

Via E-Mail

Mr. Dave Neste
Remediation and Redevelopment Program
Wisconsin Department of Natural Resource
625 E. County Road Y, Suite 700
Oshkosh, WI 54901

August 28, 2019

RE: Request for Extension for Response to Information Request and to Submit Site Investigation Work Plan
ChemDesign Products, Inc
2 Stanton Street, Marinette, WI
DNR BRRTS Activity # 02-38-583852
DNT FID # 438008340

Dear Mr. Neste,

ChemDesign Products, Inc (“ChemDesign”) received the Wisconsin Department of Natural Resources’ (“WDNR”) Reported Contamination Letter dated July 2nd, 2019. The letter included a Request for Site Information (“Information Request”) to be provided within 60 days. We have been working diligently to prepare our response to the Information Request, but we are requesting a 30-day extension until October 2, 2019, to respond for the following reasons:

- 1) ChemDesign’s facility is part of larger property owned by Ansul, Inc. (Ansul), and ChemDesign leases its facility from Ansul. (We understand that Ansul is a subsidiary of Tyco Fire Products LP (Tyco), which merged with Johnson Controls in 2016 to form Johnson Controls International (JCI).) Due to the lease arrangement, we have had to work with Ansul in order to fully respond, and this process has added additional layers and time to our ability to respond by the original deadline.
- 2) ChemDesign obtains PFAS-containing raw materials directly from Tyco, provides chemical tolling services on the materials, and returns PFAS-containing materials back to Tyco. As such, ChemDesign’s operations and use of PFAS-containing materials are governed by several supply agreements with Tyco. These supply agreements contain confidentiality and non-disclosure provisions in order to protect trade secrets and other confidential information which we must respect. We must work with Tyco before responding to WDNR to ensure that trade secrets and other confidential information are properly marked and submitted to WDNR under Wis. Admin. Code § NR 2.19, and this process requires additional time.

In addition, the July 2, 2019, letter requested that ChemDesign submit a Site Investigation Work Plan within 60 days of the date of the letter. As noted above, we lease our facility from Ansul/Tyco. Under the terms of our lease, we do not have access to the property to conduct investigations. After receiving the July 2, 2019, letter, we notified Tyco of the WDNR’s

requests and requested access to sample certain existing monitoring wells on site. Tyco did not grant access, but instead indicated that it will be taking lead on the investigation related to our leased property and that Tyco will be preparing or has prepared a Site Investigation Work Plan which will also apply to our facility. We understand that Tyco will notify WDNR of this decision soon. Therefore, we will not be submitting a separate Site Investigation Work Plan at this time. Please let us know if you have any questions about this arrangement.

Please know that we continue to work diligently to complete our response to the Information Request and that we will respond as soon as possible. We look forward to working with the WDNR on this matter and to explain how we operate and the steps we take to ensure our manufacturing does not affect the groundwater at the facility.



David Mielke
President / CEO
ChemDesign Products, Inc