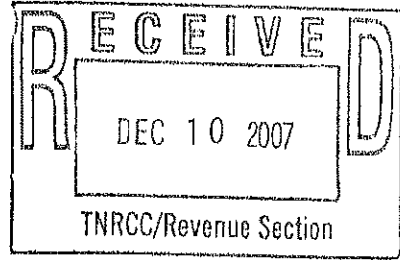


EXHIBIT "E"

Received and Original Forwarded to Dept



Form TCEQ-10241 Revised 3/01 OFFICE USE ONLY

DEC 10 2007

PCA number: VCP Project number: 34317

TCEQ/Revenue Section

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY VOLUNTARY CLEANUP PROGRAM

VCP 2122

Program Application

Please complete this form, a Texas Commission on Environmental Quality (TCEQ) Form 10400 and an agreement form to request assistance and review from the TCEQ staff in the Voluntary Cleanup Program (VCP) pursuant to §361.604 of the Texas Solid Waste Disposal Act. You may download this document, TCEQ Form 10400 and any other VCP documents via the Internet at http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html.

Complete all applicable sections. The TCEQ may reject incomplete or inaccurate applications as per §361.605 of the VCP statute. To accurately complete this form, please refer to the VCP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

General Site Information

Site Name: Stewart Creek Wastewater Treatment Plant

Site Size (acres): Approximately 3.3 acres

Regulated Entity Reference No. (if issued): CN- CN600245526/RN101607471

STATE OF TEXAS CITY OF FRISCO JUL 16 2013 TCEQ/REVENUE SECTION

Applicant(s)

Applicant A (The person or entity seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the TCEQ. Applicant A is responsible for payment of TCEQ costs of review and oversight unless indicated otherwise on page 2 of this form).

Applicant: City of Frisco

Contact Person: Mr. Gary R. Hartwell, P.E Title: Director, Department of Public Works

Customer Reference No. (if issued): CN-

Organization: City of Frisco, Texas Phone 972-292-5800 Fax: 972-335-5524

Interest in Property: Owner

To receive copies of TCEQ correspondence? Yes [checked] No

Current Site Owner (if different from an applicant)

Owner(s): _____
Contact Person: _____ Title: _____
Organization: _____ Phone: _____ Fax: _____

IMPORTANT - Please attach a completed form TCEQ-10400 for each applicant and the current site owner.

Other Contacts (Consultant/Attorney)

Name(s): Mr. Kerry E. Russell Title: Attorney
Organization: Russell and Rodriquez, LLP
Phone: 512-930-1317 Fax: 214-930-7742
Address: 102 West Morrow; Suite 103
City: Georgetown State: Texas Zip Code: 78626

Name(s): Ms. Rusty L. Simpson, P.G., C.P.G. Title: Principal
Organization: Southwest Geoscience
Phone: 214-350-5469 Fax: 214-350-2914
Address: 2351 W. Northwest Highway, Suite 3321
City: Dallas State: Texas Zip Code: 75220

Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of TCEQ oversight costs.

Name(s): _____ Title: _____
Organization: _____ Phone: _____ Fax: _____
Address: _____
City: _____ State: _____ Zip Code: _____

Signature of Consent: _____ Date: _____

Current Property Use (Use percentage if site is divided into different use categories.)

Residential _____ Other (e.g., agricultural, recreational) _____
Non-residential If non-residential, type of business: Former Stewart Creek Wastewater Treatment Plant - currently utilized by the City of Frisco as temporary equipment storage and repair site.

Is a real estate transaction imminent for this site? Yes ___ No
If yes, what is the planned closing date? _____

Latitude/Longitude

Latitude (degrees, min., sec. N or decimal degrees) 33°08'30.21" N

Longitude (degrees, min., sec. W or decimal degrees) 96°50'04.68" W

Date of collection 10/29/2007 Organization providing collection data Southwest Geoscience utilizing Google Earth

Check the method used to determine latitude and longitude:

GPS - Real Time Differentially Corrected _____

GPS - Post Processed Differentially Corrected _____

Map Interpolation - Manual _____

Map Interpolation - Digital _____

DOQQ _____

If using GPS, please state professional unit brand name, model number and accuracy tolerances.

If using Map Interpolation, please state which USGS quad map was used for interpolation.

If using DOQQ Interpolation, please state which DOQQ was used for interpolation.

Does the latitude and longitude listed above refer to the

Center of the property?

Main entrance to the property?

Other, please describe _____

VCP Eligibility and Involvement With Other Regulatory Programs

Is the site subject to a TCEQ permit or administrative order? Yes _____ No

Have response actions been initiated at the site after April 1996? Yes _____ No Note:

Response actions initiated after April 1996 may cause the applicant to become ineligible for the VCP.

Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the site? Yes No _____

Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this site? Yes No _____

If yes, please describe all prior contact with any state or federal environmental regulatory programs or agencies which relate to each of these questions. Attach additional sheets as necessary. The Stewart Creek WWTP opened in 1979. The Stewart Creek WWTP was issued NPDES Permit No. TX 0027715 and Texas Permit No. WQ0010172001. In the 1980s temporary RCRA Interim Status Permit No. TXTT982813453 was issued to the City of Frisco for closure of the sludge drying beds. In the 1990s several EPA Administrative Orders were issued to the City of Frisco for the Stewart Creek WWTP (Docket Nos. VI-90-412, VI-92-206, VI-93-1043, VI-93-1045, VI-95-1037, CWA-6-009-00). The Stewart Creek WWTP closed in June 1999.

