

**From:** Beggs, Tauren R - DNR  
**Sent:** Friday, March 15, 2024 7:50 AM  
**To:** Kristin Holloway Jones (kristin.jones@newellco.com)  
**Cc:** Jeanne Tarvin; Paul Lindquist; Rodriguez, Gabriel M.; Sawula, Andrew N.; Prager, Michael A - DNR; Adam Tegen  
**Subject:** Liability Clarification Letter for PCB Contamination for Mirro Facility (Former), BRRTS # 07-36-548528 and 02-36-545108, 1512 Washington St, Manitowoc  
**Attachments:** 20240315\_684\_GLC\_Ltr\_Newell\_Operating\_Company\_Signed.pdf

Hi Kristin,

Attached is the letter regarding DNR's determination related to the PCB contamination at the above referenced site. Attached to this letter is also EPA's determination. Once you have had a chance to read through the letter, if you want a call, please let me know.

Regards,  
Tauren

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**Tauren R. Beggs**

Hydrogeologist & Northeast Region Land Recycling Expert

Remediation and Redevelopment Program

Wisconsin Department of Natural Resources

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[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov) (preferred contact method during work at home)

[dnr.wi.gov](http://dnr.wi.gov)



March 15, 2024

Newell Operating Company  
Attn: Kristin Jones  
6655 Peachtree Dunwoody Road  
Atlanta, GA 30328  
Via Electronic Mail Only to [Kristin.Jones@newellco.com](mailto:Kristin.Jones@newellco.com)

Subject: Liability Clarification for PCB Contamination  
Mirro Facility (Former), 1512 Washington Street, Manitowoc, WI  
BRRTS #s 07-36-548528 and 02-36-545108

Dear Ms. Jones:

The Wisconsin Department of Natural Resources (DNR) received a *Polychlorinated Biphenyls Liability Clarification Request* (Request) for Former Mirro Plant 9 on November 22, 2023, from Jeanne Tarvin of Ramboll Americas Environmental Solutions, Inc. (Ramboll) on behalf of Newell Operating Company (NOC). The Request was submitted with the appropriate review fee for the site location (Property) identified above. The purpose of this letter is to provide NOC clarification as to environmental liabilities associated with polychlorinated biphenyls (PCBs) at the Property. Wisconsin Statutes (Wis. Stat.) § 292.55(1)(d) authorizes the DNR to issue a letter to a person seeking assistance concerning the liability of a person owning or leasing a property for environmental pollution at a property, the type and extent of environmental pollution at a property, the adequacy of an environmental investigation, or any other matter related to a request for assistance. This letter contains a DNR determination as to whether NOC is responsible for PCB contamination found at the Property under Wisconsin Administrative Code (Wis. Admin. Code) chs. NR 700 to 799. The DNR based this letter on review of documentation provided in the Request:

- Liability clarification letter request, completed Form 4400-237, signed November 21, 2023; and
- *Polychlorinated Biphenyls Liability Clarification Request*, dated November 21, 2023, by Ramboll.

The DNR also reviewed the DNR case file for Mirro Plt 9 (Former) – LGU, BRRTS # 02-36-545108.

### ENVIRONMENTAL BACKGROUND SUMMARY

The Property has been used historically for heavy industrial operations and aluminum cookware manufacturing by the Mirro company. The City of Manitowoc Community Development Authority (CDA) previously acquired the Property in 2016 and has the local government unit (LGU) environmental liability exemption. The Mirro buildings on-site were all demolished but some foundations remain. Voluntary investigation of the Property has been ongoing for years by the CDA and volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), metals, and perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been detected in soil and/or groundwater. Newell Operating Company (NOC) was identified as a causer responsible party (RP) for the contamination at the Property in 2018 and has been conducting site investigation and groundwater monitoring since then.

## DETERMINATIONS

Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 to 799 require those who are responsible for a hazardous substance discharge or environmental pollution to take 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. Stat. § 292.55(1)(a) and (d) authorize the DNR to issue clarification letters concerning liability for environmental pollution.

A Phase I Environmental Assessment (ESA) was completed in 2003 by STS Consultants on behalf of Newell Rubbermaid, Inc. STS personnel did the site reconnaissance and was accompanied by Mr. Richard Todl (Senior Plant Engineer, MIRRO) and Mr. Charles Hauck (Maintenance Manager, MIRRO). STS interviewed Mr. Todl, Mr. Hauck, and Mr. Tom Reed (former MIRRO Environmental Engineer, Manitowoc Public Utilities) regarding their knowledge of the subject property.

