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CLIENT/MATTER NUMBER
046298-0499

May 28, 2025

Via Email

Cheryl W. Heilman
General Counsel
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

RE: Tyco Fire Products, LP
Updated Health Guidelines for PFAS in Drinking Water
BRRTS 02-38-583856

Dear Cheryl:

In a letter to Tyco dated April 3, 2025 (copy attached), the Wisconsin Department of Natural Resources (WDNR) noted that the Wisconsin Department of Health Services (DHS) had updated its drinking water advisory for per- and polyfluoroalkyl substances (PFAS) in drinking water. The WDNR letter noted that "[d]rinking water advisories may be issued for private wells when a contaminant level meets or exceeds a DHS health advisory level or the hazard index is equal to or greater than 1.0." The letter concluded by asking Tyco to use the current DHS guidelines for several purposes.

Specifically, the WDNR requested that for wells in the Marinette-Peshtigo area that were sampled and had PFAS concentrations that "meet or exceed any of DHS's current health advisory levels or have a hazard index equal to or greater than 1.0," Tyco should (1) offer to provide an alternative supply of drinking water, and (2) take other actions for properties in the PWSA.

Tyco will address WDNR's comments with respect to the PWSA under separate cover.

With respect to the biosolids area, Tyco currently provides bottled water to over 100 properties. Bottled water services began in 2020, without regard to whether those homes have actually been affected by biosolids from the City of Marinette, and Tyco will continue this service. However, Tyco's position with respect to additional work in the biosolids area is unchanged from their letter dated February 16, 2023 (copy attached). The Marinette POTW

ceased land application of biosolids in 2018. Since that time, and continuing to date, the WDNR has permitted and allowed continued biosolids application in this area from industrial and municipal sources commonly known to be sources of or impacted by PFAS. There continue to be no applicable federal or state standards related to PFAS from biosolids. Moreover, with respect to the request to inform residents of the health advisory levels and the updated DHS hazard index, those guidance standards are not promulgated, enforceable standards.[1]

Tyco respectfully declines to conduct additional work, including new communications regarding the DHS health advisories or the updated DHS hazard index equation, in the biosolids area.

Sincerely,

Linda E. Benfield

Enclosures

[1] In fact, EPA has announced plans to rescind its novel hazard index for PFAS in drinking water. https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos).

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Karen Hyun, Ph.D., Secretary
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April 3, 2025

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

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

SUBJECT: Updated Health Guidelines for PFAS in Drinking Water
Request to Evaluate Private Well Test Results and Offer Alternative Water
BRRTS Nos. 02-38-580694 and 02-38-583856

Dear Ms. Nelson:

In February 2025, the Wisconsin Department of Health Services (DHS) updated its health-based guidelines for per- and polyfluoroalkyl substances (PFAS) in drinking water and provided the Wisconsin Department of Natural Resources (DNR) with the Cycle 12 recommended groundwater standards for six PFAS.

Drinking water advisories may be issued for private wells when a contaminant level meets or exceeds a DHS health advisory level or the hazard index is equal to or greater than 1.0. The DHS's current health advisory levels for 18 PFAS compounds and its updated hazard index equation for PFAS are attached.

Please use the DHS's current guidelines when reporting PFAS results to private well users. Also, please review the PFAS testing results for private wells that Johnson Controls, Inc. and Tyco Fire Products LP (JCI/Tyco) has sampled in the Marinette-Peshtigo area and identify locations where PFAS concentrations meet or exceed any of DHS's current health advisory levels or have a hazard index equal to or greater than 1.0. For these locations:

- If the property is not receiving alternative drinking water from JCI/Tyco, please contact the property owner to explain the change in the evaluation for their well and offer to provide them with an alternative supply of drinking water.
- If the property is in the Potable Wells Sampling Area (PWSA) and they do not have a point-of-entry treatment (POET) system or they have not signed an agreement to receive a new deep well, please contact the property owner to explain the change in the evaluation for their well and offer to provide a POET or new deep well.

Please submit documentation for each BRRTS case within 60 days of date of this letter that summarizes the findings of the data evaluation, outreach made to applicable property owners and outcome for providing alternative water to these properties. Prior to outreach with affected properties, we request that JCI/Tyco share its outreach communication template(s) with the DNR, to establish concurrence on messaging.

