



BRRTS Activity # 02-36-545108  
 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 "Mirro Plt 9 (Former)" site (BRRTS Activity # 02-36-545108; "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 J. Nelson – Attorney

**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 the development of a Site Investigation Work Plan (SIWP) and negotiate the reimbursement of costs to the City for work performed. In January 2019, Newell had decided to submit its own SIWP separate from the one being developed by the City. At this point it was discovered that the City had performed additional testing at the Site, much of which would duplicate or affect Newell's proposed SIWP. It was

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agreed upon by the City and Newell that the City would provide Newell with the testing results. Newell did not receive the test results until May 2020 and upon receipt, began revising its SIWP based upon them.

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 that it was Newell's attempts to coordinate with the City on the development of a SIWP that led to the delay in submittal, Newell is a responsible party under Wis. Stat. § 292.11(3) and is required to move forward with investigation and cleanup separately while ongoing discussions continue with the City Community Development Authority, who is exempt from environmental liability for this site. 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 under Wis. Admin. Code ch. NR 728 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.

**Since the enforcement conference, Newell submitted a PFAS Groundwater Investigation SIWP to the department on July 17, 2020. This SIWP was limited to PFAS in groundwater and the DNR will be providing specific comments to that SIWP under separate cover.**

**Wis. Admin. Code §§ NR 716.07 and NR 716.09 require a responsible party to scope a site investigation and develop a SIWP that addresses all contaminants of concern in all environmental media. The department requires Newell to submit a second SIWP to continue the site investigation for all contaminants of concern at the site and applicable environmental media affected or potentially affected by the contamination. The department hereby requires Newell to submit a comprehensive SIWP within 30 days of the date of this letter, September 14, 2020. Per Wis. Admin. Code § NR 728.06 and Wis. Stat. § 292.94, the DNR requires applicable review fees for plans and reports as outlined in Wis. Admin. Code § NR 749.04.**

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