While there were no RECs specifically identifying the two PCB transformers as a concern in the 2003 Phase I ESA, there were indications of other potential releases within the same building (Building K) and the press room of Building M (directly adjacent to Building K), where there were several areas of exposed subsurface observed to be saturated with oil. Building M also housed concrete press pits designed to collect hydraulic oil used in the manufacturing process that may have contained PCBs. These press pits were closed without documentation and likely had leaks and spills associated with them.

The Phase II ESA, completed on March 10, 2005, had limited sampling conducted in response to the RECs identified in the 2003 Phase I ESA. Sampling for PCBs was not conducted in Building K or M during the 2005 Phase II ESA, only in sand directly under the concrete in Building L. Sampling for PCBs also occurred in Buildings B, C, and D. A site walkthrough was completed in February 2005 to verify previous RECs and identify any other potential RECs. The 2005 Phase II ESA indicated a utility tunnel surrounds much of the block, as well as branches under the central portion of the building complex. Water pipes and electrical conduits run through the tunnels. A substantial amount of oils had seeped into the tunnels particularly under Buildings L and M. It was also indicated in the 2003 Phase I ESA that Mr. Reed and Mr. Todl were unaware of the former use of PCB-containing oils within production equipment on the Property. There were, however, detections of PCBs in various areas on the Property where the limited 2005 Phase II ESA samples were collected. For example, PCBs were detected in oil in a sump in the basement of Building D and a soil sample from below a trough in Building C, both of which were either confirmed or likely to connect to the storm sewer system. These results indicate that PCBs were used in some capacity in the facility besides just in the transformers. The 2005 Phase II ESA also indicated the structures limited the amount of subsurface investigation that could be performed, massive concrete floors and foundations restricted the depth to which subsurface samples could be retrieved, and that it was impossible to sample within the subsurface utility tunnels, the lowest portion of the buildings.

Based on the information contained within the 2003 Phase I ESA and the 2005 Phase II ESA, there is evidence that the historical operations at the facility resulted in hazardous substance discharges to the subsurface and/or to the sewer network that may have included PCBs. While NOC has provided evidence to support a finding of PCB discharges from electrical transformers in Building K and Building I following NOC ownership, based on the case file and the information presented, the DNR cannot determine that NOC, or its predecessor, did not cause or contribute to hazardous substance discharge(s) of PCBs. Therefore, NOC remains a responsible party for the response actions needed related to the PCBs on the Property.

Since this Property has PCBs that are regulated under the Toxic Substances Control Act (TSCA), DNR requested that the Environmental Protection Agency (EPA) provide a response on federal environmental liability for this Request. EPA responded on February 6, 2024, that EPA cannot release NOC from liability for PCBs at the Property. The response is attached for reference. NOC and their consultant should work with EPA and DNR as

applicable according to the DNR Guidance Document, [RR-786](#), PCB Remediation in Wisconsin under the One Cleanup Program Memorandum of Agreement as NOC proceeds with response actions related to the PCBs on the Property.

### CLOSING

The DNR understands that the CDA, as an exempt LGU, is working to cleanup and redevelop this Property and will continue to work with the CDA in their efforts. To facilitate redevelopment, the CDA may voluntarily further investigate and remediate the PCB contaminated soil if they choose to do so and DNR encourages NOC to be in communication with the CDA and their consultant, as well as DNR staff, as efforts proceed.

This letter and case-related information and DNR contacts can be found online in the Bureau for Remediation and Redevelopment Tracking System (BRRTS) on the Web (BOTW); go to [dnr.wi.gov](http://dnr.wi.gov) and search "BOTW." Use the BRRTS ID #s found at the top of this letter. The site can also be found on the map view, Remediation and Redevelopment Sites Map (RRSM) by searching "RRSM."

If you have any questions regarding this letter, please contact project manager Tauren Beggs at (920) 510-3472 or at [Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov).

