



Consulting Engineers  
and Scientists

PASTOR, BEHLING & WHEELER, LLC  
2201 Double Creek Drive, Suite 4004  
Round Rock, TX 78664

Tel (512) 671-3434  
Fax (512) 671-3446

December 12, 2013  
(PBW Project No. 1824)

VIA ELECTRONIC MAIL AND HAND DELIVERY

Mr. Gary Beyer  
Project Manager  
VCP-CA Section, MC-221  
12100 Park Circle  
Austin, Texas 78753

Re: Modification to Voluntary Cleanup Agreement, Undeveloped Buffer Property VCP Project,  
Frisco, Collin County, Texas; VCP No. 2541

Dear Mr. Beyer:

On behalf of the VCP applicants for the above-referenced Site, Pastor, Behling & Wheeler, LLC (PBW) has prepared a modification to the VCP Agreement which revises the submittal schedule for the Affected Property Assessment Report (APAR) and Response Action Plan (RAP). The schedule revision is based on the following:

- Based on comments received on the Former Operating Plant (FOP) Affected Property Assessment Report (APAR), the groundwater classification for the Undeveloped Buffer Property will be assumed to be a Class 2 groundwater resource. This change will result in new protective concentration levels being applicable at the Site and, consequently, additional investigation activities are needed to complete the APAR under a Class 2 groundwater scenario; and
- The time required for pre-submittal review of draft documents are longer than originally projected given the time associated with a review process involving multiple co-applicants.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

PASTOR, BEHLING & WHEELER, LLC

Eric F. Pastor P.E.  
Principal Engineer

HAND DELIVERED

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DEC 13 2013

TCEQ Remediation Division

Tim Nickels  
Senior Scientist

Mr. Gary Beyer  
December 12, 2013  
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cc: Matthew A. Love – Exide Technologies  
Christine Graessle – Exide Technologies  
Vanessa Coleman – Exide Technologies  
Aileen Hooks – Baker Botts  
Paulina Williams – Baker Botts  
Kerry Russell – Russell and Rodriguez  
Art Rodriguez – Russell and Rodriguez  
Ron Patterson – City of Frisco  
Henry Hill – City of Frisco  
George Purefoy – City of Frisco  
Mack Borchardt – City of Frisco  
Wade M. Wheatley – Cook-Joyce  
Richard Varnell – Cook-Joyce  
Rusty Simpson – Southwest Geoscience

**MODIFICATION TO VOLUNTARY CLEANUP AGREEMENT  
VCP No. 2541**

**SUBMITTALS AND SCHEDULES**

The following plans and reports were included with the Voluntary Cleanup Program application, in this Agreement, or have been added by amendment to this Agreement:

- Phase I Environmental Site Assessment (ESA)
- Phase II/Limited Phase II ESA
- Affected Property Assessment Report
- Response Action Plan
- Other Soil Investigation Report, J Parcel Area, Exide Technologies, Frisco, Texas

The required submittals shall include a monthly status report, which describes all activities completed for the current month and those planned for the upcoming month. In order to complete the voluntary cleanup activities which are necessary for Certificate of Completion issuance, the following plans and reports will be submitted according to the schedule specified below (put **anticipated date of submittal of report** in blanks or NA if not applicable):

- Affected Property Assessment Report by April 1, 2014
- Response Action Plan by April 1, 2014
- Response Action Completion Report Within 90 days of completion of the response action
- Response Action Effectiveness Reports NA
- Post-Response Action Completion Reports NA
- Monthly Status Report will be submitted by the 10th of each month
- Other reports \_\_\_\_\_

If the Applicant is self-implementing to Remedy Standard A, a completed TCEQ Form 10323 (Self-Implementation Notice) must be attached to this Agreement amendment. If the Applicant is self-implementing, TCEQ will not review or comment on site-specific issues submitted by the Applicant prior to submittal of the Response Action Completion Report or the Response Action Effectiveness Report if the RACR has not been previously submitted.

The TCEQ may terminate the Agreement if:

- 1) the aforementioned submittals are not submitted by the time frames stated above, unless TCEQ approves an Applicant's revised schedule; or
- 2) responses to TCEQ comments on the aforementioned submittals are not submitted in accordance with time frames provided in TCEQ comment letters.

SIGNATURES

Applicant A

By: Bruce A. Cole  
(signature of authorized representative)

Date: 12/06/2013

Name: Bruce A. Cole  
(print or type)

Company: Exide Technologies

Applicant B

By: \_\_\_\_\_  
(signature of authorized representative)

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(print or type)

Company: City of Frisco

Applicant C

By: \_\_\_\_\_  
(signature of authorized representative)

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(print or type)

Company: Frisco Economic Development Corporation

Applicant D

By: \_\_\_\_\_  
(signature of authorized representative)

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(print or type)

Company: Frisco Community Development Corporation

TCEQ Representative

By: \_\_\_\_\_  
(signature)

Date: \_\_\_\_\_

Name: \_\_\_\_\_  
(print or type)

Title: \_\_\_\_\_

SIGNATURES

Applicant A

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Company: Exide Technologies

Applicant B

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Company: City of Frisco

Applicant C

By: James L. Gandy  
(signature of authorized representative)

Name: JAMES L. GANDY  
(print or type)

Date: 12-6-13

Company: Frisco Economic Development Corporation

Applicant D

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Company: Frisco Community Development Corporation

TCEQ Representative

By: \_\_\_\_\_  
(signature)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Title: \_\_\_\_\_

SIGNATURES

Applicant A

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Company: Exide Technologies

Applicant B

By: George Purefoy  
(signature of authorized representative)

Name: George Purefoy  
(print or type)

Date: 12-6-13

Company: City of Frisco

Applicant C

By: \_\_\_\_\_  
(signature of authorized representative)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Company: Frisco Economic Development Corporation

Applicant D

By: George Purefoy  
(signature of authorized representative)

Name: George Purefoy  
(print or type)

Date: 12-6-13

Company: Frisco Community Development Corporation

TCEQ Representative

By: \_\_\_\_\_  
(signature)

Name: \_\_\_\_\_  
(print or type)

Date: \_\_\_\_\_

Title: \_\_\_\_\_