

February 5, 2013

Via E-Mail and U.S. Mail

Ms. Vanessa Coleman
7471 South Fifth Street
Frisco, Texas 75034
vanessa.coleman@exide.com

Re: Exide Technologies, Frisco, TX—Comments on Revised Decontamination and Demolition Work Plan, Perimeter Air Monitoring Plan, and Dust Control Plan

Dear Ms. Coleman:

I, along with many other Frisco residents, am a concerned citizen who has a strong interest in the environmental quality of our community. The attached comments relate to the recently revised Decontamination and Demolition Work Plan (dated January 25, 2013), the Perimeter Air Monitoring Plan (dated January 29, 2013), and the Dust Control Plan (dated January 29, 2013) for Exide's Frisco, Texas facility (the "Site").

We request that the preceding comments be afforded full and fair consideration by Exide, TCEQ, and EPA.

Sincerely,



Karen Baker
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Exide Technologies, Frisco, TX—Comments on Revised Decontamination and Demolition Work Plan, Perimeter Air Monitoring Plan, and Dust Control Plan

I. Decontamination and Demolition Work Plan (DDW Plan)

Section 1.0. In Exide's January 28, 2013 submittal to the Texas Commission on Environmental Quality (TCEQ) responding to comments on the draft DDW Plan (along with other draft work plans), Exide confirmed that waste management areas and buildings at the Site are subject to RCRA closure, and this is expressly stated in Section 1.0 of the revised plan. However, the plan only makes vague references to Texas Risk Reduction Program (TRRP) Remedy A and B standards and RCRA regulatory and permit requirements. Without more detail, the public is not afforded a meaningful opportunity to comment on closure issues. In fact, in its January 28, 2013 response to our prior comment concerning page 1 paragraph 1 of the DDW Plan, Exide essentially affirms that there will be no public comment on closure issues by stating that "if a response action is required, such response will be conducted under TRRP and will be subject to oversight prescribed by the TCEQ" – with no public engagement. We urge Exide to provide more details about its plans to the public and to afford an opportunity for meaningful public comment on these plans.

Section 6.1. Exide states that closure procedures for permitted waste management units will be performed according to procedures in Section 3.0 of the RCRA Closure Plan. Exide does not reference the specific sections of this closure plan that relate to the decontamination (including sampling verification) procedures set forth in Sections 6.1, 6.2, and 6.3, and it provides no description of the specific procedures involved. Please provide more detail.

Section 6.1. We note that the text of the first paragraph of Section 6.1 has been changed from "clean closure" of units to just "closure." Is Exide not planning on obtaining clean closure of these units? If not, why has this changed since the previous draft of the DDW Plan? If clean closure is not achieved, will there be provision for a RCRA post-closure permit for such units and all associated requirements (including financial assurance)?

Section 7.0. Does Exide intend to comply with all requirements of state rules incorporating 40 CFR § 262.34 for treatment of wastes in less than 90-day containers? If so, please specify how this will be achieved.

Section 8.2. Will adjacent buildings that are not demolished be screened for hazardous materials that may be in, on, or under these buildings? These buildings could later deteriorate or become targets of unauthorized access.

Section 8.5. Does Exide intend to comply with all requirements of state rules incorporating 40 CFR § 262.34 for treatment of wastes in less than 90 day containers? If so, please specify how this will be achieved.

Section 8.7. No detail is provided as to how hazardous waste and Class 1 non-hazardous waste will be treated to meet Class 2 criteria. This is a major informational gap. Please provide more details.

II. Dust Control Plan (DC Plan)

General. In its January 28, 2013 response to comments on the DC Plan, Exide states that if excess water is generated during decontamination and demolition measures, it will be collected in the site stormwater collection system. We question whether dry-weather flow from contaminated areas undergoing remediation (including areas containing hazardous waste) may be managed by Exide's stormwater system in accordance with state and federal stormwater regulations. Exide should confirm its plans for the dust suppression runoff with TCEQ and the Environmental Protection Agency (EPA) and such plans should be added to the DC Plan for review by TCEQ, EPA, and the general public.

General. In its January 28, 2013 response to comments on the DC Plan, Exide states that summary reports to TCEQ will be posted concurrently to the Exide publicly-accessible website. However, no such provision appears in the revised DC Plan.

Section 1.0. Exide references the Site Health and Safety Plan, but, to our knowledge, this plan has not been made available to the public for review and comment. Please provide this information to the public.

