

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION

In the matter of administrative proceedings
against Western Concrete Products Company,
a corporation organized under the laws of
the State of Michigan and doing business at
510 Fifth Street, City of Cadillac,
County of Wexford, Michigan


WMD Order No. 31-01-111-08-115-10-99

Facility I.D. No. MIR 000 031 708

NOTICE OF TERMINATION

This Notice is issued pursuant to a request for termination submitted on November 22, 2002, by Mr. Philip N. Potvin, pursuant to Section XIII of WMD Order No. 31-01-111-08-115-10-99 ("Order"). The request contained supporting information as required by Section XIII of the Order. Review of this request and the supporting information indicates that Western Concrete Products Company ("WCPC") has achieved compliance with the terms and conditions of the Order.

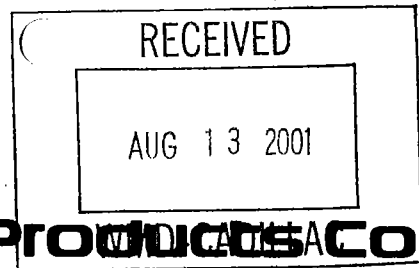
Therefore, effective the date of issuance noted below, WMD Order No. 31-01-111-08-115-10-99 is terminated. Termination of this Order does not release WCPC of liability for any violations of law not specifically resolved by the Order. WCPC is hereby put on notice that the Department of Environmental Quality may pursue civil and/or criminal prosecution, including the assessment of monetary fines, for any such violation of Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq., or other applicable law, as provided therein.

By: 
George W. Bruchmann, Chief
Waste and Hazardous Materials Division

Date: 12/12/02



Western Concrete Products Co.



15151 MILL POND RD.
P.O. BOX 612
BIG RAPIDS, MI 49307
231-796-8685
FAX 231-796-3199

510 FIFTH STREET
P.O. BOX 609
CADILLAC, MI 49601
231-775-3466
FAX 231-775-1848

1430 OLD 27 NORTH
GAYLORD, MI 49735
517-732-9669
FAX 517-732-8767

942 FEDERAL HIGHWAY
HOUGHTON LAKE, MI 48629
517-422-3531
FAX 517-422-3970

3625 US-31 SOUTH
PETOSKEY, MI 49770
231-348-5577
FAX 231-348-5595

1797 N. PARK DRIVE
TRAVERSE CITY, MI 49686
231-941-8193
FAX 231-941-7498

P.R.I.D.E. PERSONAL RESPONSIBILITY IN DELIVERING EXCELLENCE

MR. GARY TUMA
ENFORCEMENT SECTION, WMD, DEQ
P.O. BOX 30241
LANSING, MI. 48909-7741

AUGUST 10, 2001

RE: SEP FOR MIR 000-031-708; CONSENT ORDER 31-01-111-08-115-10-99

DEAR MR. TUMA:

WESTERN CONCRETE'S ORIGINAL PLAN WAS TO BE COMPLETED WITH OUR SEP THIS SUMMER. HOWEVER, WE DID RECOGNIZE THAT SOME HURDLES COULD ARISE AND THAT AN EXTENSION MIGHT BE NECESSARY. AS YOU WILL REMEMBER, WE ARE WORKING CLOSELY WITH THE CLAM RIVER GREENWAY COMMITTEE. ATTACHED IS A LETTER FROM ED STEHOUSER, CHAIRMAN OF THE CLAM RIVER GREENWAY COMMITTEE, WHICH BASICALLY STATES THAT THEY ARE NOT GOING TO RECEIVE THEIR MDOT GRANT UNTIL NOVEMBER OF THIS YEAR. WITH THIS KNOWLEDGE, THEY HAVE DECIDED TO POSTPONE BIDDING THEIR PROJECT UNTIL SPRING 2002.

THEREFORE, I AM REQUESTING AN EXTENSION OF WESTERN CONCRETE'S SEP UNTIL THE FALL COMPLETION OF THE NEXT PHASE OF THE CLAM RIVER GREENWAY PROJECT.

THANK YOU, GARY, IN ADVANCE FOR YOUR HELP AND CO-OPERATION IS GRANTING THIS SEP EXTENSION.

CONCRETELY YOURS,


PHILIP N. POTVIN, PRESIDENT

P.S. ATTACHED ARE RECENT PHOTOS OF THE PROJECT AS COMPLETED AT AYER AND SMITH STREETS.

CC: PHIL ROYCRAFT, CADILLAC DISTRICT MDEQ

Our Mission: "Through strength, durability and longevity, our people and our products fulfill your construction needs."



SEP 18 1998

**WESTERN CONCRETE PRODUCTS COMPANY
510 FIFTH STREET
CADILLAC, MICHIGAN**

**ADDITIONAL INVESTIGATION
WORK PLAN**

September 1998

1.0 SITE DESCRIPTION

The Western Concrete Products Company (Western Concrete) facility is located in the northwestern side of Cadillac in Wexford County, Michigan (**Figure 1, Appendix A**). The facility is a manufacturer of concrete masonry products and ready-mixed concrete, plus a retail building supply showroom and yard.

In June of 1998 remediation activities were performed at the Western Concrete facility to remove leftover concrete, and waste products located in a concrete vault near the southeastern corner of the Shop Building (**Figure 2, Appendix A**). The activities followed the April 1998 Revised Soil Characterization & Waste Removal Work Plan prepared by ASI Environmental Technologies (ASI) and approved by the Michigan Department of Environmental Quality (MDEQ). Additionally, as described in the April 1998 Revised Work Plan, soil investigations near a floor drain in the Shop Building and one (1) in the Doric Building were performed to characterize soil conditions adjacent to these drains. Tasks associated with the removal of the concrete vault and its contents were completed with analytical results confirming clean boundaries as required by the MDEQ guidance document, Verification of Soil Remediation, April 1994, Revision 1 (VSR) and Part 201 Residential Clean-up Criteria.

PENALTY SUMMARY

Facility:	Western Concrete	Date	4/22/98
Regulations violated:	R 299.9301(3); Sec 20114; 40 CFR 265.31	Gravity Amount	\$17,500.00
		Multiday Penalty	\$135,000.00 = \$750.00 x 180 days
		Subtotal After	\$152,500.00
		Economic Benefit	\$1,000.00
		Total	\$153,500.00
Regulations violated:	R 299.9307(1); 299.9311	Gravity Amount	\$4,000.00
		Multiday Penalty	\$0.00 = \$0.00 x 0 days
		Subtotal After	\$4,000.00
		Economic Benefit	\$0.00
		Total	\$4,000.00
Regulations violated:	Section 12113 of Part 121 of NREPA	Gravity Amount	\$2,500.00
		Multiday Penalty	\$0.00 = \$0.00 x 0 days
		Subtotal After	\$2,500.00
		Economic Benefit	\$0.00
		Total	\$2,500.00
Regulations violated:	R 323.1162;	Gravity Amount	\$2,500.00
		Multiday Penalty	\$0.00 = \$0.00 x 0 days
		Subtotal After	\$2,500.00
		Economic Benefit	\$0.00
		Total	\$2,500.00

162,500.00



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY*"Better Service for a Better Environment"*

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

CADILLAC DISTRICT OFFICE
120 CHAPIN ST W
CADILLAC MI 49601SL
DD

March 10, 2000

Mr. Phil Potvin
Western Concrete Products Company
510 Fifth Street
P.O. Box 609
Cadillac, Michigan 49601-0609

Dear Mr. Potvin:

SUBJECT: Western Concrete Products Company; MIR 000 031 708; Consent Order WMD 31-01-111-08-115-10-99; Pollution Incident Prevention Plan and Supplemental Environmental Project

The purpose of this letter is to track Western Concrete Products Company's progress in complying with the terms of Consent Order WMD 31-01-111-08-115-10-99 (Order). Two documents have been submitted as required by the Order, a Pollution Incident Prevention Plan (PIPP) as required by paragraph 4.11, and a workplan for the Supplemental Environmental Project (SEP) specified by paragraph 5.1.

Paragraph 4.11, Pollution Incident Prevention Plan

Western Concrete Products Company (Western) submitted a PIPP in September 1999, which was disapproved in a letter dated October 13, 1999. The PIPP was revised October 27, 1999. The revised PIPP pointed out two deficiencies in the handling of critical materials at Western Concrete Products Company (Western). The PIPP indicated that the deficiencies would be addressed in December 1999.

First, the company was to construct a secondarily contained area for a calcium chloride tank located next to the ready mix batch plant. The plan indicated that construction would begin on December 1, 1999.

Second, the plan indicated that Western was in the process of developing a materials tracking, handling and disposal procedure for spent and waste materials. The program was to have been in place by December 15, 1999.

Please let me know if the secondary containment area is complete, and whether or not the waste materials tracking procedure has been put into effect.

Paragraph 5.1, Supplemental Environmental Project

Western submitted a Supplemental Environmental Project (SEP) Workplan on September 30, 1999. Department of Environmental Quality (DEQ) staff reviewed the SEP to determine if it met the requirements of paragraph 5.1. The SEP is determined to be deficient for the following reasons:

1. Paragraph 5.1(c) requires that the SEP Workplan include detailed schedules and timelines for the implementation of the SEP. The plan does not include a detailed schedule for the work.

2. Paragraph 5.1(g) requires that the SEP Workplan include procedures and tables for the periodic reporting of progress toward completion, incurred costs, and/or expenditures resulting from the performance of the proposed project. The plan does not include reporting information. In meetings with Western, we discussed that periodic reporting could be less frequent during winter months and more frequent during summer months, when more activity might occur.
3. Paragraph 5.1(f) requires that Western include a signed affidavit that no grants or tax abatement credits may be used to offset any portion of the cost dedicated to the SEP. No such affidavit has been submitted.

Please correct the above listed deficiencies to the SEP Workplan, and resubmit it for approval within 10 days of receipt of this letter as provided for in Paragraph 3.1 of the Order

Paragraph 5.1 of the Order requires that the SEP Workplan, designs and specifications, and basis of design be submitted for DEQ review and approval. I understand that the designs, specifications, and basis of design are in progress. These have yet to be submitted and reviewed. Plan review needs to be coordinated with the Clam River construction activity, as well as Inland Lakes and Streams permits that may be required. I would like to invite DEQ staff, Western, and Clam River Pathway representatives to meet at the DEQ Cadillac District Office some time in March in order to coordinate these efforts.

