum Properties, LLC), Thomas P. McElligott (Quarles and Brady, representing Vulcan); Darsi Foss, Kathleen Strasbaugh, Eric Amadi, Pat Chung, and Toni Revane (DNR).

Agreement

By Tuesday, May 26, 2009:

- Connell Aluminum Properties, LLC will submit a letter notifying the Department if it does not intend to move forward in conducting the ch. NR 716, Wis. Adm. Code, site investigation.

By Thursday, June 11, 2009:

- Connell Aluminum Properties, LLC will submit a ch. NR 716, Wis. Adm Code, scope of work plan to the Department if it intends to move forward.

Discussion

Pat Chung thanked John Curtin and Tom McElligott for attending the meeting. She explained that the goal of the conference was to reach an agreement to begin the remedial process at the site, establish deadlines, and facilitate conversation with DNR technical staff.



Darsi Foss stated that the site is still considered a brownfield site, and is eligible for state and federal incentives. She advised to get the site cleaned up while funds are still available.

Curtin stated that Connell Aluminum Properties, LLC owns the property.

Foss said the Department would like to move ahead cooperatively, and wants to get this site into a brownfields path. Foss explained that there may be federal assessment money available to partner on this site, but it would have to be granted to Oak Creek, who would give it in turn to the property owner. Peter Cooper had received an \$80,000 state grant working with the City and DNR.

Curtin stated that he does not want to appear uncooperative. He had thought that Beazer was the responsible party and had confirmed this in a letter to the DNR. Foss stated that Connell is the owner and must also step forward. Under Wisconsin Statute and Administrative Code, property owners are required to take action to address contamination located on (or migrating from) their property. Foss stated that the DNR made that clear to Connell in the September 2008 letter, which was a follow up to the meeting held with Connell in July 2008. Curtin said that if Connell does not intend to move forward, the company will send a letter verifying their decision to the Department within two weeks (by May 26, 2009). Otherwise, they will submit a site investigation /scope of work plan to the Department within 30 days (by June 11, 2009). The May 26 letter will also indicate whether Connell has made arrangements with Beazer or other companies to work together on the project.

Foss stated that the Department will ask for access to the property if Connell does not intend to proceed or doesn't respond.

McElligott stated that if Vulcan steps out in front it would be difficult to recover costs from Beazer. Curtin added that the issue is not just the ability to recover costs, but the cost of recovery.

Curtin said that it is in Connell's best interest to work cooperatively with DNR.

Foss stated that it would be in Connell's best interest to think creatively, particularly with respect to working with DNR and the City.

Chung stated that if no actions have been taken by the middle of June, 2009, Department staff will discuss further enforcement action.

Sincerely,



Toni Revane
Environmental Enforcement Associate

Cc: Thomas P. McElligott, Quarles and Brady, representing Vulcan
Eric Amadi, SER
Jim Schmidt, SER
Darsi Foss, RR/7
Kathleen Strasbaugh, Attorney LS/5
Pat Chung, SER