

Sent Via Electronic Mail: Tauren.Beggs@wisconsin.gov

Mr. Tauren Beggs
Hydrogeologist – Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, WI 54313-6727

**DRAFT IMMEDIATE ACTION WORK PLAN FOR THE FORMER
MIRRO PLANT NO. 2 FACILITY LOCATED AT 2009 MIRRO DRIVE
IN MANITOWOC, WISCONSIN**

Dear Mr. Beggs:

Ramboll US Consulting, Inc. (Ramboll), on behalf of Newell Operating Company (NOC), is submitting this *Immediate Action Work Plan* (the "Work Plan") to conduct private potable well sampling activities near the former Mirro Plant No. 2 facility located at 2009 Mirro Drive in Manitowoc, Wisconsin (the "site"). This Work Plan was prepared in response to the responsible party letter that NOC received from the Wisconsin Department of Natural Resources (WDNR) regarding per- and polyfluoroalkyl substances (PFAS) impacts detected in soil and groundwater at the site and provides the details of the proposed private potable well sampling activities. A completed WDNR Form 4400-237 and check for the \$700 technical assistance fee are provided with this submittal to secure WDNR's written concurrence prior to implementation of this Work Plan.

April 7, 2022

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BACKGROUND

Ramboll has reviewed the Bureau for Remediation and Redevelopment Tracking System (BRTTS) on the Web (BOTW) regarding the site. Historically, 7 BRTTS investigations are associated with the facility and are listed below with the respective closure date in parentheses:

Ref. 1690026073

- Environmental Repair Program (ERP) 02-36-000497 (August 3, 1999)
- ERP 02-36-220607 (January 31, 2003)
- ERP 02-36-544601 (January 20, 2012)
- ERP 02-36-550138 (January 20, 2012)
- ERP 02-36-555268 (January 20, 2012)
- Leaking Underground Storage Tank (LUST) 03-36-170638 (January 27, 2003)
- LUST 03-36-280532 (April 23, 2002)

The history set forth in this "Background" section is taken from the various reports available on BOTW of environmental site assessments (ESAs) and site investigation activities undertaken by others since 1990.

The site is approximately 130 acres in size and is comprised of two contiguous parcels. An approximately 575,000 square-foot industrial building with manufacturing, warehousing, and office space is currently located on the

southernmost parcel. The northern parcel has historically been, and is currently, leased for agricultural purposes. Paved parking and drive areas are located near the building with greenspace between Mirro Drive and the building. A gravel parking and access area is located immediately north of the building. The site is bordered by Mirro Drive to the west, agriculture land to the north, industrial property and Woodland Drive to the east, and a railway to the south. The predominant land use in the area includes a mixture of commercial and industrial properties to the south and east, agricultural to the north, and a high school and residential properties to the west.

Mirro Aluminum Company (Mirro) developed the property in 1956 and operated it as an aluminum cookware manufacturing facility until 2003. In 2003, the property was sold to Koenig & Vits, Inc., and portions of the building were used by the new property owner for aluminum rolling operations, which ceased in 2009. Skana Aluminum (Skana) purchased Koenig & Vits in 2010. In 2005, Tramontina U.S. Cookware (Tramontina), an aluminum cookware manufacturer, leased a portion of the building for cookware production. Tramontina ceased cookware production at the facility in 2019. The office space at the site is currently occupied by Skana as their headquarters.

On March 15, 2012, Skana secured voluntary party liability exemption (VPLE) closure with continuing obligations to complete annual cover maintenance at specified areas on the property where residual volatile organic compounds (VOCs) and polychlorinated biphenyls (PCBs) impacts remain.

On October 26, 2021, a hazardous substance notification was submitted to the WDNR, on behalf of Skana, reporting PFAS impacts in soil and groundwater at the site based on the analytical results from 20 soil borings and 17 temporary monitoring wells completed in October 2021 by a third-party environmental consultant (TRC). All temporary monitoring wells installed by TRC appear to have been abandoned after groundwater samples were collected. The release notification indicates that concentrations of perfluorooctanoic acid (PFOA) in groundwater were detected above the United States Environmental Protection Agency (USEPA) Health Advisory Level (HAL) of 70 nanograms per liter (ng/L) in 13 of the 17 temporary monitoring wells installed by TRC. In response to the October 2021 investigation, the property owner's environmental consultant (AECOM) completed an additional nine soil borings and nine temporary monitoring wells at the site. Soil and groundwater samples were submitted for PFAS analysis. PFOA was reportedly detected in groundwater from all AECOM temporary monitoring wells at concentrations above the USEPA HAL of 70 ng/L. In addition, perfluorooctanesulfonamide (PFOSA), which was not detected in soil or groundwater samples collected by TRC in October 2021, was reportedly detected in groundwater samples collected by AECOM in January 2022. All temporary monitoring wells were abandoned by AECOM after the groundwater samples were collected.