Please contact me to schedule a meeting to discuss these issues.

Sincerely,



Philip Roycraft
Cadillac District Supervisor
Waste Management Division
231-775-3960, Extension 6200
Fax 231-775-1511

cc: Mr. Mike Figliomeni, McCurdy and Wotila
Mr. Chris Griffin, Global Environmental Engineering, Inc.
Mr. Greg Erikson, Wilcox Associates, Inc.
Mr. Ed Stehower, Clam River Greenway Committee
Ms. Sharon Feldman, DAG, NR
Mr. Steve Cunningham, MDEQ, ERD
Mr. Gary Tuma, MDEQ, WMD



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

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INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

FILE COPY

REPLY TO:

ENVIRONMENTAL RESPONSE DIV.
CADILLAC DISTRICT OFFICE
120 CHAPIN ST W
CADILLAC MI 49601

October 29, 1998

Mr. Christopher Bade
ASI Environmental Technologies, Inc.
239 North Jebavy Drive
Ludington, MI 49431

Dear Mr. Bade:

SUBJECT: Western Concrete Products Company ("Western"), Cadillac, Michigan,
Wexford County

Staff of the Michigan Department of Environmental Quality (MDEQ) have reviewed the workplan which ASI Environmental Technologies, Inc. ("ASI") submitted on behalf of Western on September 17, 1998. The investigative work proposed for the area near the southeast corner of the Shop Building is approved as modified below:

It is not accurate to describe the disposal pit as a concrete vault as has been done on page 1. Cracked, poured cement block walls do not, in our opinion, exhibit the same attributes as a vault.

We do not agree with your conclusions at the end of the second paragraph on page 1. Clean boundaries have not been confirmed for the disposal pit along its north boundary. In fact, your workplan is designed to investigate the contamination that was discovered along the north wall as detected in SB-1 and SB-9.

There is no basis to conclude that the impacted soil encountered in SB-1 is not associated with waste disposed of in the pit because no clean boundary has been established between the two.

In two places on page 3 the area of contaminated soil is referred to as being adjacent to the northeast corner of the Shop Building when in fact it is located adjacent to the southeast corner of the Shop Building.

While the work ASI is proposing for the area near the southeast corner of the Shop Building is approved, subject to the above modifications, the DEQ's approval of this work should not be construed as any type of limit to Western's obligations under the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended.

Pursuant to Section 20114 of the NREPA, an owner or operator of property who has knowledge that the property is a facility, and who is liable shall, among other obligations, diligently pursue the response activity necessary to achieve the cleanup criteria specified under Part 201. In light of this requirement, the DEQ requests that Western submit a proposal to investigate the Doric building drain which includes a schedule for its implementation and outlines the tasks necessary to bring the complete site to closure under Part 201.

The DEQ makes this request with regards to the Doric building, because two samples have been taken near the central Doric building floor drain and both have exhibited some level of contamination. The first sample (SB-5), which was a boring near the central floor drain, showed unidentified peaks in the analytical results, very similar to the contamination in SB-1. The second sample (D-1), a sample of the sediment in the drain itself, showed levels of contaminants which are of concern, namely chromium and lead. Furthermore, although Western alleges it did not use the Doric floor drain for anything other than storm water drainage, Western did use the Doric building for the storage of the same waste that was later disposed of in the pit across the street. A conclusive investigation of the drain, associated piping, outfall(s) and sediments is warranted and necessary.

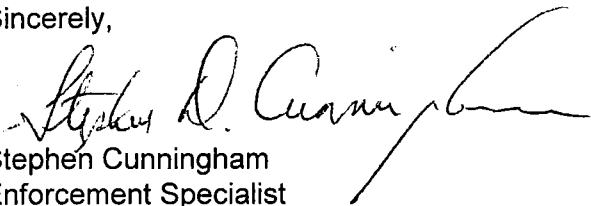
With regards to the investigation of the Doric drain, the DEQ requests that Western pursue one of two options. Either the drain and associated piping must be cleaned out so that they can be traced to their discharge point with sampling at that location, or a groundwater study must be implemented that offers enough information to ascertain whether or not the use of the Doric drain has adversely impacted the groundwater.

In summary, the proposed remedial investigation workplan for the area near the Shop Building is approved with the above modifications and may begin as soon as possible. A proposal for investigating the Doric building drain must be submitted to our office within 30 days. Please notify us at least 5 days prior to any field work beginning.

Nothing in this letter shall be construed so as to preclude nor limit the MDEQ's ability to initiate enforcement action, under state or federal law, as deemed appropriate.

If there are any questions regarding our request, please call me.

Sincerely,



Stephen Cunningham
Enforcement Specialist
Environmental Response Division
616-775-3960 Ext. 6305

SC/tn

cc: Ms. Sharon Feldman, DAG
Mr. Gary Tuma, DEQ
Mr. Phil Roycraft, DEQ
Mr. Dan Darnell, DEQ

SEP 16 1998

SR
DD

David S. McCurdy
Roger L. Wotila
Thomas G. Trautner
Stephen R. King
Michael A. Figliomeni
Cynthia Wotila
Lorri B. King

McCURDY & WOTILA

*Professional Corporation
Attorneys & Counselors*

September 14, 1998

Ms. Sharon L. Feldman
Assistant Attorney General
Knapp Office Centre
300 S. Washington Square, Suite 530
Lansing, Michigan 48913

VIA FACSIMILE & U.S. MAIL
(517) 373-1610

Re: Western Concrete Products Co., Cadillac, Wexford County, Michigan

Dear Ms. Feldman:

I received your letter dated August 31, 1998. With Phil Potvin of Western Concrete, I reviewed the letter and the status of the response activities related to this matter. I offer the following response:

A. CONSENT ORDER AND MITIGATION OF THE PENALTY PROVISIONS

Western Concrete is pleased that its Supplemental Environmental Project proposal seems to have been favorably received. Western Concrete is also pleased that the value of the SEP may be \$80,000.00. However, assuming the \$80,000.00 valuation of the SEP, the DEQ appears to continue to demand another \$85,000.00. The Department claims no mitigating factors have been presented by Western Concrete, and which could justify the reduction in the penalty Western Concrete has requested. I have been involved in this case from the Department's initial contact with Western Concrete. The Department's position on mitigation is simply not correct.

Western Concrete was contacted by Steve Cunningham of the MDEQ Cadillac District Office in December 1997. I immediately contacted the Department and reviewed the file. I soon followed up and scheduled a conference with Steve Cunningham and Dan Darnell, also of the Cadillac District Office. On January 9, 1998, Phil Potvin and I met with various MDEQ personnel at the Cadillac District Office. The conference took place less than thirty (30) days after Western Concrete was first notified of this problem.

Although it may not be apparent to you at this time, Western Concrete has maintained from the beginning, its actions were not a deliberate violation of NREPA. The material was placed in what appeared to Western Concrete to be a safe containment location. The material

Ms. Sharon Feldman
September 14, 1998
Page Two

was not simply placed in a hole in the ground. The material was placed in an old, unused redi-mix pit area. The area was formerly used to mix the concrete material and a conveyor system was located in the pit. The pit was 10' x 12' and 15' deep. The floor of the pit was six inches thick. The walls of the pit were constructed of eight inch block and concrete. The entire pit was waterproofed.

The materials placed in the pit were not thought by Western Concrete to be hazardous. Secondary containment recommended by the manufacturer of one of the materials placed in the pit, is concrete. The liquid material was thought to be largely mixed with waste concrete left over from trucks, as the pit was filled up. The evidence indicates that, although the actions of Western Concrete may have been a violation of NREPA, the intention was not to harm the environment. Western Concrete truly felt that placing the material in the pit was safe and violated no laws. It is easy to view the situation with twenty-twenty hindsight. At the time, however, Western Concrete felt it was safely containing the material.

At the January 9, 1998 meeting, Western Concrete initially proposed to monitor the soils for such time as requested by MDEQ. The proposal was based on the above mentioned characteristics of the walls and floor of the pit itself. The Department determined removal of the material was necessary. Western Concrete agreed. This brings me to the second major factor justifying mitigation.

From day one, Western Concrete has voluntarily complied with the requirements of MDEQ and has fully complied with each MDEQ request. Western Concrete has not exhibited any conduct that would justify criminal enforcement, a veiled threat that seems to appear every so often during contacts with MDEQ. The actions of Western Concrete can only be characterized as good faith in the extreme. These actions justify mitigation of penalties.

The Department's demand, at this point, continues to be \$165,000.00 in total. This figure well exceeds the net profit of Western Concrete in a good year. Western Concrete is not a large company. Sales have only recently increased to \$10,000,000.00. The Department's demand, if not compromised, will have a huge and immediate impact on Western Concrete and its employees. I believe, and respectfully submit, that the Department's position on penalties is not justified.

B. ADDITIONAL RESPONSE ACTIVITY

Western Concrete has voluntarily, and soon after is January 9, 1998 meeting with MDEQ, retained an environmental consultant and submitted an initial work plan addressing all areas of apparent concern to the Department. Well before the Department prepared its Notice of Violation and draft Consent Agreement on January 9, 1998, Western Concrete began its

SEP 16 1998

Ms. Sharon Feldman
September 14, 1998
Page Three

response activities in coordination with MDEQ District personnel. The activities of Western Concrete were prompt and diligent.

At this point, response activities at two of the four areas of concern, the drain in the Shop Building and the former redi-mix pit, are complete and only require closure reports. The last two areas, soil contamination near the Shop Building and the drain in the Doric Building, require a submission of an additional investigation work plan. I have reviewed a draft additional investigation work plan. This should be submitted before the end of this week.

The Doric Building issue is the most difficult. It has held up submission of the additional work plan. The reason for the difficulty is the apparent lack of liability under Part 201, attributable to Western Concrete for existing contamination, if any, at the Doric Building site. I will not detail our position here. However, based on institutional knowledge of various Western Concrete employees and the apparent use of the property by predecessor owners, I do not believe Western Concrete is liable for existing contamination at the Doric Building, if any.