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

Sincerely,

Alyssa Sellwood

Alyssa Sellwood, PE
Water Resources Engineer
Remediation & Redevelopment Program

Attachment: DHS Recommended PFAS Health Advisories and Hazard Index Equation

cc: Jodie Thistle & Kyle Burton - DNR (via email: jodie.thistle@wisconsin.gov; kyle.burton@wisconsin.gov)

Table 1. DHS Recommended PFAS Enforcement Standards and Health Advisories from Cycle 11 (2020) and Cycle 12 (2025).

PFAS Compound	Cycle 11	Cycle 12
PFOA	20	4[ii]
PFOS		4[ii]
NEtFOSE		(4)[iii]
NEtFOSAA		(4)[iii]
NEtFOSA		(4)[iii]
FOSA		(4)[iii]
PFBS	450,000	2,000
PFBA	10,000	10,000
PFDA	300	300
PFDoA	500	500
PFHxS	40	10
PFHxA	150,000	150,000
PFNA	30	10
PFODA	400,000	400,000
PFTeA	10,000	10,000
PFUnA	3,000	3,000
HFPO-DA[i]	300	10
DONA	3,000	3,000

Values are shown in nanograms per liter (ng/L).

[i] GenX is the trade name for HFPO-DA.

[ii] Cycle 12 PFOA and PFOS recommendations apply individually and no longer include the four precursor compounds. These recommendations are not included as part of the updated DHS PFAS Hazard Index.

[iii] DHS established individual health advisories for the four precursor PFAS, which are based on the maximum contaminant level for PFOA.

Highlighted rows indicate the PFAS that DHS reviewed as part of the Cycle 12 groundwater standard process.

DHS' 2025 PFAS Hazard Index Equation

$$\text{Hazard Index} = HQ_{HFPO-DA} + HQ_{PFBS} + HQ_{PFHxS} + HQ_{PFNA} + HQ_{DONA} + HQ_{PFBA} + HQ_{PFDA} + HQ_{PFDoA} + HQ_{PFHxA} + HQ_{PFODA} + HQ_{PFTeA} + HQ_{PFUnA}$$

Where:

$$HQ = \frac{PFAS_x \text{ Concentration}}{PFAS_x \text{ Health Guideline}}$$

Note: Table 1 and the 2025 Hazard Index Equation provided to the DNR from the DHS on February 19, 2025.

Tyco Fire Product LP
One Stanton Street
Marinette, WI 54143

February 16, 2023

Via Email
Alyssa.Sellwood@wisconsin.gov

Alyssa Sellwood, PE
Complex Sites Project Manager
Remediation & Redevelopment Program
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707-7921

Re: Tyco (Biosolids)
BRRTS # 02-38-583856

Dear Ms. Sellwood:

As you know, Tyco Fire Products LP has partnered with the Wisconsin Department of Natural Resources (WDNR) to assess, evaluate and address potential impacts in the Marinette area from historic Fire Training Center (FTC) operations. Among its many efforts, Tyco has sought to study and understand the potential impact of biosolids in that part of the WDNR-designated "biosolids area" that may have relevance to Tyco's historic activities at the FTC. Specifically, under a workplan approved by the WDNR, Tyco has been attempting to develop scientific data to understand what, if any, impact biosolids spread by the City of Marinette prior to 2018 (at which point the City of Marinette no longer land-applied biosolids) may have had in the area. It has become clear, however, that other entities commonly known to be sources of or impacted by PFAS, under permit by the WDNR, continue to apply biosolids to the biosolids area, compromising the research Tyco was to undertake.

To remind of important history here, Tyco ceased industrial discharges to the City of Marinette wastewater treatment plan from the FTC in 2019 and invested in expansive efforts first to capture and truck wastewater out of state to a facility specially licensed to treat for PFAS. Then, Tyco invested $11M to build a state-of-the-art Advanced Research and Testing facility inclusive of a best-in-class water treatment system. Unfortunately, other entities have continued to discharge PFAS and are still discharging PFAS to this day.

Coming back to Tyco's biosolids research workplan for the biosolids area, Tyco obtained several datasets via public records requests made to the WDNR and other public entities. These documents detail permitted land applications of biosolids in Marinette and Oconto Counties. The documents bring to light facts about the WDNR's biosolids program that, together with other concerns detailed below, necessitate a pause in the research being undertaken by Tyco in the biosolids area.

Specifically, the documents make clear that WDNR has allowed biosolids application to continue from industrial and municipal sources commonly known to be sources of or impacted by PFAS. It appears that the WDNR has not required testing for PFAS nor has it enforced a limit on PFAS concentrations in the waste materials from some or all of these sources.