Due to elevated PFOA concentrations in the on-site groundwater, WDNR and WDNR's environmental consultant (AECOM) initiated private potable well sampling near the site. Access agreements were secured at four of seven residences identified with potable wells located south, east, and northeast of the site. The four potable wells were sampled for PFAS in December 2021. Analytical results from the potable wells did not exceed the USEPA HAL or the proposed Wisconsin Administrative Code (WAC) NR 809 criteria for PFOA of 70 ng/L. PFOSA was detected above the proposed recommended Wisconsin Department of Health Services (WDHS) 11th Cycle of Groundwater Standards Proposals of 20 ng/L in two of the four potable wells sampled. Based on the December 2021 potable well results, WDNR advised the two residences to not drink the water from the potable wells and offered temporary drinking water for up to 6 months.

SCOPE OF WORK

The following section outlines the scope of work and methodology that will be completed during the immediate action work activities which focuses on potable well sampling near the site. This scope of work

was developed utilizing the procedures identified in the WDNR *Groundwater Sampling Field Manual* (PUBL-DG-038 96) for water supply wells.

Consistent with WDNR procedures and protocols for conducting potable well sampling, sampling activities will include securing access to the potable well locations; completing a focused building survey locating potential septic systems, sumps, and/or utilities; and completing a potable well construction survey, if not available on the WDNR Well Construction Information System database.

Potable Well Screening and Location Selection

As part of initial WAC NR 716 site investigation scoping that is currently in progress, an initial desktop screening of potable wells located within 1,200 feet of the site was completed. The search identified 8 potable wells within the search radius. Based on this initial screening and along with previous potable wells identified and/or sampled by the WDNR near the site in December 2021, the following seven potable wells have been identified for PFAS sampling or verification of initial PFAS sample results as part of NOC's immediate action activities and are shown on Figure 1.

- 1750 Mirro Drive (WDNR secured access and sampled)
- 3202 Mirro Drive (Not previously identified by WDNR)
- 1924 Woodland Drive (WDNR requested access; however, did not secure access. No sample collected.)
- 2509 Woodland Drive (WDNR requested access; however, did not secure access. No sample collected.)
- 2519 Woodland Drive (WDNR secured access and sampled)
- 2722 Woodland Drive (WDNR secured access and sampled)
- 3104 Woodland Drive (WDNR secured access and sampled)

WDNR requested access for the potable well located at 2122 Woodland Drive in 2021; however, based on a WDNR Well Filling and Sealing Report System search, the potable well was abandoned on March 14, 2017 (Rec# 151560).

Access Requests

NOC, with support from Ramboll, will contact the property owners for the seven locations identified for potable well sampling. As part of this effort NOC will attempt to first reach the property owner by telephone to confirm the potable well status and discuss the sampling request prior to mailing the access agreements. Access agreements will be sent to each homeowner via overnight mail. Follow-up telephone calls and/or letters will be provided to those homeowners where responses to the initial requests are not received. If access agreements cannot be secured within 15 days, NOC will contact the WDNR for assistance in obtaining access to the properties.

Potable Well Sampling Activities

Where access and sampling schedule have been successfully negotiated with the owner or owner's representative Ramboll will mobilized to the potable well location to perform the sampling. Each sampling team will consist of two Ramboll personnel. Ramboll will collect a potable well water sample for PFAS analysis from each home. The following methods and procedures will be utilized for the potable well sampling activities.

Potable Well Construction Survey and Building Survey

Prior to performing the potable well sampling activities, Ramboll will conduct a survey of the potable well and document the proximity of the building to features which might influence the PFAS sample results (e.g.,

septic system, sump discharges, or nearby utilities). To the extent practicable Ramboll will gather potable well construction information owner or owner's representative and attempt to determine the Wisconsin Unique Well Number (WUWN) for each well. If items that could potentially interfere with the potable well water quality are identified, Ramboll will document each concern in the site field book.

Potable Well Sampling Procedures

In accordance with the WDNR *Groundwater Sampling Field Manual*, the sampling team will request access to a spigot or faucet as close to the wellhead as possible and before the potable well pressure tank (if present). PFAS potable well samples will be collected by the Ramboll sampling team in accordance with Ramboll's PFAS sampling guidance document. If a sample location before the well pressure tank is not available, a sample location will be requested after the pressure tank but prior to a drinking water treatment system (e.g., water softener, iron filter, water heater, etc.), if present. Due to the potential presence of Teflon™ tape or PFAS containing plumbing compounds, if a non-treated sampling location is not available, the sampling team will discuss alternatives procedures with NOC and Ramboll.

The samples will be collected from a cold-water tap, after 2 minutes of purging (if prior to a pressure tank). If samples are collected after the pressure tank, the cold-water tap will be purged at a minimum of 5 minutes. Sample jars will be filled directly from the tap. The groundwater samples will be collected and containerized in laboratory-provided sample containers, preserved appropriately. Following sample collection, a field blank will be collected, consisting of pouring laboratory supplied PFAS-free deionized water into a laboratory provided sample container, each sample container will be labeled with the sample location identification and WUWN (if available), date of sample collection, and intended analysis. The sample containers will then be placed in re-sealable plastic bags and packed in an iced, insulated container, cooling to 4 degrees Celsius. A new pair of powder-free, nitrile gloves will be used during the collection of each sample to minimize the potential for cross-contamination. Following completion of sampling, the sampling team will close the flow from the tap and remove any equipment or other materials employed during the sample collection.

