

From: Beggs, Tauren R - DNR
Sent: Tuesday, October 25, 2022 10:42 AM
To: Paul Lindquist
Cc: Kristin Jones (Kristin.Jones@newellco.com); Jeanne Tarvin; Susan Petrofske
Subject: RE: Former Mirro Plant No. 9 (BRRTS #02-36-545108) – Off-Site Monitoring Well Access Update

Hi Paul,

Thanks for providing this information. DNR has reviewed this and has determined that this proposed location is not specifically needed at this time based on the following information:

As outlined in the April 6, 2022, Review of the Site Investigation – Additional Investigation Needed letter issued by the DNR, DNR indicated additional investigation for PFAS is needed in all directions to define degree and extent. The SB/MW-225 well was first proposed in the ROW in the Site Investigation Work Plan dated October 14, 2020. The proposed location was switched to this off-site property in the Additional Site Investigation Work Plan, dated June 3, 2022. Based on the higher concentrations of PFAS at the property boundary in the northwest corner of the Mirro site (MW-18, MW-224) and concentrations in existing wells off-site, it is likely that the investigation will need to extend to the north and northeast in the side- and down-gradient directions beyond the proposed SB/MW-225 location anyways, so DNR does not see this as a crucial well location at this time. Once the additional results are collected from the work that will be completed as outlined in the Additional Site Investigation Work Plan, dated June 3, 2022, evaluation of additional sampling locations for PFAS can be proposed at that time to further define degree and extent.

If you have any questions, please let me know.

Regards,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tauren R. Beggs

Phone: (920) 510-3472

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: Paul Lindquist <PLINDQUIST@ramboll.com>
Sent: Monday, October 17, 2022 2:53 PM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Cc: Kristin Jones (Kristin.Jones@newellco.com) <kristin.jones@newellco.com>; Jeanne Tarvin <jtarvin@ramboll.com>; Susan Petrofske <SPETROFSKE@ramboll.com>
Subject: RE: Former Mirro Plant No. 9 (BRRTS #02-36-545108) – Off-Site Monitoring Well Access Update

Hey Tauren,

We believe that the best person at WAF to follow up with likely would be Sachin Shivaram. Greg Rabe did not respond to any of our written correspondence.

I have attached a copy of the proposed access agreement. We are seeking access to the property for installation of a soil boring to be converted into a monitoring well and groundwater sampling, consistent with the work outlined in the Additional Site Investigation Work Plan approved by the WDNR in July 2022. I have attached a pdf with a figure showing the approximate location of the proposed soil boring/monitoring well, and a photo example of a completed monitoring well.

Please let us know if you have any additional questions.

Paul Lindquist
Managing Consultant

D 262-901-3510
M 612-209-8676
plindquist@ramboll.com

From: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Sent: Monday, October 17, 2022 9:00 AM
To: Paul Lindquist <PLINDQUIST@ramboll.com>
Cc: Kristin Jones (Kristin.Jones@newellco.com) <kristin.jones@newellco.com>; Jeanne Tarvin <jtarkin@ramboll.com>; Susan Petrofske <SPETROFSKE@ramboll.com>
Subject: RE: Former Mirro Plant No. 9 (BRRTS #02-36-545108) – Off-Site Monitoring Well Access Update

Good morning Paul,

Is the best person to follow up with at WAF going to be Sachin Shivaram? Or should I include Greg Rabe as well? If so, I will need his contact information.

For the access agreement, did that only include installation of monitoring well MW-225 with groundwater sampling for PFAS as outlined in the June 2022 Additional Site Investigation Work Plan?

Can you provide the most recent access agreement you sent?

Thanks,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Tauren R. Beggs

Phone: (920) 510-3472

Tauren.Beggs@wisconsin.gov (preferred contact method during work at home)

From: Paul Lindquist <PLINDQUIST@ramboll.com>
Sent: Thursday, October 13, 2022 10:45 AM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>
Cc: Kristin Jones (Kristin.Jones@newellco.com) <kristin.jones@newellco.com>; Jeanne Tarvin <jtarkin@ramboll.com>; Susan Petrofske <SPETROFSKE@ramboll.com>
Subject: Former Mirro Plant No. 9 (BRRTS #02-36-545108) – Off-Site Monitoring Well Access Update

Hello Tauren,

The purpose of this e-mail is to provide a status update concerning off-site access efforts for installation of soil boring/monitoring well SB/MW-225 proposed to be located north of the former Mirro Plant No. 9 property (the "Site") and request WDNR assistance with securing access for the well installation. The purpose of this well location is to establish downgradient shallow groundwater flow and delineate contaminants of concern.

