



Tyco Fire Product LP
One Stanton Street
Marinette, WI 54143

November 22, 2021

Via Email

alyssa.sellwood@wisconsin.gov

Ms. Alyssa Sellwood
Complex Sites Project Manager
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Re: Notice of Non-Compliance and DNR Response to Drinking Water
Well Sampling Summary Report – Land Applied Biosolids Area
BRRTS # 02-38-583856

Dear Ms. Sellwood:

This letter responds to your above-referenced letter dated September 14, 2021 (“September Notice”). We appreciate the opportunity we have had to discuss this letter with Department of Natural Resources (“WDNR”) staff, including our meeting on October 7, 2021. Given the complexity of the issues, we also appreciate the extension of time the WDNR provided for Tyco Fire Products LP (“Tyco”) to respond to the September Notice.¹

The September Notice requests that Tyco (1) submit a sampling plan for additional sampling of potable wells in the area where the City of Marinette publicly owned treatment works (“POTW”), and other parties, including the City of Peshtigo POTW, may have spread biosolids; (2) propose a long-term sampling plan for these wells; and (3) propose an extensive site investigation, including research to evaluate the potential environmental impacts from the spreading of biosolids by municipalities and other parties in this area. As agreed with the WDNR, this letter addresses only the first request relating to potable wells; Tyco will provide a response to the other two requests on or before December 27, 2021.

The September Notice requests that Tyco evaluate wells within a re-evaluated buffer area, as well as a step-out buffer area. Based on Tyco’s experience to date, which included multiple contacts with 345 property owners in the original area agreed with the WDNR, it took 6 months for

¹ The September Notice is addressed to Johnson Controls, Inc. and Tyco Fire Products LP. As we have informed the WDNR repeatedly, Tyco currently owns and operates the Fire Technology Center. Johnson Controls, Inc. is not the owner or operator of the business, is not the parent company of Tyco, and is not a liable party under any applicable law.

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Tyco to obtain the permissions necessary and conduct sampling at 183 properties. As the WDNR is aware, Tyco offered bottled water to 30 property owners and 24 owners accepted the offer. Tyco continues to provide bottled water to these residents. Because we understand that the WDNR's concern with respect to the private drinking water wells in this area is the potential presence of PFAS, and because the requested work will likely take several additional months, Tyco proposes a more expedient plan to address the WDNR's concerns with respect to these private drinking water wells.

Tyco will agree to extend/offer its bottled water service to the following homes identified in the September Notice:

- all homes currently receiving bottled water;
- the 62 homes in the original sample area which did not respond to the initial offer of bottled water (Tyco will offer the water again);
- the 31 homes that are within the WDNR's redefined buffer area from the September Notice;
- the 48 homes that are within the "step-out" area in the September Notice; and
- the 6 homes in the original sample area that declined the initial offer of bottled water (Tyco will offer the water again).

Tyco has been cooperative and proactive in addressing the WDNR's concerns regarding the biosolids issue, including the work it has conducted to date, and this proposal to provide bottled water to those already receiving the bottled water service and 147 additional homes addresses the requested potable well sampling plan. This proposal is not an admission of liability, or any allegation in the September Notice. Tyco's willingness to perform this work is also not an admission that the company has any legal liability as asserted in the September Notice, and Tyco reserves all rights to challenge the assertions made in the September Notice.

In our December 27 response, Tyco will complete its response to the September Notice.

Sincerely,



Jeffrey H. Danko
Director - Remediation Programs