C. PROPOSAL

Western Concrete continues to appreciate the need for MDEQ to assess penalties and charge for its administrative oversight related to this site. The substantial commitment of resources proposed in the SEP, all of which will directly benefit the Cadillac community, directly addresses this MDEQ need. This local commitment is important to Western Concrete. Western Concrete has been, and will continue to be, a leading Cadillac corporate citizen.

Western Concrete is willing to increase its offer in order to resolve this matter. For this reason, Western Concrete has authorized me to offer \$25,000.00 in addition to the SEP previously submitted. For the reasons stated above, I believe that this is a good faith valuation of the situation and is an equitable way to resolve the matter.

Your letter of August 31, indicated that the Department's current position was "consistent with the Department's settlement policies and with actual settlements negotiated." Please provide me with the specifics of the cases upon which you base this claim. I would be interested in reviewing the similarities, if any, between those cases and the one presented by Western Concrete.

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Ms. Sharon L. Feldman
September 14, 1998
Page Four

Again, I appreciate your patience. I look forward to hearing from you in the near future.

Sincerely,

Michael A. Figliomeni
Michael A. Figliomeni *CRS*

MAF/crs

cc: Phil Potvin
Steve Cunningham

David S. McCurdy
Roger L. Wotila
Thomas G. Trautner
Stephen R. King
Michael A. Figliomeni
Cynthia Wotila
Lorri B. King

McCURDY & WOTILA

*Professional Corporation
Attorneys & Counselors*

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DD
AUG 26 1998

August 25, 1998

Department of Environmental Quality
Attn: Gary Tuma
P.O. Box 30241
Lansing, Michigan 48909-7741

Re: Western Concrete Products Co., Inc., Cadillac, Wexford County, Michigan

Dear Mr. Tuma:

In my letter of July 23, I offered my concerns regarding the specific language included in the proposed Consent Order. It was my hope to provide a response to the most difficult issue related to the Consent Order, the costs and penalties assessed against Western Concrete, much sooner than this. I take full responsibility for the delay.

I submit an offer of both a cash payment, as well as the proposal for a Supplemental Environmental Project (SEP) from Western Concrete. The SEP proposal I submit is based on the needs of a local environmental project generically referred to as the "Clam River Pathway Project." The Clam River Pathway Project is intended to improve the water quality and area immediately surrounding the Clam River which extends through the City of Cadillac. At the time we last spoke, I was in receipt of the USEPA Supplemental Environmental Projects Policy effective May 1, 1998. Subsequent to our telephone conversation, on July 29, you sent me a fax copy of the DEQ Policy regarding Supplemental Environmental Projects dated November 10, 1997.

It was apparent during our last telephone conversation that you were quite aware of the type of project I was prepared to propose on behalf of Western Concrete and that you were not inclined to favorably review the project. Based upon your suggestion, I obtained a copy of the Upper Clam River Watershed Non-Point Source Pollution Control Watershed Plan dated September 30, 1994. I tried to refine the Supplemental Environmental Project proposal I previously prepared to address, where possible, the findings and concerns of the Watershed Plan.

I have enclosed with this letter an application for approval of a Supplemental Environmental Project. Western Concrete asks the Department to consider the proposal toward penalty mitigation. As well, Western Concrete proposes a cash payment of \$10,000.00 for the Department's oversight and administrative costs related to this matter.

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Mr. Gary Tuma
August 25, 1998
Page Two

Again, I appreciate the Department's patience. I look forward to reviewing the proposal with you in the near future.

Sincerely,



Michael A. Figliomeni

MAF/crs

Enclosures

cc/enc.: Phil Potvin

Phil Roycraft (letter and application only)

Steve Cunningham (letter and application only)

AUG 26 1998

**APPLICATION FOR APPROVAL OF SUPPLEMENTAL
ENVIRONMENTAL PROJECT FOR PENALTY MITIGATION**

1. **INTRODUCTION**

Western Concrete Products Co., (Western Concrete) proposes the following as a Supplemental Environmental Project (SEP) for mitigation of its penalties related to the Michigan Department of Environmental Quality, Waste Management Division, Notice of Violation dated June 8, 1998. Western Concrete has reviewed the policies of both the Michigan Department of Environmental Quality (MDEQ) and United States Environmental Protection Agency (USEPA) regarding Supplemental Environmental Projects (SEP) dated November 10, 1997 and May 1, 1998 respectively. This proposal is an effort to combine the legitimate and crucial needs of two community Projects related to the Clam River. The Clam River is located in and around the City of Cadillac.

2. **TYPE OF SEP**

It is difficult to classify this SEP according to the strict classification within the MDEQ policy. Western Concrete proposes to be responsible for distinct parts of an environmental project that is directed by a third party. It appears that the proposal is a hybrid of what has been classified as Type 1 and Type 2 SEP under the DEQ policy.

A. **Clam River Pathway Project**

The Clam River Pathway Project is a locally conceived project which focuses on conserving and enhancing the Clam River as a natural resource. This Project has two distinct components. Neither component can be effective without the other. The

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components are mutually dependent in both funding and execution.

The first part of this Project is related to the water quality and fish habitat of the Clam River itself. This part of the Project focuses on the structure and restoration of habitat that will enable the Clam River to become the predominantly cold water fishery that it historically was. This Project hopes to remove sand and foreign debris from the river. This project also hopes to recreate structure and increase water flow both of which will improve the fish habitat.

The second distinct part of this Project is the most expensive. The focus of the second part will be on the stream banks. The goals include preventing further erosion, maintaining trees for both shade and stream bank stability and prevent further habitat destruction while allowing access to the public. The Clam River has become a dispository of litter and debris. This Project will clean the area around the Clam River and provide access to the River that will help prevent the degradation of the River that has occurred in the past. This Project will construct a pathway, in its initial phase from Lake Cadillac Northeast to an area just outside of City limits, an area for youth baseball and soccer playing fields plus family recreation. This part of the Clam River is the most ravaged by past misuse, but will clearly be the most used in the future.

B. Upper Clam River Water Shed Non-Point Source Pollution Control Water Shed Plan

In 1994, a report was prepared jointly by the Wexford Soil and Water Conservation District, USDA Soil Conservation Service and the City of Cadillac. The Plan hoped to define the impact of non-point source pollution on the Clam River watershed. As

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well, the Plan developed an implementation strategy to restore and protect the water quality of the Clam River. This plan dovetails to a large extent with goals of the Clam River Walkway Project.

The Plan noted several areas of concern that directly relate to this proposed SEP. Priority areas were noted in the Plan. Also noted were the following practices necessary to address the concerns:

1. Shoreline and stream bank stabilization;
2. Storm water conveyance channels;
3. Road stream crossings; and
4. Alley protection.

Many other practice areas were noted in the Plan. However, the focus of all these particular areas was erosion, an area which can be directly helped by contributions from Western Concrete. Erosion has become the most severe problem experienced by the stream. According to the report, "because of the direct impact on water quality, major stream bank erosion, shoreline erosion sites and severe eroding sites at road stream crossings" were given the highest priority. It is within this priority that Western Concrete proposes this SEP.

3. **SPECIFIC CONTRIBUTION OF WESTERN CONCRETE PRODUCTS CO.**

Western Concrete proposes to donate approximately \$100,000.00 in concrete, equipment use and labor for construction of hard surface improvements underlying a pathway and storm water conveyance channels, along 6,500 feet of stream bank. The Western Concrete contribution will be in the form of site preparation, hard surface pavement for the pathway and construction of concrete

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storm water conveyance, channels especially near alleys and road crossings.

4. **SEP CRITERIA**

A. **Environmental Enhancement**

The contribution to the SEP proposed by Western Concrete provides enormous additional and voluntary enhancement to the water quality of a much valued local resource. As stated above, the Clam River Walkway Project is a delicate balance of water and stream bank improvements. Neither component can be successful without completion of both of its distinct parts. The contribution of Western Concrete will directly improve the soil erosion problem that has plagued the River. The contribution of Western Concrete will continue to control the erosion problem far into the future. At the same time the contribution of Western Concrete will allow for the enjoyment of the improvements in the Clam River stream bed water quality and fish habitat to the general public without exacerbating erosion. Essentially, without the walkway and storm water channelization, continued maintenance of the improvements of the Clam River water quality would be impossible. The improvement of the water quality will without doubt attract many more people to the stream, the danger of more erosion being extreme.

B. **Benefit to the Environment**

It may appear that Western Concrete is providing a contribution solely to the recreational component of the Clam River Project. However, the recreational component is inextricably intertwined with the strict environmental benefits of both the Project and the Plan. Without a walkway that provides accessability to the Clam

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River without the extreme danger of erosion, there cannot be the maintenance of the water quality and stream bed improvements into the future. The contribution that Western Concrete proposes is not one that Western Concrete will benefit from directly. It is a contribution to the Cadillac community as a whole and one of its most precious natural resources.

C. Western Concrete Has Not Historically Undertaken SEP's

Western Concrete has never undertaken a contribution to an environmental project such as the one proposed in this Application. Without a doubt, Western Concrete has been an important corporate citizen and contributor to the general welfare of the Cadillac area community. However, the direct benefit to a valuable environmental resource such as the Clam River has not been undertaken. The contribution Western Concrete proposes is ambitious and significant. Western Concrete had not planned to undertake such a contribution prior to negotiating with DEQ its response to the Notice of Violation dated June 8, 1998.

D. Relationship to Alleged Violation

The multi-count Notice of Violation issued by DEQ included allegations of violations of Part 31 of NREPA, Water Resources Protection. The project to which Western Concrete proposes to contribute is directly related to surface water quality and its improvement as it relates to the Clam River.

E. Normal Department Operations

The proposal of Western Concrete does not include a contribution toward equipment or supplies for normal DEQ operations.