Section 2.0. A high wind condition is defined as sustained wind speed exceeding 20 mph. In its January 25, 2013 review of an earlier Dust Control Plan, EPA recommended that Exide use a lower wind speed in the vicinity of 10-15 mph as "a more protective measure". We agree with EPA that a lower wind speed should be used in order to protect public health, and recommend the more conservative 10 mph. Will Exide amend its plan to incorporate the lower wind speed?

Section 2.2. The dust suppression equipment should be inspected daily prior to operation, rather than weekly.

Section 3.1.1. In its January 28, 2013 response to comments on the DC Plan, Exide states that "PM_{2.5} is less likely to be linked and correlated to localized potential fugitive dust generation associated with the remediation and demolition activities, therefore it was not selected as a surrogate." Exide has provided no support for this position, and we believe that the proposed demolition activities may generate both smaller and larger particulate emissions and that the PM_{2.5} standard is warranted until proven otherwise. Please provide further explanation of Exide's rationale.

Section 3.2. The dust control measures should be implemented *prior to and* during facility demolition activities. In addition, we believe that bulk load out of loose salvage or waste

material “*shall*” require the material to be pre-wetted or sprayed instead of “*may*” be required, as this provision is currently drafted.

III. Perimeter Air Monitoring Plan (PAM Plan)

General. We continue to have grave concerns about public participation. In its current form, it is disjointed, with some comments going directly to Exide others going to TCEQ. No overall plan has been provided to the public to aid in understanding the opportunities for engagement, much less the various documents that are to be commented upon. At this stage, it appears to be designed to confuse the public rather than to bring clarity regarding public engagement in the cleanup of a hazardous site in our community.

General. To our knowledge, no community relations plan has been developed or published. Comments are being provided to Exide instead of TCEQ. We are disappointed that TCEQ is not running the public participation process (or a parallel process) since they are the agency overseeing the activity. In our view, relying on Exide to provide meaningful public participation in the process is akin to asking the fox to guard the henhouse. Also, comment periods should be standardized, not varied as they are now.

Section 1.0. Exide references the Site Health and Safety Plan, but, as mentioned above, this plan has not been made available to the public for review and comment. Please provide the plan to the public for review.

Section 3.2. We believe that the downwind monitors should be relocated when the wind direction has changed more than 45 degrees, instead of 90 degrees as this provision is currently drafted.

Section 3.4. In its January 25, 2013 review of an earlier PAM Plan, EPA recommended using a lower “Stop Work” wind speed in the vicinity of 10-15 mph. EPA justified its recommendation on the basis that “the Exide demolition site is in an urban type of environment in close proximity to residences and a school.” We agree with EPA’s recommendation for a lower “Stop Work” wind speed. Will Exide amend its plan to incorporate the lower wind speed?

Section 3.5. In its January 25, 2013 review of an earlier PAM Plan, EPA recommended greater provision for public participation. Specifically, EPA suggested that Exide set up a public, dedicated Twitter feed to make the public aware of stop work notifications. We agree with EPA that the public needs to be made instantly aware of such stop work notices and not 2 days after they have occurred. Will Exide incorporate this feature into its plan?

Section 3.5.3. TCEQ should be included as recipient of any “take action” and stop work” notifications sent to RSI.

Section 4.1. In its January 28, 2013 response to comments on the PAM Plan, Exide provided no basis for why air samples should not be collected every day instead of the proposed schedule of 3 times a week. Please explain. Also, receipt of lab data needs to be quicker than the current schedule provides. There is too much time between day of sampling and notification to TCEQ.

Section 5.0. There is too much delay between receipt of data and summary reports being sent to TCEQ. Exide should be required to send "Flash Reports" to the TCEQ on the same day of data receipt.

Section 6.0. In its January 25, 2013 review of an earlier PAM Plan, EPA recommended that Exide conduct flow checks of the air monitors at a frequency of once a week instead of the proposed schedule of every three weeks. EPA justified its recommendation due to "anticipated potential high particulate matter concentrations in which these units will be operating." We agree with EPA's recommendation and believe that failure to conduct this recommended maintenance of the monitoring equipment would call into question any data gathered from them. Will Exide revise its plan to incorporate EPA's suggestion?

IV. Conclusion

We request that the preceding comments be afforded full and fair consideration by Exide, TCEQ, and EPA.