

**Henry Bradbury REM**  
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February 10, 2014

*Via E-Mail and U.S. Mail*

Ms. Joanna Manning, Project Manager  
Texas Commission on Environmental Quality  
VCP/Corrective Action Section  
P.O. Box 13087  
Austin, TX 78711-3087  
[joanna.manning@tceq.texas.gov](mailto:joanna.manning@tceq.texas.gov)

**Re: Comments on City of Frisco's Revised Affected Property Assessment  
Workplan for Grand Park (VCP #2592)**

Dear Ms. Manning:

As you know from my previous comments and participation in regulatory developments regarding Exide and its impact on the community, I am an environmental professional and a concerned citizen with a strong interest in the environmental quality of Frisco and the surrounding North Texas community. On November 11, 2013 I provided comments on the City of Frisco's October 10, 2013 Affected Property Assessment (APA) Work Plan for the Grand Park site in Frisco, Texas. The attachment to this letter provides further comments regarding Grand Park and specifically comments on:

- i) the January 27, 2014 letter from the City's consulting firm (Cook-Joyce) responding to TCEQ comments on the City's original APA Work Plan;
- ii) the City of Frisco's Revised APA (dated January 2014); and
- iii) the January 16, 2014 Phase I ESA for Grand Park.

I request that the attached comments are afforded full and fair consideration by TCEQ and the City of Frisco.

Sincerely,

A handwritten signature in blue ink that reads "Henry Bradbury". The signature is stylized with a large, looped "H" and a cursive "Bradbury".

Henry Bradbury REM

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cc: Mr. Bill Shafford, P.E.  
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**Comments on City of Frisco's January 27, 2014 Response to TCEQ Comments;  
January 2014 Revised Affected Property Assessment Workplan;  
and January 16, 2014 Phase I ESA for Grand Park**

**General Comments on the City's APA Workplan for Grand Park**

In a January 9, 2014 letter from the City of Frisco's attorney, Kerry Russell, to TCEQ's Executive Director, Zach Covar, Mr. Russell requests that TCEQ require:

- Exide to perform a higher resolution of sampling in its investigation of impacted properties consistent with the Texas Risk Reduction Program (TRRP) rule (30 TAC 350).
- That all the Exide-related Voluntary Cleanup Program (VCP) sites (VCP No. 2122: Waste Water Treatment Plant; VCP No. 2541: J-Parcel around former Exide Plant; VCP No. 2592: Grand Park; VCP No. 2682: Northeast Stewart Creek Properties) and Corrective Action Sites (T2966: Railroad Museum; SWR No. 30516: Former Exide Plant) be addressed under a single experienced TCEQ Project Manager.

I fully concur with the City of Frisco on these two points, as without a single point of contact and review it is difficult for TCEQ to maintain continuity and consistency in the implementation of TRRP requirements.

In the January 27, 2014 letter from the City's consulting firm Cook-Joyce, they request a variance from the same TRRP-required sampling frequency requirements which Mr. Russell urged TCEQ to strictly enforce upon Exide. The fact is that all assessments should be performed with the specified sampling frequency outlined by TRRP. TRRP specifically requires one sample per 1/8<sup>th</sup> acre for residential exposure under 30 TAC 350.511(3), and TCEQ has previously noted that sampling of the Exide VCP parcels every 1/2 acre would only qualify for commercial/industrial closure and not residential (see internal TCEQ email from Danielle Lesikar to Merrie Smith dated March 8<sup>th</sup>, 2013).

While Cook-Joyce argues that higher sampling frequency (1 per 1/2 acre) is reasonable for a site that has not been impacted by the Exide property, this proposal is unfounded for the Grand Park site, as Exide's disposal practices have impacted numerous non-contiguous properties where past dumping has resulted in what are potentially undocumented hazardous waste dumps. In light of this proven and growing impact to off-site parties, it is imperative that the TCEQ require a thorough investigation to the letter of our State rules to justify a certification that Grand Park is suitable for use as a park. As TRRP specifically includes parks within the definition of residential property (See 30 TAC 350.4(a)(74), sampling frequency within the Grand Park site must comply with TRRP's residential requirement of 1 sample per 1/8 acre.



