

**From:** Gruen, Andrea M - DNR  
**Sent:** Monday, August 22, 2022 8:05 AM  
**To:** Sawula, Andrew N.  
**Cc:** Beggs, Tauren R - DNR; Chronert, Roxanne N - DNR; Sparks, Craig C - DNR; Jones, Kristin; 'gabriel.rodriguez@afslaw.com'; 'Witte, Edward'  
**Subject:** RE: Newton Gravel Pit - Cost Reimbursements

Thank you, Andrew. The department will discuss and be in touch with any questions.

Andrea

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**Andrea Gruen**

Phone: (920) 366-1980

[Andrea.Gruen@Wisconsin.gov](mailto:Andrea.Gruen@Wisconsin.gov)

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**From:** Sawula, Andrew N. <[andrew.sawula@afslaw.com](mailto:andrew.sawula@afslaw.com)>  
**Sent:** Friday, August 19, 2022 3:22 PM  
**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)>; Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Sparks, Craig C - DNR <[Craig.Sparks@wisconsin.gov](mailto:Craig.Sparks@wisconsin.gov)>; Jones, Kristin <[Kristin.Jones@newellco.com](mailto:Kristin.Jones@newellco.com)>; 'gabriel.rodriguez@afslaw.com' <[gabriel.rodriguez@afslaw.com](mailto:gabriel.rodriguez@afslaw.com)>; 'Witte, Edward' <[nwitte@gklaw.com](mailto:nwitte@gklaw.com)>  
**Subject:** Newton Gravel Pit - Cost Reimbursements

Andrea,

Please see the attached letter, responding to your July 18<sup>th</sup> request.

Kind regards,  
Andy



**Andrew N. Sawula**

PARTNER | ARENTFOX SCHIFF LLP

(HE/HIM/HIS)

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[andrew.sawula@afslaw.com](mailto:andrew.sawula@afslaw.com) | 847.295.4336 **DIRECT**

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One Westminster Place, Suite 200, Lake Forest, IL 60045

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error. Then delete it. Thank you.

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August 19, 2022

VIA EMAIL

Andrea Gruen  
Environmental Enforcement Specialist  
Investigations & Environmental Enforcement Section  
Division of Public Safety & Resource Protection  
Wisconsin Department of Natural Resources  
2984 Shawano Ave.  
Green Bay, WI 54313

**Re:    Former Newton Gravel Pit Site – Reimbursement of City’s Costs**

Dear Ms. Gruen:

I write on behalf of Newell Operating Company (“NOC”) regarding reimbursement of the costs incurred by the City of Manitowoc (“City”) in connection with the Former Newton Gravel Pit Site (“Site”).

On July 18, 2022, the Wisconsin Department of Natural Resources (“DNR”) requested that NOC submit a description of the process regarding future cost reimbursements to the City for the City’s investigation and remediation efforts at the Site, and a commitment to adhering to them. This letter responds to that request.

As we discussed during the July 18 meeting, NOC and the City intend to continue the process that has evolved over the past three years regarding the City’s cost reimbursement requests. As we mentioned, NOC and the City have entered into a series of cost reimbursement agreements that together resolved claims covering all of the unrecovered costs the City incurred in connection with the Site through December 31, 2021. Specifically, these agreements included:

- The first agreement executed September 25, 2020, and addressing the City’s claim for past costs through December 31, 2019.
- The second agreement executed March 18, 2022, and addressing costs the City incurred during calendar year 2020.
- The third agreement executed August 1, 2022, and addressing costs the City incurred during calendar year 2021.

The timing of these agreements has largely been driven by the time it has taken for the City to compile its invoices and tender a request for reimbursement to NOC. That process has become more efficient with each agreement.

Going forward, the City has indicated to NOC that it will endeavor to provide NOC with a cost reimbursement request, including supporting documentation, within three months after the close of each calendar year. For example, the City will endeavor to provide NOC with a reimbursement request, with all supporting documentation, for its 2022 costs by the end of March 2023. NOC will continue to promptly review such reimbursement requests and work in good faith with the City to agree upon the amount of any appropriate reimbursement within three months of receiving such request with supporting documentation. Assuming NOC and the City agree to an appropriate reimbursement amount, NOC will work with the City on the terms of an appropriate settlement agreement concerning such costs, followed by payment of the reimbursement amount. As a point of reference, NOC and the City's prior agreements have called for payment of the reimbursement amounts within 30 days of the effective dates of those agreements.

Please do not hesitate to call me if you have any questions.

Sincerely,

*Andrew N. Sawula*

Andrew N. Sawula

ANS