



May 8, 2024

MS. DENICE NELSON  
JOHNSON CONTROLS, INC  
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MILWAUKEE, WI 53209

Via Email Only to [denice.karen.nelson@jci.com](mailto:denice.karen.nelson@jci.com)

SUBJECT: Response to *Revised Comprehensive Alternative Water Management Plan*  
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI  
BRRTS #02-38-580694

Dear Ms. Nelson:

On April 1, 2024, the Wisconsin Department of Natural Resources (DNR) received the *Revised Comprehensive Alternative Water Management Plan* (the "Revised CAWMP") for the above-referenced site (the "Site")<sup>1</sup> that was submitted by Arcadis U.S., Inc. (Arcadis), on behalf of Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco). The Revised CAWMP was accompanied by the fee required under Wisconsin Administrative Code (Wis. Admin. Code) § NR 749.04(1) for DNR review and response.

The DNR reviewed the Revised CAWMP and requests that JCI/Tyco respond to the comments in this letter. The Revised CAWMP addresses drinking water in JCI/Tyco's Potable Well Sampling Area (PWSA). As stated in its June 23 and Nov. 17, 2023 letters, the DNR does not agree that the nature, degree and extent of PFAS contamination has been sufficiently characterized along all migration pathways at the Site. The area covered by the CAWMP should extend beyond the boundaries of PWSA while JCI/Tyco conducts its site investigation and the area addressed by a final CAWMP should be based on the findings of a complete site investigation (Wis. Admin. Code § NR 708.05(4)(f)).

## Background

JCI/Tyco is investigating and responding to the discharge of per- and polyfluoroalkyl substances (PFAS) to the environment at the JCI/Tyco Fire Technology Center (FTC), located at 2700 Industrial Parkway South in Marinette, Wisconsin. The discharge occurred as the result of fire suppressant training, testing, research and development of PFAS-containing aqueous film forming foams (AFFF) at the Site starting in the early 1960s.

PFAS from the FTC have impacted private drinking water wells in the area. JCI/Tyco currently tests and provides alternative drinking water to residents in the PWSA. On May 8, 2020, JCI/Tyco submitted its original CAWMP for the PWSA to document its approach for providing alternative safe drinking water to residents in PWSA while a long-term drinking water solution was pursued. The Revised CAWMP incorporates JCI/Tyco's updates to the plan for the PWSA that have occurred since that time.

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<sup>1</sup> The title of the report also references BRRTS #02-38-581955, which is connected to discharges at JCI/Tyco's 1 Stanton Street facility. However, in the introduction of the report, JCI/Tyco clarifies that BRRTS #02-38-581955 is not part of the of this Revised CAWMP.

## Summary of the Revised Comprehensive Alternative Water Management Plan

The Revised CAWMP includes the following updates to the original plan:

- Increased the number of private wells tested from 171 to 173 and the number of point of entry treatment (POET) systems installed from 40 to 47.
- Added the Wisconsin Department of Health Services' (DHS's) current recommendations<sup>2</sup> for PFAS as the criteria used to evaluate water quality in the private drinking water wells.
- Discussed in Section 4 that while connection of properties in the PWSA to the city of Marinette public water system was recommended as the final long-term drinking water solution, to date, it has not received the necessary support and approvals to proceed.
- Incorporated the new option, offered starting in 2022, for residents to have JCI/Tyco construct a deep drinking water well to replace their existing drinking water well ("replacement wells").
- Changed that a POET system will be offered to residents in the PWSA for any resident whose drinking water is above the DHS current recommendations for PFAS to only those where a replacement well is not feasible.
- Updated criteria for when bottled water and/or POET system operations will cease, which are currently the following: homeowner request, property is vacant or replacement well installed and water quality confirmed.

## DNR Review and Recommendations

The DNR reviewed the Revised CAWMP based on the changes made to the original and evaluated how JCI/Tyco addressed the comments that the DNR provided to the original plan on Nov. 16, 2020.

- Section 2.3 states that the PWSA is "demonstrative of the total area of potential effect from Tyco operations." The DNR does not agree that the extent of PFAS contamination along all potential migration pathways has been defined. JCI/Tyco must provide alternate water supplies to all persons whose water supply has been, or is likely to be, affected by the migration of contamination from the Site (Wis. Admin. Code § NR 708.05(4)(f)). The DNR maintains that the area where JCI/Tyco should be providing alternative safe drinking water goes beyond the boundaries of the PWSA and should be based on the findings, conclusions and areas where data gaps remain in the site investigation.
- Section 3.2, Section 5.2 and Section 6 as written, are unclear as to JCI/Tyco's plans for residents who currently have a POET system and choose to continue to use the POET system rather than receive a replacement well. JCI/Tyco must continue to provide alternative safe drinking water to these residents (Wis. Admin. Code § NR 708.05(4)(f)). (The DNR notes that the final CAWMP can be based on the findings and conclusions from a complete site investigation and site-specific information for each private well.)

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<sup>2</sup> On April 10, 2024, the U.S. Environmental Protection Agency (EPA) announced new enforceable federal standards for six PFAS in drinking water. The DNR will formally request that the DHS update their health-based recommendations for the six PFAS to account for new scientific findings. The DHS anticipates their updated recommendations will be available during the second half of 2024.

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- Section 3.3 discusses that JCI/Tyco is evaluating options for properties in city of Marinette that do not have connection to community water. This statement was included in the 2020 CAWMP, but the DNR is not aware of any on-going evaluations in that regard. Please provide an update on the residents in the city of Marinette that do not have access to a public water supply, if any, and what steps are being taken to provide these residents with access to safe drinking water. JCI/Tyco should be providing alternate water supplies to all persons whose water supply has been or is likely to be affected by the migration of contamination from the Site (Wis. Admin. Code § NR 708.05(4)(f)).
- Section 4.1 states “This alternative would have required a change in the City Charter or annexation of the PWSA into the City of Marinette. Neither option was approved by residents of the PWSA.” This statement is not entirely accurate or reflective of the complexity of the situation. The DNR recommends updating the last sentence.

JCI/Tyco also has a monitoring plan for private wells and POET systems in the PWSA and provides an update on this plan to the DNR every 6 months. The DNR acknowledges that some of the DNR’s comments to the original CAWMP have been addressed by the details included in that monitoring plan.

### Next Steps

The DNR requests that JCI/Tyco submit a response to comments within **45 days** of receiving this letter, and that this response include a proposed plan and schedule for future updates to the CAWMP. JCI/Tyco’s future updates to the CAWMP should be for all persons whose water supply has been or is likely to be affected by the migration of contamination from the Site (Wis. Admin. Code § NR 708.05(4)(f)). Unless JCI/Tyco would like to receive another review and response from the DNR, JCI/Tyco’s response to comments does *not* need to include a Wis. Admin. Code ch. NR 749 review fee.

If you have any questions, please contact me at [Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov) or (608) 622-8606.

Sincerely,



Alyssa Sellwood, PE  
Water Resources Engineer  
Remediation & Redevelopment Program

cc: Jodie Thistle, DNR (via email: [Jodie.Thistle@wisconsin.gov](mailto:Jodie.Thistle@wisconsin.gov))