

R&R
RUSSELL & RODRIGUEZ, L.L.P.
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE
BUILDING 2, SUITE 200
GEORGETOWN, TEXAS 78628

PHONE (512) 930-1317
FAX (866) 929-1641
WWW.TXADMINLAW.COM

Email: kerryrussell@usa.net

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.

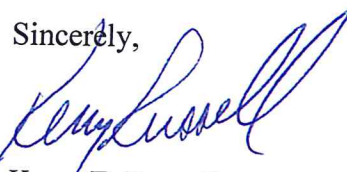
The Application will, if approved, allow Exide to mix various wastewater sources with its stormwater and directly discharge the untreated combined wastewater stream directly into Stewart Creek. Those sources include groundwater contaminated with lead, cadmium, and arsenic. Those sources also include 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