



Linda S. Adams  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

September 20, 2007

Mr. Edward B. Witte  
Gonzalez Saggio & Harlan LLP  
225 E. Michigan St.  
Milwaukee, WI 53202

NO FURTHER ACTION AND ACKNOWLEDGEMENT OF SATISFACTION – FORMER  
JOHNSON CONTROLS BATTERY GROUP, INC. (JCI) FACILITY, 1550 EAST  
KIMBERLY AVENUE, FULLERTON, CALIFORNIA  
Docket Number SRPD05/06SCF-4356

Dear Mr. Witte:

In a letter dated May 22, 2007 the Department of Toxic Substances Control (Department) concurred that the corrective action for shallow soils (0 to 20 feet below ground surface (BGS)) was completed and that the Department has no objections for redevelopment of the property for commercial/industrial uses. The Department required JCI to continue operation of the soil vapor extraction (SVE) system to further reduce concentrations of volatile organic compounds (VOCs) in deep soils (greater than 20 feet BGS) and provide periodic SVE performance updates to the Department.

On August 31, 2007 the Department issued a letter stating that corrective action for deep soils was completed and that JCI achieved the target soil remediation goals (TSRGs) for VOCs and that the SVE system could be terminated and the vapor extraction and groundwater monitoring wells could be destroyed. The Department requested JCI to submit a report documenting the proper destruction of the vapor extraction and groundwater monitoring wells before the Department would issue a no further action letter.

We received the Destruction of Groundwater Monitoring and Soil Vapor Extraction Wells (Report) dated September 10, 2007, which states JCI obtained the well destruction permits and that the vapor extraction and groundwater monitoring wells were destroyed in accordance with the California Department of Water Resources Bulletin 74-81, Water Well Standards.

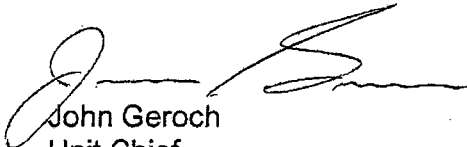
Mr. Witte  
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Based on the information provided, the Department has determined that JCI has completed the required corrective action at this facility, groundwater monitoring is no longer required, and that no further action is required. The provisions of the Corrective Action Consent Agreement, Docket Number SRPD05/06SCF-4356 entered into by JCI and DTSC, as amended by that certain First Amendment to Corrective Action Consent Agreement, Docket Number SRPD05/06SCF-4356 entered into by JCI and DTSC will be deemed satisfied upon the execution by JCI and DTSC of the enclosed Acknowledgement of Satisfaction and Reservation of Rights (Acknowledgment) form.

The Acknowledgement specifies that JCI has demonstrated to the satisfaction of DTSC that the terms of the Agreement have been completed including the payment of DTSC's costs. DTSC's execution and delivery of the Acknowledgement shall establish that all oversight costs have been paid and that DTSC concurs that the required corrective action has been completed. Please sign and return the enclosed Acknowledgment by October 5, 2007.

The completion of the terms of this Agreement does not limit or otherwise preclude DTSC from taking additional enforcement action pursuant to the Health and Safety Code, section 25187, or other available legal authorities, should DTSC determine in the future that such actions are warranted.

Please call me at (714) 484-5350 if you have any questions.  
Sincerely,



John Geroch  
Unit Chief  
Tiered Permitting and Corrective Action Branch

Enclosure

cc: Mr. James Daugherty  
GLI Kimberly LLC  
11777 San Vicente Blvd., Suite 900  
Los Angeles, CA 90049

Ms. Jennifer Alexander  
ENTACT  
3129 Base Pro Drive  
Grapevine, Texas 76051

Mr. Witte  
September 20, 2007  
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Mr. Hadi Tabatabaee-Pour  
City of Fullerton  
303 West Commonwealth Avenue  
Fullerton, CA 92832

Ms. Heather Allen  
City of Fullerton  
303 West Commonwealth Avenue  
Fullerton, CA 92832

