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February 28, 2019

**Gabriel M. Rodriguez**  
(312) 258.5516  
[grodriguez@schiffhardin.com](mailto:grodriguez@schiffhardin.com)

**VIA EMAIL**

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

**Re: Notice of Non-Compliance  
BRRTS Activity # 02-36-000268**

Dear Mr. Beggs:

We write on behalf of Newell Brands Inc. (“Newell”) to respond to the Wisconsin Department of Natural Resources’ (“WDNR”) February 20, 2019 Notice of Non-Compliance (“Notice”) regarding the former Newton Town Gravel Pit (“Newton”) site. Newell disputes that it has not complied with the obligations set forth in WDNR’s responsible party letter (the “RP Letter”) issued to Newell on September 24, 2018. While we appreciate WDNR’s desire to facilitate the ongoing investigation and remediation of the Newton Site, we wish to clarify that the actions taken by Newell following receipt of the RP letter have been in full compliance with Wisconsin Statutes chapter 292 and Wisconsin Administrative Code chapters NR 700 through NR 754.

The RP Letter set forth specific actions that Newell needed to undertake. First, Newell was required to provide certain information within 30 days of receipt of the RP Letter. We provided this information to WDNR in a letter dated October 25, 2018.

Second, WDNR “highly recommended” that Newell coordinate the future investigation and remediation of the Newton site with the City. WDNR requested that Newell submit its own site investigation work plan only if Newell elected to “conduct a separate response action and not coordinate with the City.” As you know, in my October 25, 2018, letter, I notified you that Newell had initiated discussions with the City’s attorney, Ned Witte, to evaluate potential coordination of the site investigation and remediation with the City (including preparation of the work plan), consistent with WDNR’s recommendation. *See Attachment A.*

Since October, we have continued to engage the City in discussions to explore coordination of future investigatory and remedial activity. Newell met with the City on December 10, 2018, at which time the City committed to provide us with information about this project. We notified you of that meeting and our requests to the City in our December 19, 2018, conference call with Ned Witte. At that time, the City indicated that they were still working on collecting information in response to our requests. On February 1, 2019, the City confirmed in an email to you that it still had not responded to the information Newell had requested. The City recently provided some of the requested information in a

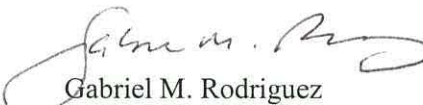
Tauren R. Beggs  
February 28, 2019  
Page 2

February 18, 2019 email, but additional information remains outstanding. We have enclosed these communications as Attachment B.

Newell has followed the recommendation of WDNR to coordinate with the City for the preparation of the Site Investigation Work Plan. And it responded timely to the request for information the WDNR made to the company. Accordingly, we believe we have complied fully with the RP Letter.

Notwithstanding the above, Newell reserves any and all defenses to the allegations raised in the Notice and the RP Letter. Neither this letter nor any of its contents should be interpreted as any admission to any of the allegations in the RP Letter.

Sincerely,



Gabriel M. Rodriguez

GMR/dl  
Enclosure

ATTACHMENT A

T 312.258.5500  
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October 25, 2018

Gabriel M. Rodriguez  
(312) 258.5516  
grodriguez@schiffhardin.com

**VIA FEDERAL EXPRESS  
AND EMAIL**

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

Re: **Reported Contamination at Newton Town Gravel Pit (Former) - Responsibilities of Newell Brands, Inc. at 3130 Hecker Road, Manitowoc, WI**

**BRRTS Activity # 02-36-000268**

Dear Mr. Beggs:

I am one of the attorneys for Newell Brands Inc. ("the Company") regarding the above-referenced matter. This is Newell Brands Inc.'s response to your September 24, 2018 letter, which we received via email on September 25, 2018.

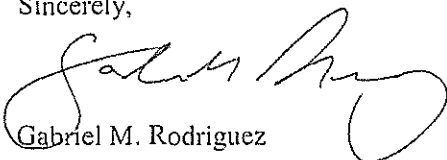
A thumb-drive with documents containing information responsive to requests 1 and 2 of your letter is enclosed. These documents are Bates numbered **NewellNGP 000001** through **NewellNGP 000064**. As you may be aware, the City of Manitowoc maintains a repository of documents that may contain additional information not produced in this response related to the Former Newton Town Gravel Pit. In addition, we are also not reproducing documents that are otherwise publically available on the Wisconsin Department of Natural Resources' BRRTS web database for Activity No. 02-36-000268.

With respect to request 3, Newell states that Mirro Corporation was a wholly-owned subsidiary of Newell Operating Company. Mirro Corporation no longer exists.

Newell is continuing its investigation of this matter and reserves the right to supplement this response.

As directed by your letter, Newell contacted the City of Manitowoc's attorneys in order to discuss coordinating with the City and its consultant and to secure information about the site. We are awaiting information from the City's attorneys. Newell intends to explore coordinating with the City.