A laboratory provided chain-of-custody form will be completed upon termination of sampling and will accompany the container of samples to each laboratory. The chain-of-custody form will be signed by the sampler. Samples will be transported from the facility to the laboratory via laboratory designated courier or overnight shipping via common courier. The selected samples will be submitted to a Wisconsin-certified laboratory for analysis, following standard practice for chain-of-custody procedures.

With the private potable well owner's permission, and where possible, photographs will be taken to document each sampling location. Prior to demobilizing from the potable well sampling location, the sampling team will confirm with the owner or owner's representative that the location has been left in acceptable condition. Ramboll will not move furnishings, move personal items, or enter any confined space (e.g., crawlspace) or other space the sampling team deems to be unsafe for any reason.

Laboratory Analysis

All potable well water samples will be sampled for PFAS analysis using modified USEPA Method 537.1 (537.1M) for the WI 33 compound list to a WI certified laboratory. Samples will be submitted under chain-of-custody procedures to Eurofins-TestAmerica (Eurofins) of Sacramento, California. One field blank and matrix spike/matrix spike duplicate will be collected from each potable well location. A split sample will be collected from at least four potable wells and submitted to a separate WI certified laboratory for PFAS analysis using 537.1M as a data validation measure.

Reporting

In accordance with WAC NR 716.14, Ramboll will prepare brief data transmittal letters with sampling results to the WDNR and each private potable well owner. Based on the additional time required to perform a quality assurance (QA) review of the PFAS data and PFAS split samples, Ramboll is requesting additional time for data notification. Ramboll is requesting approval from the WDNR to submit the NR 716.14 data transmittal letters within 15 business days of receiving the laboratory analytical report.

Following substantial completion of the *Immediate Action Work Plan*, an *Immediate Action Documentation Letter Report* will be prepared. The *Immediate Action Documentation Letter Report* will include a summary of the potable well sampling activities, incorporating, if applicable, the December 2021 potable well sampling data completed by others. The documentation report will include conclusions and recommendations for additional potable well sampling activities, if appropriate.

SCHEDULE

It is anticipated that access requests will be initiated no later than 15 days following WDNR's approval of this Work Plan. Once access is granted, potable well sampling activities at each location will be completed based on owner or owner's representative availability. To the extent practicable, efforts will be made to coordinate sampling at multiple homes on the same day.

Ramboll will evaluate the sample analytical results upon receipt from the laboratory. If potable well water sample concentrations exceed WAC NR 809 criteria for PFOA, Ramboll will expeditiously coordinate with the potable well owner and WDNR on appropriate next steps.

Laboratory data from the investigation will be provided to the WDNR within 15 business days of receipt of the analytical reports by the laboratory. The *Immediate Action Documentation Letter Report* will be submitted to the WDNR within 60 days following the substantial completion of potable well sampling activities and receipt of laboratory analytical data. A *NR 716 Site Investigation Work Plan* will be submitted within 60 days after receipt of the laboratory analytical results from the IA Work Plan or, if access is not secured to a majority of the seven residences, no later than June 25, 2022.

CLOSING

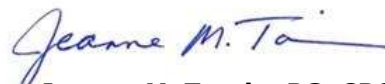
Thank you for your assistance and support on this project. If you have any questions concerning the information contained in this Work Plan, please feel free to contact us.

