



September 28, 2022

MS. KATIE MCGINTY
JOHNSON CONTROLS, INC
607 14TH ST. NW, SUITE 550
WASHINGTON, DC 200005

Via Email Only to katie.mcginty@jci.com

SUBJECT: Request to Clarify Process and Adjust Timeline for Deep Wells
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI
BRRTS #02-38-580694

Dear Ms. McGinty:

On Sept. 15, 2022, you shared with the Wisconsin Department of Natural Resources (DNR) a copy of the deep well “one pager” that Johnson Controls Inc. and Tyco Fire Products LP (JCI/Tyco) provided that same day to homeowners in the company’s potable well sampling area (PWSA). Subsequently, the DNR was also provided with a copy of a letter dated Sept. 15, 2022, that JCI/Tyco sent to certain homeowners in the PWSA with an accompanying contract for installation of a new deep well on their property (the “Letter”).

The DNR has concerns with statements made in the Letter - in particular, that deep wells are the permanent and only solution for homeowners in the PWSA and that homeowners are under a tight deadline to either agree to a deep well or have JCI/Tyco stop servicing the current alternative supply of safe drinking water altogether. Based on the conversation between DNR and JCI/Tyco on Sept. 27, 2022, regarding the DNR’s concerns, you stated that it is not JCI/Tyco’s intent to stop providing alternative safe drinking water to affected homeowners and that JCI/Tyco plans to communicate with the public to clarify the timeline and next steps for deep wells.

DNR offers the following comments as JCI/Tyco considers its future plans and communications:

First, while deep wells *could be* a permanent solution to long-term safe drinking water, it is premature for JCI/Tyco to advertise them as such to impacted homeowners. Determinations that deep wells are a final remedial action for the drinking water exposure pathway can occur once JCI/Tyco has complied with Wis. Admin. Code ch. NR 722 and 724 by completing and submitting the required information to document that the selection, design, construction, and monitoring results meet criteria for a final remedial action that can achieve long-term protection based on approved-remedial standards.

Second, in the Letter, JCI/Tyco states that it will stop servicing existing point-of-entry treatment (POET) systems and will stop supplying drinking water should an impacted homeowner not accept JCI/Tyco’s offer to install a deep well on their property, and JCI/Tyco provides only 32 calendar days for homeowners to make this decision. Additionally, JCI/Tyco made this offer to homeowners prior to providing sufficient information to demonstrate that this action is sufficiently protective of public health, safety, and welfare and the environment. The DNR recognizes that responsible parties may take interim actions without prior approval from the DNR under Wis. Admin. Code ch. NR 708.11(3). However, if JCI/Tyco stops providing safe drinking water to homeowners whose water supply has been or is likely to be affected by contamination caused by JCI/Tyco, JCI/Tyco could be in violation of Wis. Admin. Code § NR 708.05(4)(f).

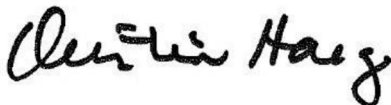
The DNR recognizes the outreach that JCI/Tyco has conducted to date with homeowners, appreciates its efforts to deliver safe drinking water to impacted homeowners in the PWSA and encourages JCI/Tyco to continue working cooperatively and in good faith with the affected residents. To that end, the DNR asks JCI/Tyco to:

- Reassure homeowners that JCI/Tyco will complete additional monitoring and reporting to the DNR to determine that any installed deep wells meet the requirements for a *permanent solution* to long-term safe drinking water under DNR rules;
- Allow homeowners more time to consider and if desired, sign the agreement for a deep well; and
- Provide an opportunity for homeowners to ask questions and learn more about the risks and benefits of a water supply from a deep well. In particular, homeowners should be made aware of the likely presence of radium in groundwater from the deeper aquifer, the risks that contaminant poses and any homeowner responsibilities in maintaining a deep well.
- For homeowners who do not choose a deep well at this time:
 - Continue to provide them with a supply of alternative safe drinking water (i.e., continuation of bottled water service and/or maintenance of a POET system), and
 - Offer future opportunities to have JCI/Tyco install a deep well on their property.

The DNR is committed to helping ensure residents in the area receive a long-term source of safe drinking water in a reasonable time frame. The DNR is in receipt of the two reports that JCI/Tyco submitted on Sept. 27, 2022, including information on JCI/Tyco's design and monitoring plans for the deep wells. The DNR will be reviewing the information in these two reports and any future JCI/Tyco submittals to document progress in its site investigation and evaluation of deep wells as this potential long-term solution to safe drinking water.

Based on the conversation we had on Sept. 27, 2022, you stated that JCI/Tyco plans to communicate with the public to clarify the timeline and next steps for deep wells. The DNR looks forward to hearing from JCI/Tyco as to whether they intend to afford impacted homeowners additional time to review the offer for a deep well and to ask questions and learn more. DNR expects that any installed deep wells will be subject to sufficient monitoring and reporting to ensure the wells meet the requirements for a permanent solution under state regulations. DNR further expects that JCI/Tyco will provide options for safe drinking water for homeowners who do not immediately opt-in to a deep well installation.

Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program

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