



September 24, 2018

City of Manitowoc
Attn: Kathleen McDaniel
900 Quay Street
Manitowoc, WI 54220

Subject: Reported Contamination at Manitowoc City / Former Newton Tn Gravel Pit
3130 Hecker Road, Manitowoc, WI
BRRTS Activity # 02-36-000268

Dear Ms. McDaniel:

On September 24, 2018, AECOM notified the Wisconsin Department of Natural Resources (DNR) that per- and polyfluoroalkyl substance (PFAS) contamination has been detected at the Manitowoc City / Former Newton Tn Gravel Pit at 3130 Hecker Road (the gravel pit site). This PFAS contamination is in addition to the known polychlorinated biphenyl (PCB), volatile organic compound (VOC), Resource Conservation and Recovery Act (RCRA) metals, and polyaromatic hydrocarbon (PAH) contamination that have previously been detected at the gravel pit site described above.

There was a responsible party (RP) letter originally issued to the City of Manitowoc on July 9, 1991, attached. With the more recent detections of PFAS contamination, this letter defines your responsibility to address this contamination in addition to the contamination previously detected at the gravel pit site.

Based on the information that has been submitted to the DNR regarding this site, we believe you are responsible for investigating and restoring the environment at the above-described site under Wis. Stat. § 292.11, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under Wis. Stat. § 292.11, explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the DNR.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Wis. Stat. § 292.11(3), states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wis. Admin. Code chs. NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and

case closure. Wis. Admin. Code ch. NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take: Within 30 days, by October 24, 2018, you must submit a work plan for expanding the investigation to define the degree and extent and assessing potential receptors. This work plan should first focus on determining if drinking water is impacted by PFAS to ensure public health is being protected. The work plan must comply with the requirements in the Wis. Admin. Code NR 700 rule series and should adhere to current DNR technical guidance documents. A responsible party letter was also issued to Newell Brands, Inc., who was identified as a causer of the contamination. Please take the appropriate steps to either work with Newell Brands, Inc. or conduct the investigation and initiate cost recovery for the work completed.

Under the requirements of Wis. Admin. Code § NR 716.14, notification must be provided to property owners when someone else is conducting the sampling, to occupants of property belonging to the responsible person, and to owners and occupants of property that does not belong to the responsible person but has been affected by contamination arising on his or her property. Notification is required within 10 business days of receiving the sample results.

If you want a formal written response from the DNR on a specific submittal, please be aware that a review fee is required in accordance with Wis. Admin. Code ch. NR 749. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and Wis. Admin. Code chs. NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Tauren R. Beggs
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313
Tauren.Beggs@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS Activity number shown at the top of this letter.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the DNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you have questions, please contact the DNR Project Manager Tauren Beggs at 920-662-5178 or at Tauren.Beggs@wisconsin.gov for more information or visit the RR web site at the address above.

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City of Manitowoc
Modified Responsible Party Letter
Manitowoc City / Former Newton Tn Gravel Pit, BRRTS # 02-36-000268

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Thank you for your cooperation.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Attachment: Responsible Party Letter, July 9, 1991

ec: Tauren Beggs, DNR (Tauren.Beggs@wisconsin.gov)



Carroll D. Besadny
Secretary

Lake Michigan District Headquarters
1125 N. Military Avenue
P.O. Box 10448
Green Bay, WI 54307-0448
TELEPHONE # (414)492-5866
TELEFAX # (414)492-5913

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

July 9, 1991

COPY

Mr. Michael Hawley
Director of Public Works
2655 South 35th Street
Manitowoc, WI 54220

SUBJECT: Disposal site located in the Town of Newton, Section 2

Dear Mr. Hawley:

The Wisconsin Department of Natural Resources (WDNR) has been notified that a potential for soil and/or groundwater contamination was discovered at the above-referenced location. The Department has received numerous complaints concerning disposal at this site. There also may be a possibility that hazardous waste had been dumped throughout the years. April 29, 1977, Mr. James Senger, WDNR, spoke to Mr. Ken Kolcheur, about the illegal burning of brush at this site. May 3, 1977, Mr. Michael Hawley spoke with Mr. Senger. Mr. Senger, once again, reiterated that brush was to be sent to a licensed landfill and should not be burned. This area is now becoming more developed and new homes are currently being built. Due to the possibility that groundwater may be contaminated, the purpose of this letter is to inform you:

1. Of your legal responsibilities to address this situation.

The WDNR proceeds in contamination cases under the authority of s. 144.76, Wisconsin Statutes, commonly referred to as Wisconsin's Hazardous Substance Spill Law. The definition of "hazardous substances" encompasses any waste of a solid, semisolid, liquid, or gaseous form that can cause harm to the environment or human health.

Wisconsin Statute 144.76(2)(a) states: "A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the Department immediately of any discharge not exempt under sub. (9)."

Wisconsin Statute 144.76(3) states: "A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state."

As the responsible party, the Department is requesting that:

1. You hire a qualified environmental, hydrogeologic, or engineering consultant to conduct a site assessment of soil and groundwater. A document titled "Selecting an Environmental Consultant" and a Consultant Listing is enclosed for your convenience. Regardless of the priority designation, it is your responsibility to proceed with the investigation and clean-up effort.
2. **Within 30 days of receipt of this notice, please provide me with a letter containing the name of the consultant you have retained. Your consultant should send a map of the site location(legal description), the date the investigation will begin, and immediately identify all drinking water wells within 1200 feet of the site.**
3. You should notify the Department with any additional information you possess that can aid in determining a priority for this site. The general information the Department needs from you to prioritize cases includes: a description of any documented groundwater or surface water contamination, the site status and years of operation, and any investigation or remediation efforts that have occurred at this site.
4. Upon completion of the investigation, a remedial action(s) necessary to clean up contaminated soil and groundwater will be chosen and implemented. All products, soils, wastewater, or sludges would require testing to determine proper treatment and/or disposal of these residues. Any method used must be in compliance with all applicable federal, state, and local laws and regulations.

If you consider any previous investigation and/or clean-up effort to be sufficiently complete you should provide a detailed report with analytical documentation justifying your position. The Department will make a final determination if close-out of this case can be considered.

Your cooperation in this matter will be appreciated. If you have any question in regard to the contents of this letter, please call me at the number located on the letterhead.

Sincerely,



Elizabeth Stueck
Emergency & Remedial Response Program

Enclosure 2

cc: Tom Hansen-Green Bay Area(w/out enclosures)
Len Polczynski-LMD(w/out enclosures)