**ACKNOWLEDGEMENT OF SATISFACTION AND  
RESERVATION OF RIGHTS**

1. The Department of Toxic Substances Control (Department) agrees and acknowledges that the provisions of the Corrective Action Consent Agreement, Docket Number HWCA SRPD 05/06 SCF-4356 (Consent Agreement) dated February 1, 2006, as amended by the First Amendment dated August 31, 2007, entered into by the Department and Johnson Controls Battery Group, Inc. (Respondent) including any additional tasks determined by the Department to have been required pursuant to the Consent Agreement and the amendments, but excluding sections, 19.1, 19.2, 19.3, 25.7, 29.1 and 29.2 have been satisfactorily completed based upon the information presently available to the Department.
2. Respondent agrees and acknowledges that the terms of sections 19.1, 19.2 and 19.3 of the Consent Agreement remain in effect until September 2013.
3. Respondent agrees and acknowledges that Respondent's completion of the terms of the Consent Agreement does not limit or otherwise preclude the Department from taking additional enforcement action pursuant to Health and Safety Code section 25187, or other available legal authorities, should the Department determine that such actions are warranted.
4. Respondent agrees and acknowledges that Respondent's completion of the terms of the Consent Agreement does not relieve Respondent of its obligations to comply with the Resource Conservation and Recovery Act, or any other applicable local, state, or federal laws and regulations.

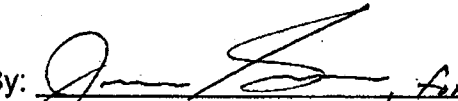
It is so agreed and acknowledged:

Date: Sept. 20, 2007

By:   
Signature of Respondent

By: Vice Chairman & EVP  
Printed Name and Title of Respondent

Date: Sept. 25, 2007

By:   
Stephen W. Lavinger, Chief  
Tiered Permitting Corrective Action Branch  
Permitting and Corrective Action Division  
Department of Toxic Substances Control

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Date: \_\_\_\_\_

By: \_\_\_\_\_  
Signature of Respondent

By: \_\_\_\_\_  
Printed Name and Title of Respondent

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Stephen W. Lavinger, Chief  
Tiered Permitting Corrective Action Branch  
Permitting and Corrective Action Division  
Department of Toxic Substances Control

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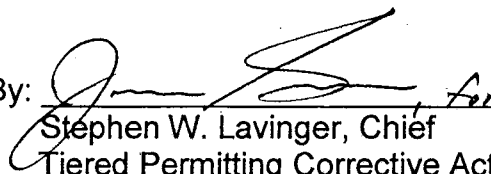
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Signature of Respondent

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Printed Name and Title of Respondent

Date: Sept. 25, 2007

By:   
Stephen W. Lavinger, Chief  
Tiered Permitting Corrective Action Branch  
Permitting and Corrective Action Division  
Department of Toxic Substances Control



## Department of Toxic Substances Control



Linda S. Adams  
Secretary for  
Environmental Protection

Maureen F. Gorsen, Director  
5796 Corporate Avenue  
Cypress, California 90630



Arnold Schwarzenegger  
Governor

August 31, 2007

Mr. Edward B. Witte  
Gonzalez Saggio & Harlan LLP  
225 E. Michigan St  
Milwaukee, WI 53202

### APPROVAL TO TERMINATE SOIL VAPOR EXTRACTION AND GROUNDWATER MONITORING – FORMER JOHNSON CONTROLS FACILITY, 1550 EAST KIMBERLY AVENUE, FULLERTON, CALIFORNIA

Dear Mr. Witte:

We received the JCI Fullerton SVE System Update 8-21-07 (SVE Update) from Entact and received by email on August 23, 2007. We have reviewed the SVE Update and have the following comments:

1. In November 2006 Johnson Controls Battery Group, Incorporated (JCI) installed a pilot-scale soil vapor extraction system to evaluate the effectiveness of utilizing soil vapor extraction to reduce the concentration of volatile organic compound (VOC) concentrations in subsurface soils to achieve the site-specific target soil remediation goals (TSRGs) for groundwater quality protection.
2. Based on the results of the pilot system JCI proposed to continue SVE as the final remedy to achieve the TSRGs, and after completing a 30-day public review and comment period, on March 19, 2007 the Department of Toxic Substances Control (DTSC) approved SVE as the final remedy for groundwater quality protection.
3. JCI periodically submitted to DTSC SVE system monitoring data, and in consultation with DTSC, JCI modified and expanded the SVE system by installing additional vapor extraction wells to target specific locations and depths to further evaluate the presence and mobility of VOCs identified during the site investigation and to optimize extraction of VOCs from the subsurface.
4. Based upon the information provided by JCI about 2,547 pounds of VOCs have been recovered from the targeted areas. The SVE performance monitoring data

Mr. Edward B. Witte  
August 31, 2007  
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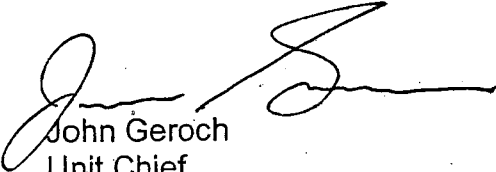
shows a reduction in the influent concentrations with time and based on the behavior of the SVE system it is likely the influent concentrations will continue to decrease gradually over time.

