

From: Kevin Lyons <kevinjlyons@mac.com>
Sent: Monday, April 30, 2018 9:46 AM
To: Foss, Darsi J - DNR
Cc: kmcdaniel@manitowoc.org; DRiegel@dkattorneys.com; Edward (Ned) B. Witte; Ales, Stephen M - DNR; Haag, Christine T - DNR; Schmidt, Molly E - DNR; Beggs, Tauren R - DNR; Chronert, Roxanne N - DNR
Subject: Re: DNR comments on status of Newton Pit cleanup and 292.35 Umpire Process

Thanks for the status report. I will wait for further instructions and am happy to help any way I can. Attorney for party that did not settle called late last week for status report. Will advise him of your report tomorrow. Talked to mr beggs before negotiations and will contact him again re needed investigation and amend my report to reflect need for additional investigation. Will consult with manitowoc counsel also, and advise non-settling counsel as well. Happy to meet with anyone in the department as well re investigation. Thanks for the opportunity to help. Kevin

Sent from my iPhone

On Apr 30, 2018, at 9:30 AM, Foss, Darsi J - DNR <Darsi.Foss@wisconsin.gov> wrote:

Folks:

Per our last meeting with you, here is the letter on the status of the site investigation and umpire recommendation.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Darsi Foss

Director, Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
101 S. Webster St. (RR/5), Madison, WI 53707
Phone: (608) 267-6713
darsi.foss@wisconsin.gov

<image001.png> dnr.wi.gov



<image004.jpg> <image005.jpg> <image006.jpg>

<NewtonPitTechUmpComments.pdf>

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
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April 30, 2018

Kathleen M. McDaniel
City of Manitowoc
900 Quay Street
Manitowoc, WI 54220-4543

Subject: Technical Review and Status of Umpire Recommendation for the Local Government Unit Cost Recovery Action for the City of Manitowoc / Former Newton Gravel Pit Site - BRRTS #02-36-000268

Dear Ms. McDaniel:

On April 6, 2018, department staff met with representatives of the City of Manitowoc to discuss the status of the site investigation for the city of Manitowoc / Former Newton Gravel Pit Site ("Site") and the Wis. Stat. § 292.35 cost recovery process. This letter serves to provide a summary of the key points discussed.

With regard to Wis. Stat. § 292.11, the department has determined that the site investigation required under Wis. Admin. Code ch. NR 716 is incomplete. The Remediation and Redevelopment Program will provide a letter to the city of Manitowoc that includes further detail and direction regarding the site investigation.

With regard to the Wis. Stat. § 292.35 cost recovery process, the department is in receipt of the February 9, 2018, recommendation from Kevin Lyons, the appointed umpire for the Local Government Unit Cost Recovery Action for the Site. The department intends to hold its review of this recommendation until the site investigation is complete. This letter provides notice that the department's review of this recommendation is pending; it does not serve as an official response under Wis. Stat. § 292.35.

Thank you for your patience as we continue this process. If you have any questions or concerns, please contact Tauren Beggs at (920) 662-5178 or Tauren.Beggs@wisconsin.gov.

Sincerely,

A handwritten signature in cursive script that reads "Darsi Foss".

Darsi Foss
Director, Remediation and Redevelopment Program

Cc: Kevin Lyons, Davis & Kuelthau, s.c.