



Wisconsin Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

February 22, 2022

Subject: WDNR BBRTS 02-38-580694 JCI/Tyco FTC (PFAS)
Ref: JCI/Tyco Refusal to Sample Private Wells in ESIA

To the Wisconsin Department of Justice,

We recognize the WDNR's May 2019 referral of Tyco/JCI to the Department of Justice in regard to Tyco/JCI's failure to report the release of PFAS in 2013 and do understand the confidential nature of an ongoing investigation. In light of Tyco/JCI's December 23, 2021 refusal to sample private wells in the Expanded Site Investigation Area in the Town of Peshtigo, we would like to highlight our support for corporate accountability and responsible party clean water provision for residents. In the December 2021 letter, Tyco/JCI acknowledges that the DNR has requested that Tyco/JCI take over all testing of potable wells AND provision of alternate water in the ESIA (by January 31st, 2022), submit a potable well long-term monitoring plan in the ESIA (by January 1st, 2022), and submit a site investigation work plan that addresses the DNR's October comments (by January).

While Tyco/JCI claims there is not data to support their designation as the Responsible Party for the ESIA, they have also refused to utilize the testing methods and protocols laid out by the DNR to provide said data. At a July 30th, 2021 Town of Peshtigo meeting with Tyco/JCI representatives Katie McGinty and Mary Gade (WDNR representatives Christine Haag and Kyle Burton also present), Tyco/JCI acknowledged that the WDNR has final enforcement authority to determine where Tyco/JCI is deemed the Responsible Party.

In February of 2020, the DNR first directed Tyco/JCI to expand their site investigation area to include the full ESIA. In the Fall 2020, in the wake of refused action by Tyco/JCI and in the interest of public health, the DNR sent well survey packets to 576 landowners in the ESIA to initiate potable well sampling and provision of clean drinking water to residents with wells over the Health Advisory Limit. As of January 25, 2022, almost two years since the DNR first directed Tyco/JCI to expand their investigation to include the ESIA, the DNR has clearly identified Tyco/JCI as the Responsible Party for the full Expanded Site Investigation Area in the Town of Peshtigo and Tyco/JCI continues to refuse compliance (or in the words of their letter, they 'respectfully decline').

We would like to ask for any possible DOJ support in order for the DNR to hold their final enforcement authority to the fullest extent possible (as recognized by even Tyco/JCI themselves) to hold Tyco/JCI responsible for potable well sampling and water provision in the ESIA, as well as any resulting expansion of the plume of contamination.

Respectfully,
The Town of Peshtigo Board of Supervisors