

June 26, 2018

Daniel L. Meyer, Secretary
Wisconsin Department of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Re: Required Modifications to the Umpire Recommendation 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(6)
D&K File #56068.06416

Dear Secretary Meyer:

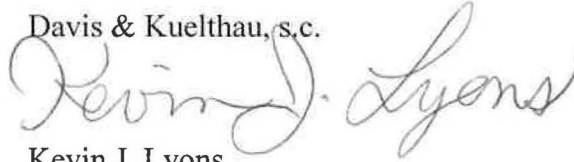
After reviewing your June 14, 2018 letter requiring Modification of my February 9, 2018 Recommendation, I spoke with counsel for the City of Manitowoc and with Tauren Beggs. Both described facts unknown prior to the February 9, 2018 Recommendation. Based on those facts and the facts in your letter, I revise my Recommendation as follows:

1. The Site investigation is incomplete. The AECOM preliminary remedial action plan, approved by the Department in a letter dated July 7, 2017, should be revised to require whatever additional investigation, interim measures, and remedial actions may be necessary for remediation of the Site.
2. The City of Manitowoc and all responsible parties that did not settle with the City during the Wis. Stat. § 292.35 negotiation period should pay all the costs of the additional Site investigation, revision of the remedial action plan, and all additional remedial actions, whether interim or permanent. If any pollutant discovered in this additional investigation entered the environment from non-settling responsible party, that party or parties should pay all the costs described above.
3. In all other respects, the Recommendation of February 9, 2018 is affirmed and incorporated by referenced in this modification.

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Respectfully submitted,

Davis & Kuelthau, s.c.

A handwritten signature in cursive script that reads "Kevin J. Lyons". The signature is written in dark ink and is positioned to the right of the typed name.

Kevin J. Lyons

KJL:dmr

cc: Ned Witte, Godfrey Kahn – via email
Kathleen McDaniel, City of Manitowoc – via email
Tauren Beggs, Remediation and Redevelopment Program, Northeast Region – via email
Molly Schmidt, Remediation and Redevelopment Program, Central Office – via email