Sincerely,



Paul D. Lindquist
Managing Consultant

D: 262 901 3510
plindquist@ramboll.com

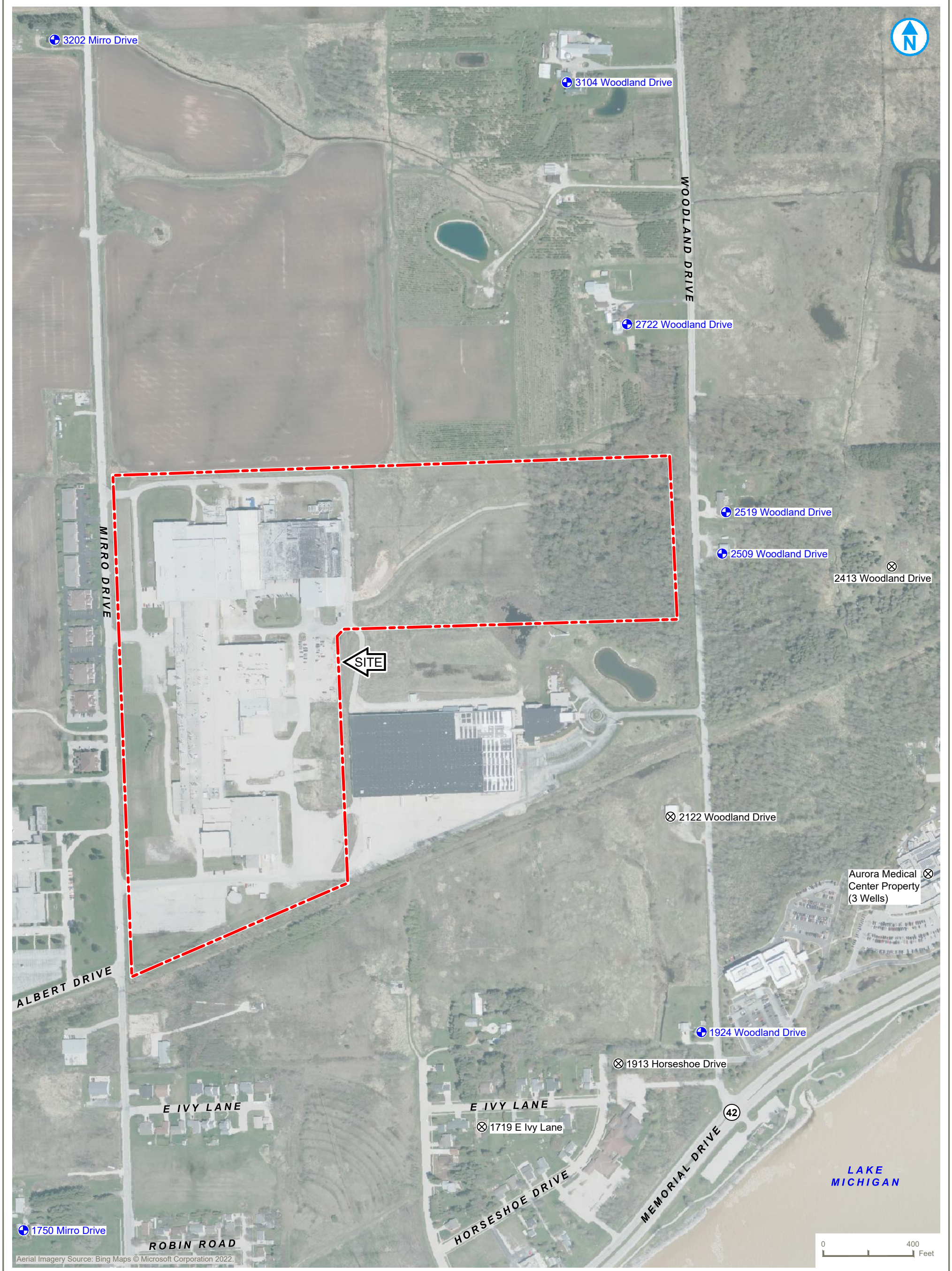


Jeanne M. Tarvin, PG, CPG
Managing Principal

D: 262 901 0085
jtarvin@ramboll.com

cc: Kristin Jones, NOC

FIGURE



- - - PROPERTY BOUNDARY (APPROXIMATE)
- POTABLE WELL
- ⊗ POTABLE WELL (ABANDONED)

NOTE
ALL POTABLE WELL LOCATIONS ARE APPROXIMATE.

PROPOSED POTABLE WELL SAMPLING LOCATIONS

FIGURE 1

NEWELL OPERATING COMPANY
FORMER MIRRO PLANT NO. 2
2009 MIRRO DRIVE
MANITOWOC, WISCONSIN

RAMBOLL US CONSULTING, INC.
A RAMBOLL COMPANY



Notice: Use this form to request a **written response (on agency letterhead)** from the Department of Natural Resources (DNR) regarding technical assistance, a post-closure change to a site, a specialized agreement or liability clarification for Property with known or suspected environmental contamination. A fee will be required as is authorized by s. 292.55, Wis. Stats., and NR 749, Wis. Adm. Code., unless noted in the instructions below. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records law [ss. 19.31 - 19.39, Wis. Stats.].

Definitions

"Property" refers to the subject Property that is perceived to have been or has been impacted by the discharge of hazardous substances.

"Liability Clarification" refers to a written determination by the Department provided in response to a request made on this form. The response clarifies whether a person is or may become liable for the environmental contamination of a Property, as provided in s. 292.55, Wis. Stats.

"Technical Assistance" refers to the Department's assistance or comments on the planning and implementation of an environmental investigation or environmental cleanup on a Property in response to a request made on this form as provided in s. 292.55, Wis. Stats.

"Post-closure modification" refers to changes to Property boundaries and/or continuing obligations for Properties or sites that received closure letters for which continuing obligations have been applied or where contamination remains. Many, but not all, of these sites are included on the GIS Registry layer of RR Sites Map to provide public notice of residual contamination and continuing obligations.

Select the Correct Form

This form should be used to request the following from the DNR:

- Technical Assistance
- Liability Clarification
- Post-Closure Modifications
- Specialized Agreements (tax cancellation, negotiated agreements, etc.)

Do not use this form if one of the following applies:

- Request for an **off-site liability exemption or clarification** for Property that has been or is perceived to be contaminated by one or more hazardous substances that originated on another Property containing the source of the contamination. Use DNR's Off-Site Liability Exemption and Liability Clarification Application Form 4400-201.
- Submittal of an Environmental Assessment for the **Lender Liability Exemption**, s 292.21, Wis. Stats., **if no response or review by DNR is requested**. Use the Lender Liability Exemption Environmental Assessment Tracking Form 4400-196.
- Request for an **exemption to develop on a historic fill site** or licensed landfill. Use DNR's Form 4400-226 or 4400-226A.
- **Request for closure** for Property where the investigation and cleanup actions are completed. Use DNR's Case Closure - GIS Registry Form 4400-202.

