



August 16, 2018

Richard Mator
Johnson Controls International d/b/a Tyco Fire Products, LP
1400 Pennbrook Parkway
Lansdale, PA 19446

Subject: Reported Contamination at **JCI-Tyco Fire Products PFAS – Stanton St Facility, 1 Stanton St, Marinette, WI**
BRRTS Activity # **02-38-581955**

Dear Mr. Mator:

On July 23, 2018, Johnson Controls International d/b/a Tyco Fire Products, LP (JCI/Tyco) notified the Wisconsin Department of Natural Resources (WDNR) that **per- and polyfluoroalkyl substances (PFAS)** contamination had been detected at the site described above.

Based on the information that has been submitted to the WDNR regarding this site, we believe you are responsible for investigating and restoring the environment at the above-described site under Section 292.11, Wisconsin Statutes, known as the hazardous substances spills law.

This letter describes the legal responsibilities of a person who is responsible under Section 292.11, Wis. Stats., explains what you need to do to investigate and clean up the contamination, and provides you with information about cleanups, environmental consultants, possible financial assistance, and working cooperatively with the WDNR or the Department of Agriculture, Trade and Consumer Protection (DATCP).

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes. The hazardous substances spill law, Section 292.11 (3) Wisconsin Statutes, states:

- **RESPONSIBILITY.** A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall take the actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands, or waters of the state.

Wisconsin Administrative Code chapters NR 700 through NR 754 establish requirements for emergency and interim actions, public information, site investigations, design and operation of remedial action systems, and case closure. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment, the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce

your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. The following information provides the timeframes and required steps to take. Unless otherwise approved by WDNR in writing you must complete the work by the timeframes specified.

1. Within the next **30 days**, by September 17, 2018, you should submit written verification (such as a letter from the consultant) that you have hired an environmental consultant. If you do not take action within this time frame, the WDNR may initiate enforcement action against you.
2. Within **60 days**, by October 18, 2018, you must submit a work plan for completing the investigation. The work plan must comply with the requirements in the NR 700 Wis. Adm. Code rule series and should adhere to current WDNR technical guidance documents.
3. You must initiate the site investigation within 90 days of submitting the site investigation work plan. If a fee for WDNR review has been submitted, the site investigation must begin within 60 days after receiving WDNR comments.
4. Within 60 days after completion of the field investigation and receipt of the laboratory data, you must submit a Site Investigation Report to the WDNR or other agency with administrative authority. For sites with agrichemical contamination, your case will be transferred to the DATCP for oversight.
5. Within 60 days after submitting the Site Investigation Report, you must submit a Remedial Actions Options Report.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the WDNR's internet site. You may view the information related to your site at any time (<http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>) and use the feedback system to alert us to any errors in the data.

If you want a formal written response from the department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you must complete the site investigation and cleanup to maintain your compliance with the spills law and chapters NR 700 through NR 754. **The timeframes specified above are required by rule, so do not delay the investigation of your site.** We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative rules and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

David Neste
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Ave
Green Bay WI 54313
David.Neste@wisconsin.gov

Unless otherwise directed, submit one paper copy and one electronic copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter.

Site Investigation and Vapor Pathway Analysis

As you develop the site investigation workplan, we want to remind you to include an assessment of the vapor intrusion pathway. Chapter NR 716, Wisconsin Administrative Code outlines the requirements for investigation of contamination in the environment. Specifically, s. NR 716.11(3)(a) requires that the field investigation determine the “nature, degree and extent, both areal and vertical, of the hazardous substances or environmental pollution in **all** affected media”. In addition, section NR 716.11(5)(g) and (h) contains the specific requirements for evaluating the presence of vapors in the subsurface as well as in indoor air.

You will need to include documentation with the Site Investigation Report that explains how the assessment was done. If the vapor pathway is being ruled out, then the report needs to provide the appropriate justification for reaching this conclusion. **If the pathway cannot be ruled out, then investigation and, if appropriate, remedial action must be taken to address the risk presented prior to submitting the site for closure.** The WDNR has developed guidance to help responsible parties and their consultants comply with the requirements described above. The guidance includes a detailed explanation of how to assess the vapor intrusion pathway and provides criteria which identify when an investigation is necessary. The guidance is available at: <http://dnr.wi.gov/files/pdf/pubs/rr/RR800.pdf>.

