

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1354-AIR-E **TCEQ ID:** RN105172621 **CASE NO.:** 34454
RESPONDENT NAME: Johnson Controls Battery Group, Inc.

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Johnson Controls Battery Distribution Center, 12915 Wetmore Road, San Antonio, Bexar County</p> <p>TYPE OF OPERATION: Battery distribution center</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Miriam Hall, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-1044; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Huberto Rodriguez, Plant Supervisor, Johnson Controls Battery Group, Inc., 12915 Wetmore Road, San Antonio, Texas 78247 Mr. Daniel Boone, Plant Manager, Johnson Controls Battery Group, Inc., 12915 Wetmore Road, San Antonio, Texas 78247 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|--|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 29, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 26, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>AIR</p> <p>Failed to obtain a permit prior to the construction and operation of the Plant [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> | <p>Total Assessed: -\$1,800</p> <p>Total Deferred: \$360 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,440</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on August 29, 2007, the Respondent obtained Air Permit No. 82109.</p> |

Additional ID(s): Air Permit 82109



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 23-Jul-2007 | Screening | 16-Aug-2007 | EPA Due | |
| | PCW | 22-Aug-2007 | | | | |

| | | | |
|--|--------------------------------------|---------------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Johnson Controls Battery Group, Inc. | | |
| Reg. Ent. Ref. No. | RN105172621 | | |
| Facility/Site Region | 13-San Antonio | Major/Minor Source | Minor |

| | | | |
|--------------------------|----------------------|--------------------------|-------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 34454 | No. of Violations | 1 |
| Docket No. | 2007-1354-AIR-E | Order Type | 1660 |
| Media Program(s) | Air | Enf. Coordinator | Miriam Hall |
| Multi-Media | | EC's Team | EnforcementTeam 4 |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum |
| | | | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$2,000 |
|---|-------------------|---------|

| | | |
|--|----------------|--------------------------------|
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | | |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. | | |
| Compliance History | 0% Enhancement | Subtotals 2, 3, & 7 |
| | | \$0 |

Notes: The Respondent is an average performer.

| | | | | |
|--------------------|----|----------------|-------------------|-----|
| Culpability | No | 0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|----------------|-------------------|-----|

Notes: The Respondent does not meet the culpability criteria.

| | | | |
|------------------------------------|---------------|-------------------|-------|
| Good Faith Effort to Comply | 10% Reduction | Subtotal 5 | \$200 |
|------------------------------------|---------------|-------------------|-------|

| | | |
|---------------|------------|------------------------------|
| | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | X |
| N/A | | (mark with x) |

Notes: The NOE was issued on July 26, 2007, and the Respondent came into compliance on August 29, 2007.

| | |
|-------------------|-----|
| Subtotal 6 | \$0 |
|-------------------|-----|

Total EB Amounts: \$700
 Approx. Cost of Compliance: \$46,250
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,800 |
|-----------------------------|-----------------------|---------|

| | | |
|---|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | Adjustment | \$0 |
|---|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$1,800 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,800 |
|-----------------------------------|-------------------------------|---------|

| | | | |
|-----------------|---------------|-------------------|--------|
| DEFERRAL | 20% Reduction | Adjustment | -\$360 |
|-----------------|---------------|-------------------|--------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$1,440 |
|------------------------|---------|

Screening Date 16-Aug-2007

Docket No. 2007-1354-AIR-E

PCW

Respondent Johnson Controls Battery Group, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34454

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN105172621

Media [Statute] Air

Enf. Coordinator Miriam Hall

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i> | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i> | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments or consent decrees meeting criteria)</i> | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government <i>(number of counts)</i> | 0 | 0% |
| Emissions | Chronic excessive emissions events <i>(number of events)</i> | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i> | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i> | 0 | 0% |
| <i>Please Enter Yes or No</i> | | | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 0%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent is an average performer.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

| | | |
|--|--|---|
| Screening Date 16-Aug-2007 | Docket No. 2007-1354-AIR-E | PCW |
| Respondent Johnson Controls Battery Group, Inc. | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. 34454 | | <i>PCW Revision June 26, 2007</i> |
| Reg. Ent. Reference No. RN105172621 | | |
| Media [Statute] Air | | |
| Enf. Coordinator Miriam Hall | | |
| Violation Number | 1 | |
| Rule Cite(s) | 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b) | |
| Violation Description | Failed to obtain a permit prior to the construction and operation of the plant. | |
| Base Penalty | | \$10,000 |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|--------------------------|--------------------------|--------------------------|--|--------------------------|
| OR | Harm | | | | |
| | Release | Major | Moderate | | Minor |
| | Actual | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Potential | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Percent <input style="width:50px;" type="text" value="0%"/> | |

>> Programmatic Matrix

| | | | | | |
|--|--------------------------|-------|--------------------------|--------------------------|---|
| | Falsification | Major | Moderate | Minor | |
| | <input type="checkbox"/> | x | <input type="checkbox"/> | <input type="checkbox"/> | |
| | | | | | Percent <input style="width:50px;" type="text" value="10%"/> |

Matrix Notes The Respondent failed to meet 100% of the rule requirement.

