

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 9, 2013

Mr. George Purefoy, City Manager  
City of Frisco  
6101 Frisco Square Boulevard, 5<sup>th</sup> Floor  
Frisco, Texas, 75034

Re: Approval of Modification to Voluntary Cleanup Agreement, dated December 12, 2013, Undeveloped Buffer Property (UBP) Surrounding Exide Technologies Frisco Recycling Center, 7471 South 5<sup>th</sup> Street, Frisco, Collin County, Texas 75034; Voluntary Cleanup Program (VCP) No. 2541; Customer No. CN600129787; Regulated Entity No. RN106583511

Dear Mr. Purefoy:

The VCP of the Texas Commission on Environmental Quality (TCEQ) has reviewed the submittal entitled *Modification to Voluntary Cleanup Agreement*, dated December 12, 2013, prepared by Pastor, Behling & Wheeler, LLC. After careful review, the TCEQ concurs with your request to modify the Voluntary Cleanup Agreement to change the submittal date of the Affected Property Assessment Report (APAR) and Response Action Plan (RAP) from December 16, 2013 to April 1, 2014.

Please find the enclosed copy of the executed agreement modification. Please reference VCP No. 2541 on the front of any future letters or reports. Future submittals should be mailed to the TCEQ, VCP-CA Section, mail code MC-221, at the letterhead address. Please feel free to contact me with any questions or comments at (512) 239-2361.

Sincerely,

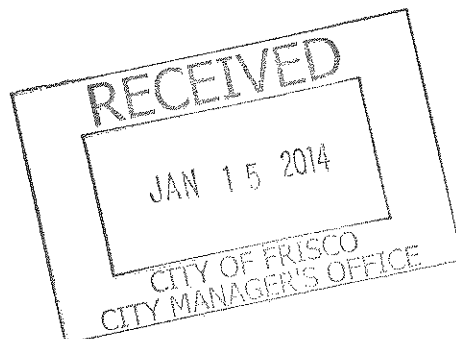
A handwritten signature in black ink, appearing to read "Gary Beyer".

Gary Beyer, Project Manager  
VCP-CA Section  
Remediation Division

GB/jdm

Enclosure

cc: Mr. Sam Barrett, TCEQ Region 4 Office, Dallas/Ft. Worth



Mr. George Purefoy

Page 2

January 9, 2014

VCP No. 2541

Mr. Bruce A. Cole, Executive Vice President, Strategy and Business Development,  
Exide Technologies, PO Box 14294, Reading, PA 19612-4294

Mr. David McKercher, Exide Frisco Site Manager, 7471 South 5th Street, Frisco,  
TX 75034

Mr. George Purefoy, City Manager, City of Frisco, Frisco Community  
Development Corporation (CDC) 6101 Frisco Square Blvd., 5<sup>th</sup> Floor, Frisco, TX  
75034

Mr. James L. Gandy, Frisco Economic Development Corporation, 6801 Gaylord  
Parkway, Suite 400, Frisco, TX 75034

Mr. Wade Wheatley, Cook-Joyce Inc. 812 West 11<sup>th</sup>, Austin, TX 78701-2000

Mr. Tim Nichols, PB&W, LLC, 2201 Double Creek Drive, Suite 4004, Round  
Rock, Texas 78664

**MODIFICATION TO VOLUNTARY CLEANUP AGREEMENT  
VCP No. 2541**

**SUBMITTALS AND SCHEDULES**

The following plans and reports were included with the Voluntary Cleanup Program application, in this Agreement, or have been added by amendment to this Agreement:

- Phase I Environmental Site Assessment (ESA)
- Phase II/Limited Phase II ESA
- Affected Property Assessment Report
- Response Action Plan
- Other Soil Investigation Report, J Parcel Area, Exide Technologies, Frisco, Texas

The required submittals shall include a monthly status report, which describes all activities completed for the current month and those planned for the upcoming month. In order to complete the voluntary cleanup activities which are necessary for Certificate of Completion issuance, the following plans and reports will be submitted according to the schedule specified below (put **anticipated date of submittal of report** in blanks or NA if not applicable):

Affected Property Assessment Report by April 1, 2014  
Response Action Plan by April 1, 2014  
Response Action Completion Report Within 90 days of completion of the response action  
Response Action Effectiveness Reports NA  
Post-Response Action Completion Reports NA  
Monthly Status Report will be submitted by the 10th of each month  
Other reports \_\_\_\_\_

If the Applicant is self-implementing to Remedy Standard A, a completed TCEQ Form 10323 (Self-Implementation Notice) must be attached to this Agreement amendment. If the Applicant is self-implementing, TCEQ will not review or comment on site-specific issues submitted by the Applicant prior to submittal of the Response Action Completion Report or the Response Action Effectiveness Report if the RACR has not been previously submitted.

The TCEQ may terminate the Agreement if:

- 1) the aforementioned submittals are not submitted by the time frames stated above, unless TCEQ approves an Applicant's revised schedule; or
- 2) responses to TCEQ comments on the aforementioned submittals are not submitted in accordance with time frames provided in TCEQ comment letters.

SIGNATURES

Applicant A

By: Bruce Cole  
(signature of authorized representative)

Name: Bruce A. Cole  
(print or type)

Date: 12/06/2013

Company: Exide Technologies

Applicant B

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: City of Frisco

Applicant C

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Frisco Economic Development Corporation

Applicant D

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Frisco Community Development Corporation

TCEQ Representative

By: \_\_\_\_\_  
(signature)

Name: \_\_\_\_\_  
(print or type)

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

Title: \_\_\_\_\_

SIGNATURES

Applicant A

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Exide Technologies

Applicant B

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: City of Frisco

Applicant C

By: James L. Gandy  
(signature of authorized representative)

Name: JAMES L. GANDY  
(print or type)

Date: 12-6-13

Company: Frisco Economic Development Corporation

Applicant D

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Frisco Community Development Corporation

TCEQ Representative

By: Gary Beyer  
(signature)

Name: GARY BEYER  
(print or type)

Date: 1/8/14

Title: Project Manager

SIGNATURES

Applicant A

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Exide Technologies

Applicant B

By: George Purefoy  
(signature of authorized representative)

Name: George Purefoy  
(print or type)

Date: 12-6-13

Company: City of Frisco

Applicant C

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

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

Company: Frisco Economic Development Corporation

Applicant D

By: George Purefoy  
(signature of authorized representative)

Name: George Purefoy  
(print or type)

Date: 12-6-13

Company: Frisco Community Development Corporation

TCEQ Representative

By: \_\_\_\_\_  
(signature)

Name: \_\_\_\_\_  
(print or type)

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

Title: \_\_\_\_\_