



July 7, 2020

Mr. Jeff Danko  
Johnson Controls, Inc.  
5757 North Green Bay Ave  
Milwaukee, WI 54143

Mr. Scott Wahl  
Tyco Fire Products, LP  
One Stanton Street  
Marinette, WI 54143

Subject: DNR Notice of Intent to Incur Expenses & Expand Potable Well Sampling  
**Action Required by July 13, 2020**  
Site Investigation Deficiencies at the Fire Technology Center  
2700 Industrial Parkway, Marinette, Wisconsin  
DNR BRRTS Activity # 02-38-580694

Dear Mr. Danko and Mr. Wahl:

The Department of Natural Resources (DNR) writes this notice of intent to Johnson Controls, Inc. and Tyco Fire Products, LP (JCI/Tyco) stating the DNR's intent to take direct action to conduct the public and private potable well (hereafter "potable wells") sampling related to the Fire Technology Center (FTC) site investigation and seek cost recovery from JCI/Tyco. This notice of intent is in response to your June 1, 2020 letter stating JCI/Tyco will not perform additional potable well sampling as required by state law and as further directed by the DNR.

Therefore, by July 13, 2020, unless the DNR receives an affirmative answer confirming JCI/Tyco *will perform* the necessary response actions, DNR will perform the actions for which you are otherwise legally responsible under Wis. Stat. ch. 292 and Wis. Admin. Code chs. NR 700 - 799. As you are aware, this is the third, and final notice in writing for requesting you address potable wells in the site investigation associated with the FTC site. DNR previously required additional potable wells sampling in letters to JCI/Tyco in February and May of this year. These response actions are required of JCI/Tyco under state law and are not considered "voluntary actions" (*See State v. Chrysler Outboard Corp.*, 219 Wis. 2d 130, 170, (1998) stating "the failure to remediate, each day, could itself be a cause of a hazardous discharge within the meaning of the Spills Law").

On May 27, 2020, the DNR sent a notice of noncompliance outlining actions requiring immediate attention by JCI/Tyco to address site investigation deficiencies at the FTC located at 2700 Industrial Parkway, Marinette, Wisconsin. The FTC property is a source of per- and polyfluoroalkyl substances (PFAS) contamination in Marinette, Town of Peshtigo, and surrounding communities. The notice of non-compliance described requirements of JCI/Tyco as a responsible party to rule out consumption of PFAS-contaminated drinking water as the primary exposure pathway for PFAS within the site investigation area surrounding the FTC in accordance with Wis. Admin. Code § NR 716.13(16).

To be clear, the DNR is not proposing to incur costs to identify other sources of contamination. In correspondence with DNR, JCI/Tyco has suggested that DNR is aware of other sources of PFAS in the Marinette and Peshtigo area near the FTC, particularly in the area described by JCI/Tyco as the "southern area" south of Rader Road, north of the Little River, and between Ditch A and the Bay of Green Bay in the Town of Peshtigo. **At this time,**

**DNR is not aware of other specific sources of PFAS in the FTC site investigation area that would be impacting potable wells.** The sampling data available to DNR from this area suggests the source of PFAS contamination is associated with PFAS-containing firefighting foam.

However, if other sources exist at a response action site, it is the obligation of a responsible party to define and scope the site investigation in proximity to other sources of contamination under Wis. Admin. Code § NR 716.07(5). At other response action sites, responsible parties often readily identify other sources in site investigation activities, should they exist. If JCI/Tyco has evidence of other PFAS sources in the area of the FTC site, DNR requests JCI/Tyco to provide a detailed list of sources with contact information and relevant PFAS data analysis associated with such sources. Therefore, in your response to DNR by July 13, 2020, include a list of PFAS sources potentially associated with the FTC response action sites other than JCI/Tyco.

For any expenses incurred by DNR in taking direct action which are not recovered under Wis. Stat. § 292.11(7)(a), the DNR reserves its right to seek cost recovery under Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) when the United States Environmental Protection Agency promulgates regulation adding perfluorooctanoic acid (PFOA), perfluorooctanesulfonic acid (PFOS) or other PFAS substances as CERCLA hazardous substances under 42 U.S. Code § 9602.

If you have any questions about this notice letter, you may contact me at 608-266-0244 or at [Christine.Haag@wisconsin.gov](mailto:Christine.Haag@wisconsin.gov).

