



February 20, 2019

CERTIFIED MAIL

Schiff Hardin LLP
Attn: Mr. Gabriel Rodriguez
233 South Wacker Drive
Suite 7100
Chicago, IL 60606

Newell Brands Inc.
Global Corporate Headquarters
221 River Street
Hoboken, NJ 07030

Subject: Notice of Non-Compliance: Action Requested by March 8, 2019
Mirro Plt 9 (Former) - LGU
BRRTS Activity # 02-36-545108

Dear Mr. Rodriguez:

This letter is to notify you that Newell Brands Inc. (Newell) is out of compliance with Wisconsin Statutes (Wis. Stat.) chapter 292 and Wisconsin Administrative Code (Wis. Admin. Code) chapters NR 700 through NR 754. On September 24, 2018, the Wisconsin Department of Natural Resources (“Department”) notified Newell of their responsibilities to investigate the degree and extent of contamination and clean up the above-referenced site. That letter is attached for Newell’s reference.

The Responsible Party (RP) letter required Newell to submit information regarding handling and disposal of solid and/or hazardous waste at the site and to indicate whether Newell would coordinate with the City of Manitowoc (City) for investigation and cleanup by October 24, 2018. It is also required a Site Investigation Work Plan be submitted within 60 days of receiving a RP letter per Wis. Admin. Code § 716.09. A response to the RP letter was received by the Department on October 26, 2018. The response included information on waste handling and disposal and that Newell intended to explore coordinating with the City. Based on communications with you, on behalf of Newell, and the City in November 2018, both parties were continuing to coordinate efforts to provide a Site Investigation Work Plan. DNR provided a 30-day extension on November 28, 2018. On December 19, 2018, the DNR had a conference call with you and the City’s outside council Ned Witte. A second extension was provided by the DNR for Newell and the City to coordinate efforts to provide a Site Investigation Work Plan. The new deadline was January 31, 2019. This deadline has passed and the DNR has still not received a Site Investigation Work Plan. Therefore, Newell is in non-compliance.

Please be aware that the Department may initiate enforcement action against Newell for failure to comply with Wis. Stat. chapter 292. Newell’s legal responsibilities are defined both in Wis. Stat. chapter 292 and Wis. Admin. Code chapters NR 700 through 754 and are also described in the September 24, 2018 Responsible Party letter. In particular, Wis. Stat. § 292.11(3), states:

RESPONSIBILITY. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary

to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wis. Admin. Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wis. Admin. Code chapter NR 140 establishes groundwater quality standards for contaminants that reach groundwater. The Department is requesting that by March 8, 2019, Newell provides a Site Investigation Work Plan.

Please understand that Newell is in noncompliance and will remain in noncompliance until Newell fulfills all requirements of the statute. Failure to take the actions required by Wis. Stat. § 292.11 to address this contamination will cause the Department to review this case for enforcement actions. Additionally, please be advised that the Department is authorized under Wis. Stat. § 292.94 to assess non-reimbursable fees for any reports Newell is required to submit as part of additional enforcement actions.

If Newell has any questions concerning the cleanup process, please do not hesitate to write or call DNR Project Manager Tauren Beggs at 920-662-5178 or at Tauren.Beggs@wisconsin.gov. Thank you for your attention to this matter.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Encl: RP Letter

cc: Kathleen McDaniel, City of Manitowoc (kmcdaniel@manitowoc.org)
April Kroner, City of Manitowoc (akroner@manitowoc.org)
Edward Witte, Godfrey & Kahn (nwitte@gklaw.com)
William Nelson, DNR (William.Nelson@wisconsin.gov)



September 24, 2018

Newell Brands Inc.
Corporation Service Company
Attn: Kristin Holloway Jones
Director of Environmental Affairs
40 Technology Parkway South
Suite 300, Gwinnett
Norcross, GA 30092

Newell Brands Inc.
Global Corporate Headquarters
221 River Street
Hoboken, NJ 07030

Subject: Reported Contamination at Mirro Plt 9 (Former) – Responsibilities of Newell Brands, Inc. at 1512 Washington Street, Manitowoc, WI
BRRTS Activity # 02-36-545108

Dear Ms. Holloway Jones:

On September 24, 2018, AECOM notified the Wisconsin Department of Natural Resources (DNR) that per- and polyfluoroalkyl substance (PFAS) contamination has been detected at the former Mirro property (the Site) located at 1512 Washington Street. This contamination is in addition to the polychlorinated biphenyl (PCB), volatile organic compound (VOC), Resource Conservation and Recovery Act (RCRA) metals, and polyaromatic hydrocarbon (PAH) contamination that have previously been detected at the Site described above.

