



November 17, 2023

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

Via Email Only to [denice.karen.nelson@jci.com](mailto:denice.karen.nelson@jci.com)

SUBJECT: Response to Materials Management Plan  
JCI/Tyco FTC, 2700 Industrial Parkway South, Marinette, WI  
DNR BRRTS Activity #: 02-38-580694 (PFAS) and #03-38-001345 (VOC)

Dear Ms. Nelson,

On Aug. 17, 2023, the Wisconsin Department of Natural Resources (DNR) received the *Materials Management Plan* for the above-referenced sites. The report was submitted by Arcadis U.S., Inc. (Arcadis) on behalf of Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) and included the fee required under Wisconsin Administrative Code (Wis. Admin. Code) § NR 749.04(1) for DNR review and response.

JCI/Tyco are investigating and responding to the discharge of polyfluoroalkyl substances (PFAS) and volatile organic compounds (VOCs) to the environment at the JCI/Tyco Fire Technology Center (FTC), located at 2700 Industrial Parkway South in Marinette, Wisconsin (the "Sites").

### Summary Material Management Plan

Materials generated during the on-going investigation and response actions may be contaminated and proper characterization and management are needed to mitigate further spread of contamination from these materials. JCI/Tyco prepared the Material Management Plan to outline the decision flow process and criteria for determining proper management and notifications.

The *Materials Management Plan* included a flow chart for decision making, a summary of the required notifications and documentation of how contaminated materials will be temporarily stored prior to disposal. JCI/Tyco documented the location for temporary storage, its plans for creating an impermeable base and berm at that location and its plans for managing liquids that drain from soils prior to disposal. There were no plans presented in this submittal to permanently manage contaminated materials at the Site.

### DNR Review

The primary contents of the *Material Management Plan* detailed how JCI/Tyco will comply with the temporary storage requirements of NR 718.05(2). The DNR concurs that the area of the FTC property planned for temporary storage meets the locational standards of Wis Admin. Code § NR 718.05(2)(a), JCI/Tyco's plans to construct a concrete pad and berms meets the impervious base and surface water control requirements of Wis. Admin. Code §§ NR 718.05(2) (c) and (e) and its plans for inspection and notification meet the requirements of Wis. Admin. Code §§ NR 718.05(2) (g) and (i).

JCI/Tyco's *Material Management Plan* can also be used to establish concurrence with the DNR on general material handling and to streamline JCI/Tyco's decision making during the multitude of subsurface activities

occurring at the Site. To meet these objectives, the DNR recommends that JCI/Tyco make the following updates to the Materials Management Plan:

- Update text throughout to clarify that “off-site disposal” is at an approved waste facility.
- Update text to clarify that liquids not being disposed of off-site at an approved facility must follow Wisconsin Pollution Discharge Elimination System (WPDES) permit requirements<sup>1</sup>.
- Update Section 3.1:
  - Change last bullet to reflect that the requirement to submit and receive DNR approval under NR Wis. Admin. Code §§ NR 718.12 or 718.15 is for the permanent management of contaminated materials at a site other than an approved solid waste facility. (There are no pre-approved locations under Wis. Admin. Code §§ NR 718.12 or 718.15; rather, approval, is based the DNR’s review the site where the material will be permanently managed and the characteristics of the materials to be managed.)
  - Update to reflect that Wis. Admin Code § 718.05 allows for up to 2,500 cubic yards of contaminated soil to be temporarily stored at a site for up to 6 months if the conditions of that code are met. Add note, that if JCI/Tyco needs additional capacity or time to temporarily store materials prior to off-site disposal at an approved facility JCI/Tyco may request concurrence from the DNR’s Waste and Materials Management Program by sharing the volume, timeline and plan for disposal, and how the storage complies with NR 718.05(2).
  - Update to reflect that DNR approval is required if the locations where soils will be temporarily stockpiled do not meet the criteria in Wis. Admin. Code § NR 718.05(2)(a). (Note, this approval is not equivalent to the Wis. Admin. Code §§ NR 718.12 or 718.15 approvals for the permanent management of contaminated materials at a site.)
- Update the flow chart by inserting the following starting with the step after the waste determination:
  - 1- Is the Material contaminated?
    - a. No – Go to the “Exempt Soil” end point on current flow chart.
    - b. Yes - Go to 2.
  - 2- Is the material Hazardous?
    - a. Yes – Go to the “Contaminated Soil (Hazardous)” end point on current flow chart.
    - b. No – Go to 3.
  - 3- Will the contaminated material be disposed of off-site at an approved waste disposal facility?
    - a. No – Go the Wis. Admin. Code §§ NR 718.12/718.15 MMP end point on current flow chart.
    - b. Yes – Go to 4.
  - 4- Will the material be directly loaded onto truck for disposal at approved waste facility?
    - a. Yes – Dispose of in accordance with requirements of receiving facility.
    - b. No - Go to 5.
  - 5- Will the soil be temporarily stored less than 15 days?
    - a. Yes – Comply with requirements of Wis. Admin. Code § NR 715.05(3) and loop back to 4a as end point.
    - b. No – Comply with requirements of Wis. Admin. Code §§ NR 718.05(2) or 718.05(4) and loop back to 4a as end point. (Consider including the second sub-bullet under the Update to Section 3.1 above as guidance for how to proceed is additional capacity or time are needed).

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<sup>1</sup> Discharge of dewatering water that is not contaminated is eligible for coverage under WPDES (WI-0049344-5).

**Next Steps**

JCI/Tyco may proceed with the characterization and temporary storage of materials as outlined in the *Materials Management Plan*. The DNR recommends that JCI/Tyco update the *Material Management Plan* with the items discussed above to clarify the decision process and when other approvals or concurrence are needed. A Wis. Admin. Code § NR 749.04(1) fee is not required with this submittal, unless JCI/Tyco would like to receive DNR's review and written concurrence to the revised plan.

If you have any questions, please contact me at (608) 622-8606 or [Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov).

Sincerely,

A handwritten signature in black ink that reads "Alyssa Sellwood". The signature is written in a cursive style with a large, looped initial "A".

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

cc: Jodie Thistle, DNR (via email: [Jodie.Thistle@wisconsin.gov](mailto:Jodie.Thistle@wisconsin.gov))