

June 3, 2020

David Neste
Hydrogeologist, Northeast Region
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
2984 Shawano Avenue
Green Bay, Wisconsin 54313-6727

Re: Response to *Immediate Actions Required to Address Foam Accumulation on Waterways in Marinette and Peshtigo, DNR BRRTS Activity #02-38-580694 and 02-38-581955*

Dear Mr. Neste:

This letter responds to the May 27, 2020 letter referenced above that was directed to Johnson Controls, Inc. and Tyco Fire Products LP (Tyco).¹ The letter requested several actions related to foam on surface water in the City of Marinette and Town of Peshtigo. Tyco offers the following responses to these Wisconsin Department of Natural Resources (WDNR) requests.

1. Conduct Daily Inspections in Ditches A – E, the Little River, and the ditch at the southwest corner of Leaf Rd and Kraus Rd.

Tyco will continue to conduct daily inspections on Ditches B and C as per the April 27, 2020 email from Tyco to WDNR, and will begin to do daily inspections on Ditches A, D and E as soon as practicable pending access approvals and related considerations. This work will continue through July 3, 2020. However, Tyco will not conduct inspections on the Little River and the ditch at the southwest corner of Leaf and Krause Roads, as they are far outside the Tyco investigation area.

2. Implement a Foam Response Plan for Responding to Significant Foam Accumulations on Ditches A, B, C, D, and E; the Little River; and the ditch at the southwest corner of Leaf and Kraus Rds.

Tyco will continue to maintain the booms placed on Ditches B and C for foam collection pursuant to Tyco's April 27, 2020 email to WDNR, which provided information on boom placement and foam collection/sampling activities. Tyco will place similar booms on Ditches A, D and E as soon as practicable pending access approvals and related considerations. This work will continue through July 3, 2020. However, Tyco will not deploy booms on the Little River and the ditch at the southwest corner of Leaf and Krause Roads, for the reason noted in the response to item # 1 above. Also, Tyco does not agree that sampling of surface water and foam for PFAS at the time of foam inspection/removal is necessary or appropriate, and Tyco does not plan to conduct that sampling. Instead, as noted in Tyco's April 27, 2020 email to WDNR, Tyco will continue to store and test collected foam for waste characterization prior to proper disposal.

3. Sample and Analyze for 36 PFAS Compounds Using BMPs.

Tyco will continue to use best management practices (BMPs) to conduct daily inspections and collect foam on Ditches B and C, and will begin to do daily inspections and collect foam on Ditches A, D and E. This

¹ WDNR continues to mis-address its correspondence to both Tyco and Johnson Controls, Inc. notwithstanding the fact that Tyco is the owner and operator of the facilities at issue, not Johnson Controls. Therefore, I am deeming your letter to have been directed to the correct party, Tyco, and respond on Tyco's behalf.

work will continue through July 3, 2020. However, consistent with items 1 and 2 above, Tyco will not do this on the Little River and the ditch at the southwest corner of Leaf and Krause Roads, for the reason noted in the response to item # 1 above. As noted in its April 27, 2020 email to WDNR, foam will be sampled for disposal purposes. That sampling will include analysis for 36 PFAS compounds if needed for foam disposal. As noted above in the response to item #2, Tyco does not agree that sampling of surface water and foam for PFAS at the time of foam inspection/removal is necessary or appropriate, and Tyco does not plan to conduct that sampling.

4. *Additional Surface Water Sampling Due to Foam.*

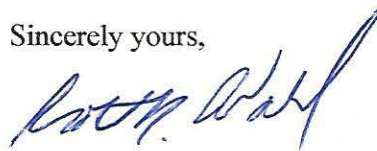
As noted in the draft March 12, 2020 schedule that Tyco sent to WDNR, Tyco plans to prepare an investigation work plan and submit that to WDNR in mid-August 2020. Tyco also plans to commence field work associated with that work plan in mid-September 2020. As previously communicated to WDNR, that sequence and timing will allow WDNR to review the Interim Site Investigation Report that Tyco submitted to WDNR on May 15, 2020, provide comments by mid-July, and then allow Tyco to consider those comments as the investigation work plan is finalized and submitted to WDNR in mid-August. Sampling of Ditch A and B water downstream of the surface water treatment systems in those ditches could be executed sooner, but such a schedule would not follow the thought process outlined in the cover letter to the March 12, 2020 schedule that Tyco provided to WDNR. In order to continue collaboration with WDNR, Tyco is willing to accelerate the planned surface water sampling event, and therefore will plan to sample ditch water downstream of the Ditch A and B treatment systems by the end of July 2020. Sampling of Ditches A and B in July will allow time for Tyco to prepare a sampling work plan specifically for this work, and will allow some time for WDNR review of same, prior to sample collection. However, Tyco does not agree that sampling of the Little River is appropriate at this time.

5. *Submit an Immediate Actions Report by July 10, 2020.*

By July 10, 2020, Tyco will provide a report on ditch inspection and foam collection actions taken as of July 3, 2020. This report will not include laboratory analytical data, as such data will not be available as of July 10, 2020.

We remain, as always, open to further discussions and collaboration. Please contact me at your earliest convenience to discuss the next steps forward.

Sincerely yours,



Scott Wahl
Senior Program Manager

Copy to: Linda Benfield, Esq.; Christine Haag; William Nelson, Esq.; Roxanne Chronert; Jennie Pelzcar; Rick Bethel; Jeff Danko; Mike Bedard; Ben Verburg