All forms, publications and additional information are available on the internet at: dnr.wi.gov/topic/Brownfields/Pubs.html.

Instructions

1. Complete sections 1, 2, 6 and 7 for all requests. Be sure to provide adequate and complete information.
2. Select the type of assistance requested: Section 3 for technical assistance or post-closure modifications, Section 4 for a written determination or clarification of environmental liabilities; or Section 5 for a specialized agreement.
3. Include the fee payment that is listed in Section 3, 4, or 5, unless you are a "Voluntary Party" enrolled in the Voluntary Party Liability Exemption Program **and** the questions in Section 2 direct otherwise. Information on to whom and where to send the fee is found in Section 8 of this form.
4. Send the completed request, supporting materials and the fee to the appropriate DNR regional office where the Property is located. See the map on the last page of this form. A paper copy of the signed form and all reports and supporting materials shall be sent with an electronic copy of the form and supporting materials on a compact disk. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>

The time required for DNR's determination varies depending on the complexity of the site, and the clarity and completeness of the request and supporting documentation.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

Form 4400-237 (R 10/21)

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Section 1. Contact and Recipient Information

Requester Information

This is the person requesting technical assistance or a post-closure modification review, that his or her liability be clarified or a specialized agreement and is identified as the requester in Section 7. DNR will address its response letter to this person.

Last Name Jones	First Kristin	MI	Organization/ Business Name Newell Operating Company
Mailing Address 6655 Peachtree Dunwoody Road		City Atlanta	State GA
		ZIP Code 30328	
Phone # (include area code) (770) 418-7822	Fax # (include area code)	Email Kristin.Jones@newellco.com	

The requester listed above: (select all that apply)

- Is currently the owner
 Is considering selling the Property
 Is renting or leasing the Property
 Is considering acquiring the Property
 Is a lender with a mortgagee interest in the Property
 Other. Explain the status of the Property with respect to the applicant:

Newell Operating Company is the former property owner. Skana Aluminum Company took ownership in 2010.

Contact Information (to be contacted with questions about this request)

Select if same as requester

Contact Last Name Jones	First Kristin	MI	Organization/ Business Name Newell Operating Company
Mailing Address 6655 Peachtree Dunwoody Road		City Atlanta	State GA
		ZIP Code 30328	
Phone # (include area code) (770) 418-7822	Fax # (include area code)	Email Kristin.Jones@newellco.com	

Environmental Consultant (if applicable)

Contact Last Name Tarvin	First Jeanne	MI	Organization/ Business Name Ramboll US Consulting, Inc.
Mailing Address 234 W. Florida Street, Fifth Floor		City Milwaukee	State WI
		ZIP Code 53204	
Phone # (include area code) (262) 901-0085	Fax # (include area code) (414) 837-3608	Email jtarvin@ramboll.com	

Attorney (if applicable)

Contact Last Name Rodriguez	First Gabriel	MI	Organization/ Business Name ArentFox Schiff, LLP
Mailing Address 233 South Wacker Drive, Suite 7100		City Chicago	State IL
		ZIP Code 60606	
Phone # (include area code) (312) 258-5516	Fax # (include area code)	Email grodriguez@afslaw.com	

Property Owner (if different from requester)

Contact Last Name Hauser	First David	MI A.	Organization/ Business Name Skana Aluminum Company
Mailing Address 2009 Mirro Drive		City Manitowoc	State WI
		ZIP Code 54220	
Phone # (include area code) (920) 482-1032	Fax # (include area code)	Email dave.hauser@skanaaluminum.com	

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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Section 2. Property Information

Property Name Mirro Plant No. 2 (Former)		FID No. (if known) 436106110	
BRRTS No. (if known) 02-36-588656	Parcel Identification Number 05280940101000		
Street Address 2009 Mirro Drive	City Manitowoc	State WI	ZIP Code 54220
County Manitowoc	Municipality where the Property is located <input checked="" type="radio"/> City <input type="radio"/> Town <input type="radio"/> Village of Manitowoc	Property is composed of: <input type="radio"/> Single tax parcel <input checked="" type="radio"/> Multiple tax parcels	Property Size Acres 131.56

1. Is a response needed by a specific date? (e.g., Property closing date) Note: Most requests are completed within 60 days. Please plan accordingly.

No Yes

Date requested by: _____

Reason:

2. Is the "Requester" enrolled as a Voluntary Party in the Voluntary Party Liability Exemption (VPLE) program?

No. **Include the fee that is required for your request in Section 3, 4 or 5.**

Yes. **Do not include a separate fee.** This request will be billed separately through the VPLE Program.

Fill out the information in Section 3, 4 or 5 which corresponds with the type of request:

Section 3. Technical Assistance or Post-Closure Modifications;

Section 4. Liability Clarification; or Section 5. Specialized Agreement.

