



JUN 14 2018

Edward B. Witte
Godfrey & Kahn
833 East Michigan Street, Ste. 1800
Milwaukee, WI 53202-5615

Subject: Approval of Agreements in Negotiation for the Local Government Unit Cost Recovery Action for the City of Manitowoc / Former Newton Gravel Pit Site (BRRTS #02-36-000268) pursuant to Wis. Stat. § 292.35(5)

Dear Mr. Witte,

The Wisconsin Department of Natural Resources ("department") is in receipt of a memorandum, dated April 3, 2018, from Edward B. Witte, Godfrey & Kahn, Dan Koski, City of Manitowoc, and Kathleen McDaniel, City of Manitowoc, on the behalf of the City of Manitowoc, and several attachments to that memorandum, including the following:

- Settlement, Mutual Release and Covenant Not to Sue, dated April 2, 2018 between the City of Manitowoc and Gould Electronics Inc.;
- Mutual Release and Covenant Not to Sue, dated February 16, 2018, between the City of Manitowoc and Geoff Liban and Fritzke; and
- Confidential Wis. Stat. § 292.35(5) Agreement in Negotiation and Mutual Release and Covenant Not to Sue, dated February 7, 2018, between the City of Manitowoc and The Manitowoc Company, Inc.

The department has reviewed portions of the agreements relating to the design and implementation of the remedial action plan for the Umpire Recommendation for the Local Government Unit Cost Recovery Action for the City of Manitowoc / Former Newton Gravel Pit Site ("Site") (BRRTS #02-36-000268). This letter serves as the department's response to the City of Manitowoc ("City") pursuant to Wis. Stat. § 292.35(5).

Under Wis. Stat. § 292.35(5) the department may approve the portions of the above-referenced agreements containing the design and implementation of the remedial action plan as submitted or may require modifications. Considering that the above-referenced agreements were signed prior to their submittal, the department does not require modifications and hereby approves the agreements as submitted; however, this approval does not in any way reduce or negate the responsibilities of the City and other responsible parties not released from liability under Wis. Stat. § 292.35(7) to complete investigation and remediation of the Site pursuant to Wis. Stat. ch. 292.

The department reiterates that the site investigation for the Site remains incomplete, and additional site investigation may result in a need for additional remedial action that is not covered by the signed agreements. Following the receipt of an umpire recommendation for the Site in February 2018, the department informed the City that the site investigation required under Wis. Admin Code ch. NR 716 was incomplete. On April 6, 2018, department staff met with representatives of the city to discuss the site investigation. On May 14, 2018, the department sent a letter to the city, detailing activities that need to be completed per Wis. Admin. Code ch. NR 716 to finish the site investigation.

Thank you for your continued efforts to restore the environment and minimize the harmful effects from the discharges at the City of Manitowoc / Former Newton Gravel Pit Site. If you have any questions or concerns relating to the department's role in the Wis. Stat. § 292.35 cost recovery process, please contact Molly Schmidt at (608) 267-7500. For questions relating to the Site, please contact Tauren Beggs at (920) 662-5178.

Sincerely,



for Daniel L. Meyer
Secretary

Cc:

Kathleen McDaniel, City of Manitowoc
Tauren Beggs, Remediation and Redevelopment Program, Northeast Region
Molly Schmidt, Remediation and Redevelopment Program, Central Office