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May 14, 2014

Via Certified U.S. Mail, Return Receipt Requested 7013 1090 0002 1772 6499

Mr. Brent Wade, MC-123
Texas Commission on Environmental Quality
Post Office Box 13087
Austin, Texas 78711-3087

Re: Exide Waste Spill; May 8, 2014

Dear Mr. Wade:

The City of Frisco is providing you with the attached report prepared by the City's contractor in regard to the above referenced matter to assist TCEQ with its investigation. As you are aware, the agreement between the City and Exide for access to City property on Stewart Creek to remove battery casing chips, furnace slag, and sedimentation samples requires Exide to assume full legal responsibility for the chips/slag/sediment. Although the City's contractor is accompanying the Exide contractors during these field activities, the City's contractor is exercising no control over the actions of the Exide contractors. Any concerns with Exide's activities are reported to the City by its contractor. The City's contractor is taking independent samples at each location where the Exide contractor identifies chips or slag for removal.

Following Exide's loss of the bucket of chips/slag/sediment last Thursday, the City's contractor did assist in trying to locate the bucket. The City also directed City personnel to assist in the recovery effort. Unfortunately, the bucket was not located. We believe it is a reasonable assumption that the bucket was found in the street by a person who picked up the bucket for their own use; without realizing the contents might be hazardous waste.

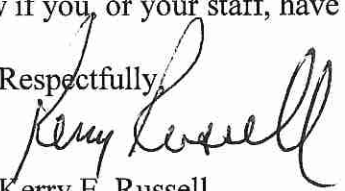
The City advised Exide that it would not allow further access to City property on Stewart Creek until this matter is resolved.

As a result of this incident, the City believes a formal transportation protocol is required before Stewart Creek investigation activities by Exide can resume. The City believes final approval of that protocol rests with TCEQ as the State agency responsible for responding to such waste spills. The City does not believe Exide's initial protocol submitted to TCEQ for approval following the incident was adequate. The City has provided Exide with its suggestions on a formal transportation protocol to help prevent a future occurrence of this nature. Your staff has been copied with Exide's and the City's ideas in this regard.

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The City remains willing to assist in any way to move the Stewart Creek investigation and remediation process forward. Please let us know if you, or your staff, have any questions.

Respectfully,


Kerry E. Russell

Cc: Ms. Margaret Ligarde
Mr. Gary Beyer
✓ Mr. Mack Borchardt
Mr. Matt Love



May 12, 2014

City of Frisco

c/o Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, TX 78628
Attn : **Mr. Kerry Russell**

Re: **Report of May 8, 2014 Activities**
Oversight of Interim Action Work Plan, Slag and
Battery Case Removal and Disposal - Stewart Creek
F.M. 423 to BNSF Railroad Bridge
Frisco, Denton County, Texas
SWG Project No. 0111C278D1

Dear Mr. Russell:

Apex TITAN, Inc. (Apex), formerly known as Southwest Geoscience, was present to document slag and battery chip removal activities in accordance with Golder's Interim Action Work Plan, Slag and Battery Case Removal and Disposal dated November 7, 2013 and the Texas Commission on Environmental Quality (TCEQ) response letter dated December 17, 2013 to collect split confirmation soil samples with Golder on May 8, 2014. Remediation Services, Inc. (RSI), was present to support Golder Associates (Golder) in locating, removing, transporting and storing slag/battery chips for subsequent classification and disposal. Work was being conducted in the segment of Stewart Creek between Stonebrook Parkway and Legacy Drive. Two representatives from the TCEQ Region 4 field office were also present to document field activities. Vehicles were parked in a grass area on City of Frisco property on the southeast quadrant of Legacy Drive and Stonebrook Parkway. Golder transported equipment and sample supplies in a small raft and modified child's pool to the creek. RSI relocated their truck to the creek edge and entered the creek with a 5-gallon bucket to hold removed slag/battery chips and underlying sediment for subsequent transport to the Exide facility for classification and disposal. Apex's supplies were transported by an all-terrain vehicle (ATV) from the grass field to the edge of the creek.

