

March 21, 2018

Mr. Conor Neal
Geologist
Land & Chemicals Division
US Environmental Protection Agency
77 West Jackson Blvd
Chicago, IL 60604-3590

Subject: Clarification to Response for Request to Remove Institutional Controls in the Menominee River
Administrative Order on Consent (February 26, 2009)
Tyco Fire Products LP
Stanton Street Facility
Marinette, Wisconsin
WID 006 125 215

Dear Mr. Neal:

Tyco Fire Products LP (Tyco) is in receipt of your March 15, 2018 response to Tyco's request to remove the Institutional Controls in the Menominee River as required by the Administrative Order on Consent (AOC), dated February 26, 2009, between Tyco and the United States Environmental Protection Agency (USEPA). Based on the USEPA response and our March 19, 2018 telephone conversation regarding the response, the following is presented to clarify and confirm understanding the existing institutional controls, performed remedy requirements and future activities associated with the Menominee River area.

As prescribed in the AOC, institutional controls have been implemented at the site. The institutional controls include an enforceable deed restriction on the property and restriction of dredging, trenching, digging and anchoring within an area containing arsenic concentrations greater than or equal to 50 parts per million (ppm) in the Menominee River. An ordinance remains in place restricting the dredging, trenching, digging, and anchoring in the area with signs posted along the shoreline denoting the restriction even though remedial actions removing soft sediments and semi-consolidated material to the final remedial action objective (RAO) of 20 ppm has been completed. Residual arsenic concentrations remain in some of the glacial till materials, which are specifically excluded from removal requirements in the AOC. As part of the May 19, 2014 Great Lakes Legacy Act Project Agreement between Tyco and the USEPA, a sand cover was placed over exposed glacial till within the constraints stipulated by the U.S. Coast Guard for a navigations channel. It is important that the sand cover is appropriately distinguished from a sand cap for this remedy. The sand cover was proposed to provide for immediate achievement of the RAO within the area with future natural sediment accumulation over the area. The requirement included placement of the cover in the designated areas and

confirmation of placement, through sediment sampling, to specifications; future sampling, maintenance and long-term "operation" of the sand cover is not required.

Consistent with the April 23, 2014 Agreement on Resolution on 2013 5-Year Review Technical Issues (AOR), an Barrier Wall Groundwater Monitoring Plan Update (BWGMPU) was prepared and submitted to the USEPA on June 30, 2014 as required. The BWGMPU was subsequently reviewed, modified and approved by the USEPA. The BWGMPU includes a sediment sampling approach for monitoring sediment quality following completion of the sediment removal project and subsequent Great Lakes Legacy Act project and essentially fulfills the Enhanced Monitored Natural Recovery component referenced in the USEPA correspondence. This sampling approach includes the sampling of post-dredging accumulated soft sediments at designated locations within the Menominee River; the sampling of the sand cover and glacial till is not a component of the sediment sampling program nor is there future sampling planned. At the time, implementation of the approved sediment sampling program is only required to be completed in support of the 2018 and 2023 5-year technical review reports as which time Tyco may propose modification of future sampling components.

It is understood that should arsenic impacts be identified following the accumulated soft sediment sampling, an assessment of potential evaluation or corrective actions may be necessary. In the meantime, agrees to leave in place the institutional controls in the Menominee River per EPA's request at least until the 2018 sediment sampling is complete and associated data supports removal of the institutional controls.

I trust the information provided herein is consistent with USEPA's interpretation of the project agreements and the intent of the USEPA March 15, 2018 correspondence. Should you have any questions, require additional information, or USEPA's understanding differs from that presented above, please contact me at your earliest convenience.

Sincerely,



Jeffrey Danko
Environmental Geologist
Tyco Fire Products

cc: Joseph Janeczek – Johnson Controls Inc.
Rich Mator – Johnson Controls Inc.
Ryan Suennen – Tyco Fire Protection
Angela Carey – Wisconsin Department of Natural Resources