

**From:** Gruen, Andrea M - DNR  
**Sent:** Tuesday, February 16, 2021 6:26 AM  
**To:** Walton, Katherine S.  
**Cc:** Beggs, Tauren R - DNR; Witte, Edward; Rodriguez, Gabriel M.; Kristin.Jones@newellco.com; Kathleen M. McDaniel (kmcDaniel@manitowoc.org); Schenck, Sarah  
**Subject:** RE: Town of Newton Gravel Pit site (BRRS # 02-36-000268)

Good morning Katherine,

Thank you for submitting the monthly update on behalf of Newell Operating Company. The department will be in touch if there are any questions or concerns.

Thank you,  
Andrea

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**Andrea Gruen**

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**From:** Walton, Katherine S. <[KWalton@schiffhardin.com](mailto:KWalton@schiffhardin.com)>  
**Sent:** Monday, February 15, 2021 11:35 AM  
**To:** Gruen, Andrea M - DNR <[Andrea.Gruen@wisconsin.gov](mailto:Andrea.Gruen@wisconsin.gov)>  
**Cc:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>; Witte, Edward <[nwitte@gklaw.com](mailto:nwitte@gklaw.com)>; Rodriguez, Gabriel M. <[grodriguez@schiffhardin.com](mailto:grodriguez@schiffhardin.com)>; Kristin.Jones@newellco.com; Kathleen M. McDaniel ([kmcDaniel@manitowoc.org](mailto:kmcDaniel@manitowoc.org)) <[kmcDaniel@manitowoc.org](mailto:kmcDaniel@manitowoc.org)>; Schenck, Sarah <[sschenck@gklaw.com](mailto:sschenck@gklaw.com)>  
**Subject:** Town of Newton Gravel Pit site (BRRS # 02-36-000268)

Hi Andrea – I write on behalf of Newell Operating Company (“NOC”) to provide a status update on negotiations between NOC and the City of Manitowoc (“City”) regarding reimbursement for a share of the City’s 2020 Newton Gravel Pit (the “Site”) related-costs. As you know, the City and NOC reached agreement in September 2020 under which NOC agreed to reimburse the City for a portion of its costs incurred investigating and remediating the Gravel Pit up through the end of 2019.

Since the parties’ November 5, 2020 conference with the WDNR, the parties have continued discussions and are making progress towards reaching an agreement for 2020 costs. On December 3, 2020, the parties and their consultants had a call to discuss NOC’s requests for past and current Site data. On that call, the City also provided high-level information relating to some of its 2020 costs and stated that it would be able to provide more information as its 2020 accounting was finalized.

On January 8, the City provided NOC with updated-cost information. On January 13, the parties and their consultants had a call on which the City’s consultants provided an update of 2020 Site investigation activities and anticipated 2021 activities. On January 22, the City provided NOC with invoices backing up their some of its claimed 2020 costs. The parties had a call to discuss those invoices on February 2, 2021. On that call, NOC informed the City that, based on its review of the invoices, the City has not provided NOC with a large portion of the 2020 work product, including sampling data and planning and

engineering documents relating to the proposed water main extension. NOC requested that it be provided with an opportunity to review any work product for which the City intends to request reimbursement. The City is considering NOC's request.

The City also indicated that the 2020 estimated cost total and information provided to the NOC to date does not represent the entirety of the City's 2020 costs incurred. The City has indicated that it will seek to finalize its 2020 costs, respond to NOC's request for work product, and will provide NOC with a written demand of the precise amount of costs for which it seeks payment. Once NOC has received the City's demand, and has received the work product corresponding to the City's 2020 demand, it hopes to be in a better position to provide the WDNR with an estimate as to when an agreement as to the City's 2020 costs might be reached.

Regards,

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**Katherine Walton**

Partner

Pronouns: She/Her/Hers

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