



TOP News on Water: October, 2022

Committee Mission: *"To achieve a permanent safe drinking water solution, within the current site investigation area in the Town of Peshtigo, at the expense of the identified responsible party."*

SEPTEMBER, 2022

9/1: Per the direction of Governor Evers, the WDNR has reinitiated the rule making process for PFAS protection in GROUND WATER! This is a lengthy process but a very NECESSARY one for the safety and wellbeing of all Town residents within the plume on private ground water drinking wells.

10/26: DNR LISTENING SESSION

In-Person

Northeast Wisconsin Technical College

1601 University Drive, Marinette, WI 54143

Room MN 101/102 (Enter at Door #21 closest to Green Gable Road from Parking Lot A).

Virtual Option: [Zoom video conferencing](#), Meeting ID #822 9180 9472\

By Phone: Dial 312-626-6799, Meeting ID #822 9180 9472

OPTIONS

UTILITY DISTRICT: *Town Board (permanent safe water for ALL, NOT at taxpayer expense)*

- **\$1.67 million Pre-development funding** earmarked appropriations through Senator Baldwin (final approval year end 2022). Pre-development costs include such things as: full scale engineering, cost of service and modeling studies, grant application and administration services, legal fees, PSC approval, project management etc.
- **Necessary step for funding including the \$150 million** in Federal Infrastructure Law Grants: A Historic Investment in clean water is available to Wisconsin communities through grants and funding resources: 2 primary buckets of money specific to PFAS: One has available \$13 million/year for 5 years and another has \$17 million/year for 5 years. This funding cycle is likely to take place late fall/early winter 2022 with initial awards early 2023.
- Through our admission into the Thriving Earth Exchange program, the Town has aligned with Bryce Lord <https://uwm.edu/public-nonprofit-administration/people/lord-bryce/> to assist with grant applications! He runs the non-profit graduate program at UW-Milwaukee and this partnership will be at zero cost to the Town.
- Funding grants and resources are being investigated on an ongoing basis, including through USDA RD Emergency Grant, Environmental Policy Innovation Center, WDNR: SDWLP and Clean Water Fund Program, and the WDOA.
- Holding our responsible party legally accountable.

ANNEXATION OF WATERFRONT PROPERTY: Petitioner Jennifer Friday (supported by JCI)

This option is only for a portion of the PWSA (the most valuable waterfront properties) and does NOT provide a permanent safe solution for the full investigation area.

1. The petition for annexation must contain **BOTH** 51% of the number of **votes cast** for Governor in the 2018 election within the annexation territory . *We are getting number from the Town Clerk*
 2. **AND** the owners of 50% of the **property** as defined as: **either** 50% of the property value (assessment) **or** 50% of the area (acreage)
 3. The City Council must pass an annexation ordinance by a 2/3's vote of the entire City Council (six yes votes)
 - o After City Council action, 20% of the electors in the annexation territory may petition to hold a referendum on the annexation. The Town would conduct the referendum for only electors in the annexation territory. (Qualification based on elector status *as of the date of the referendum*. Electors must live in the territory for 28 days.)
- No signature may be withdrawn after signing

ANNEXATION CONCERNS:

1. **It does NOT protect everyone impacted:** instead only a portion of the most valuable properties, causing taxes to increase for all remaining town residents.
2. **Drastic INCREASE in property tax mil rate. \$100,000 home: Town = \$78 vs City = \$1,225.**
 - a. Although JCI has offered a calculation to offset 20 years of property tax it does not take into consideration likelihood of revaluations being done by the City.. A large annexation of valuable waterfront properties such as this would likely trigger a revaluation, increasing your home's assessed value and subsequent tax burden. The calculus that JCI has offered is for your CURRENT TOWN assessed value not a new city valuation.
3. **Sewer hookup NOT included.**
 - a. JCI clearly states that the City may require sewer hookup and that would be at YOUR expense. (see insert below from JCI letter)

average water bills. This is in addition to paying for the construction of the waterline.

- If annexation is pursued by residents and is successful, the City of Marinette may or may not ask that annexed residents to **connect to a City sewer line**. Tyco would not cover the costs associated with constructing sewer lines or sewer bills.