AUG 26 1998

5. **PROPOSED CONTRACTS**

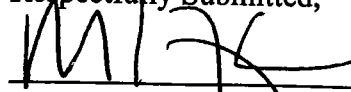
The Clam River Pathway Project has made incredible progress in the short period of time that it has been active. One of the most difficult issues faced by this Project is the lack of any funding or significant in-kind contributions. This Project has been forced to seek donations and contributions to obtain studies and actually address the specific issues necessary for its completion. The proposal of Western Concrete, if acceptable to the Department, can be used by the Clam River Walkway Project to leverage additional public funding. It is our understanding that this Project will be able to use the Western Concrete contribution for matching funds as part of a Michigan Department of Transportation Grant. This leveraging multiplies the effectiveness of the Western Concrete's contribution. The specific contracts to effect the contribution of Western Concrete have not been prepared. The Clam River Walkway Project is willing to reduce to writing any terms that are necessary for DEQ approval of this SEP. Depending upon the concerns of DEQ, specific contracts with this Project can be prepared in whatever manner the Department feels is appropriate.

6. **COMPLETION OF THE SEP**

The completion of the Western Concrete contribution to the SEP may take longer than the other terms of the Consent Agreement. However, the SEP is dependent on several other parties with whom Western Concrete is only a contributing member. The approval of this SEP, however, will greatly accelerate the Clam River Pathway Project. The general public benefit will be enormous from this Project.

Dated: August 25, 1998

Respectfully Submitted,



MICHAEL A. FIGLIOMENI,
Attorney for Western Concrete Products Co.



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

WASTE MANAGEMENT DIVISION
PO BOX 30241
LANSING MI 48909-7741

June 8, 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Philip Potvin, President
Western Concrete Products Company,
510 Fifth Street
Cadillac, Michigan 49601

Dear Mr. Potvin:

SUBJECT: Notice of Violation, Proposed Consent Order
Western Concrete Products Company
Facility I.D. No. MIR 000 031 708

Wexford Co.

Enclosed please find a Notice of Violation and a proposed Consent Order. The Notice of Violation states the specific requirements Part 31, Water Resources Protection; Part 111, Hazardous Waste Management; Part 115, Solid Waste Management; Part 121, Liquid Industrial Wastes; and Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.101 et seq. and Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6901 et seq., and the rules promulgated under these statutes, which the Department of Environmental Quality (DEQ) alleges have been violated by Western Concrete Products Company at the above-referenced facility. The DEQ proposes entry of the enclosed Consent Order as an appropriate means of resolving the violations.

Western Concrete Products Company is offered an opportunity to confer with staff of the DEQ regarding the Notice of Violation and proposed Consent Order on June 24, 1998, at 10:00 a.m., in the DEQ Cadillac District Office, Large Conference Room, 120 West Chapin Street, Cadillac, Michigan.

You may also submit a written response to the Notice of Violation and proposed Consent Order at any time prior to, during, or in lieu of, the conference. The written response should state whether representatives of Western Concrete Products Company are planning to attend the conference or if the submittal is being made in lieu of the conference. If a written response to the Notice of Violation is not received from Western Concrete Products Company by the date of the conference, or if Western Concrete Products Company does not attend the conference, the DEQ will initiate further enforcement actions.

JUN 11 1998

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE MANAGEMENT DIVISION

In the matter of administrative proceedings
against Western Concrete Products Company,
a corporation organized under the laws of
the State of Michigan and doing business at
510 Fifth Street, City of Cadillac,
County of Wexford, Michigan

Facility I.D. No. MIR 000 031 708

NOTICE OF VIOLATION

You are hereby notified that the staff of the Department of Environmental Quality ("DEQ") has sufficient information to believe that Western Concrete Products Company ("Western") has violated the requirements of Part 31, Water Resources Protection; Part 111, Hazardous Waste Management; Part 115, Solid Waste Management; Part 121, Liquid Industrial Wastes; and Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), MCL 324.101 et seq.; and the rules promulgated under Parts 31, 111, 115, and 201.

Regulatory Background

1. Pursuant to its authority under Section 105 and Part 31 of the NREPA, the DEQ has promulgated rules necessary to implement Part 31, including the rules set forth in the Michigan Administrative Code ("MAC"), at 1996 AACS, R 323.2101 - R 323.2192, and R 323.2201 - R 323.2211.

APR 23 1998

SC
DD

David S. McCurdy
Roger L. Wotila
Thomas G. Trautner
Stephen R. King
Michael A. Figliomeni
Cynthia Wotila
Lorri B. King

MCCURDY & WOTILA

*Professional Corporation
Attorneys & Counselors*

April 21, 1998

MDEQ
Attn: Steve Cunningham
120 West Chapin Street
Cadillac, MI 49601

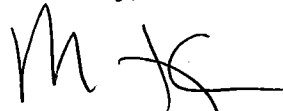
Re: Western Concrete Products Co.

Dear Steve:

I wanted to follow up on our numerous contacts regarding the above matter. I am still waiting for a draft consent agreement and administrative order formalizing the voluntary response actions that Western Concrete has agreed upon. We certainly would like to resolve the matter as soon as possible. The consent agreement is vital from our perspective. I'm sure that you understand our concern.

Thank you for your prompt attention to this matter.

Sincerely,



Michael A. Figliomeni

MAF/crs
cc: Phil Potvin

SE
DD

David S. McCurdy
Roger L. Wotila
Thomas G. Trautner
Stephen R. King
Michael A. Figliomeni
Cynthia Wotila
Lorri B. King

McCURDY & WOTILA

*Professional Corporation
Attorneys & Counselors*

MAR 27 1998

March 26, 1998

Michigan Department of
Environmental Quality
Attn: Jim McLaughlin
120 W. Chapin Street
Cadillac, MI 49601

Re: Western Concrete

Dear Mr. McLaughlin:

Enclosed herewith is a letter from Phil Potvin from Western Concrete replying specifically to the anonymous complaint you sent to me on March 18. As I indicated to you when we spoke, the complaint is curious because it is anonymous, and remarkable because it is not supported in the least by the facts.

I trust that this response will put the matter to rest. Should you receive further information, please allow us the courtesy of responding as you have done in the past.

Thank you for your attention to this matter.

Sincerely,



Michael A. Figliomeni

MAF/crs

cc: Phil Potvin



Western Concrete Products Co.

15151 MILL POND RD.
BIG RAPIDS, MI 49307
616-796-8685
FAX 616-796-3199

510 FIFTH STREET
CADILLAC, MI 49601
616-775-3466
FAX 616-775-1848

1430 OLD 27 NORTH
GAYLORD, MI 49735
517-732-9669
FAX 517-732-8767

942 FEDERAL HIGHWAY
HOUGHTON LAKE, MI 48629
517-422-3531
FAX 517-422-3970

3625 US-31 SOUTH
PETOSKEY, MI 49770
616-348-5577
FAX 616-348-5595

1797 N. PARK DRIVE
TRAVERSE CITY, MI 49686
616-941-8193
FAX 616-941-7498

Mr. Jim McLaughlin
MDEQ
120 Chapin Street W.
Cadillac, MI. 49601

March 25, 1998

Dear Mr. McLaughlin:

An anonymous complaint reached my desk via Mr. Micheal Figliomeni late last week. Attached to this letter is a map of Western Concrete's property. I have outlined the area that is in question.

The area in question has always been an area of concrete block, brick, precast concrete items or now concrete paver storage. In 1983, Western Industries was manufacturing the Dox precast concrete floor and roof system and this area was used for preparation and loading of the Doxplanks. It has been paved with concrete for many years prior to this time, since a concrete work surface makes for safer and easier loading of the finished product. Western Industries ceased operation in the summer of 1985 and Western Concrete began to use the area as a storage area for the above mentioned products.

Over the past 13 years we have continued to place a 6 inch slab of concrete over any dirt or unpaved section in this area. However, to the best of my knowledge there has been nothing buried under this concrete storage slab. I am speaking as the president and chief executive officer for the past 13 years.

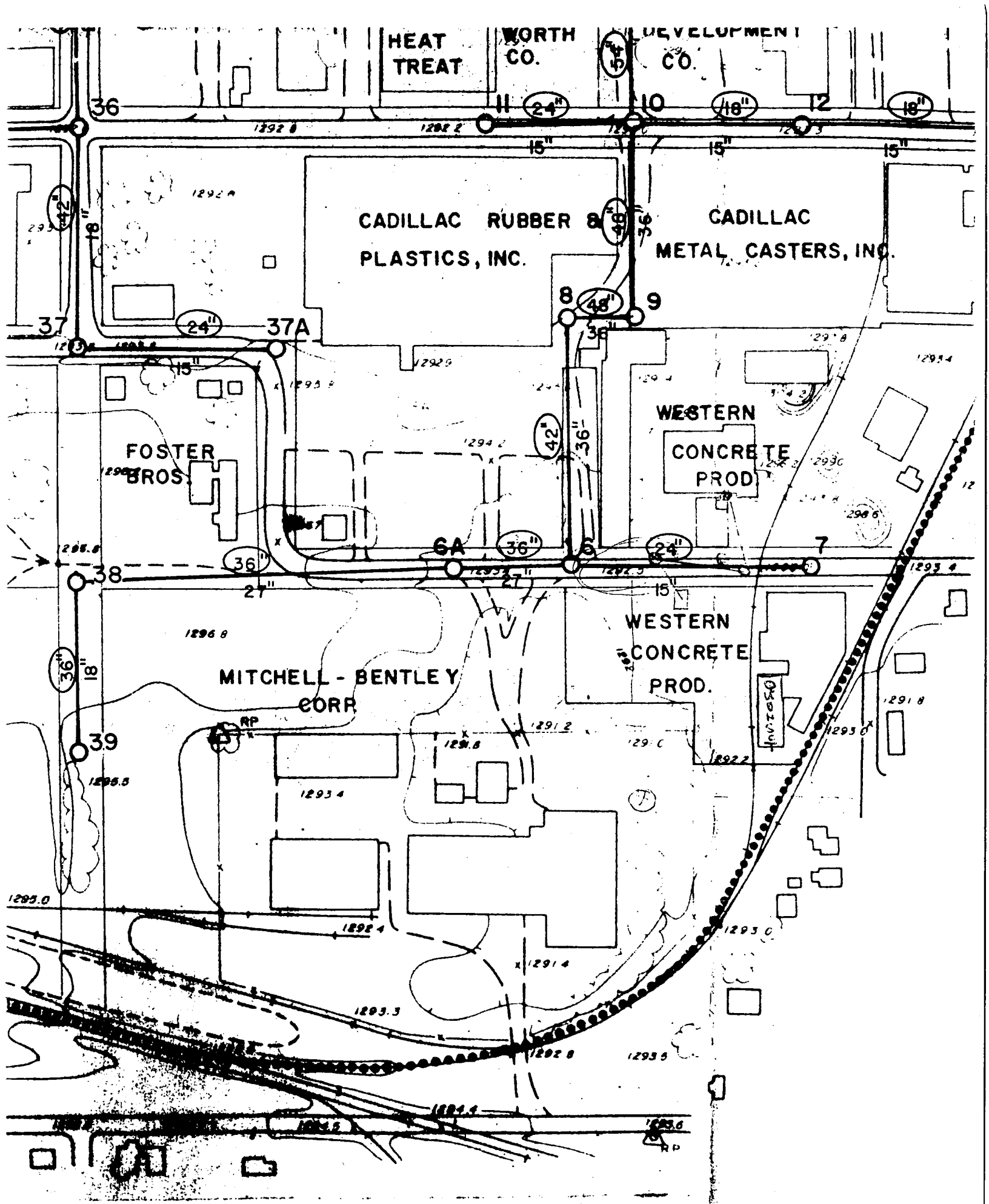
Concretely yours,
Western Concrete Products Co.