As you may recall, Ramboll was unable to install SB/MW-225 in the City of Manitowoc owned right-of-way (ROW) along South 16th Street, as originally proposed, due to overhead and subsurface utilities and an active railroad spur. Consequently, Ramboll identified and Newell Operating Company (NOC) attempted to secure access to an alternate location for SB/MW-225 on the adjacent parking lot at 816 S. 15th Street, which is owned by Wisconsin Aluminum Foundry (WAF). The attached figure and annotated photograph illustrate utility locations in the area.

Ramboll made initial contact with WAF via telephone in July 2021 and subsequently provided WAF a proposed access agreement via e-mail. Ramboll followed up with multiple emails to WAF in August 2021, but WAF did not respond and did not grant NOC access. To avoid project delays, Ramboll proceeded with installation of the other off-site monitoring wells in November 2021 where access was secured.

As part of the *Additional Site Investigation Work Plan*, approved by the WDNR in August 2022, Ramboll repropoed the installation of SB/MW-225 at the new location to assist with establishing downgradient shallow groundwater flow and delineation of contaminants of concern (see "UTILITIES_FRANKLIN_S16thST.pdf").

NOC, through its legal counsel, ArentFox Schiff (AFS), renewed the efforts to secure access from WAF in September 2022. AFS sent three emails to WAF, including one to WAF's CEO. On October 3, 2022, WAF's CEO responded, indicating that WAF declines NOC's requested access. A copy of the access denial communication is attached. Below is a chronological table of our communications/access requests to WAF.

Date of Communication	Type of Communication	Author of Communication	Recipient of Communication	Summary
7/20/2021	Telephone Call	Paul Lindquist (Ramboll)	Greg Rabe (WAF)	Discussed request for access with Mr. Rabe and confirmed that he should be the recipient.
7/22/2021	E-Mail	Paul Lindquist (Ramboll)	Greg Rabe (WAF)	Ramboll provided a copy of the access agreement, proposed well location and additional information via e-mail. No response received.
8/10/2021	E-Mail	Paul Lindquist (Ramboll)	Greg Rabe (WAF)	Follow-up on access request. No response received.
8/19/2021	E-Mail	Paul Lindquist (Ramboll)	Greg Rabe (WAF)	Follow-up on access request. No response received.
8/27/2021	E-Mail	Paul Lindquist (Ramboll)	Greg Rabe (WAF)	Follow-up on access request. No response received.
9/9/2022	E-Mail	Andrew Sawula (AFS)	Greg Rabe (WAF)	NOC renews its request for access permission. Provides copy of proposed access agreement and supporting information. No response received.

9/27/2022	E-Mail	Andrew Sawula (AFS)	Greg Rabe (WAF)	Follow-up on access request. No response received.
9/27/2022	E-Mail	Andrew Sawula (AFS)	Sachin Shivaram (WAF)	Access request elevated to the CEO at WAF. Provides copy of proposed access agreement and supporting information.
10/3/2022	E-Mail	Sachin Shivaram (WAF)	Andrew Sawula (AFS)	Response received. <i>"I have reviewed your request with our counsel, and we have decided to decline your request."</i>

After receipt of WAF's e-mail declining our request, Ramboll attempted to identify a location for proposed SB/MW-225 that would avoid WAF's property and the aforementioned utilities and rail line, but was unable to identify an alternate location. As such, Ramboll, on behalf of NOC, would like to request WDNR assistance in securing access to the WAF owned parking lot located at 816 South 15th Street in Manitowoc, WI to install SB/MW-225.

The remaining two off-site monitoring wells (SB/MW-235 and SB/MW-236) as proposed in the *Additional Site Investigation Work Plan* are scheduled were installed on October 10th, 2022. Monitoring well development and groundwater sampling activities are scheduled for the week of October 17th and 24th, respectively.

Please let us know if you have any questions or need additional information concerning this request.

