



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

LU-16J

CERTIFIED MAIL 7017 1450 0001 3747 9080
RETURN RECEIPT REQUESTED

APR 19 2018

Mr. Joseph Janeczek
Director, Global Environmental Health
and Safety/EHS
Johnson Controls
9 Roszel Road
Princeton, New Jersey 08540

Re: Request for Information for Tyco Fire Products, LP facility located at
1 Stanton Street, Marinette, WI
EPA ID# WID 006 125 215

Dear Mr. Janeczek:

By this letter, the U.S. Environmental Protection Agency (EPA) requests information under Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927. Section 3007 authorizes the Administrator of EPA to require you to submit certain information.

This request requires Tyco Fire Products, LP ("Tyco" or "you") to submit certain information relating to past and present production, usage, management, transportation or disposal of perfluorinated chemicals (PFCs) at your facility at 1 Stanton Street, Marinette, Wisconsin ("Facility"). This letter requires that you provide the information requested in Attachment B to this letter, using the instructions and definitions included in Attachment A to this letter. This information is required to evaluate potential releases of PFCs at or from the Facility and Tyco's ability to perform corrective action.

The EPA, from conversations with the Wisconsin Department of Natural Resources (WDNR), understands that Tyco has discovered a PFC-contaminated groundwater plume originating from its Ansul Fire Training School located at 2700 Industrial Parkway South, Marinette, Wisconsin. The plume is impacting residential wells at concentrations above EPA Drinking Water Health Advisory levels. Additionally, during a meeting involving EPA, WDNR, and Tyco, Tyco informed EPA of products at the 1 Stanton Street facility which contained PFCs include Aqueous Film-Forming Foams (AFFF) and Alcohol Resistant-AFFF (AR-AFFF), and that since the mid-2000s fluorosurfactants (which may contain PFCs) have been manufactured at the Facility by a lessee. The EPA is requesting information on the use of PFCs at Tyco's Facility, including information related to the lessee's manufacture and use of PFCs.

The enclosure specifies the information you must submit. You must submit this information within 30 calendar days of receiving this request to the following address:

Conor Neal
U.S. Environmental Protection Agency, Region 5
Remediation and Reuse Branch
Corrective Action Section 2
77 West Jackson Boulevard (LU-16J)
Chicago, Illinois 60604

You may, under 40 CFR Part 2, Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 CFR Part 2. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the public without further notice. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Attachment C, including the requirement you support each claim for confidentiality.

Tyco must submit all requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject Tyco to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

You should direct questions about this request for information to Conor Neal, of my staff, at (312) 886-7193.

Sincerely,



Jose G. Cisneros, Chief
Remediation and Reuse Branch

Enclosure

ecc: Richard Clarizio, US EPA
Tammy Moore, US EPA
Angela Cary, WDNR

Attachment A

Definitions

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 1002 of RCRA, 42 U.S.C. § 6901, et seq., or Volume 40 of the Code of Federal Regulations, in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. "Tyco Fire Products, LP," "Tyco," or "you" means Tyco Fire Products, LP, its subsidiaries, sister companies, affiliates, and/or any employee, officer, contractor, or agent thereof; and Tyco's predecessor and successor entities, subsidiaries, sister companies, affiliates, and/or employee, officer, contractor, or agent thereof.
2. "Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility. The authorized representative should be authorized to respond on behalf of Tyco.
3. "Certification" means a statement of professional opinion based upon knowledge and belief.
4. "Responsible person" means an officer or agent who is authorized to respond on behalf of Tyco.
5. The terms "document" and "documents" mean any object that records, stores, presents, or transmits information. "Document" shall include, but not be limited to:
 - (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
 - (1) invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order;
 - (2) letter, correspondence, fax, telegram, telex, postcard;
 - (3) record book, minutes, memorandum of meetings and telephone and other conversations, telephone messages, inter- or intra-office communications;
 - (4) agreement, contract, and the like;
 - (5) log book, diary, calendar, desk pad, journal, scrapbook;
 - (6) bulletin, circular, form, pamphlet, statement;
 - (7) report, notice, analysis, notebook;
 - (8) graph or chart; or
 - (9) copy of any document.
 - (b) microfilm or other film record, photograph, or sound recording on any type of device;

- (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
 - (1) the programming instructions and other written material necessary to use such disc, or disc pack, tape or other type of memory; and
 - (2) printouts of such disc, or disc pack, tape or other type of memory; and
 - (d) attachments to, or enclosures with, any document as well as any document referred to in any other document.
6. "Facility" or "Site" shall be construed to mean all property on or about the 63-acre property currently or historically associated with or involved in operations at Tyco's facility located at 1 Stanton Street, Marinette, WI, including but not limited to the area in the Main Plant that is leased to ChemDesign, affiliates or other unrelated companies who leased a portion of the Facility .
 7. The term "waste" or "wastes" means trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge, including, but not limited to, containers for temporary or permanent holding of such wastes.
 8. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this information request any information which might otherwise be construed to be outside its scope.
 9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

Instructions

1. You must provide a complete and separate response to each of the questions or requests in Attachment B. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
2. In preparing your response to each question, consult with all present and former employees and agents of the Facility who may be familiar with the matter to which the question pertains.
3. In answering each question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed and complete manner, or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
5. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
6. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. An authorized representative or responsible person must sign the certification in Attachment B and return it with the response to this Request for Information.