4. Additional City COST

- a. Fire protection
- b. Annual Garbage / Recycling Fee
- c. Annual Storm Water Utility Fee
- d. Monthly Water Bill
- e. Monthly Sewer Bill (*if required by City*)

5. Must live under restrictive CITY ORDINANCES

- a. No bonfires
- b. No shooting of firearms
- c. Restricted number of pets (3 dogs, along with restrictive behavior etc.)
- d. No use of ATV or Snowmobiles
- e. More restrictive and costly building codes/permits

6. City Water HAS PFAS in it.

- a. With the current POET and bottled water you are ingesting ZERO PFAS, the City of Marinette testing has detected up to 2.7 - 5ppt (June 2022). EPA HAL is ZERO!

7. No one has an actual CONTRACT that has been negotiated with resident interest in mind.

DEEP WELLS: Tyco/JCI

KEEP IN MIND:

Deep wells are the CHEAPEST option for Tyco/JCI

DNR has the authority to determine acceptable solutions, NOT Tyco/JCI (*see DNR Letter*)

Tyco/JCI Previously said deep wells were NOT a safe option. (*see insert of their own words*)

CONCERNS:

- DNR has advised Tyco that: "The water quality for deep wells is not guaranteed."
- DNR "maintains its preferred alternative for safe drinking water in the PWSA is a public water supply . . ."
- DNR "Deep wells *can* be an acceptable *interim* action to provide safe drinking water" (if they can be proven to be safe and not harm the environment).

Is an interim solution to a permanent problem acceptable?

- Tyco has offered testing during the first year of well operation to assure water meets 'enforceable legal standards'. After first year, testing is *at your expense*.
- DNR notified Tyco by letter on September 8, 2022 that "*continued* monitoring of the deep wells for [PFAS] is recommended after any well installations".
- What happens when PFAS leach into the deep aquifer?
- Will a high number of new deep wells accelerate contamination of the deep aquifer?

Water Quality Standard: Tyco will determine well initially meets “enforceable groundwater regulations or the “enforceable drinking water standard applicable to municipal water systems in Marinette, Wisconsin” for PFAS

- Tyco knows there is currently NO enforceable groundwater standards in WI.
- The EPA set a NEW health standard of .004 ppt which means that ANY PFAS is unsafe.
- Wisconsin’s drinking water standards are 70ppt
- Are you satisfied with water that has PFAS up to 70ppt while ZERO PFAS are safe?
- Clearly is *not* a guarantee that the water you drink will be safe.

Trading PFAS for radium, arsenic or other contaminants?

- Tyco acknowledges that radium in your well will be 4x the allowable limit.
- Deep aquifer testing also showed strontium and thallium at elevated levels.
- They will treat with a reverse-osmosis system to treat the radium *under the kitchen sink* while most residents of the Town of Peshtigo do not brush their teeth, wash their faces or bathe their children only in the kitchen sink.
- Will RO system take care of all other harmful contaminants?

Subsequent remedies.

- Tyco says if one of its monitoring wells shows illegal levels of PFAS. it will sample private wells in the area and “work in cooperation with Property Owner and DNR to *determine appropriate next steps for ensuring safe drinking water.*”
- Importantly, the contract does *not* say Tyco will pay for anything to solve the problem, but simply to tell you how you might fix it.
- What if well is contaminated after 1 year?
- Agreement says you waive any right to make any claim against Tyco for a variety of things, including a new *drinking water well or connection to a municipal water line.*
- Tyco promises to assign manufacturer’s warranty.
- Standard warranties are usually 12 months and will not cover quality of water.

Tyco clarifies things regarding water issue

Dear Editor,

We share the concerns of residents featured in your May 22 article, “Town meeting gets hot over water issue” and we wish we had the opportunity to discuss our plan to connect residents to a municipal water supply at the May 21 board meeting.

Digging deeper wells does not make sense in this case. There is no guarantee that residents would have the quantity and quality of water necessary for it to be a long-term, safe and reliable solution. We also wanted to make sure it was not a financial burden on residents, which is why we have committed to cover the construction costs.

I also want to point out that Mr. Pottratz is incorrect. We have never disposed of foam in the Peshtigo River. In fact, we have followed all appropriate laws and regulations regarding the disposal of our foam.

