



August 12, 2024

MS. DENICE NELSON
JOHNSON CONTROLS, INC
5757 N. GREEN BAY AVENUE
MILWAUKEE, WI 53209

Via Email Only to denice.karen.nelson@jci.com

SUBJECT: Approval to Manage Contaminated Soil under Wis. Admin. Code § NR 718.12
JCI/Tyco 2700 Industrial Parkway South, Marinette, WI
BRRTS #02-38-580694 and BRRTs 03-38-001345

Dear Ms. Nelson:

On July 19, 2024, the Wisconsin Department of Natural Resources (DNR) received the *Exemption Request for Beneficial Reuse of Soils* ("On-Site Soil Reuse Plan") for the above-referenced sites. The plan was submitted by Arcadis U.S., Inc. (Arcadis), on behalf of Johnson Controls, Inc., and Tyco Fire Products LP (JCI/Tyco) and was accompanied by the fee required under Wisconsin Administrative Code (Wis. Admin. Code) § NR 749.04(1) for DNR review and response.

Background

Tyco Fire Products LP owns the approximately 380-acre Fire Technology Center (FTC), located at 2700 Industrial Parkway South in Marinette, Wisconsin (the "Property"). JCI/Tyco is investigating and responding to the discharge of per- and polyfluoroalkyl substances (PFAS) and volatile organic compounds (VOCs) to the environment from the FTC. JCI/Tyco's response action for the PFAS contamination is tracked under BRRTS 02-38-580694 and for the VOC contamination is tracked under BRRTS 03-38-001345 (collectively referred to herein as the "Site").

JCI/Tyco's investigations and remedial activities for the Site and its construction activities that occur from time to time on the Property can generate soil that must be properly managed. On March 5, 2024, JCI/Tyco submitted a Materials Management Plan to the DNR, which documents its process to temporarily stockpile soils generated by these activities at a specified location on the Property, and then to characterize these soils to determine a final management approach. In general, soils that are not contaminated can have unrestricted use, soils with contaminants over certain thresholds must be disposed of at a licensed facility and soils with contaminants below certain criteria could be approved for management on-site under Wis. Admin Code § NR 718.12.

Summary of On-Site Soil Reuse Plan

In the On-Site Soil Reuse Plan, JCI/Tyco requests approval from the DNR under Wis. Admin. Code § NR 718.12 to manage contaminated soil on-site. The On-Site Soil Reuse Plan includes the following:

- General activities generating soil to be managed on-site.
- Locations on the Property, which is part of the Site, where soil will be managed.
- Characterization criteria to allow for management of soil on-site.
- Process to request DNR concurrence and document on activity-specific soil management for specific activities that fall within the general types of activities covered by the plan.

Wis. Admin. Code § NR 718.12 Approval

This letter grants an approval to manage contaminated soil on-site under Wis. Admin. Code § NR 718.12. Approval is based on the following:

Compliance with Locational Criteria

Managing contaminated soil in the North Beneficial Reuse Area identified on Figure 2 of the On-Site Soil Reuse Plan will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c).

Managing contaminated soil in the South Beneficial Reuse Area identified on Figure 2 of the On-Site Soil Reuse Plan will meet the locational criteria listed under Wis. Admin. Code § NR 718.12(1)(c), except it is within 300 feet of a navigable stream.

- *Grant of exemption to Wis. Admin. Code § NR 718.12(1)(c)3.*

The South Beneficial Reuse Area is within 300 feet from Ditch A. Because the South Beneficial Reuse Area is on the source FTC Property, is accessible to trucks for placement of soil without causing disturbance to otherwise undisturbed areas, is separated from the ditch and other areas of the Property by a topographic high and will be seeded following placement of soil, the DNR grants an exemption to the locational criteria for placement of soil within 300 feet of any navigable stream.

Characterization of Soil to be Excavated

JCI/Tyco's March 5, 2024, Material Management Plan documents that it will characterize soil to be managed on-site according to the sampling requirements in Wis. Admin. Code § NR 718.12(1)(e). Soil samples will be analyzed for contaminants previously detected or expected to be present at the Site (PFAS and VOCs). The concentration thresholds by which soil will be acceptable for management on-site are provided in the On-Site Soil Reuse Plan.

Assessment of Risk Posed by Soil Management

The concentration thresholds for management of soil on-site comply with Wis. Admin. Code § NR 720.07, such that the proposed management of contaminated soil on-site is expected to meet the criteria of Wis. Admin. Code §§ NR 726.13(1)(b)1. to 5.

Soil Management Plan and Notice Provided Prior to Commencing Soil Management Activities

An activity-specific soil management plan, as defined by Wis. Admin. Code §§ NR 718.12(2)(b) and (c), will be provided via email to the DNR for concurrence at least 7 days prior to commencing the proposed soil management.

Other Information

- 1) Any hazardous substance discharge discovered during soil management activities must be reported to the DNR following the requirements of Wis. Admin. Code ch. NR 706.
- 2) This approval is granted under Wis. Admin. Code § NR 718.12 and applies only to the activities described in the On-Site Soil Reuse Plan (i.e., soils generated from investigation and remediation activities for the Site and other construction activities occurring on the FTC Property). Any contaminated soil or solid waste that is excavated or otherwise disturbed at the Site, not covered under this or another approval, must be managed in compliance with the

requirements of Wis. Admin. Code chs. NR 500 through NR 599. The management of contaminated soil and solid waste on a property that does not comply with these rules may be considered a hazardous substance discharge or environmental pollution and would be required to be addressed by the process outlined in Wis. Admin. Code chs. NR 700 to NR 799.

- 3) Contaminated soil management activities approved by this letter are for a period not to exceed 2 years from the date of this letter. JCI/Tyco may request extension(s) to this period of approval.
- 4) Email the DNR Project Manager an activity-specific soil management plan at least 7 days prior to commencing the proposed soil management. The email should reference to this DNR Approval and provide the following details to document that the proposed management complies with the approved On-Site Soil Reuse Plan:
 - A description of the specific activity that generated the material,
 - Quantity of material to be managed on-site,
 - Characterization results and comparison to criteria in the On-Site Soil Reuse Plan,
 - Proposed location where materials will be managed on-site, and
 - Schedule for material reuse.
- 5) Email documentation to the DNR Project Manager within 30 days of the completing the activity-specific soil management. The email should include:
 - Reference to original activity-specific soil management plan and DNR concurrence.
 - Documentation of final quantity and location where soil was managed.
 - Description and photograph of final conditions.
- 6) If JCI/Tyco needs to move soil from the on-site reuse areas approved in this letter, the soil to be moved should be characterized and handled according to JCI/Tyco's March 5, 2024, Material Management Plan.
- 7) JCI/Tyco is responsible for obtaining any local, federal or other applicable state permits to carry out the project.

If you have any questions, please me at Alyssa.Sellwood@wisconsin.gov at (608) 622-8606.

Sincerely,



Alyssa Sellwood, P.E.
Water Resources Engineer
Remediation & Redevelopment Program

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