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Date: June 24, 2024

Our Ref: 30203152

Subject: Response to May 8, 2024 Comments - Response to *Revised Comprehensive Alternative Water Management Plan*, Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI, BRRTS #02-38-580694

Dear Ms. Sellwood,

Per Wisconsin Department of Natural Resources (WDNR) request, and on behalf of Tyco Fire Products LP (Tyco)¹, Arcadis U.S., Inc. (Arcadis) has prepared these responses to May 8, 2024 comments made by the WDNR on the April 1, 2024 *Revised Comprehensive Alternative Water Management Plan* (Revised CAWMP) associated with the Tyco Fire Technology Center (FTC) Site in Marinette, Wisconsin.

WDNR Comments and Tyco Responses

Comment #1 Section 2.3: *states that the PWSA is “demonstrative of the total area of potential effect from Tyco operations.” The DNR does not agree that the extent of PFAS contamination along all potential migration pathways has been defined. JCI/Tyco must provide alternate water supplies to all persons whose water supply has been, or is likely to be, affected by the migration of contamination from the Site (Wis. Admin. Code § NR 708.05(4)(f)). The DNR maintains that the area where JCI/Tyco should be providing alternative safe drinking water goes beyond the boundaries of the PWSA and should be based on the findings, conclusions and areas where data gaps remain in the site investigation.*

Tyco Response to Comment #1:

Wis. Admin. Code § NR 708.05(4)(f) requires the specific immediate action of, “Providing alternate water supplies to persons whose water supply has been or is likely to be affected by the migration of contamination.”

Thousands of groundwater, surface water, soil, sediment, wastewater, and potable water samples have been collected as part of environmental site investigation (SI) activities since the inception of this program. Those results are incorporated into the existing conceptual site model (CSM) to define the horizontal and

¹ Reports associated with this Site are submitted to WDNR on behalf of Tyco Fire Products LP. The WDNR continues to address correspondence to both Tyco and Johnson Controls, Inc. (“JCI”); however, JCI is not an owner or operator of this Site and is not an appropriate “Responsible Party” under applicable law.

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vertical extent of PFAS in groundwater associated with the Site. The FTC Site Investigation Status Report² highlighted the horizontal and vertical extents of PFAS in groundwater and surface water using multiple lines of evidence. The WDNR provided comments on the FTC Site Investigation Status Report related to this topic. In response, in August 2023, Tyco submitted (a) a response to those comments, to which Tyco refers WDNR in response to this comment, and (b) an additional work plan³ to fill potential data gaps identified by WDNR. Tyco continues to implement the work detailed within the August 2023 Work Plan and subsequently added additional sampling locations as a result of the WDNR's response to the August 2023 Work Plan. To date, no data indicate any significant variance from the plume boundaries as previously established and defined that would suggest a need to expand the provision of alternative drinking water. On the contrary, the most recent groundwater data and plume extents demonstrate that Tyco is providing alternative drinking water to properties outside the area where water supplies have been or are likely to be affected by the migration of contamination related to Tyco operations. The plume contours provided in the June 3, 2024 *GETS Semiannual Monitoring Report #3* (Figure 13) show that nearly 1/3 of all potable wells within the PWSA, and subsequently the area eligible for alternative water, are outside the 2 nanogram per liter (ng/L) PFOA plus PFOS contour.

Comment #2 Section 3.2, 5.2, and 6: *as written, are unclear as to JCI/Tyco's plans for residents who currently have a POET system and choose to continue to use the POET system rather than receive a replacement well. JCI/Tyco must continue to provide alternative safe drinking water to these residents (Wis. Admin. Code § NR 708.05(4)(f)). (The DNR notes that the final CAWMP can be based on the findings and conclusions from a complete site investigation and site-specific information for each private well.)*

Tyco Response to Comment #2:

Existing POET systems will continue to be maintained under the current, applicable Revised Long-Term Potable Well Sampling Plan (RLTPWSP). This reference is intentional to reduce the frequency that the Revised CAWMP will need to be updated. The current RLTPWSP establishes maintenance and monitoring plans for each POET based on an analysis of previous sampling results. Tyco intends to provide private deep replacement wells as a proven, long-term solution that are readily available to all properties within the PWSA. Tyco will continue to reach out to the community within the PWSA to provide private deep replacement wells to those who request them.

Comment #3 Section 3.3: *discusses that JCI/Tyco is evaluating options for properties in city of Marinette that do not have connection to community water. This statement was included in the 2020 CAWMP, but the DNR is not aware of any on-going evaluations in that regard. Please provide an update on the residents in the city of Marinette that do not have access to a public water supply, if any, and what steps are being taken to provide these residents with access to safe drinking water. JCI/Tyco should be providing alternate water supplies to all persons whose water supply has been or is likely to be affected by the migration of contamination from the Site (Wis. Admin. Code § NR 708.05(4)(f)).*

Tyco Response to Comment #3:

² Site Investigation Status Report, Tyco Fire Technology Center, Marinette, Wisconsin, BRRTS No. 02-38-580694, April, 3 2023.