It is our sincere hope that community leaders continue this important work with us. Nothing is more important to us than making sure residents have safe drinking water.

Jim Cox

Senior Manager, Marketing Communications at Tyco Fire Products LP

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

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



September 28, 2022

MS. KATIE MCGINTY
JOHNSON CONTROLS, INC
607 14TH ST. NW, SUITE 550
WASHINGTON, DC 200005

Via Email Only to katie.mcginty@jci.com

SUBJECT: Request to Clarify Process and Adjust Timeline for Deep Wells
JCI/Tyco FTC PFAS, 2700 Industrial Parkway South, Marinette, WI
BRRTS #02-38-580694

Dear Ms. McGinty:

On Sept. 15, 2022, you shared with the Wisconsin Department of Natural Resources (DNR) a copy of the deep well “one pager” that Johnson Controls Inc. and Tyco Fire Products LP (JCI/Tyco) provided that same day to homeowners in the company’s potable well sampling area (PWSA). Subsequently, the DNR was also provided with a copy of a letter dated Sept. 15, 2022, that JCI/Tyco sent to certain homeowners in the PWSA with an accompanying contract for installation of a new deep well on their property (the “Letter”).

The DNR has concerns with statements made in the Letter - in particular, that deep wells are the permanent and only solution for homeowners in the PWSA and that homeowners are under a tight deadline to either agree to a deep well or have JCI/Tyco stop servicing the current alternative supply of safe drinking water altogether. Based on the conversation between DNR and JCI/Tyco on Sept. 27, 2022, regarding the DNR’s concerns, you stated that it is not JCI/Tyco’s intent to stop providing alternative safe drinking water to affected homeowners and that JCI/Tyco plans to communicate with the public to clarify the timeline and next steps for deep wells.

DNR offers the following comments as JCI/Tyco considers its future plans and communications:

First, while deep wells *could be* a permanent solution to long-term safe drinking water, it is premature for JCI/Tyco to advertise them as such to impacted homeowners. Determinations that deep wells are a final remedial action for the drinking water exposure pathway can occur once JCI/Tyco has complied with Wis. Admin. Code ch. NR 722 and 724 by completing and submitting the required information to document that the selection, design, construction, and monitoring results meet criteria for a final remedial action that can achieve long-term protection based on approved-remedial standards.

Second, in the Letter, JCI/Tyco states that it will stop servicing existing point-of-entry treatment (POET) systems and will stop supplying drinking water should an impacted homeowner not accept JCI/Tyco’s offer to install a deep well on their property, and JCI/Tyco provides only 32 calendar days for homeowners to make this decision. Additionally, JCI/Tyco made this offer to homeowners prior to providing sufficient information to demonstrate that this action is sufficiently protective of public health, safety, and welfare and the environment. The DNR recognizes that responsible parties may take interim actions without prior approval from the DNR under Wis. Admin. Code ch. NR 708.11(3). However, if JCI/Tyco stops providing safe drinking water to homeowners whose water supply has been or is likely to be affected by contamination caused by JCI/Tyco, JCI/Tyco could be in violation of Wis. Admin. Code § NR 708.05(4)(f).

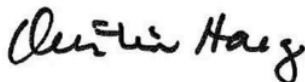
The DNR recognizes the outreach that JCI/Tyco has conducted to date with homeowners, appreciates its efforts to deliver safe drinking water to impacted homeowners in the PWSA and encourages JCI/Tyco to continue working cooperatively and in good faith with the affected residents. To that end, the DNR asks JCI/Tyco to:

- Reassure homeowners that JCI/Tyco will complete additional monitoring and reporting to the DNR to determine that any installed deep wells meet the requirements for a *permanent solution* to long-term safe drinking water under DNR rules;
- Allow homeowners more time to consider and if desired, sign the agreement for a deep well; and
- Provide an opportunity for homeowners to ask questions and learn more about the risks and benefits of a water supply from a deep well. In particular, homeowners should be made aware of the likely presence of radium in groundwater from the deeper aquifer, the risks that contaminant poses and any homeowner responsibilities in maintaining a deep well.
- For homeowners who do not choose a deep well at this time:
 - Continue to provide them with a supply of alternative safe drinking water (i.e., continuation of bottled water service and/or maintenance of a POET system), and
 - Offer future opportunities to have JCI/Tyco install a deep well on their property.