Paul Lindquist

Managing Consultant
1692722 - Great Lakes

D 262-901-3510
M 612-209-8676
plindquist@ramboll.com

Connect with us  

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Milwaukee, WI 53204
USA
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Classification: Confidential

Classification: Confidential

Classification: Confidential

From: Sachin Shivaram <sshivaram@wafco.com>
Sent: Monday, October 3, 2022 2:56 PM
To: Sawula, Andrew N.
Cc: Rodriguez, Gabriel M.
Subject: [EXT] Re: 816 S. 15th St - Request for Access on Oct 10 or 11
Attachments: mg_info.txt

Hello Andy,

Thank you for reaching out. My apologies that you did not receive a response from our team.

I have reviewed your request with our counsel, and we have decided to decline your request.

Best regards,
Sachin



Sachin Shivaram
CEO, Wisconsin Aluminum Foundry
Phone 920-482-9330 Mobile 414-712-0655
Web www.wafco.com Email sshivaram@wafco.com
838 South 16th Street, Manitowoc WI 54220

From: Sawula, Andrew N. <andrew.sawula@afslaw.com>
Date: Thursday, September 29, 2022 at 2:55 PM
To: Sachin Shivaram <sshivaram@wafco.com>
Cc: gabriel.rodriguez@afslaw.com <gabriel.rodriguez@afslaw.com>
Subject: 816 S. 15th St - Request for Access on Oct 10 or 11

Dear Mr. Shivaram,

I write on behalf of Newell Operating Company ("NOC") to request permission to access the Wisconsin Aluminum Foundry ("WAF") property located at 816 S. 15th St., Manitowoc, WI (the "Property") as part of NOC's ongoing environmental investigation in connection with the nearby former Mirro Plant No. 9 ("Mirro 9"). The investigation is proceeding under the oversight of the Wisconsin Department of Natural Resources ("WDNR"). I was not able to identify in-house or outside legal counsel representing WAF. If you have in-house legal counsel or are represented by outside counsel, please let me know, and I will direct any further communications to them or with anyone else on your staff who would be the appropriate point of contact.

Last summer, Paul Lindquist of Ramboll US Consulting, Inc. ("Ramboll") spoke with Gregg Rabe and sent him several emails seeking access to perform a soil boring, install a groundwater monitoring well, and take periodic groundwater samples for laboratory testing. NOC ultimately did not receive permission to access WAF's property, and so it did not conduct those investigation activities.

NOC still needs to access WAF's property for the same proposed activities, and so NOC renews its request for access permission. I initially reached out to Mr. Rabe by email on

September 9th and 27th, but did not receive a reply. NOC would like to perform the soil boring and install the monitoring well on either **October 10 or 11, 2022**, in order to coordinate with other investigation activities that it is performing in connection with Mirro 9 under WDNR oversight.

I have attached a pdf of a proposed access agreement for your review. In addition, for ease of reference, I have attached the following:

- A chain of emails that Paul Lindquist sent Mr. Rabe last year, attached to which is Paul's July 22, 2021 letter, providing a further explanation of the requested access
- A pdf with a figure showing the approximate location of the proposed soil boring and monitoring well (note that the monitoring well will be installed within the soil boring), and a photo example of a completed monitoring well
- A chain of emails I send Mr. Rabe earlier this month

We would appreciate your prompt attention to this request.

