



February 19, 2014

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Attn: Paul James

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Attn: Mr. Gary Beyer
Mr. Bill Shafford

Subject: Progress Report - Access to Offsite Properties
Exide Technologies Frisco Recycling Center, Frisco, Texas
TCEQ Agreed Order Docket No. 2011-1712-IHW-E;
IHW Permit No. HW-50206; TCEQ SWR No. 30516;
Customer No. CN600129779; Regulated Entity No. RN100218643;
EPA ID No. TXD006451090; EPA Administrative Order on Consent
RCRA 06-2012-0966

Dear Mr. Hyde and Ms. Singhvi,

As required by the Conditional Approval of Response to TCEQ and EPA Comments on Affected Property Assessment Report, and Tier 2 Screening Level Ecological Risk Assessment issued by the TCEQ on November 19, 2013, this letter provides a status of Exide's efforts to obtain access to offsite properties for inspection, sampling, and/or battery case/slag fragment removal from areas of Stewart Creek downstream of the Exide site.



Exide's environmental consultant has identified 31* parcels downstream to which access is necessary for either environmental assessment purposes or to access parcels where environmental assessment activities will be performed. Parcels on which environmental assessments will be performed are, at a minimum, being inspected for a potential for special status species to be present, physical features of the creek area, dominant plant species, wildlife, sediment deposition, and the presence of battery case and/or slag fragments. Based on observations during the inspection, review of existing data, and consultation with the TCEQ, surface water and sediment sampling locations are being designated and sampled as access is obtained. Currently it is uncertain whether all parcels on which environmental assessment activities will be performed will require sampling. Where observed and where access is granted for Interim Actions, battery case and slag fragments will be removed using hand tools.

Of the 31 parcels cited above, 17 are owned by the City of Frisco or City of Frisco entities. The City of Frisco has granted access to inspect and sample those lengths of Stewart Creek on properties owned by the City of Frisco or City of Frisco entities. These 17 parcels have already been inspected and sampled. However, the City will not provide access for removal of battery case and slag fragments pending U.S. Army Corps of Engineers (USACE) coordination. County records indicate ownership of an 18th parcel as the Frisco Independent School District. The City believes this parcel may have been acquired by the City of Frisco and is checking their records to confirm this.

Of the remaining 13 parcels, three are owned by the USACE. Exide met with the USACE, submitted necessary documentation for inspection of the USACE parcels, and the USACE authorized inspection of the USACE parcels. These parcels have been inspected. Additional authorization is required from the USACE for sampling, and removal of battery case and slag fragments from the USACE parcels. On January 29, 2014, Golder Associates submitted documents required by the USACE for the additional authorization. At the time the documents were submitted, the USACE estimated it could take six weeks from receipt of the documents to issue the additional authorization. On February 14, 2014, the USACE was contacted to determine if they could provide a better estimate when the additional authorization might be issued. The USACE could not.

* This is a decrease from the 33 parcels indicated in the first progress report. Since issuance of the first report, Golder Associates determined that access to two of the 33 parcels originally identified is not necessary.

Richard A. Hyde, P.E.
Ms. Sunita Singhi
TCEQ Order Compliance Team
February 19, 2014

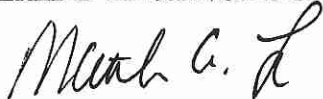
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The remaining 10 parcels are owned by six individuals/entities (i.e., some of these entities own multiple parcels).

- Owners of two of these parcels have granted access for inspection and sampling only (i.e., have not granted access for removal of battery case and slag fragments).
- The owners of three of these parcels have granted access for inspection, sampling, and battery case and slag fragment removal, although Stewart Creek is actually only located on one of these parcels (i.e., access to the other two are required to access parcels on which Stewart Creek is located).
- Exide has been exchanging versions of access agreements with an individual who owns three of these parcels and hopes to finalize an access agreement soon. That individual intends to limit access to inspection and sampling only (i.e., not authorize removal of slag and battery case fragments).

Sincerely,

EXIDE TECHNOLOGIES



Matthew A. Love
Director, Global Environmental Remediation

cc: Mr. Gary Beyer TCEQ – 2 copies
Mr. Bill Shafford – TCEQ
Ms. Margaret Ligarde – TCEQ
Mr. John Shelton – TCEQ
Mr. Chris Shaw – TCEQ
Mr. Paul James – EPA
Mr. Guy Tidmore – EPA
Mr. Jay Przyborski – EPA
Mr. Mack Borchardt – City of Frisco
Ms. Aileen Hooks – Baker Botts
Waste Section Manager, Dallas/Fort Worth Regional Office – TCEQ
Ms. Anne Faeth-Boyd – Golder Associates
Mr. Eric Pastor - PBW