Attachment B

Requests

1. Provide the full legal name, mailing address, and business telephone number of Tyco, and each person answering these questions on behalf of Tyco, including title, and business address. If you wish to designate an individual for all future correspondence concerning this Site, including any legal notices, please so indicate here by providing that individual's name, address, e-mail, and telephone number.
2. Describe the use and manufacture of PFCs or PFC-containing materials at the Facility from the receipt of the material to the final use, sale or disposal of PFCs or PFC-containing materials. Include in that the description the information on all entities responsible for its manufacture and use; the years involved in it manufacture and use; what it was used to manufacture; whether any product containing PFCs was used or tested at the Facility; the areas of the facility where it was manufactured and used; and whether it was emitted from any air emission sources.
3. Provide copies of all documents concerning PFC sampling, testing, monitoring, data or other technical or analytical information related to any surface water, ground water, soil, air emission, waste water, or other media or materials at the Facility or that has migrated from the Facility, including but not limited, to groundwater contaminated with PFCs through air deposition. Provide complete descriptions and documentation of such sampling, testing, monitoring, procedures, data, and analyses.
4. Describe, using generic and trade names, the materials containing PFCs that were transported to or from, disposed of, stored, produced, used, handled, managed, or processed at or related to the Facility. The description should include the physical form (solid, liquid, gas) of any materials and the type of container used to transport, store, produce, use, handle, manage, or process the PFCs.
5. Describe the transportation to or from, production of, disposal of, storage, use, handling, management and processing of PFC-containing material related to the Facility. Include in each description where and in what process at the Facility the transportation to or from, disposal of, storage, use, handling, management, and processing of PFC-containing material occurred at the Facility. *E.g.*, the material was disposed of in landfill, drained to soil, sewer drain, *etc.* If the point of transportation to or from, production of, disposal of, storage, use, handling, management, or processing of PFC-containing material changed over time, please provide dates of such changes and what changes were made
6. Estimate the amounts of PFC-containing materials that were transported to or from, disposed of, stored, produced, handled, managed, or processed at or related to the Facility.

7. Identify which part of Tyco's operations, including storage, involving PFCs or PFC-containing materials, generated waste, including but not limited to wastes resulting from spills of liquid materials and wastes generated by cleaning and maintenance of equipment, inventory cleanout, off-specification determined wastes, and machinery. Include locations where the waste was generated and stored and an estimation of the volume or mass of the waste generated and stored.
8. Identify releases of PFCs or PFC-containing materials and describe the methods used to clean up the releases including but not limited to:
 - a. The types of materials spilled,
 - b. The media onto or into which the spill occurred,
 - c. The materials used to clean up those spills,
 - d. The methods used to clean up those spills, and
 - e. Where the materials used to clean up those spills were disposed of.
9. Describe the cleaning and maintenance of equipment and machinery involved in PFC operations, including but not limited to:
 - a. The types of materials used to clean and maintain this equipment/machinery,
 - b. The monthly or annual quantity of each such material used,
 - c. The disposition of those materials used in cleaning equipment, and
 - d. Where the materials are/were disposed of.
10. Was there ever a spill, leak, release or discharge of PFCs into any subsurface disposal system or floor drain inside or under the buildings within the Facility or that may have migrated from the Facility? If so, identify:
 - a. Where the disposal system or floor drains were located,
 - b. Whether the disposal system or floor drains were connected to pipes,
 - c. Where such pipes were located and emptied,
 - d. Whether such pipes ever leaked or in any way released the Substances into the environment.
11. Identify all entities who transported reject water from the Groundwater Collection and Treatment System (GWCTS) and the location(s) where reject water was disposed. Provide information regarding dates and volumes of reject water sent offsite for disposal.
12. Was there ever an application of PFCs or PFC-containing material, including Aqueous Film-Forming Foams (AFFF) and Alcohol Resistant-AFFF to the ground for fire training purposes or to extinguish a fire? If so, identify:
 - a. Where the fire or fire training occurred,
 - b. When the fire occurred,
 - c. The range of dates when fire training occurred,
 - d. Estimate the volume of PFC or PFC-containing materials were applied to the ground

13. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents and that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who managed the system, and those persons directly responsible for collecting and providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Attachment C

Confidential Business Information

You may consider some of the information confidential that the U.S. Environmental Protection Agency (EPA or Agency) is requesting. You cannot withhold information or records upon that basis. The Regulations at 40 CFR Part 2, Section 200 *et seq.* require that the EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by the PEA only to the extent and only by means of the procedures set forth in 40 CFR Part 2, Subpart B. (See 41 Federal Register 36902 *et seq.* (September 1, 1976); 43 Federal Register 4000 *et seq.* (December 18, 1985).) If no such claim accompanies the information when the EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.*; because as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish the EPA to treat the information or record as “confidential,” you must advise the EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope “confidential,” and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency consider the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether the EPA or other federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information; and
6. Whether you assert that the information is voluntarily submitted as defined by 40 CFR § 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of the EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 CFR § 2.208(e), the burden of substantiating confidentiality rests with you. The EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that the EPA may maintain their confidentiality pursuant to 40 CFR § 2.205(c). If you do not identify this information and documents as “confidential,” your comments will be available to the public without further notice to you.