³ 2023 Additional Site Investigation Work Plan, Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, Wisconsin, August 24, 2023.

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Tyco is aware of two current private drinking water wells in the PWSA, located in the City of Marinette. Tyco continues to sample these wells and provide bottled water. However, under the municipal code, these properties are required to connect to the municipal drinking water system.

At the inception of the residential sampling program in 2017, Tyco initially identified five private drinking water wells within the City of Marinette. Three of these have since been abandoned: (a) two wells were on the former hospital property on the north side of University Drive and were abandoned May 23, 2022 as part of building demolition on the property; and (b) Arcadis was alerted on March 11, 2021 that the house located on 617 Alameda Street was connected to municipal water and that the former residential well was abandoned. The remaining two wells serve private residences. Under the City of Marinette Code of Ordinances Section 7.162, these properties are required to connect to municipal water. We understand that the well at 324 Elizabeth Ave may not have an immediate connection available due to the property location relative to existing water mains. We understand that the owner of the second property (2506 Redpath Drive) has refused the water line connection request from City of Marinette. In 2023, Tyco reminded this homeowner that under the municipal code, a private drinking water well cannot be installed, and therefore connection to municipal water would provide a long-term source of drinking water. Tyco offered to discuss possible ways to offset the costs of connection if connection to the City public water supply poses a financial burden, but the homeowner has not responded.

Comment #4 Section 4.1: states “This alternative would have required a change in the City Charter or annexation of the PWSA into the City of Marinette. Neither option was approved by residents of the PWSA.” This statement is not entirely accurate or reflective of the complexity of the situation. The DNR recommends updating the last sentence.

Tyco Response to Recommendation #4:

Tyco will revise and replace the statement in Section 4.1 to state, “This alternative would have required a change in City of Marinette Code of Ordinances 7.129 or annexation of the PWSA or a subset of the PWSA into the City of Marinette. The City did not indicate a willingness to change their code and following a resident-led petition effort, the residents did not obtain the required number of petition signatures in the proposed annexation area to be able to pursue the annexation process.”

Sincerely,
Arcadis U.S., Inc.



Matthew Coleman
Project Scientist

CC. D. Nelson, Tyco
S. Wahl, Tyco
S. Potter, Arcadis

Enclosures:
Revised Section 4.1

Enclosures

3.2 Point of Entry Treatment Systems

The interim POET system solution is offered to properties within the PWSA with confirmed PFAS detections above Wisconsin Department of Health Services (WDHS) current recommended groundwater standards where a Replacement Well is not feasible. Properties with private drinking water wells within the City of Marinette are not eligible for POETs as they are required by municipal code to connect to municipal water.

3.3 Connect to Existing Infrastructure

Tyco is evaluating how to proceed with connections to a permanent community water supply system for certain properties with private drinking water wells within the City of Marinette that do not currently have a water main directly adjacent to the structure.

4 Proposed Final Alternative Water Management Solution

4.1 Remedial Actions

The *Remedial Action Options Report for Long-Term Drinking Water Supply, Town of Peshtigo, Wisconsin* (RAOR) dated September 2019 includes an interim evaluation of remedial actions to provide long-term drinking water supply alternatives associated with response actions on the east side of the Town of Peshtigo along the southern border of the City of Marinette, Wisconsin, in accordance with Wisconsin Administrative Code (WAC), Chapter NR 700, where applicable. This evaluation of long-term drinking water supply alternatives was conducted to identify potentially feasible options for the residences with affected private water supply wells within the Town of Peshtigo. The evaluation identified eight drinking water supply alternatives and provided conceptual-level information for comparison of the alternatives.

Based on the evaluation of the initial eight alternatives and stakeholder feedback, five alternatives were selected for more detailed assessments. After further evaluation, the recommended long-term drinking water supply for the PWSA in the Town of Peshtigo was Alternative 1, City of Marinette Public Water System Expansion. This alternative would have required a change in City of Marinette Code of Ordinances 7.129 or annexation of the PWSA or a subset of the PWSA into the City of Marinette. The City did not indicate a willingness to change their code and following a resident-led petition effort, the residents did not obtain the required number of petition signatures in the proposed annexation area to be able to pursue the annexation process. Instead, Tyco offered Replacement Wells to all properties within the PWSA.

Private well owners within the PWSA can respond to Tyco's offer of a free Replacement Well by submitting a notarized agreement that was provided with the Replacement Well offer. Replacement Wells are being installed in accordance with the well design provided in the September 2022 PWSA Drinking Water Update (Arcadis 2022), which meets or exceeds the specifications of Wis. Adm. Code 812. Each property receiving a new well is being supplied with a high-efficiency water softener, a sediment filter, and a reverse osmosis treatment system. Each well will be tested for PFAS and secondary water quality parameters prior to and after connection to the residence. Tyco agreed to maintain each new well for a 20-year period following installation.