

From: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>
Sent: Tuesday, July 7, 2020 11:48 AM
To: Gruen, Andrea M - DNR
Cc: Beggs, Tauren R - DNR; Nelson, William J - DNR
Subject: RE: Manitowoc Sites

Thanks.

From: Gruen, Andrea M - DNR [<mailto:Andrea.Gruen@wisconsin.gov>]
Sent: Tuesday, July 7, 2020 11:40 AM
To: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>
Cc: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Nelson, William J - DNR <William.Nelson@wisconsin.gov>
Subject: [EXT] RE: Manitowoc Sites

CAUTION: External email.

Good morning Mr. Rodriguez,

Thank you for submitting the responses to the NOV's on behalf of Newell Brands. The department will be in touch if there are any questions.

Thank you,
Andrea

We are committed to service excellence.

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

Andrea Gruen

Phone: (920) 366-1980

Andrea.Gruen@Wisconsin.gov

From: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>
Sent: Monday, July 6, 2020 2:57 PM
To: Gruen, Andrea M - DNR <Andrea.Gruen@wisconsin.gov>
Subject: Manitowoc Sites

Hi Andrea. Thank you again for the opportunity to respond for the record. Attached are the written responses to the NOV.

Feel free to call me if you have any questions or wish to discuss further.

Gabe

This message and any attachments may contain confidential information protected by the attorney-client or other privilege.



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Gabriel M. Rodriguez
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July 6, 2020

Via E-mail

Andrea Gruen, WDNR
State of Wisconsin
Department of Natural Resources
2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Re: Response to WDNR Notice of Violation re: Newton Gravel Pit site

Dear Andrea:

Thank you again for the opportunity to discuss the Notice of Violation (“NOV”) dated June 16, 2020, regarding the Newton Gravel Pit site, and for the opportunity to respond to the NOV in writing.

As I stated in the enforcement conference on June 29, 2020, Newell disputes that it is in violation of the authorities cited in the NOV. The chronology set forth in the NOV seems to imply that Newell was non-responsive to the WDNR’s requests. The chronology, however, omitted several material facts. I discussed them during the enforcement conference and recite them here for the record:

- The WDNR issued its Responsible Party letter in September 24, 2018(the “2018 RP Letter”). The 2018 RP letter demanded production of documents and notified Newell of its responsibilities under State law to conduct an investigation at the site. The 2018 RP Letter also urged Newell to coordinate efforts with the City because it was actively conducting an investigation and had extensive background knowledge of the site.
- By letter dated October 25, 2018, Newell responded to the 2018 RP Letter by producing the requested documents and notifying the WDNR that it has reached out to the City with the intention of coordinating with the City.
- We had our first meeting with the City’s representatives on December 10, 2018. The City committed to provide us with information regarding the site. This development was reported to the WDNR on a call involving the WDNR, the City and Newell on December 19, 2018.
- On February 1, 2019, the City confirmed in an email to the WDNR that it still had not responded to the information Newell had requested. Despite that, the WDNR issued its Notice of Non-Compliance to Newell dated February 20, 2019.

Andrea Gruen, WDNR
July 6, 2020
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- Newell's February 28, 2019 letter responded to the WDNR's notice of non-compliance. This letter is mentioned in the NOV but not otherwise discussed. The February 28 letter detailed the efforts Newell had made to coordinate with the City.
- On March 14, I discussed with the WDNR that Newell would not be submitting a separate competing work plan in the absence of an agreement with the City, but would continue its effort to reach some sort of agreement with the City.
- As I mentioned during the enforcement conference, over the course of several months in 2019, we were getting very close to a deal to resolve all the City's claims for work it had performed through 2018.
- By late 2019, we decided to include the City's 2019 anticipated costs. That extended the negotiations into 2020, principally because we were trying to assess what work was actually completed in 2019 and the costs associated with that work.

Current Status

As I mentioned during the enforcement conference, Newell believes it has an agreement in principle with the City resolving its alleged responsibility for all work performed through 2019.

We are still reviewing the City's PFAS work plan. We intend to communicate further on our position regarding that work plan directly with the City.

Sincerely,

Gabriel M. Rodriguez

Gabriel M. Rodriguez