Philip N. Potvin, President



Our Mission:
"Through strength,
durability and longevity,
our people and our
products fulfill your
construction needs."






MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

February 12, 1998

TO: JoAnn Merrick, Chief, Enforcement Section
Waste Management Division

FROM: Phil Roycraft, Cadillac District Supervisor 
Waste Management Division

SUBJECT: Referral for Escalated Enforcement
Western Concrete Products, Wexford County

The purpose of this memo is to refer Western Concrete Products, located in Cadillac, Michigan, to you for escalated enforcement action. Western Concrete Products is involved in several aspects of stone, concrete and aggregate supply and manufacture, as well as retail sales of stone, concrete, concrete block and aggregate. They also have on-site repair and maintenance facilities for their own vehicles. The location of Western Concrete Products within the City of Cadillac is shown on the attached map, Figure 1.

The primary violation at this site (burial of hazardous waste) was first discovered on October 13, 1997, by staff of the Environmental Response Division (ERD) during an interview with an ex-employee, who described the burial. On January 9, 1998, staff of the ERD held a meeting with the owner of Western Concrete Products, Mr. Phil Potvin, and his attorney, Mr. Mike Figliomeni to discuss the allegations. At this meeting, Mr. Potvin admitted that waste material generated on-site was disposed of in a below ground elevator shaft on or about April, 1996. This elevator shaft is located in the area identified as a small Redi-Mix building (now demolished) shown in the lower right hand corner of the attached map, Figure 2. During the meeting, Mr. Potvin produced two material data safety sheets for some of the material disposed. One of the sheets lists a material called Kure-n-Seal, a product containing aromatics, xylene and mineral spirits with a flash point of 101 degrees F. This material would have a waste code of D001. At this point, staff of the Environmental Response Division consulted with Waste Management Division (WMD) staff on how to proceed. After talking with you about the nature of the violations, WMD agreed to take the lead on enforcement.

On January 23, 1998, a complete inspection of the Western Concrete Products facility (hereinafter "Generator") was conducted by Jim McLaughlin, WMD, Cadillac District; Gary Tuma, WMD, Enforcement Section; Steve Cunningham, ERD, Cadillac District; and Kurt Childs, Air Quality Division, Cadillac District. As a result of the inspection, it was determined that the facility has violated several parts of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended and it's administrative rules, as outlined below, including parts administered by other divisions:

A. Part 111, Hazardous Waste

1. Generator did establish a disposal facility without a construction permit from the department (Section 11118(1) of the NREPA and R299.9301(3)(b)).
2. Generator did operate a disposal facility within the state without an operating license (Section 11123(1) of the NREPA and R299.9301(3)(b)).
3. Generator failed to comply with waste evaluation requirements, for wastes disposed of in the underground elevator shaft on or about April 1996 (R299.9205(2)(a); 40 CFR 261.5(g)(1)).
4. Generator, by disposing of hazardous waste in an underground elevator shaft, failed to either, a) treat or dispose of hazardous waste in an on-site facility licensed to handle the waste or b) ensure delivery to an off-site treatment, storage or disposal facility, licensed to handle the waste (R299.9205 (2)(b); 40 CFR 261.5 (g)(3)).
5. Generator did not determine if waste is restricted from land disposal (40 CFR 268.7 (a)).
6. Facility was not maintained and operated to minimize the possibility of release of hazardous waste (40 CFR 265.31).
7. Generator failed to obtain and utilize a generator identification number assigned by the United States Environmental Protection Agency or the department (R299.9303: 40 CFR 262.12).

B. Part 121, Liquid Industrial Waste

1. Generator failed to manage liquid industrial waste to prevent discharge into soil, surface or groundwater (Section 12113 (2)(a) and (b) of the NREPA).
2. Generator disposed of liquid industrial waste in a surface impoundment (elevator shaft) without a permit authorized under Part 31 of NREPA (Section 1213(6) of the NREPA).

C. Part 31, Water Resources

1. Generator did discharge, directly or indirectly, into the waters of the state a substance that is or may become injurious to public health, safety or welfare (Section 3109 (1)) of the NREPA).
2. Generator has violated several aspects of the National Pollutant Discharge Elimination System Permit relating to the discharge of storm water associated with industrial activity (Certificate of Coverage number MIR21C011) as follows:
 - a) The permittee has failed to provide a state certified operator supervising the storm water treatment and control measures continuously since September 15,

1995, as required by permit MIR0000000, and Certificate of Coverage MIR21C011.

- b) The permittee has failed to notify the District Supervisor of the Surface Water Quality Division that a Storm Water Pollution Prevention Plan was developed and all illicit discharges have been eliminated by March 15, 1996, as required by permit MIR0000000, and Certificate of Coverage MIR21C011.
- c) The permittee has failed to notify the District Supervisor of the Surface Water Quality Division that nonstructural storm controls have been implemented by September 15, 1996 as required by permit MIR0000000, and Certificate of Coverage M21C011.
- d) The permittee has failed to notify the Supervisor of the Surface Water Quality Division that all structural storm water controls have been put into operation by September 15, 1997, as required by permit MIR0000000 and Certificate of Coverage MIR21C011.
- e) The permittee has failed to notify the Supervisor of the Surface Water Quality Division within 14 days of the dates shown that the permittee did not meet those dates as required by permit MIR0000000 and Certificate of Coverage MIR21C011.

D. Part 115, Solid Waste

- 1. Generator failed to dispose of solid waste at a licensed solid waste disposal area (Section 11512(1) of the NREPA).
- 2. Generator operated a solid waste disposal area without obtaining a license from the department (Section 11512(2) of the NREPA).

E. Part 55, Air Quality

- 1. Generator, by burning mineral spirits in oil fired space heater, did install equipment which may emit an air contaminate not authorized by a permit issued by the department (R336.1201.)
- 2. Generator did install a "Redi-Mix" cement plant without obtaining a Permit to Install from the Department (R336.1201).
- 3. Generator failed to implement and maintain a fugitive emissions control program (Permit to Install 848-88, special condition 20 and Permit to Install 849-88, special condition 20).
- 4. Generator failed to conduct monthly inspections of air pollution control devices and to maintain inspection records (Permit to Install 848-88, special condition 21 and Permit to Install 849-88, special condition 21).

F. Part 201, Environmental Response

1. Generator failed to stop or prevent the release at the source by intentionally placing a hazardous substance in an elevator shaft (Section 20114 (1)(c) of the NREPA).
2. Generator failed to immediately implement source control measures to remove or contain hazardous substances that are released after the effective date of the 1995 amendments to this section if those measures are technically practical, cost effective, and provide protection to the environment. At a facility where hazardous substances are released after the effective date of the 1995 amendments to this section, and those substances have not affected groundwater but are likely to, groundwater contamination shall be prevented by measures that are technically practical, cost effective, and provide protection to the environment (Section 20114 (1)(d) of the NREPA).
3. Generator failed to immediately initiate removal of a hazardous substance that is in a liquid phase, that is not dissolved in water, and that has been released (Section 20114(1)(f) of the NREPA).
4. Generator failed to diligently pursue response activities necessary to achieve the cleanup criteria specified in this part and the rules promulgated under this part (Section 20114 (1)(g) of the NREPA).
5. Generator failed to make a good faith effort to prevent a release and, after June 5, 1995, is responsible for an activity causing a release in excess of the concentrations that satisfy the criteria established pursuant to section 20120a(1)(a) through (e), as appropriate for the use of the property, is subject to a civil fine as provided in this part unless a fine or penalty has already been imposed for the release under another part of this act.
6. Generator violated state statute by knowingly releasing or causing a release contrary to applicable federal, state, or local requirements or contrary to any permit or license held by that person, if that person knew or should have known that the release could cause personal injury or property damage (Section 20139(2)(a) of the NREPA).

There is no record of previous hazardous waste inspections at the site and so violations have not been previously cited. Similarly, no correspondence has yet been forwarded to the company. However, on February 4, 1988, in a telephone conversation with Jim McLaughlin, the consultant for Western Concrete Products, Mr. Chris Bade, agreed to submit a work plan by March 3, 1998, to excavate the elevator shaft, sample soils in the side walls, sample soils in floor drain areas in buildings, and characterize other wastes found on the site during the January 23, 1998, inspection.

cc: Mr. Steve Cunningham, ERD ✓
Mr. Kurt Childs, AQD
Mr. Brian Myers, SWQD

CADILLAC RUBBER & PLASTICS

LOADING DOCK

EMPLOYEE PARKING

M.W.#6/T.B.#4
(PULLED 9-1-92)

CADILLAC METAL CASTERS

M.W.#2A/T.B.#2

WAREHOUSE

M.W.#3

M.W.#5/T.B.#3

M.W.#7/T.B.#5

COVERED STORAGE

FORMER UST LOCATION

M.W.#1/T.B.#1
M.W.#8/T.B.#2

BLOCK PLANT

WESTERN CONCRETE

M.W.#4

OFFICE

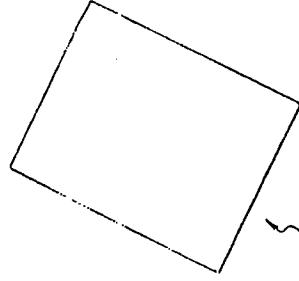
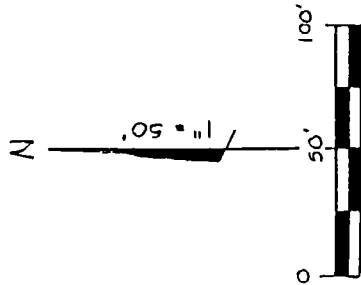
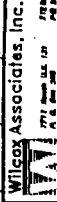


FIGURE 2.