Sincerely,



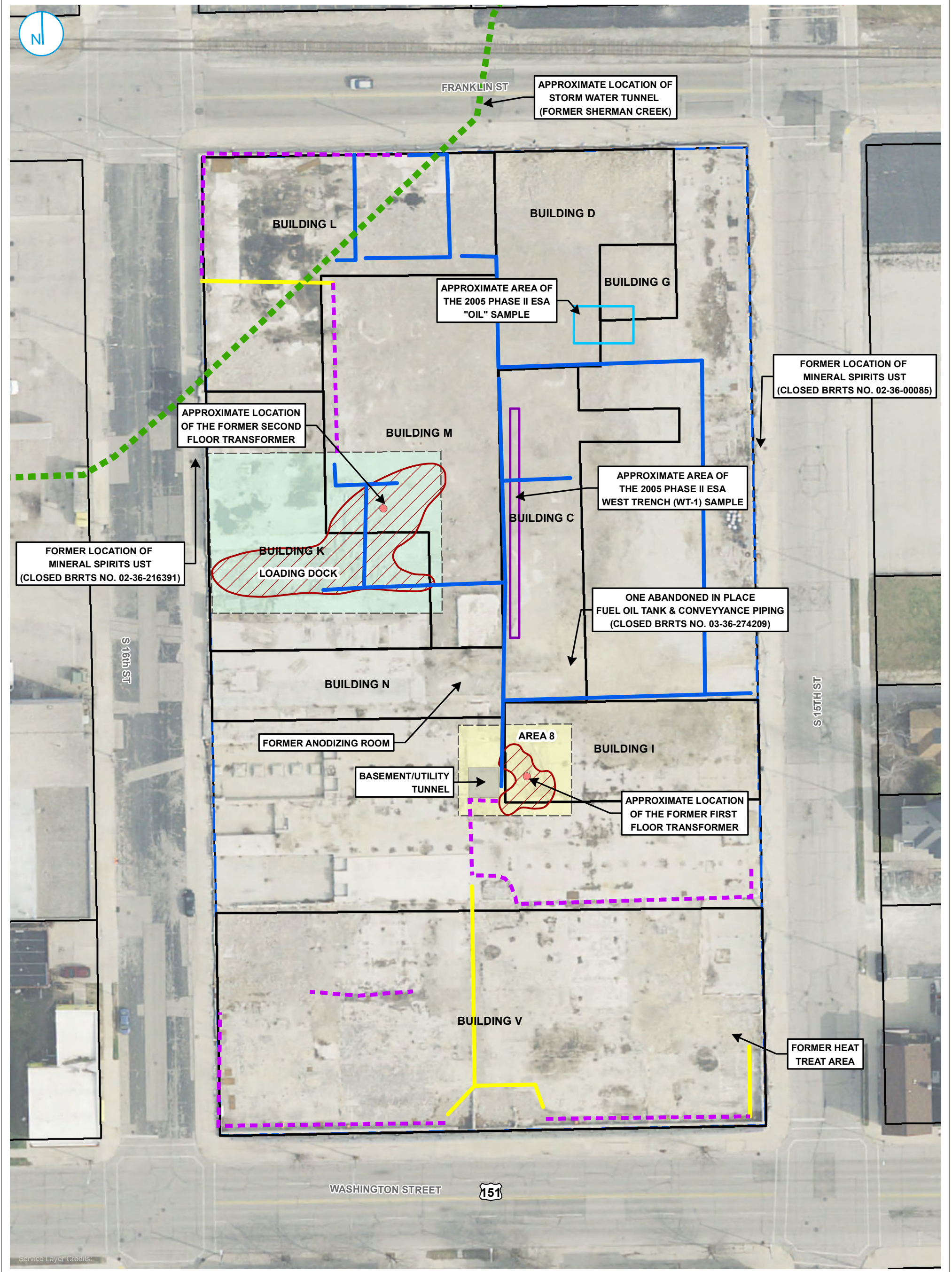
Trevor Nobile, P.G.  
Field Operations Director  
Remediation & Redevelopment Program

#### Attachments:

- Figure 1, Historical Site Features and Post-2004 PCB Impacts, dated 9/21/2023
- RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528, dated 2/6/2024

cc: Jeanne Tarvin, Ramboll ([jtarvin@ramboll.com](mailto:jtarvin@ramboll.com))  
Paul Lindquist, Ramboll ([plinqvist@ramboll.com](mailto:plinqvist@ramboll.com))  
Gabriel Rodriguez, ArentFox Schiff, LLP ([gabriel.rodriguez@afslaw.com](mailto:gabriel.rodriguez@afslaw.com))  
Andrew Sawula, ArentFox Schiff, LLP ([andrew.sawula@afslaw.com](mailto:andrew.sawula@afslaw.com))  
Michael Prager, DNR ([Michael.Prager@wisconsin.gov](mailto:Michael.Prager@wisconsin.gov))  
Adam Tegen, City of Manitowoc Community Development Authority ([ategen@mantiowoc.org](mailto:ategen@mantiowoc.org))