Section 3. Request for Technical Assistance or Post-Closure Modification

Select the type of technical assistance requested: [Numbers in brackets are for WI DNR Use]

- No Further Action Letter (NFA) (Immediate Actions) - NR 708.09, [183] - Include a fee of \$350. Use for a written response to an immediate action after a discharge of a hazardous substance occurs. Generally, these are for a one-time spill event.
- Review of Site Investigation Work Plan - NR 716.09, [135] - **Include a fee of \$700.**
- Review of Site Investigation Report - NR 716.15, [137] - **Include a fee of \$1050.**
- Approval of a Site-Specific Soil Cleanup Standard - NR 720.10 or 12, [67] - **Include a fee of \$1050.**
- Review of a Remedial Action Options Report - NR 722.13, [143] - **Include a fee of \$1050.**
- Review of a Remedial Action Design Report - NR 724.09, [148] - **Include a fee of \$1050.**
- Review of a Remedial Action Documentation Report - NR 724.15, [152] - **Include a fee of \$350**
- Review of a Long-term Monitoring Plan - NR 724.17, [25] - **Include a fee of \$425.**
- Review of an Operation and Maintenance Plan - NR 724.13, [192] - **Include a fee of \$425.**

Other Technical Assistance - s. 292.55, Wis. Stats. [97] (For request to build on an abandoned landfill use Form 4400-226)

- Schedule a Technical Assistance Meeting - **Include a fee of \$700.**
- Hazardous Waste Determination - **Include a fee of \$700.**
- Other Technical Assistance - **Include a fee of \$700.** Explain your request in an attachment.

Post-Closure Modifications - NR 727, [181]

- Post-Closure Modifications: Modification to Property boundaries and/or continuing obligations of a closed site or Property; sites may be on the GIS Registry. This also includes removal of a site or Property from the GIS Registry. **Include a fee of \$1050, and:**
 - Include a fee of \$300 for sites with residual soil contamination; and
 - Include a fee of \$350 for sites with residual groundwater contamination, monitoring wells or for vapor intrusion continuing obligations.

Attach a description of the changes you are proposing, and documentation as to why the changes are needed (if the change to a Property, site or continuing obligation will result in revised maps, maintenance plans or photographs, those documents may be submitted later in the approval process, on a case-by-case basis).

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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Section 4. Request for Liability Clarification

Select the type of liability clarification requested. Use the available space given or attach information, explanations, or specific questions that you need answered in DNR's reply. Complete Sections 6 and 7 of this form. **[Numbers in brackets are for DNR Use]**

"Lender" liability exemption clarification - s. 292.21, Wis. Stats. [686]

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the real Property, and/or the personal Property and fixtures;
- (2) an environmental assessment, in accordance with s. 292.21, Wis. Stats.;
- (3) the date the environmental assessment was conducted by the lender;
- (4) the date of the Property acquisition; for foreclosure actions, include a copy of the signed and dated court order confirming the sheriff's sale.
- (5) documentation showing how the Property was acquired and the steps followed under the appropriate state statutes.
- (6) a copy of the Property deed with the correct legal description; and,
- (7) the Lender Liability Exemption Environmental Assessment Tracking Form (Form 4400-196).
- (8) If no sampling was done, please provide reasoning as to why it was **not** conducted. Include this either in the accompanying environmental assessment or as an attachment to this form, and cite language in s. 292. 21(1)(c)2.,h.-i., Wis. Stats.:
 - h. The collection and analysis of representative samples of soil or other materials in the ground that are suspected of being contaminated based on observations made during a visual inspection of the real Property or based on aerial photographs, or other information available to the lender, including stained or discolored soil or other materials in the ground and including soil or materials in the ground in areas with dead or distressed vegetation. The collection and analysis shall identify contaminants in the soil or other materials in the ground and shall quantify concentrations.
 - i. The collection and analysis of representative samples of unknown wastes or potentially hazardous substances found on the real Property and the determination of concentrations of hazardous waste and hazardous substances found in tanks, drums or other containers or in piles or lagoons on the real Property.

"Representative" liability exemption clarification (e.g. trustees, receivers, etc.) - s. 292.21, Wis. Stats. [686]

❖ **Include a fee of \$700.**

Provide the following documentation:

- (1) ownership status of the Property;
- (2) the date of Property acquisition by the representative;
- (3) the means by which the Property was acquired;
- (4) documentation that the representative has no beneficial interest in any entity that owns, possesses, or controls the Property;
- (5) documentation that the representative has not caused any discharge of a hazardous substance on the Property; and
- (6) a copy of the Property deed with the correct legal description.

Clarification of local governmental unit (LGU) liability exemption at sites with: (select all that apply)

- hazardous substances spills - s. 292.11(9)(e), Wis. Stats. [649];
- Perceived environmental contamination - [649];
- hazardous waste - s. 292.24 (2), Wis. Stats. [649]; and/or
- solid waste - s. 292.23 (2), Wis. Stats. [649].