DATE: 2-23-95
 DRAWN: K.W.
 CHECKED: [Signature]

SITE MAP: ILLUSTRATING MONITOR WELL & TEST BORING LOCATIONS

CLIENT: WESTERN CONCRETE



WILCOX Associates, Inc.
 771 1/2 Street SW, Box 129
 P.O. Box 177
 117 2nd St SW
 117 2nd St SW

SCALE: 1" = 50'

NOTES: [Blank]

SHEET: [Blank] OF [Blank]

JOB NO: 89030

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE COMMUNICATION

CADILLAC DISTRICT OFFICE
120 West Chapin Street
Cadillac, Michigan 49601

January 12, 1998

TO: Western Concrete Products file

FROM: Stephen Cunningham, Enforcement Coordinator
Environmental Response Division

SUBJECT: Meeting with Phil Potvin 1-9-98

On 1-9-98 Dan Darnell and myself met with Phil Potvin (owner of Western Concrete, Cadillac) and his attorney Mike Figliomeni (McCurdy & Wotila, P.C., 775-1391). Mr. Potvin came to our office at our request to discuss the alleged illegal disposal of waste on his property. Mr. Figliomeni had FOIAed our file earlier in the week and so they were aware of the allegations and how much evidence we had.

Early in the meeting Mr. Figliomeni stated that the waste was, indeed, buried in the elevator pit as our witnesses had described it. He then went on to request permission for his client to leave the material there, in place, and just monitor it. He produced two Material Safety Data Sheets (MSDS) which in his opinion demonstrated that the material was not a safety or environmental hazard. He went on to say that the material did have cement covering it up and that it was in a cement block pit as our witnesses described and was therefore contained.

Dan Darnell and myself then excused ourselves from the meeting to confer with Phil Roycraft (WMD), who, after reviewing the MSDS concluded that the material was likely a liquid hazardous waste. We returned to the meeting with Phil Roycraft and explained that the material buried was going to have to be excavated. We explained the seriousness of the violation, that it was in fact criminal and that if left in place would likely leak to the groundwater and could threaten the City's well field. We went on to explain that we would expect Mr. Potvin to enter a Consent Agreement which would commit him to the removal of the material and require the payment of past and future cost and a penalty. Mr. Potvin and Mr. Figliomeni agreed to this type of settlement.

When I asked Mr. Potvin how many drums of material he thought would be in the pit and what their condition was, he stated that it was just about like our witnesses had described it, a mixture of drums and pails of various materials in a deteriorating or decomposing condition.

We advised them to hire a consultant to put together a proposal to do the removal and advised them that we would be contacting them regarding the process of entering an agreement.

cc: Dan Schultz, ERD
Phil Roycraft, WMD
Pat McKay, ERD, C & E
Joann Merrick, WMD



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: <http://www.deq.state.mi.us>

RUSSELL J. HARDING, Director

FILE COPY

REPLY TO:

CADILLAC DISTRICT OFFICE
120 CHAPIN ST W
CADILLAC MI 49601
FAX 616-775-1511

December 10, 1997

Certified Mail P 011 290 620Return Receipt Requested

Mr. Philip N. Potvin, President
Western Concrete Products Company
P. O. Box 609
510 5th Street
Cadillac, Michigan 49601

Dear Mr. Potvin:

SUBJECT: Waste disposal at Western Concrete, Cadillac, Michigan

It has been brought to the attention of the Michigan Department of Environmental Quality (MDEQ) that certain waste products, including cement sealers, curing compounds and stains were unlawfully disposed of at the Western Concrete facility in Cadillac, Michigan. The information obtained indicates that a hazardous substance in concentration which likely exceeds the residential cleanup requirements of Section 20120a(1)(a) or (17) of Part 201 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, was released or deposited at your Cadillac facility. Any area, place or property where hazardous substances exceed this threshold constitutes a "facility" which is regulated under Part 201.

A person who owns or operates a facility has certain obligations under Part 201 as well as under other State and Federal law. "Person" is defined as an individual, partnership, corporation, association, or other legal entity.

You are requested to attend an informal meeting at the MDEQ Cadillac office to discuss your obligations regarding this matter. The meeting will be held December 18, 1997, at 2:00 p.m., at 120 West Chapin Street, Cadillac, Michigan. If this time is inconvenient for you, please call and we will arrange an alternate time. We look forward to seeing you on the 18th.

Sincerely,

Stephen D. Cunningham
Enforcement Coordinator
Cadillac District Office
Environmental Response Division
616-775-3960 Ext 6305

SDC/tn

cc: Mr. Dan Schultz, ERD
Mr. Dan Darnell, ERD

SC: Today is October 13, 1997 and we are in the Michigan Department of Environmental Quality offices in Cadillac. We are having an interview with [REDACTED]

[REDACTED]

SC: Could you spell your last name?

[REDACTED]

SC: [REDACTED] where do you currently reside?

[REDACTED] In Cadillac

SC: In Cadillac. And what is your address?

[REDACTED]

SC: [REDACTED] when did you start working at Western Concrete here in Cadillac?

[REDACTED]

SC: And when did you terminate your employment there?

[REDACTED]

SC: So a [REDACTED] What were your duties there, what was your job title, or what did you do there?

[REDACTED]

SC: Did some customer work in the main office there or in the yard?

[REDACTED] In the yard, yes.

SC: In the yard. Currently you [REDACTED] is that right?

SC: Who was your supervisor over there at the time.?

[REDACTED]
SC: [REDACTED]. Is he still there?

[REDACTED] I do not believe so, no.

SC: Do you know where he works now?

[REDACTED] No, I don't.

SC: What was the chain of command there? Who was his boss?

[REDACTED] He would have been under Phil Potvin as the president I believe.

SC: Potman or Potvin?

[REDACTED] Potvin.

SC: Potvin. And you worked 8 to 5 normally over there or what were your hours?

[REDACTED] No, our hours pretty much depended on the weather and when the customers needed loads.

SC: And you [REDACTED]

[REDACTED] Yes, that's what I was doing that summer, last summer,

SC: I should also, before we go any further, say on this tape that Brad Slater is also with us and my name is Steve Cunningham. Could you describe to us this incident that we've been

looking into with the waste going in a pit. Could you just start from the beginning to right through what you know about it.

[REDACTED] There was an old ready mix batch plant which had a pit where the conveyor went down and then carried material back up into the plant. They had the plant torn down by a company in Cadillac, I believe. And then in the pit we dumped some other material from the building that was left over; cement slabs, pieces.

SC: Demolition waste mainly?

[REDACTED]: Yes. All. And then we poured access concrete left over from jobs wet or whatever stuff in the bottom of the pit approximately three feet. And there were barrels; drums; five gallon cans; whatever thrown in to there. And then it was capped on top of that also. And as stuff was being put in it there was concrete put on.

SC: Along with the waste concrete?

[REDACTED]: Yeah there was a few drums of this and that dumped in and we just went about cleaning out where we had been told; which was any excess cement goes in there.

SC: How deep was this pit?. Can you give me roughly the dimensions of it?

[REDACTED]: 10 x 10 probably 15 feet deep.

SC: And 10 feet x 10 feet wide.

[REDACTED]: 10 feet by 10 feet, Yes. It was at least that.

SC: And was located at the old ready mix

[REDACTED]: The old ready mix building, yes. That's where it was.

SC: Where would that be with regards to the retail office there?

[REDACTED]: It would be the southeast corner of the property.

SC: The southeast corner. Did you witness drums going in there yourself?

[REDACTED]: Yes, I did.

SC: And did you help out putting those in there.

[REDACTED]: I did not put any drums in there.

SC: Do you know who orchestrated that? As far as who was supervising?

[REDACTED] I never heard anyone tell anyone to put drums in there. We showed up one; I believe on a Monday; and there were drums in there. And then I did see an employee putting not drums but five gallon pails and gallon containers in there.

SC: OK.

[REDACTED] I don't know who told him.

SC: Before I ask you the next question, let me say that when someone is working as an employee at a place, unless they are doing something on their own without the authority of their supervisor, they really aren't liable for what their supervisor tells them to do. At least that's my understanding. I'd like to ask you who that person was. I want to preface it with that statement.

[REDACTED] That was [REDACTED]

SC: [REDACTED] Does he still work there, do you know?

[REDACTED] I believe so. Yes.

SC: Do you know what was in the drums, or the barrels or the pails.

[REDACTED] I can't be sure. The majority of the drums, the labels were missing. They had been sitting over across the road in the old Doric building; is what they called it.

SC: Doric?

[REDACTED] Doric, yes. They make; used to make; vaults, I guess, over there. Burial vaults.

SC: Can you tell me approximately when this happened.

[REDACTED] I'm going to say it was in April 1996, I believe. In that time period.

SC: And a lot of it took place on the weekend. Or at least some of it.

[REDACTED] The first thing that I saw that was dumped in. We worked Saturday and cleaned out and I did not notice any drums in there. And then Monday when we were working around there we noticed that there were some barrels in there.

SC: The last time you saw that area, what did it look like on the surface?

[REDACTED] Pretty much smoothed over, just

SC: Concrete or was it dirt?

[REDACTED] No. It was dirt on the top.

SC: OK

[REDACTED] I don't know how far down the concrete was.

SC: Above the last bit of waste, how much concrete do you think?

[REDACTED] That I don't know.

SC: Approximately?

[REDACTED] I'm guessing a couple of feet.