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------------------|--------------------------|
| <i>mark only one with an x</i> | daily | <input type="checkbox"/> |
| | monthly | x |
| | quarterly | <input type="checkbox"/> |
| | semiannual | <input type="checkbox"/> |
| | annual | <input type="checkbox"/> |
| single event | <input type="checkbox"/> | |

Violation Base Penalty

Two monthly events are recommended from the date of investigation, 6/29/07, to the screening date of 8/16/07.

| | |
|---|---|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input style="width: 150px;" type="text" value="\$700"/> | Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$1,800"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$1,800"/> | |

Economic Benefit Worksheet

Respondent Johnson Controls Battery Group, Inc.
Case ID No. 34454
Reg. Ent. Reference No. RN105172621
Media Air
Violation No. 1

| | |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0 | 15 |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Fee | \$41,250 | 1-Mar-2007 | 11-Jun-2007 | 0.3 | \$576 | n/a | \$576 |
| Other Permit Costs | \$5,000 | 1-Mar-2007 | 29-Aug-2007 | 0.5 | \$124 | n/a | \$124 |

Notes for DELAYED costs

Item costs are for the permit fees and additional costs for preparing the permit application. Date required is the date the Plant started operations. Final date for "Permit Fee" is the date the Respondent paid the permit application fee. Final date for "Other Permit Costs" is the date the permit was issued.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

| | | | |
|-----------------------------------|----------|--------------|-------|
| Approx. Cost of Compliance | \$46,250 | TOTAL | \$700 |
|-----------------------------------|----------|--------------|-------|

Compliance History

| | | | |
|---|---|---------------------------------------|--------------|
| Customer/Respondent/Owner-Operator: | CN601224850 Johnson Controls Battery Group, Inc. | Classification: AVERAGE BY DEFAULT | Rating: 3.01 |
| Regulated Entity: | RN105172621 JOHNSON CONTROLS BATTERY DISTRIBUTION CENTER | Classification: | Site Rating: |
| ID Number(s): | AIR NEW SOURCE PERMITS | REGISTRATION | 81200 |
| | AIR NEW SOURCE PERMITS | PERMIT | 82109 |
| Location: | 12915 WETMORE RD, SAN ANTONIO, TX, 78247 | | |
| TCEQ Region: | REGION 13 - SAN ANTONIO | | |
| Date Compliance History Prepared: | August 28, 2007 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | August 28, 2002 to August 28, 2007 | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Miriam Hall Phone: (512) 239-1044

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 07/20/2007 (567306)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOHNSON CONTROLS BATTERY
GROUP, INC.
RN105172621

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1354-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Johnson Controls Battery Group, Inc. ("JCBGI") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and JCBGI appear before the Commission and together stipulate that:

1. JCBGI owns and operates a battery distribution center at 12915 Wetmore Road in San Antonio, Bexar County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and JCBGI agree that the Commission has jurisdiction to enter this Agreed Order, and that JCBGI is subject to the Commission's jurisdiction.
4. JCBGI received notice of the violations alleged in Section II ("Allegations") on or about July 31, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by JCBGI of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Eight Hundred Dollars (\$1,800) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). JCBGI has paid One Thousand Four Hundred Forty Dollars (\$1,440) of the administrative penalty and Three Hundred Sixty Dollars (\$360) is deferred contingent upon JCBGI's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If JCBGI fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require JCBGI to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and JCBGI have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on August 29, 2007, JCBGI obtained Air Permit No. 82109.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that JCBGI has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, JCBGI is alleged to have failed to obtain a permit prior to the construction and operation of the Plant, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on June 29, 2007.

III. DENIALS

JCBGI generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that JCBGI pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and JCBGI's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Johnson Controls Battery Group, Inc., Docket No. 2007-1354-AIR-E" to:

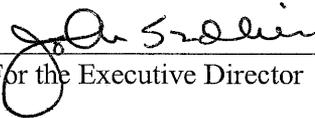
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon JCBGI. JCBGI is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against JCBGI in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to JCBGI, or three days after the date on which the Commission mails notice of the Order to JCBGI, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

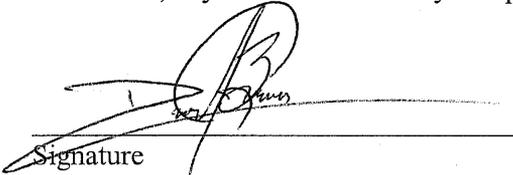
Date 12/14/07

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Date 10/07/07



Name (Printed or typed)
Authorized Representative of
Johnson Controls Battery Group, Inc.

Title PLANT MANAGER

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

