

December 23, 2021

Via Email

alyssa.sellwood@wisconsin.gov

Ms. Alyssa Sellwood
Complex Sites Project Manager
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Re: Site Investigation – Additional Actions Required
BRRTS # 02-38-580694

Dear Ms. Sellwood:

This letter is submitted in response to your letter entitled “Site Investigation - Additional Actions required” dated October 27, 2021 for the Tyco Fire Technology Center (FTC) Site (FTC Site) in Marinette, Wisconsin. In the October 27, 2021 letter, the Wisconsin Department of Natural Resources (WDNR) requested that Tyco¹:

1. Agree to take over all testing of potable wells and provision of alternate water currently supplied by the WDNR, within the Expanded Site Investigation Area (ESIA) by January 31, 2022;
2. Submit a potable well long-term monitoring plan for potable wells in the ESIA by January 1, 2021; and
3. Submit a site investigation work plan that addresses the comments in the October letter, by January 7, 2021. The WDNR has now agreed that this work plan will be due February 4, 2021.

Tyco has been working cooperatively with the WDNR for over five years with respect to the FTC Site and we appreciate the assistance the WDNR has provided to date. During this time, Tyco has been vigorously and methodically conducting investigation and sampling activities associated

¹ The October 27, 2021 letter is addressed to Johnson Controls, Inc. and Tyco Fire Products LP. Tyco currently owns and operates the Fire Technology Center. Johnson Controls, Inc. is not the owner or operator of the business, is not the parent company of Tyco, and is not a liable party under any applicable law.

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with the FTC Site, and where contamination has been identified relating to the FTC, Tyco has responded swiftly and appropriately. Protection of human health is our first and highest priority. As you know, at the outset of our investigation in Peshtigo, Tyco offered bottled water to all residences within the potable well area, and after the extensive potable well sampling that followed, Tyco is providing and maintaining POET systems to 47 homes and continuing to provide bottled water to 136 residences even where there is no measurable impact. Tyco also has been monitoring and treating surface water in Ditch A and Ditch B for nearly two years with over half a billion gallons of water treated to date and during this time we have also collected more than 10,000 data points to support several Site Investigation Work Plans, development and continued refinement of a Conceptual Site Model, and other detailed reports and proposals.

More recently, Tyco obtained approval to install the interim Groundwater Extraction and Remediation System at the FTC, and the construction of that system is well under way with completion anticipated by mid-2022. While this has been ongoing, Tyco has been implementing an approved FTC soil remediation plan since the summer of 2021, which is also expected to be completed mid-2022. Additionally, Tyco proposed installing a water line in the Town of Peshtigo more than two and a half years ago, and since that time has worked extensively to provide the resources and encouragement necessary for local constituencies to make that a reality. Because local progress had stalled, Tyco proposed and agreed to fully pay for a neutral third-party expert mediator to prompt further progress. Those discussions are underway.

Related to this request, Tyco will be submitting an Expanded FTC Site Investigation plan (by February 4, 2021), which will continue to develop the data collected to date to appropriately document and delineate the plume and migration pathways associated with the FTC, in compliance with NR716. However, as Tyco has detailed in numerous letters and reports,² the data do not demonstrate that the PFAS detections, that are variably scattered in the ESIA, are associated with the FTC. For example, in March 2020, Tyco submitted an evaluation of the groundwater to the WDNR regarding the area to the south and beyond the current boundaries of the site investigation area, known as the "Southern Area". The report concluded that the scattered low levels of PFAS in this area are not a result of our firefighting foam used at the FTC. The types of PFAS detected in FTC-impacted groundwater share consistent characteristics, and these characteristics are distinctly different from the PFAS detected in the Southern Area. Additionally, after reviewing the geological makeup of the area, including how groundwater and surface water flows from one location to another, the data do not support the notion that PFAS from the FTC could have physically migrated from our property to the ESIA. Therefore, there are no data to support the WDNR's conclusion that "Tyco is the responsible party for the PFAS-impacted potable wells within the ESIA." As a result, Tyco, at this time, respectfully declines to take over all testing of potable wells and provision of alternative water that the WDNR is currently supplying, or to submit a potable well long-term monitoring plan as we believe the data-set developed to date does not indicate the PFAS in the ESIA is Tyco's responsibility.

² See, e.g., (a) Tyco correspondence to Darsi Foss dated June 1, 2020; (b) Conceptual Site Model dated May 2020; (c) Interim Site Investigation Report dated May 15, 2020; (d) Tyco correspondence to Christine Haag, dated July 13, 2020.

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However, as has been the case throughout this process, Tyco wants to support WDNR's work in the ESIA by developing further data to assist WDNR's understanding of the hydrogeology in and around the ESIA. As a result, we will design the forthcoming site investigation work plan to enhance this understanding. The work plan includes additional investigative activities that focus on transport pathways away from FTC in order to further demonstrate, with a robust dataset, that groundwater and surface water emanating from FTC does not reach the ESIA. This workplan will be submitted by February 4, 2022, in compliance with the documented deadline. As also has been the case throughout, Tyco will submit the results of this study to the WDNR and we will, as necessary, evaluate the need for further work at that time.

Thank you – and please feel free to contact me if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey H. Danko". The signature is written in a cursive style with a large initial "J".

Jeffrey H. Danko
Director – Remediation Programs