Sincerely,



Gabriel M. Rodriguez

GMR/dl  
Enclosure

## ATTACHMENT B

**Loring, David M.**

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**From:** Witte, Edward <nwitz@gklaw.com>  
**Sent:** Friday, February 01, 2019 3:11 PM  
**To:** Beggs, Tauren R - DNR  
**Cc:** Rodriguez, Gabriel M.; Chronert, Roxanne N - DNR; Nelson, William J - DNR; Kathleen McDaniel (kmcDaniel@manitowoc.org); April Kroner; Loring, David M.  
**Subject:** [EXT] Re: Provide Response for Mirro and Newton Sites ASAP - January 31 deadline has passed

Tauren,

Manitowoc continues to work on gathering information responsive to the request of Newell. We anticipate that we will have this completed shortly. After that, we will work with Newell to provide the information requested by the department.

We appreciate your patience. If you have any questions, please contact me.

Ned

Edward (Ned) B. Witte  
Godfrey & Kahn  
414-305-2267 (m)  
[nwitz@gklaw.com](mailto:nwitz@gklaw.com)

On Feb 1, 2019, at 9:18 AM, Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)> wrote:

Good morning,

As discussed on the December 19, 2018 call with the DNR, an extension was provided for coordination between Newell and the City of Manitowoc for the Mirro and Newton sites. The extension deadline was January 31, 2019. That deadline has now passed and I have not received a response on how Newell and the City will coordinate for these two sites. Please provide a response ASAP.

Regards,

**We are committed to service excellence.**

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

Tauren R. Beggs

Hydrogeologist & Northeast Region Land Recycling Expert

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

2984 Shawano Ave

Green Bay, WI 54313

Phone: (920) 662-5178

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[dnr.wi.gov](http://dnr.wi.gov)

**Loring, David M.**

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**From:** Witte, Edward <nwitz@gklaw.com>  
**Sent:** Monday, February 18, 2019 2:17 PM  
**To:** Rodriguez, Gabriel M.  
**Cc:** Kathleen M. McDaniel; Narvey, Daniel  
**Subject:** [EXT] Update on Manitowoc Questions [GK-Active.FID2249579]

Gabe,

My apologies for the passage of time since we last communicated regarding the sites in Manitowoc. The biggest source of delay is related to gathering and organizing costs incurred by the City at the two sites, finding a straightforward way to provide you with access to support for those costs, and providing you with practical estimates of future costs. I will continue to pursue that information, but I believe we can provide you with responses to some of the other items we discussed on December 10, 2018 before we wrap up the cost issues.

The subjects of your interest follow the numbers below, and our responses are in red font.

Washington Street

1. The Washington Street Development Plan including (1) the status of and plan for development at the site, and (2) if such plan is sufficiently advanced, whether it has community support (i.e., reasonably certain to gain approval).

The City is exploring options to sell or lease some part of the parcel to a non-profit, with the transaction likely to close this year. Plans for the remainder of the Plant 9 parcel remain uncertain.

2. Status of Non-PFAS Investigation and Remediation any RAP drafted or proposed, whether such investigation and remediation was complete or near-complete when PFAS came to light, and costs for anticipated non-PFAS work

Site investigation pursuant to the RAP continues. We understand that the site investigation was near completion before PFAS issue came to light. We will follow up with information related to the costs you requested.

3. Role of Consultants explain why multiple consultants used (AECOM, Symbiont, Stantec) and multiple Phase Is and IIs, explain how it was not duplicative

Multiple consultants were used because responsibility for the site shifted over time within city government, and there were several transactions regarding the property after Newell vacated it. The City will not be seeking costs from earlier consultants.

4. Share Title Report, if available

Appendix E of the June 28, 2016 Stantec report (available through BRRTS) contains a full title history for the Site.

5. Cost Itemization for Past and Future Costs itemize costs associated with specific work (i.e. Phase Is and IIs) and itemize money received from state and federal government

We will follow up with information related to the costs you requested.

### Newton

1. CVOC Investigation Status including addressing (1) whether WDNR triggered investigation NE plume or other source areas regarding the NE plume, and why, and (2) whether plume is yet defined

WDNR required the investigation to the northeast following identification of VOCs in numerous residential wells along Viebahn Street (near the intersection with County Trunk CR) and the replacement of a number of those wells by the City. Further research and investigation followed, to identify possible other sources and to define the horizontal extent of contamination, as required by NR 700. This area of the plume is not yet defined.

2. Plans and Cost estimates (if available) for Extending Municipal Water

The City has estimated a cost of \$5 million to extend municipal water to all impacted and potentially impacted residences.


3. PFAS Testing Results

After the initial groundwater investigation for PFAS that lead to the RP letters, there have been several low level PFAS detects across Hecker Road from the Newton site.

4. Cost Itemization for Past and Future Costs

We will follow up with information related to the costs you requested.

Edward Witte  
Attorney

  
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