The field party representatives consisted of the following:

- Golder – Abby Marlow, Chris Trevino
- RSI – Robert Turner, Nathan George
- TCEQ – Veronica Guerrero, Tyler Frizelle
- Apex – Jason Minter, Tommy Kim, Melanie Calzada

The field party entered the creek on May 8, 2014 at approximately 0810. Showers were in the vicinity of the creek west of the site; however, it appeared that work could be conducted for a few hours. Weather conditions were closely monitored during the initial sampling activities. The field team exited the creek and equipment was moved back to the trucks and loaded between 0850 and 0910. A decision was made to suspend field activities for an hour to assess whether or not field activities could continue. The field team left the grass field at approximately 0910 and relocated to the Beaver's Bend Park parking lot on standby. Apex's ATV was left in the grass field until a final decision was made. Based on radar data it appeared that conditions were deteriorating and the decision was made to exit the creek at approximately 0845. Four samples (discrete and composite) were collected within the creek at 0818, 0825, 0831 and 0846.

Field activities were called off at 0940 based on forecast information and radar data. Apex returned to the southeast corner of Legacy Drive and Stonebrook Parkway at approximately 1000 to load the ATV when Robert Turner of RSI arrived to ask if Apex had seen the bucket they used to collect waste from the

creek. Based on a brief conversation, it appeared that the bucket was loaded in the back of the RSI pickup truck in the grass parking area, but the tailgate was not secure. Apparently the bucket fell out of the pickup during transport between the grass parking area and the Exide facility (between 0910 and approximately 0950) since the discovery occurred at the Exide facility. A brief search of the grass field was conducted by Jason Minter and Robert Turner. Additionally, Jason Minter returned to the entrance/exit point to the creek, but the bucket was not found.

Jason Minter contacted Rusty Simpson of Apex at approximately 1010 to inform her of the matter. At Rusty Simpson's direction, Apex's field resources were utilized to assist in the search for the missing bucket. Apex utilized both field trucks to drive and search along Legacy Drive between Main Street and Lebanon Road, Main Street between Legacy Drive and Parkwood Blvd., Parkwood Blvd. between Main Street and Lebanon Road and Lebanon Road between Parkwood Blvd. and Legacy Drive to search for the bucket. Additionally, Apex searched the parking lot and nearby trash cans at the Beaver's Bend Park parking lot. During the search Jason Minter called Abby Marlow at 1030 to ask for details in an effort to assist in retrieving the bucket. Abby Marlow was no longer on-site with the Apex field team.

Based on the conversation with Abby Marlow, and a subsequent conversation with Robert Turner, it appeared that RSI exited the grass parking area and turned east on Stonebrook Parkway to make a U-turn to Legacy Drive. RSI traveled south on Legacy Drive and stopped at the Beaver's Bend Park parking lot. They left the parking lot and traveled south on Legacy Drive to Lebanon Road and turned east to Parkwood Blvd. They then turned north on Parkwood Blvd. toward the Exide facility. The route is provided as an attachment to this letter.

Jason Minter contacted Abby Marlow of Golder at 1048 for an update. Based on the conversation, Apex understood that the Golder was calling off the search and that the incident would be reported to TCEQ. Jason Minter contacted Rusty Simpson at 1051 to update subsequent to the conversation. Rusty Simpson then contacted Kerry Russell, City of Frisco outside counsel with Russell & Rodriguez to provide an update on the matter. At Kerry Russell's direction, Rusty Simpson contacted Dorothy Lewis of TCEQ at 1117 to verify that a report was made by Exide. According to Dorothy Lewis, no report had been made to her and she intended to call Gary Beyer and Merrie Smith of the TCEQ central office to determine if they had been notified.

Abby Marlow later clarified that the bucket was a white bucket with an "Academy" logo and with a black lid. It should be noted that Abby Marlow initially stated that the bucket contained five battery chips along with underlying soil and sediment; however, based on Apex's field documentation it appears that the bucket contained seven battery chips from four different areas in sediment and on a creek bank wall.

We appreciate the opportunity to provide this report for the City of Frisco, c/o Russell & Rodriguez, L.L.P. Please contact either of the undersigned at (214) 350-5469 if you have questions regarding the information provided in this letter.


Sincerely,
Apex TITAN, Inc.

