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February 16, 2017

Via: Certified U.S. Mail; Return Receipt Requested 7015 1520 0001 4018 7057

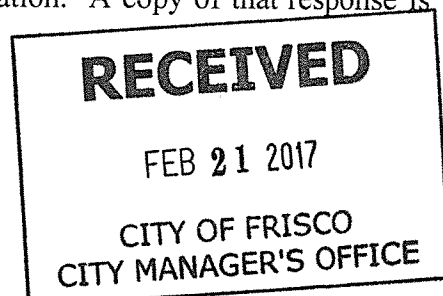
Mr. Richard Hyde, P.E.
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78753

Re: Exide Technologies Frisco Recycling Center, Frisco, Texas
TCEQ Agreed Order Docket No. 2011-1712-IHW-E;
IHW Permit No. HW-50206; TCEQ SWR No. 30516;
Customer No. CN600129779; Regulated Entity No. RN100218643;
EPA ID No. TXD006451090; EPA Administrative Order on Consent
RCRA 06-2012-0966

Dear Mr. Hyde:

The City of Frisco was recently notified of two separate TCEQ actions related to closure and remediation of the former Exide battery recycling facility in Frisco. One notice provided to the City stated that Exide's application for an expanded stormwater discharge permit amendment has been declared administratively complete. The other notice informed the City that TCEQ staff has directed Exide to obtain TCEQ approved Response Action Plans (RAP), for the Stewart Creek Remediation Area (SCRA) and the Former Operating Plant (FOP) site within 180 days. The City appreciates your and your staff's continued diligence in requiring Exide to meet its statutory responsibility to protect public health and the environment in closing its Frisco site.

Exide is seeking separate City authorization through a pretreatment permit to discharge potentially contaminated surface runoff and groundwater into the City's sanitary sewer system to save the cost of properly treating this wastewater. Thus far, Exide has refused to conform to the City's technical requirements for such a discharge. These are, primarily, the same sources of potentially contaminated stormwater that Exide is seeking to discharge directly into Stewart Creek with the amended stormwater discharge permit. The City's concerns were described in greater detail in its response to the original permit amendment application. A copy of that response is attached to this letter for your reference.



TCEQ staff is well aware of Exide's and the City's respective positions on the SCRA RAP. Exide wants to do only intermittent "hot spot" removal to address sediment contamination. Exide does not want to remove all of the residual battery chips and slag that are present in the Stewart Creek sediment and sidewalls. The City wants all of Exide's illegally disposed waste, as well as contaminated sediment, removed from Stewart Creek. The City believes the conceptual SCRA RAP it submitted to the TCEQ should be the base document for an approved SCRA RAP.

Exide's previously submitted conceptual FOP RAP does not propose to completely eliminate future surface runoff contamination of Stewart Creek by adequately capping the entire RCRA permit area. Likewise, Exide's FOP RAP does not address future groundwater contamination from the unlined North Disposal Area and Slag Disposal Area. In fact, Exide's RAP continues to assert the only groundwater is near surface "perched" groundwater pockets. Exide's position in this regard has been clearly rejected by TCEQ staff based on the proven fact that there is Class 2 groundwater under the entire FOP area. Finally, Exide ignores the previously documented hazardous substance leakage from the French Drain, which further implicates groundwater protection. The limited future groundwater monitoring regime proposed by Exide will not prevent Pb, Cd, and As contaminated groundwater from entering Stewart Creek. In contrast, the City's proposed slurry wall around, and cover over, the entire FOP would completely eliminate future surface and groundwater contamination of Stewart Creek. The City believes its previously submitted conceptual FOP RAP should be the base document for an approved FOP RAP.

Exide is currently implementing the J Parcel RAP. However, the City is concerned that Exide is not following the TCEQ approved air monitoring protocols. There are two TCEQ approved air monitoring plans (J Parcel and Class 2 Landfill) and one proposed revised plan. All three have different criteria, but the J Parcel is the most stringent. It appears the current contaminated soil stockpiles on the J Parcel are larger than allowed by the approved plan. Based on Exide's actions, the City remains convinced that the J Parcel RAP cannot be completed unless the TCEQ requires Exide to strictly follow the approved protocols. Likewise, due to the distinct possibility of recontamination of portions of the J Parcel from the adjacent FOP areas of contamination, the J Parcel RAP cannot be completed until the FOP RAP is successfully implemented.

It appears Exide is basing its Frisco site remediation and closure plans solely on cost. Since sufficient funds for proper remediation and closure of the SCRA and the FOP are to be paid by the City to Exide for purchase of the J Parcel, cost should not be an issue. There is no additional out of pocket expense for Exide. This was certainly taken into account by TCEQ, EPA, Exide, the City, and the Court during Exide's bankruptcy proceedings. Given the amount of money Exide is being required to spend on the Vernon, CA facility closure to avoid criminal prosecution, the cost to properly close the Frisco facility is minimal in comparison. While criminal prosecution for past Exide activities at the Frisco facility have been discussed by the State of Texas and EPA, a movement in that direction at this late date would not be in anyone's best interest. Unfortunately

Mr. Richard Hyde, P.E.

