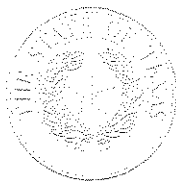


Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 12, 2011

VIA E-SIGNATURE CONFIRMATION #91 3408 2133 3931 7328 2079
RETURN RECEIPT REQUESTED

Mr. Donald Barar
Exide Technologies
P.O. Box 250
Frisco, TX 75034

Re: Notice of Enforcement for Compliance Evaluation Investigation (CEI) at:
7471 5th St., Frisco (Collin County), Texas
IHW Permit No. 50206; SWR No. 30516; Investigation Nos. 880260

Dear Mr. Barar:

On May 6, 2011, May 12, 2011, May 17-19, 2011, and June 28-29, 2011, Ms. Dorothy Lewis of the Texas Commission on Environmental Quality (TCEQ) DFW Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for Industrial Solid Waste and Municipal Hazardous Waste. During this investigation, certain outstanding alleged violations were documented. Enclosed is a summary which lists the investigation findings.

In the listing of the alleged violation(s), we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the DFW Region Office at 817-588-5800 the Central Office Publications Ordering Team at 512-239-0028. Copies of applicable federal regulations may be obtained by calling Environmental Protection Agency's Publications at 800-490-9198.

One or more of the violations documented during the subject investigation includes unauthorized activity and you are hereby advised that continued operation is not authorized.

Also, please be advised that the Legislature has granted enforcement powers to the TCEQ to carry out its mission to protect human health and the environment. Due to the apparent seriousness of the alleged violations, formal enforcement action has been initiated, and additional violations may be cited upon further review. We encourage you to immediately begin taking actions to address the outstanding alleged violations.

Mr. Donald Barar
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In responding with prompt corrective action, the administrative penalty to be assessed may be limited.


The Commission recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. We dedicate considerable resources toward making voluntary compliance achievable. But where compliance has not been met it is our duty to protect the public and the environment by enforcing the state's environmental laws, regulations, and permits.

Also, if you believe the violations documented in this notice have been cited in error, **and** you have additional information that we are unaware of, you may request a meeting to discuss this enforcement matter. To request a meeting, send a letter describing the additional information to the address shown below.

Manager, Solid Waste Section
Enforcement Division, MC 219
Re: Enforcement Review Meeting Request
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

If you or members of your staff have any questions, please feel free to contact Ms. Dorothy Lewis in the DFW Region Office at (817) 588-5824.

Sincerely,


Samuel Barrett
Waste Section Manager
DFW Region Office
Texas Commission on Environmental Quality

SLB/dl

Enclosures: Summary of Investigation Findings