Sincerely,
Andy Sawula



Andrew N. Sawula

PARTNER | ARENTFOX SCHIFF LLP

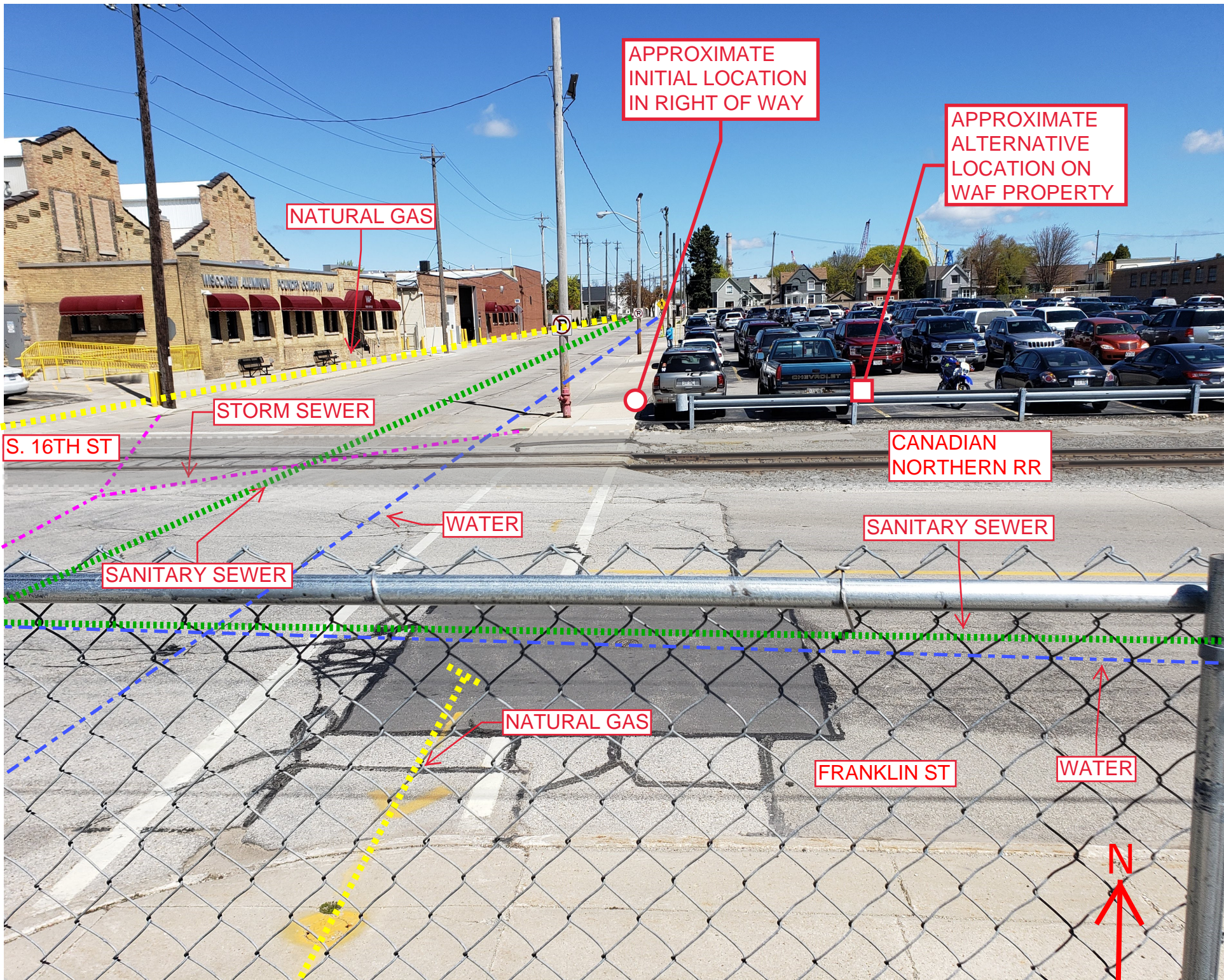
(HE/HIM/HIS)

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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APPROXIMATE INITIAL LOCATION IN RIGHT OF WAY

APPROXIMATE ALTERNATIVE LOCATION ON WAF PROPERTY

NATURAL GAS

STORM SEWER

S. 16TH ST

CANADIAN NORTHERN RR

WATER

SANITARY SEWER

SANITARY SEWER

NATURAL GAS

FRANKLIN ST

WATER





- PROPOSED MONITORING WELL LOCATION
- MONITORING WELL
- PIEZOMETER
- X TEMPORARY MONITORING
- STORM WATER TUNNEL/LINE (APPROXIMATE) - FORMER SHERMAN CREEK
- PROPERTY BOUNDARY
- PARCEL BOUNDARY

PROPOSED MONITORING WELL LOCATIONS

FIGURE 3

RAMBOLL US CONSULTING, INC.

0 60 120
Feet

FORMER MIRRO PLANT NO. 9
MANITOWOC, WISCONSIN



ACCESS AGREEMENT

This Access Agreement is made on this ____ day of _____, 2022 by and between Wisconsin Aluminum Foundry Company, Inc. (“Owner”) and Newell Operating Company (“NOC”), a Delaware corporation with its principal place of business at 6655 Peachtree Dunwoody Road, Atlanta, Georgia 30328 (collectively, “the Parties” and each a “Party”).