Is a request for reimbursement pre-approval currently under review by the Petroleum Storage Tank (PST) Program? Yes _____ No

If yes, then please describe the site's status in the PST Program

Please provide any and all state and federal identification numbers related to the property in question, including any solid waste registration, leaking petroleum storage tank, CERCLIS, RCRIS, UIC, etc. registration numbers which have been assigned. Temporary RCRA Interim Status Permit TXXX982813453; TWC Permit WQ0010172001, and EPA NPDES Permit No. TX0027715.

Contaminated Media and Contaminants Present

Have contaminants been detected in on-site media? Yes No
 Please check the chemicals of concern within each contaminant category and the media which have been affected:

| Contaminant Category | Soil | Groundwater | Surface Water | Sediment |
|-----------------------|------|-------------|---------------|----------|
| *VOCs | | | | |
| *SVOCs | | | | |
| *Heavy Metals | X | | | |
| *Chlorinated Solvents | | | | |
| Pesticides | | | | |
| TPH | | | | |
| PCBs | | | | |
| Other | | | | |

*Please describe The influent wastewater pond sediment was analyzed for VOCs, SVOCs, TPH, and RCRA 8 Metals and the only detected COCs above Tier 1 PCLs were arsenic, barium, cadmium, lead mercury, selenium and silver. Future analysis will focus only on these metals compounds.

Applicant's Intended Response Action Objectives (Cleanup Levels)

Not known at this time. Applicant wishes to receive guidance from the VCP prior to the signing of a VCP agreement.

Texas Risk Reduction Program Rules (30 TAC Chapter 350) - Check Appropriate Standard and Tier Level:

Self-Implemented Cleanup to Remedy Standard A, Tier 1 Tier 2 Tier 3

Non Self-Implemented Cleanup to Remedy Standard A, Tier 1 Tier 2 Tier 3

Cleanup to Remedy Standard B, Tier 1 Tier 2 Tier 3

PST Rules (30 TAC Chapter 334) - Check Appropriate Standard:

- Cleanup to generic risk-based levels (following PST Plan A requirements).
- Cleanup to site specific risk-based levels not relying on engineering or institutional controls (following PST Plan B requirements).
- Cleanup to site specific risk-based levels which rely on engineering or institutional controls (following PST Plan B requirements).
- Other(explain) _____

Federal Brownfields Tax Deduction

Are you requesting TCEQ certification that the site is eligible for a federal tax deduction under the Taxpayer Relief Act of 1997 (HR 2014)? Yes ___ No √

If yes, please submit a Brownfields Tax Deduction Pre-Certification Form. This form may be downloaded from <http://www.tceq.state.tx.us/permitting/remed/vcp/vcp/html>.

State Property Tax Abatements for Brownfields

Are you interested in signing an agreement with the local taxing authority to receive a property tax abatement after issuance of the VCP Certificate of Completion, as allowed under Section 312.211 of the Texas Tax Code? Yes ___ No √

If yes, please read the application instructions for more information about this tax abatement.

Environmental Assessment

An environmental assessment that includes the following information must be attached to this application:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant;
4. information that the applicant is aware of concerning the nature and extent of any contamination and/or release at the site and in areas contiguous to the site; and
5. relevant information the applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the site.

Intent to Participate

The undersigned requests oversight by the TCEQ of investigation and cleanup activities of possible contamination at the property described above and intends to negotiate in good faith, a written agreement with the TCEQ to provide technical and regulatory oversight. This Intent to Participate does not constitute such an agreement and neither TCEQ nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed. Applicants should be aware that in order for the TCEQ to issue a VCP Certificate of Completion for an entire site, the applicant must provide adequate information to document that the entire site meets the applicable standards. As an alternative, the applicant may pursue a VCP Certificate of

Completion for only a portion of the site, as a partial response action area. The agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the TCEQ for all of its oversight costs. By completing and signing this Intent to Participate and that excepting areal limitations with partial response actions, all environmental media which exceed the critical Protective Concentration Levels shall be addressed through appropriate response actions. The undersigned affirms the applicant's financial capability to perform the voluntary cleanup. The Executive Director may also request additional information to support this affirmation

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time. If the TCEQ rejects the application, it will notify the applicant and explain the reasons for rejection and will refund half of the application deposit, unless the applicant indicates a desire to resubmit a corrected application. An applicant can resubmit an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date.

Deposit of Oversight Costs

The applicant must submit with this application, a deposit in the amount of one thousand dollars (\$1,000), made payable to the Texas Commission on Environmental Quality. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

[Remainder of page left blank intentionally]

Please execute this Intent to Participate in the space below and return it and all associated documents (e.g., environmental assessment reports) to:

Attention: Cashier
Texas Commission on Environmental Quality
MC- 214
P.O. Box 13088
Austin, Texas 78711-3088

For overnight or express mail please use the following street address:

Attention: Cashier
Texas Commission on Environmental Quality
MC-214
12100 Park 35 Circle
Austin, Texas 78753

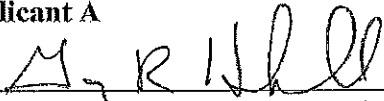
Note: Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.

Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A

By: 
(signature)

Name: Gary R. Hartwell, P.E.
(print or type)

Date: 11/30/07

Title: Director, Dept. of Public Works

Company: City of Frisco, Texas

Phone: 972-292-5800