



August 26, 2024

MS. DENICE NELSON
JOHNSON CONTROLS, INC
5757 N. GREEN BAY AVENUE
MILWAUKEE, WI 53209

Via Email Only to denice.karen.nelson@jci.com

SUBJECT: Response to Potable Well Sampling Program Annual Summary Report
April 1, 2023 to March 31, 2024
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI
BRRTS #02-38-580694

Dear Ms. Nelson:

On July 31, 2024, the Wisconsin Department of Natural Resources (DNR) received the *Potable Well Sampling Program Annual Summary Report* for the period from April 1, 2023 to March 31, 2024 ("2024 PW Summary Report") for the above-referenced site (the "Site"). The report was submitted by Arcadis U.S., Inc. (Arcadis) on behalf of Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) and was accompanied by the fee required under Wisconsin Administrative Code (Wis. Admin. Code) § NR 749.04(1) for DNR review and response.

In this letter, the DNR provides a review of 2024 PW Summary Report, identifies items to address in future reporting and requests that, moving forward, JCI/Tyco include the sampling results with the semi-annual updates to the sampling plan, rather than as a separate annual report. The DNR also requests that a point of entry treatment (POET) system be offered, at least temporarily, to private well WS-035.

Background

JCI/Tyco is investigating and responding to the discharge of per- and polyfluoroalkyl substances (PFAS) to the environment at the JCI/Tyco Fire Technology Center (FTC), located at 2700 Industrial Parkway South in Marinette, Wisconsin.

PFAS from the FTC have impacted private drinking water wells (i.e., potable wells) in the area. JCI/Tyco currently tests and provides alternative drinking water to residents in the Potable Wells Sampling Area (PWSA). The PWSA is depicted on Figure 2 in the 2024 PW Summary Report.

JCI/Tyco has sampled 173 private drinking wells and installed 47 POET systems in the PWSA since December 2017. Currently, JCI/Tyco tests private wells in the PWSA for PFAS and maintains active POET systems according to the Potable Wells Long-Term Sampling Plan (the "PW Sampling Plan"), which is updated semi-annually. The most recent update to the PW Sampling Plan was received on Apr. 17, 2024.

Deep Wells

In 2022, JCI/Tyco began offering residents in the PWSA an option to replace their existing private well (and remove their existing POET, if applicable) with a new deep well. Properties in the PWSA that

receive a new deep well are moved off the PW Sampling Plan and onto a monitoring program specific to the new deep wells, which is reported under separate cover. The original wells in the PWSA that have been replaced, or are scheduled to be replaced, by a new deep well are identified in Tables 1 and 2 of the 2024 PW Summary Report.

2024 PW Summary Report

The 2024 PW Summary Report is the fifth-annual report for the PWSA; it documents the PFAS results from private wells and POET systems tested between April 1, 2023, and March 31, 2024, and documents the private wells replaced by deep wells and POET systems removed through July 15, 2024. The 2024 PW Summary Report includes the following:

- Table 1: List of the 126 private wells (without POET Systems) currently, or previously, in the PW Sampling Plan, total number of samples collected to date, the relative level of PFAS detected in each well and the status of whether a deep well has replaced or is planned to replace the well. (Twenty new deep wells to replace an original well are identified in the table.)
- Table 2: List of 47 private wells that have, or previously had, a POET system, the relative level of PFAS detected in each well and the status of whether a deep well has replaced or is planned to replace the current well-POET system. (As of July 15, 2024, a total of 18 POET systems have been removed, 17 because of a new deep well and one at the request of the owner.)
- Table 3: Summary of the PFAS analyte list and the current Wisconsin Department of Health Services' (DHS) recommendations for PFAS in groundwater and the U.S. Environmental Protection Agency's Maximum Contaminant Levels (MCLs) for PFAS in public drinking water.
- Table 4: Summary of the PFAS testing results for each private well and/or POET system tested in the reporting period. This included 31 private wells and 25 private wells with POET systems.
- Figures 3, 4 and 5: Figures with wells currently, or previously, in PW Sampling Plan that identify which wells have/had a POET and which wells have been replaced with a new deep well. The figures are separated based on depth; Figure 3 presents shallow wells (< 37 feet), Figure 4 presents the deeper wells (> 37 feet) and Figure 5 presents the are wells where depth is unknown.

The results reported in the 2024 PW Summary Report were consistent with previous sampling results.

DNR Review

The DNR has the following review comments on the 2024 PW Summary Report.

- Having status of deep wells installation summarized in Table 1 and Table 2 and the figures is very helpful. Please continue with this in future reporting.
- In future reporting, please update the "Category" column in Tables 1 and Table 2 to reflect a comparison to the MCLs for PFAS that have been added to Table 3. For example, during this reporting period, the concentration of perfluorooctanoic acid (PFOA) was greater than its MCL of 4 parts per trillion (ppt) in private wells WS-046, WS-087, WS-100 and WS-102, but the "Category" for these wells had not been updated to "> T3". While it is understood that many of these private wells will be replaced with a new deep well, the category in Table 1 and Table 2 for the original well should reflect the values included in Table 3.
- In future reporting, please summarize and explain any deviations from the PW Sampling Plan. For example, in this 2024 PW Summary Report, results are reported for samples collected from

private wells WS-049 and WS-057, but not from the effluent of their respective POET systems. It was unclear in the report as to why the POET systems were not sampled.

- When PFAS are detected in the effluent sample collected from of a POET system, please identify if the POET system was moved to a more frequent change out of the granular activated carbon per the PW Sampling Plan. For example, PFAS were detected in the effluent of the POET systems installed at private wells WS-025 and WS-121A during this reporting period. What updates to the POET system maintenance plan were made based on these detections?
- In the executive summary and Section 2.2, JCI/Tyco notes that POET systems are not offered to people in the city of Marinette who are on a private well because they are required to hook up to municipal water. It has come to the DNR's attention that private well WS-035 is located in the city of Marinette, but the property remains on private water because it is not currently feasible to connect the property to the city's water main (i.e., currently, they are *not required* to hook up to municipal water). While a long-term engineering solution is evaluated for the city's water main in this area, private well WS-035 should be offered a POET system to address the PFAS that have been detected in this private well.

Next Steps

Moving forward, the DNR requests that JCI/Tyco merge the summary of the PFAS testing results with the semi-annual updates to the PW Sampling Plan, and that it discontinues submitting a separate annual PW Summary Report. This approach will reduce the number of reports, provide more timely delivery of available PFAS data and connect the data to decision making for updates to the plan (Wis. Admin. Code § NR 716.17(1)).

Please proceed as follows:

- In October and April of each year, submit an update for private well sampling in the PWSA that includes the PFAS testing results since the last report and identifies any updates to the sampling plan.
- Address the comments noted above in the DNR's Review in the report due October 2024.

As a reminder, this Site is subject to an enforcement action and therefore all submittals to the DNR under Wis. Admin. Code chs. NR 700-799 and submittals directed by the DNR must be accompanied by an Wis. Admin. Code ch. NR 749 fee per Wis. Stat. § 292.94. These fees are not pro-ratable or refundable per Wis. Admin. Code § NR 749.04(1). If you have any questions about whether to include a fee with a submittal, please contact DNR staff prior to submitting a document without a fee.

If you have any questions, please contact me at Alyssa.Sellwood@wisconsin.gov or (608) 622-8606.

Sincerely,



Alyssa Sellwood, PE
Water Resources Engineer
Remediation & Redevelopment Program

cc: Jodie Thistle, DNR (via email: Jodie.Thistle@wisconsin.gov)