

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 10, 2014

Mr. Kerry E. Russell
Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628

Re: Letter dated March 6, 2014 regarding Exide Progress Report dated February 19, 2014
Exide Technologies, Inc.
TCEQ SWR No. 30516
TCEQ Hazardous Waste Permit No. HW-50206
EPA ID No. TXD006451090
CN600129779; RN100218643

Dear Mr. Russell:

Thank you for your letter dated March 6, 2014, regarding the Exide Progress Report on the Interim Action Work Plan - Stewart Creek Slag and Battery Chip Investigation and Removal Plan. The TCEQ appreciates that the City of Frisco (the City) is allowing access for Exide to conduct the approved Interim Plan. Additionally, the agency appreciates the assistance from the City in securing access for Exide to conduct the interim actions on other private properties along the creek.

As indicated in your letter, the Interim Action Stewart Creek Slag and Battery Chip Investigation and Removal Plan do not constitute the final cleanup plan for Stewart Creek. The plan was requested by the Agency to address the potential for immediate exposures to wastes reported to be in the creek. Exide is required to submit an Affected Property Assessment Report (APAR) that will establish the basis for the cleanup of the creek. The interim action being pursued at this time will inform the assessment, but the interim action will not constitute the full remediation of Stewart Creek. The remediation of Stewart Creek by Exide will be addressed by the Response Action Plan which will follow the APAR.

In your letter, you note some conditions the City has regarding access to the City owned properties. Several of the conditions you note have been addressed in our letter dated December 17, 2013 (enclosed). One of the conditions you list in your letter is that the City should have representatives present at all Exide activities, and that samples should be split. We encourage the City and Exide to work cooperatively to ensure an expeditious implementation of the interim removal plan.

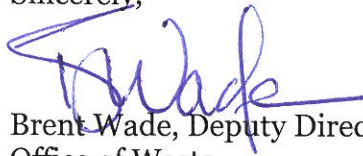
Mr. Kerry Russell

Page 2

April 10, 2014

Please contact William J. (Bill) Shafford, P.E. at (512) 239-6651 or by e-mail at bill.shafford@tceq.texas.gov if you need additional information or wish to discuss this letter. Thank you for your cooperation in this matter.

Sincerely,



Brent Wade, Deputy Director

Office of Waste

Texas Commission on Environmental Quality

Enclosure

cc: Mr. George Purefoy, City Manager, City of Frisco
Mr. Mack Borchardt, City of Frisco
Mr. Matt Love, Exide Technologies, Inc.
Ms. Aileen Hooks, Baker Botts