Sincerely,

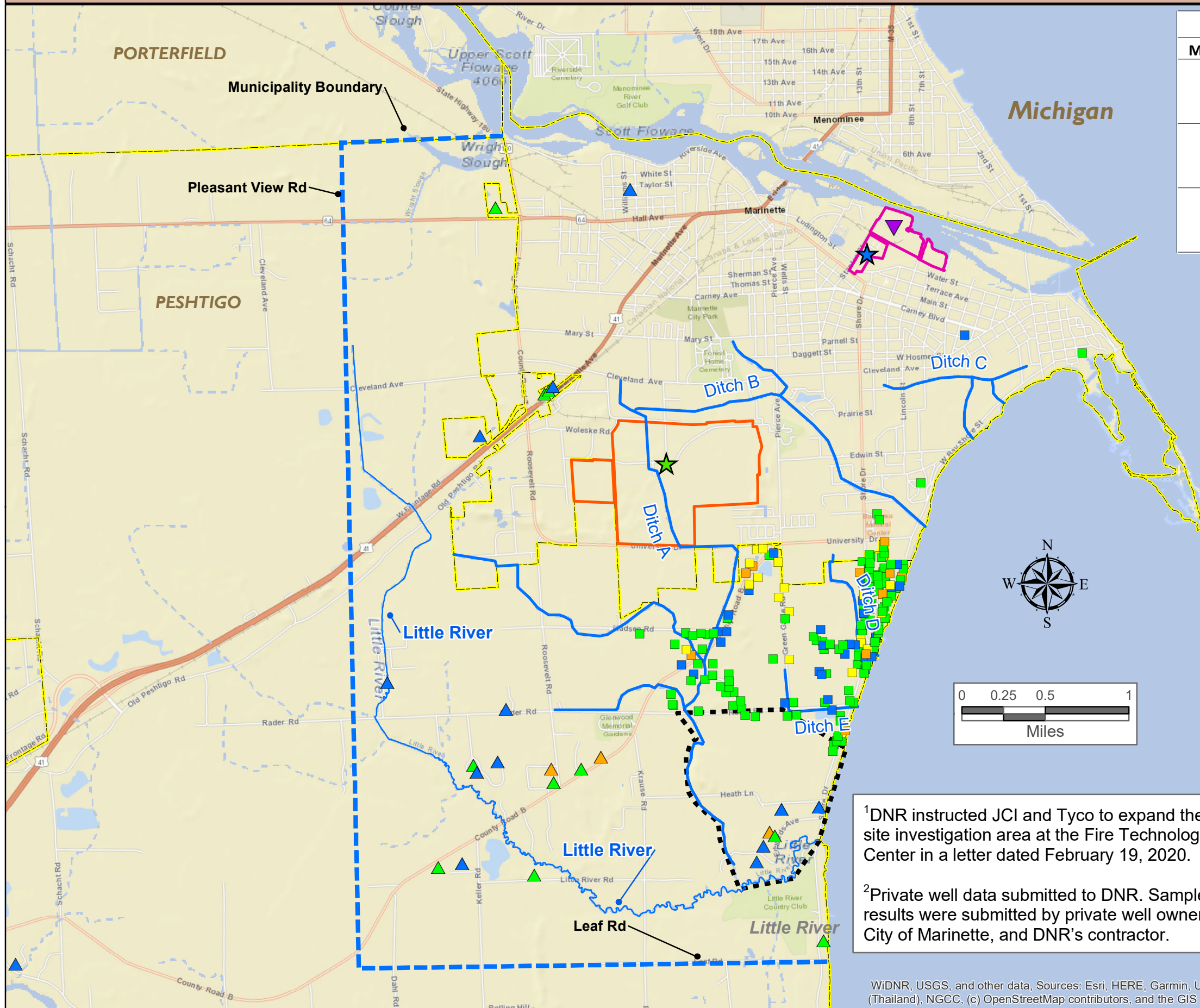


Christine Haag, Director  
Remediation and Redevelopment

cc: John Perkins, JCI  
Rick Bethel, JCI  
Tim Maciolek, JCI  
Linda Benfield, Foley & Lardner LLP  
Darsi Foss, DNR  
William J. Nelson, DNR  
Jennie Pelczar, DNR  
Dave Neste, DNR  
Roxanne N. Chronert, DNR

Enclosed: Expanded Site Investigation Area Map

# JCI/TYCO FIRE TECHNOLOGY CENTER (BRRTS #: 02-38-580694) - SITE INVESTIGATION AREA



LEGEND		
Map Symbol	Facility/Site Name - Address	BRRTS Case
★	JCI/Tyco 1 Stanton St Marinette, WI	JCI/Tyco Stanton (PFAS) Case No. 02-38-581955
★	JCI/Tyco Fire Training Center 2700 Indsutiral Parkway Marinette, WI	JCI/Tyco FTC (PFAS) Case No. 02-38-580694
▼	ChemDesign 2 Stanton St Marinette, WI	ChemDesign (PFAS) Case No. 02-38-583852

--- Expanded Site Investigation Area<sup>1</sup>  
- - - - - Approximate Extent of Southern Area  
— Ditches  
 JCI/Tyco FTC Property Boundary  
 JCI/Tyco Stanton St Property Boundary  
 Municipality Boundary

**JCI/TYCO PRIVATE WELL SAMPLING DATA**

- ND - 2 ppt PFOS/PFOA
- 2 - 20 ppt PFOS/PFOA
- 20 - 70 ppt PFOS/PFOA
- > 70 ppt PFOS/PFOA

**DNR/PRIVATE WELL OWNER SAMPLING DATA<sup>2</sup>**

- ▲ ND PFOS/PFOA
- ▲ 0 - 20 ppt PFOS/PFOA
- ▲ 20 - 70 ppt PFOS/PFOA

<sup>1</sup>DNR instructed JCI and Tyco to expand the site investigation area at the Fire Technology Center in a letter dated February 19, 2020.

<sup>2</sup>Private well data submitted to DNR. Sample results were submitted by private well owners, City of Marinette, and DNR's contractor.



WiDNR, USGS, and other data. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community