The DNR is committed to helping ensure residents in the area receive a long-term source of safe drinking water in a reasonable time frame. The DNR is in receipt of the two reports that JCI/Tyco submitted on Sept. 27, 2022, including information on JCI/Tyco's design and monitoring plans for the deep wells. The DNR will be reviewing the information in these two reports and any future JCI/Tyco submittals to document progress in its site investigation and evaluation of deep wells as this potential long-term solution to safe drinking water.

Based on the conversation we had on Sept. 27, 2022, you stated that JCI/Tyco plans to communicate with the public to clarify the timeline and next steps for deep wells. The DNR looks forward to hearing from JCI/Tyco as to whether they intend to afford impacted homeowners additional time to review the offer for a deep well and to ask questions and learn more. DNR expects that any installed deep wells will be subject to sufficient monitoring and reporting to ensure the wells meet the requirements for a permanent solution under state regulations. DNR further expects that JCI/Tyco will provide options for safe drinking water for homeowners who do not immediately opt-in to a deep well installation.

Sincerely,



Christine Haag
Program Director
Remediation & Redevelopment Program

cc: Denice Nelson, (via email: denice.karen.nelson@jci.com)
Gail Good, (via email: Gail.Good@wisconsin.gov)
Alyssa Sellwood, (via email Alyssa.Sellwood@wisconsin.gov)
Jodie Peotter, (via email: Jodie.Peotter@wisconsin.gov)
Kyle Burton, DNR (via email: Kyle.Burton@wisconsin.gov)

•EPA updated advisory Health Advisory levels: of .004 parts per trillion (ppt) for per fluoro octanoic acid (PFOA) and .02 ppt for per fluoro octane sulfonic acid (PFOS) GenX chemicals = 10 ppt and PFBS = 2,000 ppt
<https://www.epa.gov/system/files/documents/2022-06/drinking-water-ha-pfas-factsheet-communities.pdf>

- **Tell the EPA to designate PFAS as hazardous: SIGN ON**

https://earthjustice.org/action/remove-forever-chemicals-from-our-daily-lives?ms=email&utm_source=crm&utm_medium=email&utm_term=action&utm_campaign=2210_Action_P_FAS_EPA&utm_content=HTMLTakeActionButton2&contactdata=nYBUQcE8ogt%2f0iKdasm0vhqC7at%2fgOWXFWBWgp%2fKu0a0e3d8axCDup0oyfQn%2bUeZwYKBnuf77jT8M3Wrw6xEifhrd1eo5yGI4edFzF%2bjSARr6QkQDRyXMyMRU4c%2fp75ORhYB4gu5%2bac2SIGFpSZhZP6PLdtLjY9TIANGnCQLoPHZqGjRtn5bW1eZCGA7V5ENlwAG58dZbYGZuEAfEU1cSexO3qoZ4q955x2Cjly3FGA%3d&emci=a23ba74d-5a40-ed11-b495-00224832e4ca&emdi=0d8c3ce2-7745-ed11-b495-002248258d38&ceid=2483951

- **Evers Takes Action for Rural Wisconsin Families Dealing with PFAS**

<https://www.cleanwisconsin.org/gov-evers-takes-action-for-rural-wisconsin-families-dealing-with-pfas-and-nitrate-pollution/>

- **Resource for comparing Water and Blood Testing Data:** <https://pfas-exchange.org/>
- **Affordable Water Testing Resource:** <https://cyclopure.com/product/water-test-kit-pro/>
- **Additional Testing Facility**

Wisconsin State Laboratory of Hygiene
2601 Agriculture Drive, PO Box 7996
Madison, WI 53707-7996
(800)442-4618 - FAX (608)224-6213
<http://www.slh.wisc.edu>

RECEIVE MONTHLY UPDATES: Please Attend the monthly Water Meeting the First Thursday of each month (Oct. 6, 5:00 Townhall) and sign up at **TownOfPeshtigo.org** for monthly reports to be sent to your email or phone.

Cindy Boyle – Town of Peshtigo Chair & resident in the Tyco/JCI contamination area.