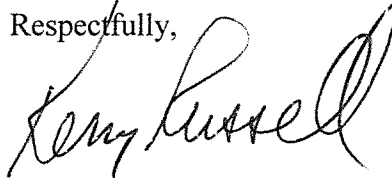
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Exide's current attempts to avoid complete remediation of the SCRA and the FOP could rise to the level of criminal liability under applicable statutes.

The City of Frisco appreciates the continued efforts by you and your staff to force Exide to meet its statutory responsibility. The City looks forward to continue working with your staff to successfully close the Exide site and return it to a beneficial community use within a reasonable period of time.

Respectfully,

A handwritten signature in black ink, appearing to read "Kerry Russell". The signature is fluid and cursive, with a large, stylized initial "K".

Kerry E. Russell
City of Frisco Special Counsel

Cc: Mr. George Purefoy, Frisco City Manager
Mr. Richard Abernathy, Frisco City Attorney

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April 8, 2016

VIA Certified U.S. Mail: Return Receipt Requested 7012 0470 0001 8211 0930

Texas Commission on Environmental Quality
Water Quality Division
Application Team
P.O. Box 13087
Austin, Texas 78711-3087

Re: *Application of Exide Technologies for a Renewal and Major Amendment;
TPDES Permit No. 02964; CN600129787; RN 100218643; Collin
County, Texas*

To the Texas Commission on Environmental Quality:

The undersigned represents the City of Frisco, Texas ("City" or "Frisco") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Exide Technologies ("Exide"). The City hereby requests a public meeting and a contested case hearing on the Application. In accordance with the published notice, the City provides the following information:

1. *Your name, address, phone number:*

The City may be notified of any developments in this case by providing notice to:

Kerry E. Russell
Arturo D. Rodriguez, Jr.
Russell & Rodriguez, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

2. *Applicant information:* Application of Exide Technologies for a renewal and Major Amendment to TPDES Permit No. 02964; CN600129787; RN100218643.

3. *The location and distance of your property/activities relative to the proposed facility:*

The facility is located within the City's corporate limits and the City owns much of Stewart Creek adjacent to, and directly downstream of, the facility and discharge point.

4. *Specific description of how you would be adversely affected by the facility in a way not common to the general public:*

The City owns most of Stewart Creek between the discharge point and Lake Lewisville. Stewart Creek is utilized by City residents and others for recreational purposes. The City is in the process of permitting and building the Grand Lake project directly downstream of the Exide property.

This entire section of Stewart Creek is currently contaminated by lead and cadmium waste from the Exide facility. TCEQ is currently requiring Exide to investigate and remediate this entire section of Stewart Creek.

Exide is currently performing a SSERA to determine the impact of its past arsenic discharges on aquatic life. The arsenic at issue remains in the creek sediment and has not been remediated. Aquatic life in Stewart Creek will be endangered by Exide's proposed discharge.

Exide is currently not allowed to discharge wastewater or mixed wastewater and stormwater into Stewart Creek.

Exide's pretreatment permit to discharge wastewater into the Stewart Creek West WWTP has expired and Exide has filed an application for a new pretreatment permit. That permit application is on hold pending Exide demonstrating that it will properly pretreat and remove hazardous constituents from its wastewater.

The Application will, if approved, allow Exide to mix various wastewater sources with its stormwater and directly discharge the untreated combined wastewater stream directly into Stewart Creek. Those sources include groundwater contaminated with lead, cadmium, and arsenic. Those sources also include surface runoff that has come in contact with battery chips, furnace slag, and contaminated soil of the RCRA permitted area of the former Exide battery recycling facility. Based on past history and TCEQ enforcement actions against Exide it is expected that the mixed wastewater will contain hazardous constituents that have been diluted with uncontaminated stormwater.

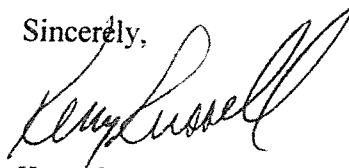
The City believes Exide's proposed discharge is in direct violation of the Clean Water Act and RCRA.

The discharge authorization being sought by Exide will endanger public health and the environment.

5. The City requests a public meeting and a contested case hearing on the Application.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-633-6467.

Sincerely,



Kerry E. Russell

- cc: Mr. Richard Hyde
- Mr. Bill Shafford
- Mr. George Purefoy
- Mr. Mack Borchardt
- Ms. Richard Abernathy

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