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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 9, 2016

Mr. Kerry Russell  
1633 Williams Drive  
Building 2, Suite 200  
Georgetown, Texas 78628



Dear Mr. Russell:

Thank you for your April 11, 2016 letter regarding the ongoing investigation and remediation activities conducted by Exide Technologies (Exide) at the former Exide recycling facility operating plant (FOP) in Frisco, Texas. As you are aware, the Texas Commission on Environmental Quality (TCEQ) has been working with Exide and the City of Frisco to ensure that the contamination at the FOP and along Stewart Creek running through and downstream of the FOP are properly addressed.

The TCEQ conditionally approved the Exide supplemental Affected Property Assessment Report (APAR) for the FOP on February 11, 2016, and noted that the full approval of the investigation was contingent on evaluation of the potential ecological risks posed by the impacted sediments in Stewart Creek. TCEQ has also stated in a letter dated April 7, 2016 to the company that a Response Action Plan (RAP) would need to address the full extent of contamination (on-site and off-site), including any remediation needed to address human health and ecological receptors along Stewart Creek.

The TCEQ initially requested an interim investigation and recovery plan from Exide to address areas that pose an immediate risk of exposure to slag and battery chips in the downstream portion of Stewart Creek while the human health and ecological risk assessment issues were being investigated. An Interim Action work plan (IAWP) was subsequently approved by the TCEQ on December 17, 2013. Access issues delayed the implementation of the interim plan, and Exide submitted the report documenting the results of the first removal, which the TCEQ received on August 22, 2014. The approved IAWP indicates that Exide would continue removal actions on a routine basis. In October 2015, Exide submitted a revised IAWP, which was then approved by the TCEQ on December 2015. The second removal action was scheduled to take place on March 2016. In your letter, you indicated that TCEQ provided verbal approval to modify the previously approved plan. Please note that TCEQ merely agreed that a meeting to discuss the plan going forward due to concerns raised by Exide may be appropriate, and thus agreement regarding a possible meeting should not be construed as a verbal approval to alter the approved IAWP.

Regarding the ecological risk assessment investigations, on March 31, 2016, the TCEQ approved a revised Exide work plan to develop site-specific sediment protective concentration levels (PCLs) for arsenic. This sediment sampling is anticipated to start the week of May 9, 2016.

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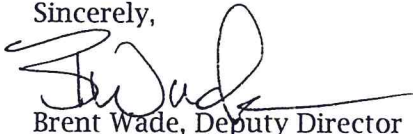
Regarding the former Class 2 landfill, the TCEQ order designating the Class 2 landfill as a Corrective Action Management Unit (CAMU) certifies that Cells 1-12 meet the criteria for a CAMU based on the design and construction of the existing unit. Regarding Cells 13-15, Exide will need to provide a certification demonstrating that they meet the design and construction requirements as set forth in the Risk Evaluation referenced by the Order.

The TCEQ approved the RAP for the Undeveloped Buffer property (VCP ID No. 2541) on February 10, 2016. The plan contemplates that soil excavated from the affected areas meeting a Class 2 waste characterization would be placed in the CAMU in existing and to-be-constructed cells. The most recent status report dated April 7, 2016, indicates that pre-excavation soil classification sampling activities are ongoing at this VCP site.

Exide Technologies filed a major amendment to Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0002964000 on March 31, 2016. The application is currently under review for administrative completeness and a notice of deficiency (NOD) was mailed on April 12, 2016. Technical review of the amendment application has not been initiated to determine if the amendment requests can be supported and what conditions would be appropriate to authorize the amendment request. Once the application is declared administratively complete by the TCEQ, the Notice of Receipt and Intent will be mailed, initiating the comment period for this application. Water Quality Division staff processing the TPDES application will work with staff in the Office of Waste to ensure any modifications to the TPDES permit are consistent with ongoing remediation activities at this site.

The TCEQ remains committed to ensuring that the cleanup of this site continues in a timely manner.

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