Based on the information that has been submitted to the DNR regarding this Site, we believe Newell Brands, Inc. (Newell) is responsible for investigating and restoring the environment at the above-described site as a responsible party under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 754. Mirro Aluminum Co. (Mirro) operated at the Site and several others in Manitowoc from 1909 to 2003. As Newell is aware, Newell purchased and operated the Mirro manufacturing facility from 1983 to 2003. This letter describes the legal responsibilities of a person who is responsible under Wisconsin law and explains what Newell needs to do to investigate and clean up all the identified contamination at the Site and provides Newell with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the DNR.

Legal Responsibilities:

Within 30 days of receiving this letter, Newell shall provide the DNR with any information in its possession or control regarding any person who generated, transported, treated, stored or disposed of solid or hazardous waste, including hazardous substances or environmental pollution, which may have been disposed of at the Site under investigation which relate to:

1. The type and quantity of waste generated, transported, treated or stored which was disposed of at the site or facility and the dates of these activities.
2. The identity of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.
3. The identity of subsidiary or parent corporations, as defined in Wis. Stat. § 292.31(8)(a)(3), of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.

The DNR's authority to require such information is found in Wis. Stat. § 292.31(1)(d).

To date the City of Manitowoc Community Development Authority (CDA) has been voluntarily investigating and remediating the site as an exempt local government unit (LGU). As a causer, Newell is required to investigate and remediate the site. It is highly recommended Newell coordinates their response actions with the CDA since they have extensive background knowledge of the site and have been actively conducting a site investigation. The steps to take for investigation and remediation are outlined in Wis. Stat. § 292.11, and the Wis. Admin. Code ch. NR 700 rules series.

Under the requirements of Wis. Admin. Code § NR 716.14, notification must be provided to property owners when someone else is conducting the sampling, to occupants of property belonging to the responsible person, and to owners and occupants of property that does not belong to the responsible person but has been affected by contamination arising on his or her property. Notification is required within 10 business days of receiving the sample results.

Since the site was acquired by the CDA through a method in Wis. Stat. § 292.11(9)(e)(1m), the City is exempt from environmental liability and may recover costs from responsible parties who possessed or controlled the hazardous substance that was discharged on the site or who caused the discharge of the hazardous substance on the site under Wis. Stat. § 292.33. Within 30 days, by October 24, 2018, Newell should submit written verification as to whether Newell will coordinate with the City and their current consultant, Stantec. The contact for the CDA is:

Paul Braun
City Planner – Community Development
900 Quay Street
Manitowoc, WI 54220
920-686-6930
pbraun@manitowoc.org

If Newell wants a formal written response from the DNR on a specific submittal, please be aware that a review fee is required in accordance with Wis. Admin. Code ch. NR 749. If a fee is not submitted with Newell's reports, Newell must complete the site investigation and cleanup to maintain Newell's compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of the site.** We have provided detailed technical guidance to environmental consultants. Newell's consultant is expected to know our technical procedures and administrative rules and should be able to answer Newell's questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

Tauren R. Beggs
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313
Tauren.Beggs@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS Activity number shown at the top of this letter.

Sites where discharges of hazardous substances and/or environmental pollution to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the DNR's internet site. Newell may view the information related to this site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you have questions, please contact the DNR Project Manager Tauren Beggs at 920-662-5178 or at Tauren.Beggs@wisconsin.gov for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Roxanne N. Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

ec: Tauren Beggs, DNR (Tauren.Beggs@wisconsin.gov)
William J. Nelson, DNR (William.Nelson@wisconsin.gov)
Kathleen McDaniel, City of Manitowoc (kmcdaniel@manitowoc.org)
Paul Braun, City of Manitowoc (pbraun@manitowoc.org)
Gabriel Rodriguez, Schiff Hardin LLP (grodriguez@schiffhardin.com)