Request for Site Information

In addition, **within 60 days**, the Department requests JCI/Tyco provide information related to past and present production, usage, management, transportation, or disposal of PFAS compounds at 1 Stanton Street, Marinette, Wisconsin. This information is required to evaluate potential releases of PFAS at or from 1 Stanton Street, and JCI/Tyco’s ability to perform corrective action. The Department requests this information under the authority of Wis. Stats. §§ 292.11(8) and 292.31(1), and requests that you provide the information in Wis. Stats. §§ 292.31(1)d(1) through (3):

(d) Access to information. Upon the request of any officer, employee or authorized representative of the department, any person who generated, transported, treated, stored or disposed of solid or hazardous waste which may have been disposed of at a site or facility under investigation by the department shall provide the officer, employee or authorized representative access to any records or documents in that person's custody, possession or control which relate to:

- 1. The type and quantity of waste generated, transported, treated or stored which was disposed of at the site or facility and the dates of these activities.*
- 2. The identity of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.*
- 3. The identity of subsidiary or parent corporations, as defined in sub. (8) (a) 3., of persons who generated, transported, treated or stored waste which was disposed of at the site or facility.*

Specifically, the Department requests response to the following items:

1. Describe the use and manufacture of PFAS or PFAS-containing materials at the Facility from the receipt of the material to the final use, sale or disposal of PFAS or PFAS-containing materials. Include in that the description the information on all entities responsible for its manufacture and use; the years involved in its manufacture and use; what it was used to manufacture; whether any product containing PFAS 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.
2. Describe, using generic and trade names, the materials containing PFAS 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 PFAS.
3. Describe the transportation to or from, production, disposal off, storage, use, handling, management, and processing of PFAS-containing material related to the Facility. Include in each description where and in what process at the Facility the transportation to or from, disposal storage, use, handling, management. and processing of PFAS-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 PFAS-containing material changed over time, please provide dates of such changes and what changes were made.
4. Estimate the amounts of PFAS-containing materials that were transported to or from, disposed of, stored, produced, handled, managed, or processed at or related to the Facility.
5. Identify which part of JCI/Tyco's operations, including storage, involving PFAS or PFAS-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.
6. Identify releases of PFAS or PFAS-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.
7. Describe the cleaning and maintenance of equipment and machinery involved in PFAS 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.

8. Was there ever a spill, leak, release, or discharge of PFAS 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.
9. 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 off-site for disposal.
10. Was there ever an application of PFAS or PFAS-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, estimate the volume of PFAS or PFAS-containing materials were applied to the ground.

This information request applies to data and information that you or others may have collected prior to, or during, ownership of the Property. Please provide any additional information that may aid in determining the source(s) of PFAS discharge. Please send the information to David Neste at 625 E County Road Y, Suite 700, Oshkosh WI 54901-9731.

The "confidentiality of information" provisions are found in s. NR 700.05, Wis. Admin. Code. In order to maintain any of the information that JCI/Tyco has or will submit to the Department as confidential, JCI/Tyco would need to request that the specific information be kept confidential and provide sufficient information to the Department to make such a determination, in accordance with that provision.

Additional Information for Site Owners:

We encourage you to visit our website at <http://dnr.wi.gov/topic/Brownfields/>, where you can find information on selecting a consultant, financial assistance and understanding the cleanup process. You will also find information there about liability clarification letters, post-cleanup liability and more.

Information to help you select a consultant, materials on controlling costs, understanding the cleanup process, and choosing a site cleanup method are enclosed. In addition, *Voluntary Party Liability Exemption* is enclosed and provides information on obtaining protection of limited liability under s. 292.15, Wis. Stats.

Richard Mator
Johnson Controls International d/b/a Tyco Fire Products, LLP
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If you have questions, call **David Neste at 920-662-5165** for more information or visit the RR web site at the address above.

Thank you for your cooperation.

Sincerely,



Roxanne N Chronert
Team Supervisor, Northeast Region
Remediation & Redevelopment Program

Enclosures: 1. Remediation & Redevelopment Program, RR-691*
 2. Environmental Contamination – The Basics, RR-674*
 3. Selecting an Environmental Consultant, RR-502*
 4. Environmental Services Contractor List*
 5. Voluntary Party Liability Exemption, DNR-RR-506*

* Not included – will mail upon request

cc: Dave Neste - OSH
 Conor Neal – US EPA Region 5
 Angela Carey – RR/5