## Comments on the City's January 2014 Revised APA Workplan for Grand Park

Section 3.1/Surface Water Sampling – Sampling should also include non-filtered water data unless turbidity exceeds 10 NTU as outlined in current TCEQ groundwater guidance. This will allow comparison of filtered (“dissolved”) and non-filtered (“total”) results. Artificially removing dissolved or suspended sediment without cause will bias the resulting data. It is also preferable to include total suspended solids (TSS), hardness and ensure the quality assurance blanks are collected in conformance with TCEQ’s Surface Water Quality Monitoring Procedures (RG-415)

Section 3.3.1/Target Metals - The sampling frequency should meet TRRP’s 1 per 1/8 acre unless deed recordation as commercial/industrial is proposed. Cook-Joyce’s arguments in Section 3.4 that there are no current residential platted properties and that future development will restrict residential construction size; that past ownership was not connected with Exide; and that the dominant wind direction is away from the site and toward Exide do not hold up under scrutiny (as discussed further below) and do not justify variance from TRRP requirements.

Cook-Joyce’s disregard for contamination from wind deposition has been disproved already with the sampling work performed at the Exide and surrounding facilities itself. In addition, Cook-Joyce specifically identifies aerial deposition of contaminants from the Exide facility as a Recognized Environmental Condition for the Grand Park site in the January 16, 2014 Phase I ESA (see comments on ESA below). Since Exide’s air emissions were not consistent and may have had episodes of high releases with lead content, use of averaged wind direction is unsuitable since even a single event during a southern wind could be a concern. This certainly occurred during the life of the Exide facility. The onus to demonstrate protective levels is on the Applicant within the VCP.

Also, the fact that Exide did not previously own the Grand Park site does not justify a variance from TRRP sampling requirements, as Exide’s past disposal practices have impacted numerous non-contiguous properties.

Finally, future development can only be restricted by a deed recordation. If this is desirable, then it should be deed recorded as commercial to avail the City of lesser data needs. **This however would prevent the Site from being a park, as TRRP specifically includes parks within the residential definition (See 30 TAC 350.4(a)(74)).**

Full evaluation of the fill areas identified in the geotechnical evaluation should be included in the sampling requirements, as disposal of wastes from Exide’s operations have been documented on numerous off-site properties.

Section 3.5/Groundwater Assessment - More monitoring wells may be needed depending upon the results of the soil and fill investigation efforts. The final decision on frequency should be dependent on the source areas found during the next level of investigation.

### **Comments on the City's January 16, 2014 Phase I ESA for Grand Park**

The Phase I ESA specifically includes the Exide facility as a Recognized Environmental Condition (REC) based on aerial deposition of lead particulate during Exide operations (1960s to 2012) (Page viii). This is contradictory to Cook-Joyce's request to not evaluate for impact from this concern in Section 3.3.1 of the revised January 2014 APA Work Plan. Thorough evaluation of surficial metals will be key to accomplishing a successful investigation at this property.

It is recommended that the two (2) previously unknown wells be sampled for a wide range of chemicals of concern (COC) since no knowledge of their installation has been found. At a minimum, this should include TPH TX1005/1006, VOCs SW-846 8260B, SVOCs SW-846 8270, RCRA Metals SW-846 6020/7141.

Fill material was identified during the geotechnical evaluation and should be further evaluated given that past dumping/filling by Exide has been demonstrated at nearby properties. Fill of up to five (5) feet was noted in B-6 (Infrastructure effort), TP-1 (Pavement subgrade effort), B-6 (Pavement subgrade effort), and TP-1 (March 15<sup>th</sup>, 2013 Dams/Lakes effort).

Slag and battery waste was noted during the site reconnaissance (see Photo 1) which should be further investigated as well as catalogued to help future investigations. Also, based on the site reconnaissance, numerous areas of the site appear to include undocumented dumping or filling. Delineation of potentially buried refuse (See Photos 39 through 43) is needed.

Based on the description of numerous mounds and burrows, the ecological considerations should include areas outside the creek (See Photo 14), as site conditions may impact wildlife in these areas.