5. Based on the data provided, DTSC concludes that the SVE system has achieved the TSRGs for groundwater resource protection and the SVE system can be terminated.
6. DTSC required JCI to continue groundwater quality monitoring to evaluate SVE system performance, monitor general groundwater quality and collect depth to groundwater measurements. Since the SVE system is no longer required, and based on our review of the groundwater monitoring data, JCI shall also terminate the groundwater monitoring program.

Please provide to DTSC a well destruction report documenting the proper destruction of the soil vapor and groundwater monitoring wells by September 28, 2007. Please include copies of all well destruction permits. After DTSC receives and approves the well destruction report, DTSC will issue a no further action and acknowledgement of satisfaction letter.

Please call me at (714) 484-5350 if you have any questions.

Sincerely,



John Geroch  
Unit Chief  
Tiered Permitting and Corrective Action Branch

cc: See next page



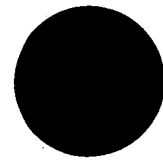
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Ms. Heather Allen  
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3129 Bass Pro Drive  
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76051

September 10, 2007

Mr. John Geroch  
Department of Toxic Substances Control  
State Regulatory Program Division  
California Environmental Protection Agency  
5796 Corporate Avenue  
Cypress, California 90630

**RE: Destruction of Groundwater Monitor and Soil Vapor Extraction Wells  
Former Johnson Controls Battery Group Site  
1550 E. Kimberly Avenue  
Fullerton, California**

Mr. Geroch:

This letter report documents the destruction of groundwater monitoring and soil vapor extraction (SVE) wells installed at the former Johnson Controls Battery Group site located at 1550 E. Kimberly Avenue, Fullerton, Orange County, California. A total of two groundwater monitoring wells and 13 SVE wells were installed at the site between June 2006 and May 2007 in association with an environmental investigation conducted with California Department of Toxic Substances Control (DTSC) oversight. The SVE wells were completed in the unsaturated zone at depths ranging from approximately 30 to 50 feet below ground surface (bgs), and the groundwater monitor wells penetrated approximately 20 feet of the uppermost water-bearing zone encountered at a depth of 95 feet bgs.

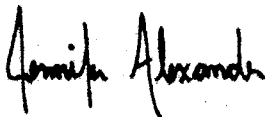
Removal of Volatile Organic Compounds (VOCs) through SVE technology was conducted in the unsaturated zone at two locations on the site. Where extraction of VOCs diminished or was unproductive in some SVE wells, the DTSC allowed these wells to be removed from the SVE system in a staged approach and properly destroyed. This staged approach resulted in three well destruction events performed on March 27, 2007, May 9, 2007, and September 4, 2007. A summary of wells with respective completion and destruction dates is attached as Table 1. Well Destruction Permits authorized by the City of Fullerton and Orange County Health Care Agency are also included as Attachment A.

Well destruction activities were performed by the following drillers licensed by the California Contractor State License Board: Coreprobe International, Inc. (C-57 License #772519), and WCD Exploration (C-57 License #283326).

Wells were destroyed in accordance with requirements provided in *Water Well Standards: State of California* (Bulletin 74-81). An ENTACT representative supervised all well deconstruction activities, and an inspection was performed by an OCHCA representative during each event. Each well was sealed using a neat cement grout consisting of approximately six gallons of clean water to one 94-lb of Portland cement (Type II) and five pounds of bentonite additive. The grout was thoroughly mixed at the surface to form a pumpable slurry. A one-inch diameter tremie pipe was then installed to the base of each well through which the grout was injected. Grout was allowed to seal SVE wells under gravity pressure. Additional grout was added at the surface of each well as some settling of grout occurred. At each groundwater monitor well, the well head was sealed with a cap following installation of the tremie pipe to allow for maintenance of approximately 60 psi of pressure during grouting. Upon completion of grouting activities, concrete well pads and the uppermost five feet of each well was removed by excavation or drilling. The resulting earthen void was filled with cement grout to complete well destruction tasks.

If you have any questions concerning this site, please contact me at 972.580.1323 or email [jalexander@entact.com](mailto:jalexander@entact.com).

Respectfully submitted,



Jennifer Alexander

Attachments