



March 17, 2021

MR. JEFFREY DANKO  
JOHNSON CONTROLS, INC  
5757 N. GREEN BAY AVENUE  
MILWAUKEE, WI 53209

MR. SCOTT WAHL  
TYCO FIRE PRODUCTS LP  
1 STANTON STREET  
MARINETTE, WI 54143

SUBJECT: Conditional Approval - Foam Monitoring Work Plan  
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette  
JCI/Tyco Stanton (PFAS), 1 Stanton Street, Marinette, WI  
BRRTS #02-38-580694 and 02-38-581955

Dear Mr. Danko and Mr. Wahl:

On January 29, 2021, the Wisconsin Department of Natural Resources (DNR) directed Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) to submit a Foam Response Plan per Wisconsin Administrative Code (Wis. Admin. Code) § NR 708.07 to address reoccurring accumulations of foam in waterways in the site investigation areas for the Stanton Street Campus (BRRTS# 02-38-581955) and the Fire Technology Center (BRRTS #02-38-580694) (the "Sites"). Both Sites are undergoing investigation for discharges of per- and polyfluoroalkyl substances (PFAS).

On February 15, 2021 the DNR received JCI/Tyco's *Fourth Quarter Foam Monitoring Interim Action Report and Work Plan for Future Foam Monitoring* (Work Plan) for the Sites, dated February 8, 2021. The report was accompanied by the appropriate fee of \$700, required under Wis. Admin. Code § NR 749.04(1), for formal DNR review and response.

The DNR approves the Work Plan if certain changes are incorporated into the document. **The DNR directs JCI/Tyco to provide a revised Work Plan by April 16, 2021, which includes the changes provided in the comments below.** The DNR requests that the Fourth Quarter Monitoring Report not be included.

**Intro:** Remove the statement that the DNR provided concurrence on ditches to be monitored. Replace with a statement that surface water locations within the extent of impacts from the Sites, and found to have foam accumulations containing PFAS, will be added to the foam monitoring program as needed.

**Waste Storage:** The containerized foam meets the definition of a solid waste under Wis. Admin. Code § NR 500.03(215). Storage of the waste in sealed and leak proof drums is allowed and will not require a license if the storage occurs on the premises where the waste is generated, and meets the performance requirements under Wis. Admin. Code § NR 502.04(1) and (3)(a) and (b), and the operation requirements under Wis. Admin. Code § NR 502.05(5). Add a statement to the Work Plan acknowledging these rules and indicate whether the exemption requirements for waste storage are met.

Take note that under Wis. Admin. Code § NR 502.05(5)(c) the containerized foam must be removed for disposal **at least once every 90 days.** Add a statement to the Work Plan regarding the disposal schedule.

**Bulk Waste Characterization:** Add a statement to the Work Plan that the containerized foam will be analyzed for 36 PFAS prior to transport from the site for disposal or other waste management (e.g., research, destruction). JCI/Tyco stated it will complete the waste characterization required by the facility accepting the waste, but it is unclear whether those requirements will include PFAS. Decisions on response actions under Wis. Admin. Code ch. NR 708 require the recovered foam to be characterized for PFAS. One sample of the composite bulk material from each container is acceptable for disposal purposes.

**Foam Characterization:** In letter dated May 27, 2020, the DNR directed JCI/Tyco to sample foam from each collection event and analyze the samples for 36 PFAS. JCI/Tyco refused to sample foam from each event, citing it was unnecessary, but offered no technical reasoning for its refusal to sample. The DNR maintains that analysis of foam samples from each collection event will improve characterization and future decision making on response actions needed at the Sites. JCI/Tyco cannot assert that the foam collected from one or more locations does not contain PFAS without sampling individual events to confirm. The lack of sampling will remain a deficiency impeding the DNR's ability to ultimately approve the site investigation. JCI/Tyco must address this deficiency either in the revised foam monitoring Work Plan or the next site investigation work plan for the Site.

**Reporting:** Incorporate the following updates to the reporting scope in the Work Plan.

- Revise text in (f) and (k) to remove items that are not relevant to the foam monitoring. The suggested edits are as follows:
  - (f) The estimated quantity and type of contamination, ~~including the thickness of free product observed or measured in wells, bore holes and excavations when applicable.~~
  - (k) An operation and maintenance plan for any engineered control or barrier employed, ~~including a cover, a groundwater barrier system, or a vapor mitigation system.~~
- Record weather conditions (precipitation, wind speed and wind direction) for days when foam is observed per Wis. Admin. Code § NR 706.05(1)(c)10. Include this in the reporting to the DNR.
- Provide an email to the DNR Project Manager within 2 days of a foam accumulation event that includes a photo of the foam and summary of the date, location, weather conditions and volume of foam recovered.
- Provide the Annual Foam Monitoring Report by February 15<sup>th</sup> each year for the prior calendar year and add recommendations based on the findings and conclusions (e.g., continue, modify, or end Work Plan).

**JCI/Tyco is directed to submit a revised Work Plan within 30 days or receipt of this letter.** If JCI/Tyco's submittal satisfies the conditions of approval listed above, then a Wis. Admin. Code ch. NR 749 fee is not required. If you have any questions about whether to include a fee with a submittal, please contact me.

The DNR appreciates your efforts to take immediate and interim actions to minimize the harmful effects of discharges of hazardous substances. If you have any questions, please contact me, the DNR Project Manager, at (608) 622-8606 or [Alyssa.Sellwood@wisconsin.gov](mailto:Alyssa.Sellwood@wisconsin.gov).

Sincerely,



Alyssa Sellwood, PE  
Complex Sites Project Manager  
Remediation & Redevelopment Program

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