- HISTORICALLY DOCUMENTED UTILITY TUNNEL (POTENTIALLY COLLAPSED)
- - - STORM WATER TUNNEL (FORMER SHERMAN CREEK)
- UTILITY TUNNEL (NON-ACCESSIBLE)
- - - UTILITY TUNNEL (TELEVISIED)
- FORMER BUILDING LOCATION
- PROPERTY BOUNDARY
- LOADING DOCK

- AREA 8
- BASEMENT/UTILITY TUNNEL
- PARCEL BOUNDARY
- FORMER TRANSFORMER
- PCB AROCLOR 1260 IMPACTED SOILS ABOVE 1 mg/kg
- APPROXIMATE AREA OF THE 2005 PHASE II ESA "OIL" SAMPLE
- APPROXIMATE AREA OF THE 2005 PHASE II ESA WEST TRENCH ("WT-1") SAMPLE



**HISTORICAL SITE FEATURES AND POST-2004 PCB IMPACTS**

**FIGURE 1**

SITE INVESTIGATION REPORT  
FORMER MIRRO PLANT NO. 9  
MANITOWOC, WISCONSIN

RAMBOLL AMERICAS  
ENGINEERING SOLUTIONS





**From:** Graczyk, Lisa (she/her/hers) <graczyk.lisa@epa.gov>  
**Sent:** Tuesday, February 6, 2024 2:28 PM  
**To:** Beggs, Tauren R - DNR  
**Cc:** Ramanauskas, Peter; Carey, Angela J - DNR; Chronert, Roxanne N - DNR; Steketee, John  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

Please see the slightly revised response below due to you pointing out that WDNR prepared the presentation and not NOC.

Thank you.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219

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**From:** Graczyk, Lisa (she/her/hers)  
**Sent:** Tuesday, February 6, 2024 11:44 AM  
**To:** Beggs, Tauren R - DNR <[Tauren.Beggs@wisconsin.gov](mailto:Tauren.Beggs@wisconsin.gov)>  
**Cc:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>; [angela.carey@wisconsin.gov](mailto:angela.carey@wisconsin.gov); Chronert, Roxanne N - DNR <[Roxanne.Chronert@wisconsin.gov](mailto:Roxanne.Chronert@wisconsin.gov)>; Steketee, John <[steketee.john@epa.gov](mailto:steketee.john@epa.gov)>  
**Subject:** RE: Request Feedback for Liability Clarification Request Relating to PCB Releases at Mirro Plant 9 (Former) Site, BRRTS #s 02-36-545108 and 07-36-548528

Tauren,

The EPA has reviewed Newell Operating Company's (NOC) liability clarification request regarding PCBs at the former Mirro Plant No. 9. Specially, Page 5 of the request states:

*Ramboll Americas Environmental Solutions, Inc., on behalf of Newell Operating Company, is submitting a Polychlorinated Biphenyl Liability Clarification Request for the former Mirro Plant No. 9 facility located at 1512 Washington Street in Manitowoc, Wisconsin. Newell Operating Company is seeking a written determination from the Wisconsin Department of Natural Resources, in the form of a General Liability Clarification, that Newell Operating Company is not responsible to further investigate or remediate polychlorinated biphenyl impacted soils, sediments, groundwater, or other materials in the loading dock area (Building K), Area 8 (Building I), the areas extending approximately 20 feet surrounding the loading dock area and Area 8, or the sewer network (storm sewer or sanitary sewer).*

EPA reviewed available background information, including the presentation from WDNR, and cannot release Newall Operating Company from liability for PCBs at the former Mirro Plant No. 9 facility in the areas listed in their request. Although a compelling argument was made that EJ Spirtas Manitowoc, LLC, likely caused the PCB contamination in these areas (Building K and Area 8) while draining transformers, it cannot be definitely proven that PCB contamination was not present at an earlier date, such as when NOC owned the property, in the loading dock area (Building K), Area 8 (Building I), the areas extending approximately 20 feet surrounding the loading dock area and Area 8, or the sewer network (storm sewer or sanitary sewer). For example, the 2003 Phase I ESA reported saturated wood flooring in Building K and concrete press pits formerly used to collect hydraulic oil that originated/leaked from hydraulically operated manufacturing equipment (PCBs were historically used in certain hydraulic fluids). No sampling was performed in these areas or other areas for PCBs to rule out PCB contamination from an earlier date.

Please let me know if you need any further information.

Lisa

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Lisa Graczyk  
U.S. EPA Region 5  
tel: (312) 353-3219