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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 23, 2016

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

Re: Exide Technologies, Inc. Frisco Recycling Center (Exide) Facility Investigation and Remediation; Frisco Area Activities

Dear Mr. Russell:

Thank you for your letter dated June 3, 2016, regarding the remediation activities at the former Exide facility.

Regarding your request that the City of Frisco be given the opportunity to participate in discussions between the TCEQ staff and Exide regarding Stewart Creek, the TCEQ will continue to involve the City in the process as much as possible. We appreciate the City's role and valuable input.

As stated in the May 9, 2016 letter, Exide is required to submit a Response Action Plan (RAP) to address the full extent of contamination at the facility and in Stewart Creek, to include any remedial measures necessary to address human health and ecological receptors along Stewart Creek.

As you are aware, the TCEQ requires clean-up for contaminated sites under a risk-based regulatory system designed to ensure that human health and the environment are protected. Exide is in the process of conducting evaluations in accordance with our regulations to demonstrate what wastes and contaminated media must be remediated, whether by removal or by other means. While removal of waste and contaminated media may be necessary, the extent of any removal has not been fully delineated within the creek, and as such, the TCEQ does not currently have all of the information necessary to determine the extent to which any sediments will need to be removed along the creek.

Regarding the Class 2 Corrective Action Management Unit (CAMU), the TCEQ will ensure that Exide provides appropriate certification before use. The April 15, 2015, TCEQ Order established that the unit meets the regulatory requirements of 40 Code of Federal Regulations 264 Subpart S, based on staff review of the design, quality assurance, quality control, and other materials provided by Exide. Exide will need to certify that the liner for Cells 13-15 meet the established design standard and quality control parameters. The unit is subject to on-going maintenance and monitoring requirements, which will be included in any post-closure care authorization.

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JUN 29 2016

**CITY OF FRISCO
CITY MANAGER'S OFFICE**

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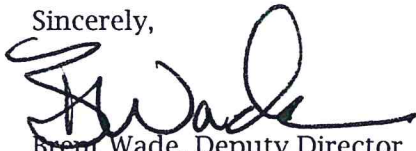
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Re: Exide Technologies, Inc. Frisco Recycling Center (Exide) Facility Investigation and Remediation; Frisco Area Activities

Regarding the currently permitted units and Solid Waste management units (SWMUs) located at the currently permitted Former Operating Plant (FOP) at the site, please be aware that a remedial option has not been approved. The RAP will be considered during the RCRA hazardous waste permit application review, and will be subject to applicable public process requirements in accordance with state and federal regulations. Additionally, Exide will be required to provide financial assurance for all closure, post-closure and corrective action activities as required by the permit.

If you have any questions, please contact William (Bill) Shafford, P.E. at (512) 239-6651.

Sincerely,



Brent Wade, Deputy Director
Office of Waste
Texas Commission on Environmental Quality

cc: Mr. George Purefoy, City of Frisco
Mr. Mack Borchardt, City of Frisco
Mr. Richard Abernathy, City of Frisco
Mr. Matt Love, Exide Technologies
Ms. Aileen Hooks, Baker Botts
Ms. Margaret Ligarde, Special Counsel, TCEQ

