



March 8, 2022

MS. DENICE NELSON
JOHNSON CONTROLS, INC
5757 N. GREEN BAY AVENUE
MILWAUKEE, WI 53209

MR. SCOTT WAHL
TYCO FIRE PRODUCTS LP
1 STANTON STREET
MARINETTE, WI 54143

Via Email Only to denice.karen.nelson@jci.com and scott.wahl@jci.com

SUBJECT: Response to *Fish Tissue and Surface Water Sampling Work Plan*
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI
BRRTS #02-38-580694

Dear Ms. Nelson and Mr. Wahl:

On November 10, 2020, the Wisconsin Department of Natural Resources (DNR) received the *Fish Tissue and Surface Water Sampling Work Plan* (the "Sampling Plan"). The report was submitted by Arcadis U.S., Inc. (Arcadis) on behalf of Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) for the above-references site (the "Site") and was accompanied by the appropriate fee of \$700 required under Wisconsin Administrative Code (Wis. Adm. Code) § NR 749.04(1), for formal DNR review and response. JCI/Tyco completed the surface water sampling proposed in the Sampling Plan, but the DNR has come to understand that JCI/Tyco was waiting on the DNR's response before proceeding with the fish sampling.

Background and Summary

The Sampling Plan was a follow-up to the fish tissue sampling that JCI/Tyco completed in August 2020 for per and polyfluoroalkyl substances (PFAS) in five privately-owned ponds near the Site. The results from this initial fish tissue sampling were submitted to the DNR and notification was provided to each property owner. The results indicated a relationship in the concentration of perfluorooctanesulfonic acid (PFOS) in the fish tissue and surface water; JCI/Tyco proposed additional sampling to evaluate this relationship.

In the Sampling Plan, JCI/Tyco proposed to collect surface water samples from six privately-owned ponds near the Site; three ponds were previously sampled (SW-14, SW-37 and SW-38) and three would be sampled for the first time (SW-41, SW-42 and SW-43). JCI would then select two of the three ponds not previously sampled, and collect fish tissue samples from these two ponds to further evaluate the correlation between PFOS concentration in surface water and fish. Finally, JCI/Tyco proposed to evaluate if fish, likely to be harvested for human consumption, are present in Ditch B.

In December 2020, JCI/Tyco completed the proposed surface water sampling in five privately-owned ponds where access was permitted (SW-14, SW-37 SW-38, SW-42 and SW-43) and on January 21, 2021, JCI/Tyco submitted the results to the DNR and the property owners. The surface water concentration of PFOS in the ponds ranged from less than 1.8 parts per trillion (ppt) to 10 ppt.

DNR Review

The DNR reviewed the Sampling Plan and JCI/Tyco should proceed with the proposed fish tissue sampling in the ponds SW-41 and SW-42 during this calendar year (the DNR understands that sampling is likely to occur during summer when conditions and access allow).

In addition, the DNR requests further information on the pond identified as SW-19. The concentration of PFOS detected in SW-19 was between 16 and 20 ppt, which is the highest concentration in the surface water samples collected from the ponds near the Site. Are fish likely to be harvested for human consumption present in this pond and can fish tissue be collected from this pond? If yes, the DNR requests that SW-19 be added to the proposed fish tissue sampling to be completed this summer, so that the results and any applicable fish consumption guidelines can be communicated with the property owner.

JCI/Tyco does not need to evaluate fish in Ditch B at this time. Resident fish are not known to inhabit this and other drainage ditches near the Site. Moreover, on January 18, 2022, the DNR notified the public of new PFAS fish consumption advisories in public water bodies around this area (Green Bay and the Peshtigo, Oconto, and Menominee rivers)¹.

Next Steps

Within 60 days of receipt of this letter, please respond in an email with the additional information requested for SW-19, and indicate whether fish tissue sampling will be completed in this pond in 2022. If sampling will not be completed, please provide an explanation.

As soon as access and conditions allow, please complete the proposed fish tissue sampling in the ponds identified as SW-41 and SW-42 (and SW-19 if applicable) and notify the DNR and the property owners of the results in accordance with Wis. Adm. Code § NR 716.14(2).

Please note that the submittal of the email with additional information requested for SW-19 and the notification of the fish tissue sampling results do not need to be accompanied by an Wis. Adm. Code ch. NR 749 review fee.

If you have any questions about this letter please contact me, the DNR Project Manager, at (608) 622-8606 or Alyssa.Sellwood@wisconsin.gov.

Sincerely,



Alyssa Sellwood, PE
Complex Sites Project Manager
Remediation & Redevelopment Program

cc: Jodie Peotter, DNR (via email: Jodie.peotter@wisconsin.gov)

¹ <https://dnr.wisconsin.gov/newsroom/release/52661>