The quantities at issue here are vast. In crop year 2022 alone, some two million gallons were applied pursuant to WDNR permits in Marinette County. Fully 87% of these waste materials came from industrial sources (with 31% from paper manufacturing) and 13% from municipal sources.

The WDNR's practice in this regard is concerning and seems to contradict the WDNR's public statements that PFAS in biosolids is a matter of public concern. Further, these actions undermine the scientific basis of the research Tyco was to conduct since it is impossible to isolate impacts, if any, from historic landspreading by the City of Marinette when application directly on and near the fields that were supposed to be studied by Tyco (see attached figure) has continued.

Another reason necessitating a pause in Tyco's research is the landowners' response (or lack thereof) to Tyco's inquiries to them related to the research. The landowners' reaction and direct communication to Tyco and the WDNR makes clear they are concerned with potential testing on their property. Even if the WDNR conveys that it will exercise enforcement discretion with regard to these landowners, that assurance will fall well short of what likely would be necessary to address landowner concerns. For example, the WDNR cannot ensure that the landowners would not now or in the future be found by a regulatory agency or a court to be "responsible parties" under the Spill Statute or other state or federal laws that may be or become applicable. Additionally, the WDNR also cannot address other potential commitments that the landowners may have that could require reporting or other action if the landowners give permission for testing. And the lack of any state or federal standards to give context to sampling results would leave the landowners without guidance for the continued use of their property.

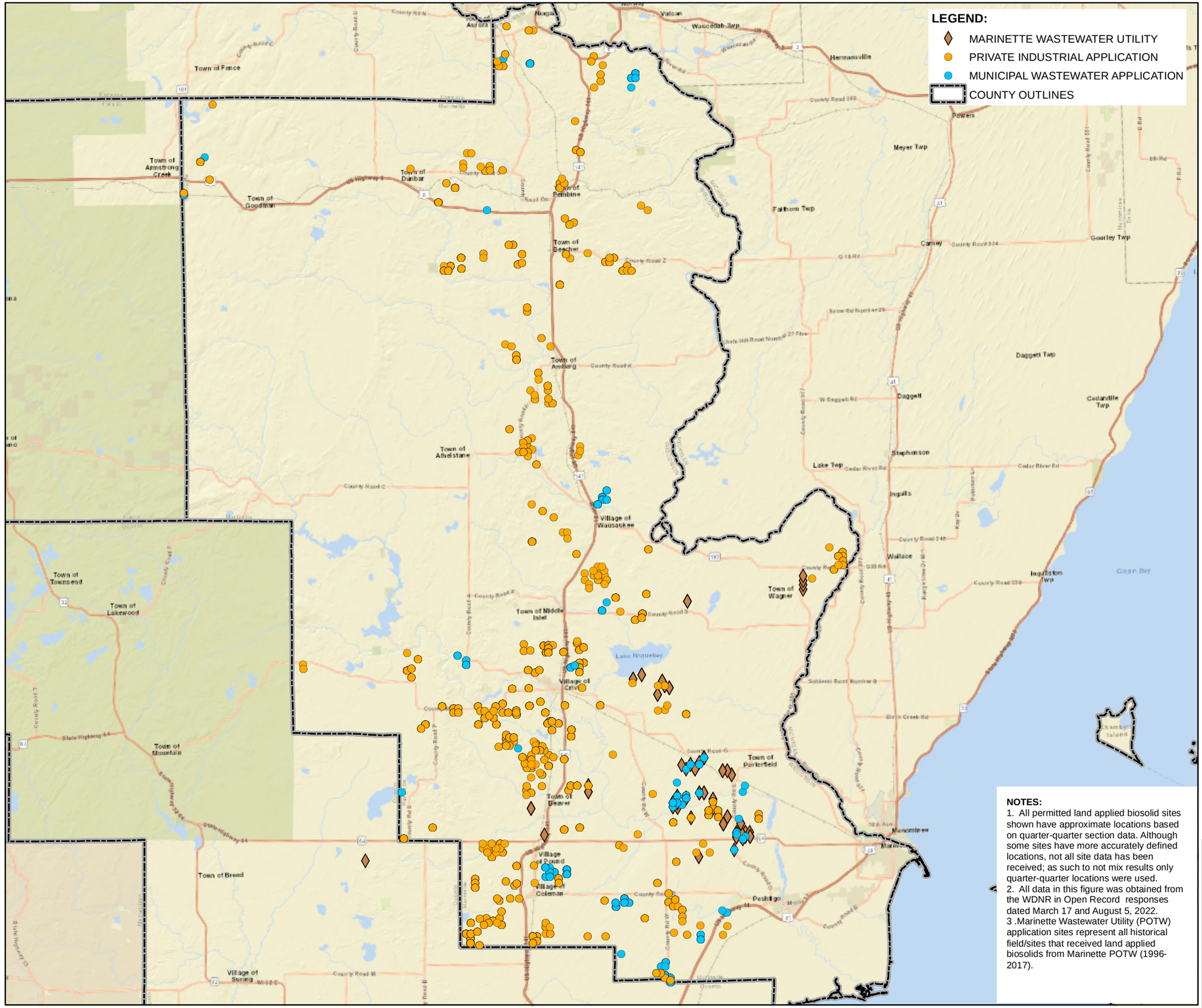
In summary, the continuous introduction of PFAS-containing biosolids into the environment in the biosolids area makes it impossible to understand if there might have been an adverse effect from historic biosolids application associated with the City of Marinette. For this reason and in light of the concerns expressed by landowners, compounded by the lack of any federal or state standards related to PFAS from biosolids, Tyco respectfully must pause work under the biosolids work plan. Tyco has been providing bottled water to over 100 homes in this area, without regard to whether those homes have actually been affected by biosolids from the City of Marinette. Tyco will continue this service.