❖ **Include a fee of \$700, a summary of the environmental liability clarification being requested, and the following:**

- (1) clear supporting documentation showing the acquisition method used, and the steps followed under the appropriate state statute(s).
- (2) current and proposed ownership status of the Property;
- (3) date and means by which the Property was acquired by the LGU, where applicable;
- (4) a map and the ¼, ¼ section location of the Property;
- (5) summary of current uses of the Property;
- (6) intended or potential use(s) of the Property;
- (7) descriptions of other investigations that have taken place on the Property; and
- (8) (for solid waste clarifications) a summary of the license history of the facility.

Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request

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Section 4. Request for Liability Clarification (cont.)

- Lease liability clarification - s. 292.55, Wis. Stats. [646]
- ❖ **Include a fee of \$700 for a single Property, or \$1400 for multiple Properties and the information listed below:**
 - (1) a copy of the proposed lease;
 - (2) the name of the current owner of the Property and the person who will lease the Property;
 - (3) a description of the lease holder's association with any persons who have possession, control, or caused a discharge of a hazardous substance on the Property;
 - (4) map(s) showing the Property location and any suspected or known sources of contamination detected on the Property;
 - (5) a description of the intended use of the Property by the lease holder, with reference to the maps to indicate which areas will be used. Explain how the use will not interfere with any future investigation or cleanup at the Property; and
 - (6) all reports or investigations (e.g. Phase I and Phase II Environmental Assessments and/or Site Investigation Reports conducted under s. NR 716, Wis. Adm. Code) that identify areas of the Property where a discharge has occurred.

General or other environmental liability clarification - s. 292.55, Wis. Stats. [682] - Explain your request below.

- ❖ **Include a fee of \$700 and an adequate summary of relevant environmental work to date.**

- No Action Required (NAR) - NR 716.05, [682]

- ❖ **Include a fee of \$700.**

Use where an environmental discharge has or has not occurred, and applicant wants a DNR determination that no further assessment or clean-up work is required. Usually this is requested after a Phase I and Phase II environmental assessment has been conducted; the assessment reports should be submitted with this form. This is not a closure letter.

- Clarify the liability associated with a "closed" Property - s. 292.55, Wis. Stats. [682]

- ❖ **Include a fee of \$700.**

- Include a copy of any closure documents if a state agency other than DNR approved the closure.

Use this space or attach additional sheets to provide necessary information, explanations or specific questions to be answered by the DNR.

Section 5. Request for a Specialized Agreement

Select the type of agreement needed. Include the appropriate draft agreements and supporting materials. Complete Sections 6 and 7 of this form. More information and model draft agreements are available at: dnr.wi.gov/topic/Brownfields/Igu.html#tabx4.

- Tax cancellation agreement - s. 75.105(2)(d), Wis. Stats. [654]

- ❖ **Include a fee of \$700, and the information listed below:**

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

- Agreement for assignment of tax foreclosure judgement - s.75.106, Wis. Stats. [666]

- ❖ **Include a fee of \$700, and the information listed below:**

- (1) Phase I and II Environmental Site Assessment Reports,
- (2) a copy of the Property deed with the correct legal description.

- Negotiated agreement - Enforceable contract for non-emergency remediation - s. 292.11(7)(d) and (e), Wis. Stats. [630]

- ❖ **Include a fee of \$1400, and the information listed below:**

- (1) a draft schedule for remediation; and,
- (2) the name, mailing address, phone and email for each party to the agreement.

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Section 6. Other Information Submitted

Identify all materials that are included with this request.

Send both a paper copy of the signed form and all reports and supporting materials, and an electronic copy of the form and all reports, including Environmental Site Assessment Reports, and supporting materials on a compact disk.

Include one copy of any document from any state agency files that you want the Department to review as part of this request. The person submitting this request is responsible for contacting other state agencies to obtain appropriate reports or information.

Phase I Environmental Site Assessment Report - Date: _____

Phase II Environmental Site Assessment Report - Date: _____

Legal Description of Property (required for all liability requests and specialized agreements)

Map of the Property (required for all liability requests and specialized agreements)

Analytical results of the following sampled media: Select all that apply and include date of collection.

Groundwater Soil Sediment Other medium - Describe: _____

Date of Collection: _____

A copy of the closure letter and submittal materials

Draft tax cancellation agreement

Draft agreement for assignment of tax foreclosure judgment

Other report(s) or information - Describe: Immediate Action Work Plan

For Property with newly identified discharges of hazardous substances only: Has a notification of a discharge of a hazardous substance been sent to the DNR as required by s. NR 706.05(1)(b), Wis. Adm. Code?

Yes - Date (if known): _____

No

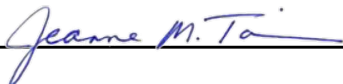
Note: The Notification for Hazardous Substance Discharge Form - Non-Emergency Only (Form 4400-225) is accessible through the RR Program Submittal Portal application. Directions for using the form and the Submittal Portal application are available on the [Submittal Portal web page](#).

Section 7. Certification by the Person who completed this form

I am the person submitting this request (requester)

I prepared this request for: Newell Operating Company
Requester Name

I certify that I am familiar with the information submitted on this request, and that the information on and included with this request is true, accurate and complete to the best of my knowledge. I also certify I have the legal authority and the applicant's permission to make this request.