SC: A couple feet of concrete. Who else was employed around the yard when you were working there that might be able to lend any information on this? Was [REDACTED] working there then?

[REDACTED] Yes, he was. He was a ready mix driver just starting out driving truck there.

SC: Anybody else come to mind?

[REDACTED] Other than that, all the ready mix drivers.

SC: Can you think of any of their names?

[REDACTED] We pulled to wash out there. [REDACTED] was a driver at that time.

SC: Does he still work there at all?

[REDACTED] I believe so.

SC: OK.

[REDACTED], I believe he still works there. [REDACTED]

SC: OK.

[REDACTED] Myself and then [REDACTED] at that time.

SC: Would you know of any of those names you've mentioned who were guys who would have seen this, what you saw at the site?

[REDACTED] I believe they probably all saw material in that hole. I know that [REDACTED] was told to wash out there and he refused to dump the cement in the hole. And they did not make a stink about it. I believe Al Johnson took his truck and cleaned and put his excess in there.

SC: [REDACTED]

[REDACTED]

SC: [REDACTED] Do you know how that is spelled? [REDACTED]

[REDACTED]

SC: Just like it sounds.

[REDACTED] Yes.

SC: Do you recall any other incidents other than this at that property where this sort of thing had happened before?

[REDACTED] No, not to my knowledge.

SC: This was the first, kind of a one time thing probably.

[REDACTED] Yeah, in the time period that I was there, yes.

SC: Brad, any questions come to your mind?

BS: Nothing other than the size and type of barrels.

[REDACTED] There were some 55 gallon drums. Some approximately 20 I guess they are, the smaller drums.

BS: Steel?

[REDACTED] Steel. And then there were also numerous 5 gallons pails, gallons. I believe there were some as small as quarts. Steel. There may have been some plastic containers. I don't recall on that.

SC: OK.

BS: Odd odors or?

[REDACTED] I believe the loader operator who's name I mentioned earlier did say that he was getting, didn't feel well, when he was throwing stuff in. Some of the containers were opened

SC: Why don't we wait until this train goes by. Well, now we can probably do it. Could you repeat that?

[REDACTED] I believe the loader operator said that he felt light

SC: What was his name again?

[REDACTED]
SC: [REDACTED]

[REDACTED] Felt lightheaded when he was throwing stuff in from the fumes. Some of the containers were open or opened when he dropped them down in there. Other than that, I did not notice any odors around there.

SC: Anything else?

BS: There was concrete in the bottom of this pit and then cans or barrels and then more concrete and then more cans and barrels and then more concrete, is that correct?

I believe that's how it was. What it was, there was a cement block basement basically for the pit. We poured approximately a couple feet on the bottom, you know, different times just a little bit excess here, just wet down stuff basically. And then this was dumped in and then we kept doing our clean out there so it was covering part of those and then there was more dumped in later

BS: More containers?

More containers. As far as whether, we couldn't see what was in there, those were totally covered and then more went on, I don't recall.

BS: Do you think the material in the bottom was good enough to make a good seal on the bottom or was it kind of honeycombed? And could you make any kind of judgment that way?

It's hard to judge I guess, when you pour one and it was kind of sloped at an angle and then another one on top, whether that sealed or was cracked. I would imagine the bottom was as good a containment as the cement block walls that were how ever old.

SC: Before anything went in there, do you ever recall seeing any water in the bottom of it? Did it hold water or did groundwater seep into it. Did it hold rain water?

I don't remember. It was open for some time before anything was put in there so I'm sure it was rained in but I don't know if it held water.

SC: I just have sort of a formal statement right at the end [redacted] are the answers you've given us to the best of your knowledge truthful?

Yes.

SC: Do you feel that you've been coerced or promised anything or threatened in any way to give these statements?

No.

SC: This ends our interview and it's 4:16 pm on October 13, 1997

SC: Was your supervisor aware of the dumping in the pit? The guy you mentioned. I forget his name.

[REDACTED] I believe so, yes he was.

SC: Do you know if the owner was aware of the dumping in the pit?

[REDACTED] I do not know for sure on that.

SC: OK.

SC: It is October 27, 1997. It is 7:05 p.m. My name is Steve Cunningham and with me is Brad Slater and [REDACTED]. We've come [REDACTED] some questions involving the Western Concrete Facility in Cadillac, Michigan. [REDACTED] you spell you last name for us.

[REDACTED]

SC: What is your current address?

[REDACTED]

SC: Where do you currently work?

[REDACTED]

SC: Is that in [REDACTED]

[REDACTED]

SC: What do you do there? What is your title there? What are your duties there?

[REDACTED] I mainly [REDACTED] but I'm labor too. Whatever they want.

SC: Could you explain to us when you started working at Western Concrete and how long you worked there. When you started and when you finished.

[REDACTED] I started in [REDACTED] and I quit [REDACTED] I think, was my last day of [REDACTED]

SC: What were your duties at Western Concrete in Cadillac?

[REDACTED] That was yard man [REDACTED] labor, whatever they wanted.

SC: Who was your immediate Supervisor?

[REDACTED] I guess it depended on what I was doing at the time. [REDACTED] when I was in the yard [REDACTED]

SC: [REDACTED]

[REDACTED] Yeah, they called him [REDACTED]. He was a lot or [REDACTED] was when I was [REDACTED]

SC: What was the first guy's name?

[REDACTED]

SC: [REDACTED] To your knowledge, do those guys still work there?

[REDACTED] Everybody but [REDACTED]

SC: [REDACTED] is not working there anymore?

[REDACTED] does not work there anymore.

SC: You said your duties there were driving truck and working in the yard? And moving stuff around.

[REDACTED] Yeah.

SC: What did you do in the yard?

[REDACTED] I run fork lift a lot. Loaded trucks. Waited on customers.

SC: And Western Concrete, could you explain what they do a little bit?

[REDACTED] They have a ready mix plant and they make blocks and they sell a lot of concrete, cement products.

SC: As you know, we are investigating this story of this dumping. Could you tell us what you know from start to finish? What you do know, how you know it, so on?

[REDACTED] In, I guess, May of 1996 they torn down the old batch plant and, I don't know, it must have been June, we filled it; the pit, in with the concrete in the bottom. And then what their plan was is they were going to take; they had a lot of chemicals over in the other building, and I'm not sure what they all were but I know some of it was like a cement curing compound. Their plan was to dump a little of that in then fill it in with concrete and then dump a little bit more in until they got rid of what they had.

SC: When you say the other building, what other building are you referring to?

[REDACTED] They refer to it as the old Doric Plant. It is right straight across from their concrete batch plant.

SC: Across the street from the concrete; to the south there, that building.

[REDACTED] Yeah, that building. I don't know what officially it is but they call it the old Doric Plant.

SC: This plan to put curing compound in there, more cement, and more curing compound, who mentioned that to you, that that's what they were thinking of doing?

[REDACTED] I really couldn't say

SC: Don't remember?

[REDACTED] Probably [REDACTED], I guess but I couldn't say for sure.

SC: Go ahead.

[REDACTED] Well anyway, we poured the bottom full and then like the end of June maybe the first of July, on a weekend, I worked the Saturday, we usually work until about Noon, and I came in on a Monday, it wasn't dumped on a Saturday unless it was afternoon, but then on a Monday I came in and somebody had dumped some chemicals into the pit.

SC: How did you know they dumped chemicals in the pit?

[REDACTED] Cause I looked in the pit.

SC: And what did you see?

[REDACTED] Well, there was a bunch of sludge, is what it looked like.

SC: So it was loose material? Not drummed up?

[REDACTED] No, there wasn't no drums in it.

SC: So it was just loose

BS: What color was it?

SC: Yeah.

[REDACTED] Seems like it was kind of a white, but I couldn't be certain about that. It was quite awhile ago.

SC: Do you know what the curing compound looks like? Normally?

They've got two different kinds. There is a curing compound that makes the concrete turn white but there's another one that doesn't really show up at all.

SC: Could what you saw have been the curing compound ?

I imagine it was. See they had; [REDACTED] over there in the Doric Plant. They had a lot of stuff that the cans were rusting right out. You couldn't read what it was.

SC: When you say cans,

Like 5 gallon cans.

SC: 5 gallons cans

They had some 55 gallon drums of stuff, but you know, I don't know what it all was.

SC: So you looked in the pit; you came in on a Monday, and you looked in the pit and

I guess the reason I looked in the pit cause I think somebody mentioned that somebody had dumped some over the weekend.

SC: Do you remember who mentioned that.

No, I don't.

SC: No, OK.

So I looked and they had definitely dumped something in there but they had to of done it over the weekend.

SC: Was that all that went into the pit then that you saw?

Well, that's all that I saw but see I'm not sure if they dumped it the end of June or the first of July but see my last day was the 13th of July.

SC: Then what happened to the pit after that, do you know?

Well, from what I heard they just kept dumping and filling with concrete and dumping and filling with concrete but that's, I couldn't say for sure.

SC: That would have been [REDACTED]

[REDACTED], yes. See I think they just started dumping [REDACTED]

SC: OK. Do you recall back in the; what did you call it, the Doric Building?

[REDACTED] Doric.

SC: What would you, could you give me any estimate of how much material you thought was over there that was in bad shape like rusting through and outdated, that kind of stuff sitting around. Was there 20 drums or 5 drums or

[REDACTED] I'd say probably, I don't know, probably a couple hundred gallons anyway.

SC: A couple hundred gallons.

[REDACTED] There was some 55 gallon drums and there was quite a few 5 gallon cans.

SC: Do you know anything about any sludges from underground storage tanks that were pulled on Western Concrete Property?

[REDACTED] No, I don't

SC: No

[REDACTED] I don't know anything about that.

SC: OK. Who were your co-workers at that time? In the yard or around there.

[REDACTED] Well, [REDACTED]

SC: Is [REDACTED] still employed there?

[REDACTED] No, he retired maybe June, end of June, I think maybe he retired..

SC: Would he have seen what you saw?

[REDACTED] I don't know about the dumping, you know.

SC: OK.

[REDACTED] He might be able to tell you a lot about part of it, you know. I don't know.

SC: Do you know if he lives in Cadillac?