We are, as always, available at your convenience to discuss this important matter. And we of course look forward to your continued support of the many actions Tyco is taking to stop PFAS from the FTC at its source and to deliver long-term, good drinking water to our neighbors.

Sincerely,

Denice K. Nelson
Senior Director – Remediation & Strategy

Enc. Figure 1. WDNR Permitted Biosolids Landspreading Applications



PRIVATE INDUSTRIAL APPLICATION

- A & B SEPTIC SERVICE
- AFFORDABLE PLUMBING & SEPTICS LLC
- BAT PUMPING & SEPTIC SERVICE
- FIBREK
- GOODMEN PLUMBING & HEATING, LLC
- HARDING SEPTIC LLC
- JIM'S SEPTIC PUMPING SERVICE
- KLEIMAN INC
- MARK'S SEPTIC SERVICE
- NORTHLAND MISSION INC WWTF
- OLECK PUMPING
- OLECK SERVICES LLC
- PAUL'S PORTABLE TOILETS, LLC
- QUALITY PLUMBING & HEATING
- ROCHON PLUMBING & HEATING INC
- SAPUTO CHEESE USA INC LENA
- SENECA FOODS CORPORATION COLEMAN
- ST PAPER LLC
- SUPERIOR SEPTIC
- VERSO QUINNESEC LLC
- WI DNR THUNDER RIVER REARING STATION

MUNICIPAL WASTEWATER APPLICATION

- BRAZEAU SD 1 WASTEWATER TREATMENT FACILITY
- COLEMAN WASTEWATER TREATMENT FACILITY
- CRIVITZ WASTEWATER TREATMENT FACILITY
- GOODMAN SANITARY DISTRICT NO 1 WWTF
- IRON MOUNTAIN KINGSFORD JOINT SEWAGE BOARD
- NIAGARA WASTEWATER TREATMENT FACILITY
- NORWAY WASTEWATER TREATMENT FACILITY
- PESHTIGO WASTEWATER TREATMENT FACILITY
- SUAMICO SEWAGE COLLECTION SYSTEM
- WAUSAUKEE WASTEWATER TREATMENT FACILITY

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N

0 2.5 5 Miles

GRAPHIC SCALE IN MILES

NOTES:

1. All permitted land applied biosolid sites shown have approximate locations based on quarter-quarter section data. Although some sites have more accurately defined locations, not all site data has been received; as such to not mix results only quarter-quarter locations were used.
2. All data in this figure was obtained from the WDNR in Open Record responses dated March 17 and August 5, 2022.
3 .Marinette Wastewater Utility (POTW) application sites represent all historical field/sites that received land applied biosolids from Marinette POTW (1996-2017).

MARINETTE AND OCONTO COUNTIES, WISCONSIN

WDNR PERMITTED BIOSOLIDS LANDSPREADING APPLICATIONS

ARCADIS

FIGURE 1

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