Signature 

April 7, 2022
Date Signed

E&H Americas Country Market Director
Title

(262) 901-0085
Telephone Number (include area code)

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Section 8. DNR Contacts and Addresses for Request Submittals

Send or deliver one paper copy and one electronic copy on a compact disk of the completed request, supporting materials, and fee to the region where the property is located to the address below. Contact a [DNR regional brownfields specialist](#) with any questions about this form or a specific situation involving a contaminated property. For electronic document submittal requirements see: <http://dnr.wi.gov/files/PDF/pubs/rr/RR690.pdf>.

DNR NORTHERN REGION

Attn: RR Program Assistant
Department of Natural Resources
223 E Steinfest Rd Antigo, WI 54409

DNR NORTHEAST REGION

Attn: RR Program Assistant
Department of Natural Resources
2984 Shawano Avenue
Green Bay WI 54313

DNR SOUTH CENTRAL REGION

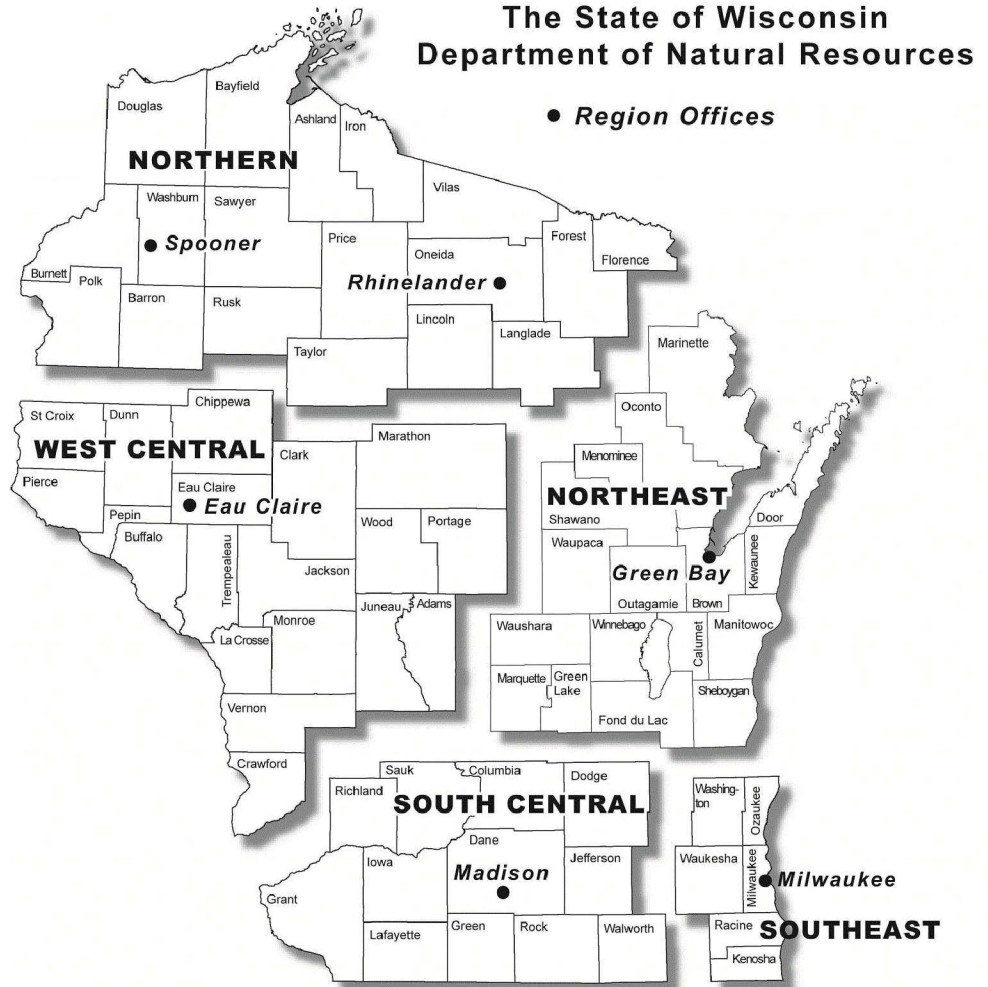
Attn: RR Program Assistant
Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg WI 53711

DNR SOUTHEAST REGION

Attn: RR Program Assistant
Milwaukee DNR Office
1027 West St. Paul Ave
Milwaukee WI 53233

DNR WEST CENTRAL REGION

Attn: RR Program Assistant
Department of Natural Resources
1300 Clairemont Ave.
Eau Claire WI 54702



Note: These are the Remediation and Redevelopment Program's designated regions. Other DNR program regional boundaries may be different.

DNR Use Only			
Date Received	Date Assigned	BRRTS Activity Code	BRRTS No. (if used)
DNR Reviewer		Comments	
Fee Enclosed? <input type="radio"/> Yes <input type="radio"/> No	Fee Amount \$	Date Additional Information Requested	Date Requested for DNR Response Letter
Date Approved	Final Determination		