WHEREAS, Owner represents that it owns certain real estate located at 816 South 15th Street (“Property”); and

WHEREAS, NOC is conducting certain environmental investigation activities overseen by the Wisconsin Department of Natural Resources (“WDNR”) relating to contamination at the Former Mirro Plant No. 9 facility (“Mirro 9”) located at 1512 Washington Street, Manitowoc, Wisconsin; and

WHEREAS, NOC has contracted with Ramboll US Consulting, Inc. (“Ramboll”) to perform the environmental investigation; and

WHEREAS, NOC requires access to the Property to conduct certain soil and groundwater investigation activities described below,

NOW THEREFORE, the Parties agree as follows:

1. Grant of Access. Owner permits NOC, its consultants and contractors, including Ramboll, to enter the Property for the purposes of collecting soil samples, installing a groundwater monitoring well, and collecting groundwater samples from the monitoring well from time to time (“the Covered Activities”). A drill rig will be used to collect soil samples and to install the groundwater monitoring well. The well will be covered with a traffic-rated monitoring well vault, which will be installed flush with the ground surface and set in concrete. Upon completion of groundwater

monitoring activities, which may include more than one sampling event, the well will be properly closed and abandoned and the Property restored pursuant to Paragraph 6. In the event NOC wishes to propose activities in addition to the Covered Activities, NOC shall provide Owner advanced written notice of such proposed additional actions, and shall not undertake any such additional work until Owner has agreed in writing to provide access for the additional work.

2. Pre-Investigation Obligations. NOC shall give Owner not less than five (5) business days prior notice each time it plans to enter the Property to conduct Covered Activities. Prior to commencing any sub-surface work at the Property, NOC shall contact the local Digger's Hotline and receive clearance to commence work.
3. Compliance with Laws. NOC and its agents, consultants and contractors shall, in performing the Covered Activities, comply with all applicable laws, ordinances and regulations.
4. Interference. NOC and its agents, consultants and contractors shall perform the Covered Activities in a manner that will not unreasonably interfere with the use of the Property by Owner.
5. Data and Sampling. NOC agrees to timely provide Owner with the analytical results from any sampling conducted by NOC at the Property.
6. Restoration of Property. To the extent feasible, NOC shall restore all areas of the Property disturbed by the Covered Activities to its condition immediately prior to performance of the Covered Activities. The restoration activities will be completed within thirty (30) days after termination of this Agreement.

7. Indemnity. Owner shall not be liable to NOC or NOC's agents, consultants, contractors for any personal injury, property damage, or loss of life or property caused by or arising out of the Covered Activities. Except as may result from the negligent or willful misconduct of Owner, or any officers, employees, agents, representatives of Owner, or from a breach of this Agreement by Owner, NOC shall defend and hold Owner harmless from and indemnify it against any claim, loss, expense or damage arising out of any negligent act or omission of NOC or its agents, consultants or contractors in performing the Covered Activities.
8. Applicable Law. The rights of the Parties under this Agreement shall be governed by the laws of the State of Wisconsin.
9. Notice. Notices, letters, and other written correspondence relating to this Agreement shall be directed to the respective Party as set forth below, or as modified by that Party by written notice:

For NOC:

Kristin Jones
Director, Environmental Affairs
Newell Operating Company.
6655 Peachtree Dunwoody Road
Atlanta Georgia 30328
Kristin.Jones@newellco.com

With a copy to:

Gabriel Rodriguez
ArentFox Schiff LLP
233 S. Wacker Dr., Ste. 7100
Chicago IL 60606
Gabriel.Rodriguez@afslaw.com

For Owner:

- 10. Assignment. This Agreement shall be binding on the Parties hereto, and their successors and assigns. Neither Party shall assign this Agreement without the consent of the other Party; such consent shall not be unreasonably withheld.
- 11. Term. This Agreement shall terminate at the completion of the Covered Activities, unless extended by written agreement of the Parties. NOC shall notify Owner in writing upon the completion of the Covered Activities.
- 12. This Agreement shall be binding on the Parties hereto, and their successors and assigns. Neither Party shall assign such Agreement without the consent of the other party; such consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly authorized representative as follows:

Wisconsin Aluminum Foundry Company, Inc.

By: _____

Title: _____

Newell Operating Company

By: _____

Title: _____



Source: Aerial Imagery: Bing Maps © 2021 Microsoft Corporation.

- PROPERTY BOUNDARY (APPROXIMATE)
- ⊕ PROPOSED SOIL BORING/
MONITORING WELL LOCATION

PROPOSED SOIL BORING AND MONITORING WELL LOCATION

FIGURE 1

RAMBOLL US CONSULTING, INC.
A RAMBOLL COMPANY

816 S 15TH STREET
MANITOWOC, WISCONSIN



ATTACHMENT A
MONITORING WELL SURFACE COMPLETION EXAMPLE

