



March 18, 2014

Richard Hyde, P.E.
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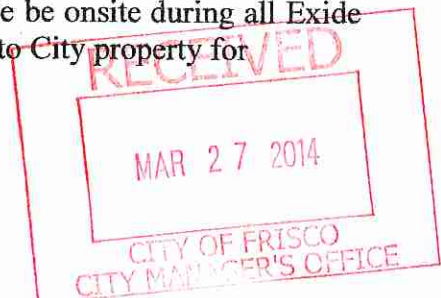
Re: Exide Frisco Recycling Facility, 7471 5th St., Frisco, TX 75034-5047
Interim Action Work Plan, Slag and Battery Case Fragment Removal and Disposal,
November 7, 2013, approved by TCEQ letter dated December 17, 2013

Dear Mr. Hyde,

At the TCEQ's request, Exide developed the above-referenced *Interim Action Work Plan* to advance cleanup of slag and battery case fragments in Stewart Creek while Exide continues work on revision of its Affected Property Assessment Report (APAR) and the Response Action Plan (RAP) for the former Frisco Battery Recycling Plant, including sediments in Stewart Creek. Exide recognizes that the *Interim Action Work Plan* is an interim plan for removal of slag and battery case fragments only and not the final response plan for Stewart Creek, and has never believed or asserted otherwise. The final remedy, including the appropriate remedy for conditions in Stewart Creek, will be determined in a TCEQ-approved Response Action Plan.

Since receiving TCEQ approval, Exide has been working diligently to secure access to implement the *Interim Action Work Plan*. While the City of Frisco has granted access to Exide for investigation activities associated with the APAR, and has assisted with access for investigation purposes on other privately owned property along Stewart Creek, the access granted to date does not allow Exide to perform the slag and battery case fragment removal required under the *Interim Action Work Plan*. In a recent letter to you, the City of Frisco's counsel outlines four conditions that must be met before granting Exide access to implement the *Interim Action Work Plan*. Exide would very much like to proceed with this interim work – which was requested and approved by TCEQ. We have reviewed the City's conditions and by this letter provide our response with the hope that we can obtain the necessary access and implement the *Interim Action Work Plan* on properties owned or in the process of being acquired by the City in the near future:

1. The City indicates it requires that a City representative be onsite during all Exide activities on City properties. As with previous access to City property for



investigation purposes, Exide will inform the City and TCEQ in advance of when Exide or its consultants plan to conduct interim actions on City properties. We will coordinate the timing of the activities to accommodate the schedule of the City's representatives.

2. The City requires that all slag/battery case fragments be accurately located with GPS coordinates prior to removal. We agree that this step is appropriate, and it is what is required by the approved Plan. As stated on page 4 of the *Interim Action Work Plan*, "Exact locations where slag and/or battery case fragments are observed will be measured using a Trimble R8-4 Global Positioning System (GPS) handheld receiver, or equivalent device. For each identified feature, the geographic coordinates as well as visual observations at each location will be recorded. . . . Identified slag or battery case fragments will be removed wherever observed."
3. Contrary to what is required by the approved Plan, the City has requested sampling of underlying sediment at all slag/battery case fragment locations. However, because this is an interim measure, sampling the soil/sediment beneath 10% of the locations, as approved by TCEQ, is an appropriate method to gain information. If additional sampling proves advisable or necessary, that is one of the purposes of detailing the locations via GPS. There is no technical justification for requiring more within the scope of this work, and Exide does not agree that is necessary or appropriate for this interim scope of work.

It should be noted that Exide is currently performing extensive sediment sampling in Stewart Creek separate and apart from the interim actions. As agreed upon by the TCEQ and City, this sampling is biased toward areas where fine grain sediments are likely to be present – not where slag or battery case fragments are located. Exide believes the combination of existing sediment data, sediment data currently being collected, and data from 10% of locations where slag and battery case fragments will be removed provides a substantial database to characterize impacts to creek sediments.

For any samples Exide takes on the City properties, Exide will provide the City with splits (and can provide splits to TCEQ upon request). Exide's consultants will take into account, as technically appropriate, the City's desire for the media samples to include soil fines as well as larger media for samples taken on the City properties, although the actual percentage of fines cannot be determined in the field (i.e., it can only be determined via subsequent testing of the sediments).

4. The City expresses concern about the disposal of slag/battery case fragments removed from its properties. Exide will be responsible for disposal of the slag and battery case fragments it removes during implementation of the *Interim Action*

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Work Plan and will be the generator of any waste resulting from this work. For clarity, this can be reflected in the terms of an access agreement. Exide will be documenting disposal practices associated with this work in any event and can provide documentation of proper disposal to the City for material removed from the City's properties with the City. We appreciate TCEQ's assistance in securing access for this approved interim work. We look forward to resolving the terms of access to the City property so that we can complete the Interim Action Work Plan.

We appreciate TCEQ's continued assistance in securing this access. Please contact me should you have any questions or wish to discuss this matter further.

Sincerely,

EXIDE TECHNOLOGIES



Matthew A. Love
Director, Global Environmental Remediation

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