

From: Gruen, Andrea M - DNR
Sent: Wednesday, February 2, 2022 10:53 AM
To: Walton, Katherine S.; Beggs, Tauren R - DNR
Cc: Rodriguez, Gabriel M.; Kristin Holloway Jones (kristin.jones@newellco.com); Schenck, Sarah; Witte, Edward
Subject: RE: Former Newton Gravel Pit site (BRRTS # 02-36-000268)

Katherine,

Thank you very much for the response on behalf of NOC.

Andrea

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Andrea Gruen

Phone: (920) 366-1980

Andrea.Gruen@Wisconsin.gov

From: Walton, Katherine S. <KWalton@schiffhardin.com>
Sent: Wednesday, February 2, 2022 10:15 AM
To: Gruen, Andrea M - DNR <Andrea.Gruen@wisconsin.gov>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Cc: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>; Kristin Holloway Jones (kristin.jones@newellco.com) <kristin.jones@newellco.com>; Schenck, Sarah <SSchenck@gklaw.com>; Witte, Edward <nwitte@gklaw.com>
Subject: RE: Former Newton Gravel Pit site (BRRTS # 02-36-000268)

Hello, Andrea: Thank you for your response. NOC will be able to satisfy the deadlines set forth in your email. With respect to the City's 2020 costs, the City provided NOC with a settlement demand for its 2020 costs on December 27, 2021. On January 27, NOC informed the City that it agreed in principle to the City's demand and forwarded a proposed settlement agreement for the City's review. NOC anticipates the parties will reach agreement on the proposed settlement terms in the short term.

With respect to the City's 2021 costs, the City reported during the parties' January 28 phone call that it was gathering information regarding those costs and would forward them for NOC's review. To accommodate the WDNR's deadline below, NOC will work with the City to establish a set schedule for the City to provide NOC with its cost information for the previous year, as well as a demand for payment of a portion of the previous year's costs.

Regards,

Katherine Walton

Partner

Pronouns: She/Her/Hers

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From: Gruen, Andrea M - DNR [<mailto:Andrea.Gruen@wisconsin.gov>]
Sent: Tuesday, February 1, 2022 1:25 PM
To: Walton, Katherine S. <KWalton@schiffhardin.com>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Cc: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>; Kristin Holloway Jones (kristin.jones@newellco.com) <kristin.jones@newellco.com>; Schenck, Sarah <SSchenck@gklaw.com>; Witte, Edward <nwitte@gklaw.com>
Subject: [EXT] RE: Former Newton Gravel Pit site (BRRTS # 02-36-000268)

Good afternoon Katherine,

Thank you for submitting the bimonthly update on behalf of Newell Operating Company regarding the Newton Gravel Pit site. The department is encouraged to hear about the ongoing discussions with the City of Manitowoc regarding site investigation activities and cost recovery for the project.

The department has been working with Newell Operating Company since June 2020 to work toward the development of a finalized agreement of past costs and an agreed upon schedule for timing of cost recovery for 2021 and beyond costs. Based on your most recent update, Newell Operating Company has not reached an agreement with the City of Manitowoc for cost reimbursement of 2020 costs or a schedule for recovery of 2021 and beyond costs.

In an effort to reach the goals outlined above, the department is requesting the following actions be completed within the specified timeframes:

- **Reimbursement of 2020 costs to the City of Manitowoc be completed and notification thereof be provided to the department no later than April 1, 2022;**
- **An agreed upon schedule be developed with the City of Manitowoc and submitted to the department for cost recovery for 2021 and beyond no later than June 1, 2022.**

Thank you for your cooperation toward resolution of this matter.

Andrea

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Andrea Gruen

Phone: (920) 366-1980

Andrea.Gruen@Wisconsin.gov

From: Walton, Katherine S. <KWalton@schiffhardin.com>

Sent: Monday, January 31, 2022 1:05 PM

To: Gruen, Andrea M - DNR <Andrea.Gruen@wisconsin.gov>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>

Cc: Rodriguez, Gabriel M. <grodriguez@schiffhardin.com>; Kristin Holloway Jones (kristin.jones@newellco.com) <kristin.jones@newellco.com>; Schenck, Sarah <SSchenck@gklaw.com>;

Witte, Edward <nwitte@gklaw.com>

Subject: Former Newton Gravel Pit site (BRRTS # 02-36-000268)

Hi Andrea – I write to provide Newell Operating Company’s (“NOC”) bi-monthly status update on the Newton Gravel Pit site. Since our November 22, 2021 update, the City and NOC had their quarterly call on January 28, 2022 to discuss the status of site investigation activities, 2021 costs incurred by the City, and the City’s anticipated 2022 costs. In addition, on December 27, 2021, the City sent NOC a demand for payment of a portion of the City’s 2020 costs. NOC and the City are in discussions regarding the City’s demand. NOC will provide a further status update on March 15, 2022.

Regards,

Katherine Walton

Partner

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From: Walton, Katherine S. <KWalton@schiffhardin.com>
Sent: Monday, January 24, 2022 10:57 AM
To: Gruen, Andrea M - DNR
Cc: Rodriguez, Gabriel M.; Kristin Holloway Jones (kristin.jones@newellco.com); Beggs, Tauren R - DNR
Subject: RE: Response Request: Former Newton Tn Gravel Pit Site Bimonthly Update

Hi Andrea – Apologies for any misunderstanding. NOC’s September and November updates were submitted on the 22nd of the month, so I was planning to submit one today (as 1/22 was Saturday). We will provide a further update on 1/31 and then 3/15, 5/15, etc... moving forward.

Regards,
Katie

From: Gruen, Andrea M - DNR [<mailto:Andrea.Gruen@wisconsin.gov>]
Sent: Monday, January 24, 2022 6:12 AM
To: Walton, Katherine S. <KWalton@schiffhardin.com>
Cc: Rodriguez, Gabriel M. <grodriquez@schiffhardin.com>; Kristin Holloway Jones (kristin.jones@newellco.com) <kristin.jones@newellco.com>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Subject: [EXT] Response Request: Former Newton Tn Gravel Pit Site Bimonthly Update

Good morning Katherine,

This message is being sent in regards to the bimonthly update that the department has requested to be submitted by Newell Operating Company regarding the Manitowoc City / Former Newton Tn Gravel Pit site.

The most recent bimonthly update was due to be submitted by January 15, 2022. The department is aware of a quarterly meeting that is scheduled between Newell Operating Company and the City of Manitowoc on January 27, 2022, and is therefore requesting that the bimonthly update be submitted no later than January 31, 2022. Bimonthly reports are requested to resume on the 15th day of every other month thereafter as previously communicated.

Please feel free to contact me with any questions.

Andrea

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Andrea Gruen

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