



December 7, 2022

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

Via Email Only to denice.karen.nelson@jci.com

SUBJECT: Response to *Land-Applied Biosolids Interim Site Status Update Report*
JCI/Tyco Biosolids – Multiple Landspreading Fields
BRRTS #02-38-583856

Dear Ms. Nelson:

On Oct. 25, 2022, the Wisconsin Department of Natural Resources (DNR) received the *Land Applied Biosolids Interim Site Status Update Report* (the “Status Update”). The report was submitted by Arcadis U.S., Inc. (Arcadis) on behalf of Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) and was accompanied by the appropriate fee required under Wisconsin Administrative Code (Wis. Admin. Code) § NR 749.04(1), for formal DNR review and response.

Background

On Feb. 9, 2022, the DNR provided comments to JCI/Tyco’s December 2021 *Land Applied Biosolids Preliminary Assessment/Site Investigation Work Plan* (the “Preliminary Assessment Plan”). Please refer to this DNR letter for background, summary and review comments – all of which are still applicable.

In the Preliminary Assessment Plan, JCI/Tyco proposed two phases of work: Phase 1 was a desktop evaluation to select locations for sampling and Phase 2 was implementation of a field investigation. The DNR noted in its Feb. 9, 2022, letter that JCI/Tyco had received sufficient information at that time to select fields for sampling.

DNR Review

In the Status Report, JCI/Tyco states that on Sept. 30, 2022, it sent a questionnaire to 14 landowners to begin selection of fields for sampling. The DNR’s technical review comments for this action are as follows:

- The DNR finds the 14 fields that JCI/Tyco selected as potential locations for conducting the field investigation for Phase 2 acceptable.
- The DNR did not recommend, request or review the questionnaires and reminds JCI/Tyco that communication with landowners should be focused and designed to obtain access to conduct the field investigation. If requested, the DNR can assist JCI/Tyco with communications to residents to request access to their properties for the site investigation that JCI/Tyco is required to complete (Wis. Admin. Code § 716.11(4)).

In the Status Report, JCI/Tyco indicates that the questionnaires were sent to land owners of fields included in BRRTS 02-38-583856 that met the following two screening criteria:

- 1 Fields that, based on current information, appear to have only received biosolids from city of Marinette POTW, and;
- 2 Fields that are not adjacent to fields that received biosolids from sources other than the city of Marinette POTW.

As of Jan. 14, 2022, the DNR provided JCI/Tyco sufficient data to complete these two screening steps. This was made clear to JCI/Tyco in the DNR's Feb. 9, 2022, letter, in which the DNR stated "*Waiting for response to the additional request for records before proceeding with selection of fields to sample in the Preliminary Assessment is not approved. To date, the DNR has provided JCI/Tyco with sufficient information to select fields for sampling in Phase 2. ... After you receive and review the DNR's more detailed explanation of information previously provided, please contact the DNR if you have specific questions.*" On Mar. 17, 2022, the DNR provided JCI/Tyco with the more detailed explanation of the information previously provided and reiterated that JCI/Tyco had received sufficient records to proceed.

The DNR acknowledges that on Apr. 18, 2022, JCI/Tyco requested additional information from the DNR to support its Preliminary Assessment. The DNR fulfilled Tranche 1 of JCI/Tyco's request on Aug. 5, 2022 and Tranche 2 records were made available on Oct. 4, 2022. While these records may help JCI/Tyco develop a broader understanding of land application activities that have occurred in Marinette County and eventually help JCI/Tyco evaluate the cause and significance of sampling data it collects, these additional records were not needed to complete the screening noted above. The data that JCI/Tyco needed to select fields based on the two screening criteria has been in JCI/Tyco's possession since January 2022.

Next Steps

Please refer to the Feb. 9, 2022, letter for the DNR's review comments on the Preliminary Assessment Plan, all of which are still applicable. The DNR expects that JCI/Tyco will make a good faith effort to obtain access to properties for the field investigation for the Preliminary Assessment and will conduct this work without further delay. As stated above, if requested, the DNR can assist JCI/Tyco with communications to property owners to request access for the site investigation. If you have any questions, 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: Christine Sieger, DNR (via email: Christine.Sieger@wisconsin.gov)
Jodie Peotter, DNR (via email: Jodie.peotter@wisconsin.gov)