



February 5, 2018

Peter Tomasi
77 East Wisconsin Avenue
Milwaukee WI 53202-5306

Subject: Submittal of Notification and Site Investigation Information - Wis. Admin. Code chs. NR 700-754 – Tyco Fire Technology Center Site, BRRTS #02-38-580694

Dear Mr. Tomasi:

On behalf of Johnson Controls Inc. (JCI), you requested that the Department of Natural Resources (the Department) clarify how reports, data and other submittals generated as part of the site investigation are to be transmitted to the Department. As we discussed, there are provisions throughout Wis. Admin. Code ch. NR 700 - 754 that clarify how and what information is to be provided to the Department. This requires, in many cases, submittal of documents in electronic and paper format. The Department has developed “Guidance for Submitting Documents to the Remediation and Redevelopment Program” (RR-690).

One of the specific questions you asked was with regard to private well data and the confidentiality of that information once received by the Department. The “confidentiality of information” provisions for the submittal of NR 700-related data are found in Wis. Admin. Code § NR 700.05. In order to maintain any of the information that JCI has or will submit to the Department as confidential, JCI would need to request that that specific information be kept confidential and provide sufficient information to the Department to make such a determination, in accordance with that provision.

Otherwise, the Department is offering this accommodation to JCI:

- **Off-site sampling data and notifications:** Information from off-site locations submitted to satisfy either Wis. Admin. Code §§ NR 706.05 and 716.14 shall be submitted in accordance with the code. This information should be provided to the Department in both electronic and paper format. This includes, but is not limited to:
 - Location of the discharge including street address, county, town, city or village, if appropriate, quarter-quarter section, township, range, geographic position obtained in accordance with the requirements of s. NR 716.15 (5) (d), and legal description of lot, if located in a platted area, as well as the Wisconsin unique well number (WUWN) for drinking water wells.
 - The responsible party shall report all sampling results to the Department, including copies of the private well testing results. The information contained in those reports and submittals is not confidential, unless confidentiality is granted under Wis. Admin. Code § NR 700.05. These submittals (e.g., notification letters to property owners) should not be redacted by the responsible party.

This specific information will be part of the site file but not posted to BRRTS on the web (BOTW). However, this information is subject to any open records request. The Department reserves the right to make this information available on BOTW in the future, if there is legal or there are public purpose reasons to do so.

As JCI has done in the recent past, they are also encouraged to send the *private well sample summary tables* to the Department. Those summary tables may be submitted in two different versions:

BOTW (available online to the public):

We request the following information be included in the summary tables for posting on BOTW: property address, parcel number, WUWN if available, well depth, sample id, sample date, and sample results.

BRRTs (official site file; not available on line; available via open records request):

We request the following information be included in the summary tables for inclusion in the department's BRRTs database/official site file: name of property owner, property address, parcel number, WUWN if available, well depth with source of information regarding the well depth, whether the parcel owner has accepted bottled water, whether a point of entry treatment system has been installed, sample id, sample date, and sample results.

- **Submittal of other NR 716 site investigation information and/or reports:** Other submittals and information required by Wis. Admin. Code ch. NR 716 should be submitted in accordance with the provisions of that chapter. Submittals of maps, figures, tables, and reports (interim or final) should contain information for each property within or partially within the "contaminated site boundaries", as defined in Wis. Admin. Code § NR 700.03(6m), including addresses, parcel identification numbers for each property, and geographic position. This would include maps which contain appropriate features required by Wis. Admin. Code ch. NR 716, along with the parcel numbers, addresses of samples taken, and other information.
- **Documentation of Immediate and Interim Actions:** JFI shall document all immediate and interim actions taken to address the contaminated private water supply wells in compliance with Wis. Admin. Code ch. NR 708. Interim actions include the installation of household point of entry treatment systems. JCI should be aware of the various submittal timeframes in the code.

Information already submitted to the Department by JCI that does not meet the submittal requirements in Wis. Admin. Code chs. NR 700-754 should be resubmitted in conformance with these requirements. This would include providing the Department with figures and maps that specify the addresses, parcel numbers and geographic positions of the properties within the contaminated site boundaries, as well as providing copies of the private water supply results sent to property owners, including names and addresses of the wells sampled.

We hope this helps clarify the information that should be submitted to the Department, in what format, and how the Department will manage those public records. We look forward to working with you on resolving the issues at this project.

Sincerely,



Stephen M. Ales, P.E.
Field Operations Director
Remediation and Redevelopment Program

Cc:

Mark Herman, DNR
Roxanne Chronert, DNR
Dave Neste, DNR
DNR Site File