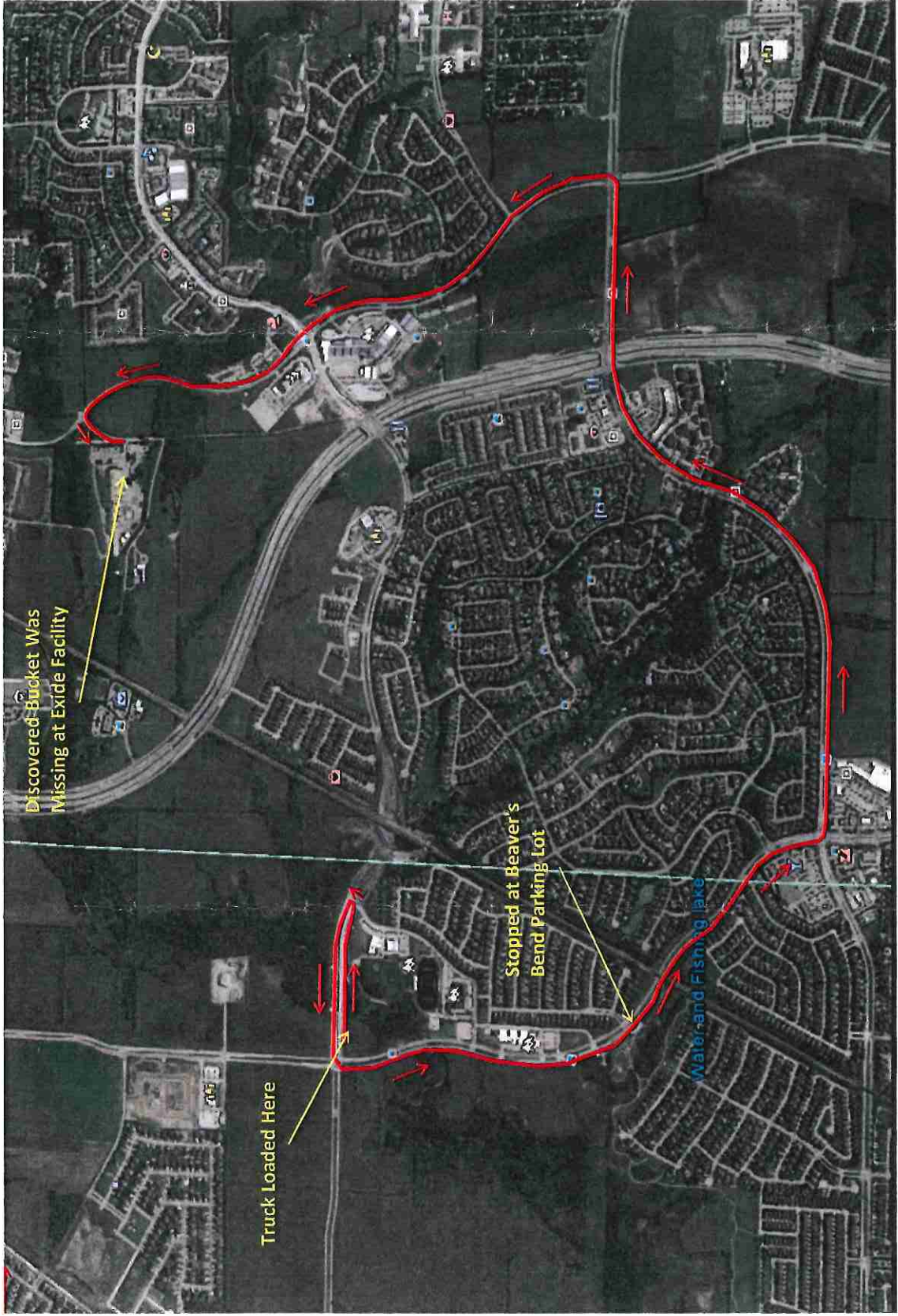
Prepared by:



Jason T. Minter, P.G.
Project Geologist

Reviewed by:


Rusty L. Simpson, P.G., C.P.G.
Principal



Discovered Bucket Was Missing at Exide Facility

Truck Loaded Here

Stopped at Beaver's Bend Parking Lot

Water and Fishing lake