[REDACTED] No, he lives in [REDACTED]

SC: [REDACTED]

[REDACTED] I think he lives on [REDACTED]

SC: OK. Anyone else working in the yard that you remember at that time?

[REDACTED] Well, pretty much in the yard there was just [REDACTED] But like in a block plant

SC: Do you know how to spell [REDACTED] last name?

[REDACTED] [REDACTED] I think.

SC: And would [REDACTED] have seen what you saw, do you think?

[REDACTED] I imagine, I don't know.

SC: Did you say [REDACTED] still works there or doesn't work there anymore?

[REDACTED] No, I'm sure he does.

SC: Still works there.

[REDACTED] I heard he was [REDACTED] but

SC: Does he live in Cadillac? Do you know?

[REDACTED] [REDACTED]

SC: [REDACTED]

[REDACTED] Just about anybody there, you know, is not going to want to say much

SC: Why do you think they wouldn't want to say much? Now you be honest with me.

[REDACTED] You don't know Phil!

SC: What about Phil would make them not want to talk to us?

[REDACTED] Phil would make their life miserable. They'd have to quit their job. I mean he's vindictive, he's a little prick.

SC: Would he fire them?

[REDACTED] No, I don't think he'd fire them because I don't think he'd get away with it with the Union but I think he'd make their life miserable enough that they'd quit.

SC: It's a Union shop?

[REDACTED] Yep.

SC: Who were some drivers at that time?

[REDACTED] I'm not sure about a lot of the last names. [REDACTED] I think

SC: [REDACTED]

[REDACTED] I think he was a; he's a block truck driver.

SC: Let me start with [REDACTED] Would [REDACTED] have seen what you saw? Or anything else?

[REDACTED] I would imagine most of the drivers would.

SC: Were the drivers the guys who dumped cement in the pit? Basically or normally?

[REDACTED] Yeah. See what they did was when you come back with leftovers they would, you know to fill that pit up, I guess not so much when I was driving, but that's how they filled it up with their leftovers.

SC: Does [REDACTED] still work there?

[REDACTED] Yeah.

SC: And do you know where he lives? What town he lives in?

[REDACTED] He lives in [REDACTED]

SC: [REDACTED] How about [REDACTED] He still work there?

[REDACTED] As far as I know.

SC: And the town he lives in?

[REDACTED] That I couldn't tell you.

SC: OK. Would [REDACTED] have been these guys Supervisor? Supervisor of these guys here.

[REDACTED] He would have been [REDACTED] Supervisor. [REDACTED] would have been [REDACTED] would have been [REDACTED]

SC: [REDACTED]

[REDACTED] Yeah.

SC: I don't know how to spell Zuicrizik

[REDACTED] I don't know either.

SC: I know

[REDACTED] That's why they call him [REDACTED]

SC: Yeah, right. I know who he is so

[REDACTED] There was

SC: How about [REDACTED] Who was his Supervisor?

[REDACTED] Well he was a block truck driver so, I guess, [REDACTED] probably. Then, I don't know, just about anyone that worked there would have seen it, you know. What the deal was, is if you weren't busy where you were working they'd put you somewhere else so you would stay busy.

SC: So you would stay busy, OK. Do you think; and this is probably just speculation what I'm going to ask you now, but do you think the orders to put that stuff in there came from the owner Phil Potvin? Or from [REDACTED] or one of the lower managers?

[REDACTED] Well, I'm sure it come from Phil, you know.

SC: Why do you say that?

[REDACTED] Because he's trying to save a buck.

SC: Does much go on around there that he doesn't know about, I mean, is he pretty much in control of day to day operations around there?

[REDACTED] Well, that's kind of hard to say. They had a plant manager the year before

SC: What was his name? Was that [REDACTED]

[REDACTED] yep. And he quit. So then Phil started running more and more of it, so I mean pretty much he should have known about most everything.

SC: OK, let me see here. Do you know of any other dumping on the property besides this pit incident?

[REDACTED] Just their washout water.

SC: OK, but not any chemicals of any kind like from the Doric Building?

[REDACTED] No.

SC: OK, where was this pit located, generally speaking?

[REDACTED] It'd be where the old; where the garage is. It's between the batch plant and the garage and then just a little bit to the east, I guess.

SC: And a

[REDACTED] Right along the fence

SC: How big was it generally speaking? Just best estimation?

[REDACTED] Oh, it was probably 20 foot deep, and probably 10 x 12, something like that.

SC: The stuff that you observed was already in the pit when you observed it. You didn't observe anyone actually dumping it in there?

[REDACTED] No, I didn't see anyone dumping anything.

SC: But it wasn't there on Saturday?

[REDACTED] It wasn't there on Saturday, and when I came in Monday

SC: Monday morning it was there?

[REDACTED] Yes

SC: So it happened over, between

So they did it over the weekend.

SC: Between noon on Saturday and Monday morning.

And I would say it was probably in like the second week of July because I'm not sure when the fourth fell on but you know it was over a weekend time.

SC: This is 1996

Right.

SC: OK. Brad do you have anything that comes to mind?

BS: started to talk when the tape ran out about the reason that the materials may have been dumped in there in the first place.

Well, the rumor was, and I'm not sure who told me, but they had checked into legally dumping it and it was what they considered too expensive. So they figured this was a cheaper way.

BS: Did you smell any fumes or odd odors? Would have made you think there were strong chemicals or anything in there?

Well, that curing compound smells pretty strong.

BS: OK, is that a smell that you; an odor that you smelled then?

I guess. You know, it's hard to tell.

BS: Maybe, or maybe not.

Yeah. I'm pretty sure it was but I can't be certain. But they had a lot of other cans over there, they could have mixed them together, you never know what it would be.

SC: Can you think of any other names of guys who may have witnessed this or knew about it or were involved in making sure

Well, I don't know a lot of the last names but, he was a driver. I think he still is. They had one driver they called and I'm not sure, I think or it seems to be. I believe, is his last name. He was working there at the time.

SC: He was a driver?

[REDACTED]: Yeah. Their loader operator, [REDACTED]

SC: Is that a first name or last name?

[REDACTED]: First name. I'm not sure what his last name is. He might have seen it.

SC: And what was his job duties there?

[REDACTED]: Loader operator

SC: Loader operator

[REDACTED]: But you know, like I say, if they were dumping it on the weekends these guys aren't going to see the dumping. They'll see the effects of it probably.

SC: Do you know if the owner Phil Potvin was

[REDACTED]: I don't think Phil is the owner actually. I think his Dad is the owner

SC: OK. Do you think Phil is around there on most weekends. Do you know if he works there on weekends? Do you remember seeing him there like on Saturdays.

[REDACTED]: No, very seldom

SC: Very seldom.

[REDACTED]: I mean he lives right in Cadillac so it's not a far drive but. As a matter of fact most time, I mean most weekdays, he'd be in there for awhile but he wouldn't be there all the time.

SC: OK. Anything else Brad? [REDACTED] you have anything else that comes to mind that we've, that we're just overlooking that would help us identify the material or who might have seen it happen or anything come to your mind?

[REDACTED]: Not really. I mean, I guess, the only way you'd ever really be sure is to go through their billing, I guess, to find out what they bought and what they didn't sell.

SC: Do you think Mr. Potvin; we sort of touched on this already, but do you think he, you said basically he would be vindictive if you still worked there and he knew you were talking to us. It would not be good.

[REDACTED]: No, it wouldn't be good, I'm sure of that.

SC: Yeah. So the workers who are still working there probably would probably have some sort of retribution probably if they talked to us?

[REDACTED] Oh, I'm pretty sure there would be, yeah.

SC: Yeah, OK. I don't have any other questions. Have the answers you've given us to the best of your knowledge been truthful?

[REDACTED] Yeah.

SC: OK. Do you feel that we've coerced you or promised you anything or threatened you in any way to make these statements?

[REDACTED] No.

SC: The time currently is 7:27 p.m. and again this is October 27, 1997 and we're recording this at the Cross Roads Bar at the corner of Coates Highway and M-37. Thanks.

[REDACTED] OK. I also wanted you to know that I'm not doing this just to get back at Phil either.

SC: Well, I could have asked you some questions along that line

[REDACTED] I mean, I don't particularly like Phil but

SC: Well, let me ask you in your own words why you are doing this?

[REDACTED] Because I don't think it was a very smart thing to do.

SC: OK.

[REDACTED] I mean, \$30,000, that's the figure I heard. That's a drop in the bucket you know. There's a lot of people lived around there that aren't going to be able to drink their water because of this shit if it gets in the groundwater.

SC: Yep. Couldn't have said it better myself. All right.

TELEPHONE RECORD

Date: 5-7-97 Phone: () _____

Name of Caller/Person Contacted: Anonymous

Affiliation: _____

File Name, County: Western Concrete, Cadillac Wexford Co.

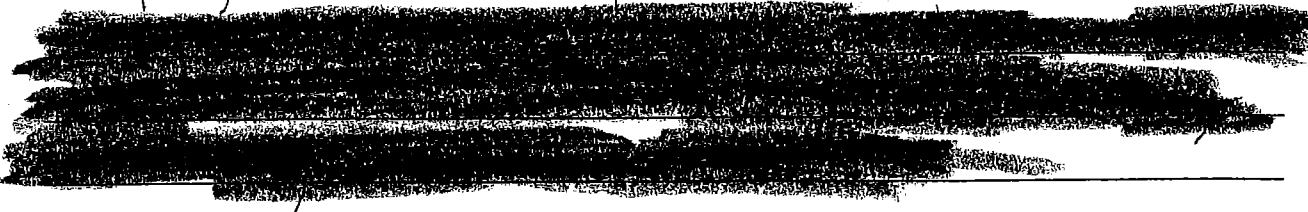
Summary of Discussion: In winter or spring of 1996,
Stains & sealers, petroleum-based, liquids
dumped into old elevator pit
UST sludge, put in 55 gal drums, was placed
in pit

Pit has waste concrete floor & block walls

Pit is now covered with soil & capped w/ concrete

Pit about 20' deep

Dumping occurred in April ± a month, 1996



Redi Mix trucks washed out into pit, lots of
water washed into pit

Pit located off SE corner of maintenance
garage