



BRRTS Activity # 02-36-000268
Manitowoc County
Electronic Delivery

August 14, 2020

Kristin Holloway Jones, Dir. of Environmental Affairs
Newell Brands, Inc.
6655 Peachtree Dunwoody Road
Atlanta, GA 30328

Gabriel Rodriguez, Attorney
Schiff Hardin LLP
233 South Wacker Drive; Suite 7100
Chicago, IL 60606

Subject: **Enforcement Conference Summary Letter**

Dear Ms. Holloway Jones and Mr. Rodriguez,

The Department of Natural Resources would like to thank the representatives of Newell Brands, Inc. (Newell) for meeting on June 29, 2020 for an enforcement conference to discuss the violations alleged in the June 16, 2020 Notice of Violation (NOV). This letter serves as a summary of the enforcement conference. Please note that separate summary letters will be sent to correspond with the separate NOV's issued to Newell on June 16, 2020; this summary letter corresponds to the "Manitowoc City / Former Newton Tn Gravel Pit" site (BRRTS Activity # 02-36-000268; "the Site"). A listing of those present on the enforcement conference call is below for your reference.

Newell Brands, Inc.	WI DNR:
Gabriel Rodriguez, Attorney – Schiff Hardin LLP	Andrea Gruen – Environmental Enforcement Specialist
Kristin Jones, Director of Env. Affairs	Tauren Beggs – Hydrogeologist, RR Program
	William Nelson – Attorney, RR Program

Enforcement Conference Summary

Mr. Rodriguez described Newell's position on the alleged violations. Specifically, that Newell disputes that it is in violation as alleged in the NOV and that this was communicated to the department on February 28, 2019 in response to a Notice of Noncompliance issued on February 20, 2019. This position was further communicated in the NOV response that was submitted to the department on July 6, 2020.

The Responsible Party letter that was issued to Newell by the department on September 24, 2018 recommended that response be coordinated with the City of Manitowoc ("the City"). Newell believes that it has attempted to coordinate with the City on an agreement for reimbursement of past costs through 2019 and believes it has an agreement in principle with the City.

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Discussions centered on the circumstances that gave rise to the NOV and actions taken to date to resolve the alleged violations. Forfeitures were discussed, as was referral to the Department of Justice. While the department understands Newell's attempts to coordinate with the City, Newell is a responsible party under Wis. Stat. § 292.11(3) and is required to move forward with investigation and cleanup separately while ongoing cost reimbursement negotiations continue to be finalized, so it is the expectation of the department that the actions required of Newell be completed within the prescribed timeframes. The department recommended the use of a negotiated agreement between Newell, the City and the department in an effort to improve communication of work to be completed and associated timelines. The department also indicated that it would be willing to facilitate a meeting with Newell and the City to discuss expectations of each entity going forward.

The department requires that Newell submit a Site Investigation Work Plan (SIWP) as required under Wis. Adm. Code § NR 716.09 and a proposal of how Newell will keep the department regularly apprised of ongoing cost reimbursement negotiations within 30 days of the date of this letter, September 14, 2020. Per Wis. Adm. Code § NR 728.06 and Wis. Stat. § 292.94, the DNR will require applicable review fees during enforcement for plans and reports as outlined in Wis. Adm. Code § NR 749.04.

If Newell wants the department to facilitate a call and/or a negotiated agreement between the City, Newell, and the department, then this request should be provided in Newell's proposal. This information should be submitted to me, Andrea Gruen, at the address contained in the letterhead or via email at Andrea.Gruen@Wisconsin.gov

The department would like to thank the representatives of Newell Brands Inc. for attending the enforcement conference. If there are any questions or concerns, please contact me at (920) 366-1980.

Sincerely,



Andrea Gruen
Environmental Enforcement Specialist

Cc: Tauren Beggs, DNR – Green Bay
Roxanne Chronert, DNR – Green Bay
William Nelson, DNR – GEF 2