

Texas Commission on Environmental Quality

Remediation Division Correspondence Identification Form

SITE & PROGRAM AREA IDENTIFICATION			
SITE LOCATION		REMEDIALATION DIVISION PROGRAM AND FACILITY IDENTIFICATION	
Site Name: Northeast Stewart Creek Site		Is This Site Being Managed Under A State Lead Contract? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Address 1: SE Corner of Dallas North Tollway and Cotton Gin Road Intersection		Program Area: VOLUNTARY CLEANUP PROGRAM I	
Address 2:		Mail Code: MC-214	
City: Frisco State: Texas		Is This A New Site To This Program Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Zip Code: 75034	County: Collin	TCEQ Core Data Form attached to this submittal.	Needs Program Area ID Number assignment.
TCEQ Region: Region 4 - Dallas/Fort Worth		--Leave This Field Empty--	--Leave This Field Empty--

DOCUMENT(S) IDENTIFICATION	
PHASE OF REMEDIATION	DOCUMENT NAME
1. MISCELLANEOUS	TECHNICAL CORRESPONDENCE NOT OTHERWISE SPECIFIED (NOS)
2. MISCELLANEOUS	VCP APPLICATION FORM
3.	
4.	
5.	

CONTACT INFORMATION			
RESPONSIBLE PARTY/APPLICANT/CUSTOMER			
Name: Mr. Mack Borchardt			
Company: City of Frisco		Phone Number: (972) 292-5000	Fax Number: (972) 292-5122
Address 1: 6101 Frisco Square Boulevard		City: Frisco State: TX	Zip Code: 75034
Address 2:		Email Address: MBorchardt@friscotexas.gov	
ENVIRONMENTAL CONSULTANT/REPORT PREPARER/AGENT			
Name: Mr. Wade Wheatley			
Company: Cook-Joyce, Inc.		Phone Number: (512) 474-9097	Fax Number: None
Address 1: 812 West 11th Street		City: Austin State: TX	Zip Code: 78701
Address 2:		Email Address: wade.wheatley@cook-joyce.com	

TCEQ INTERNAL USE ONLY			
Document No.	TCEQ Database Term	Document No.	TCEQ Database Term
1.	TECHNICAL CORRESPONDENCE	4.	
2.	VCP APPLICATION	5.	
3.			

21 November 2013

Via Hand Delivery

Texas Commission on Environmental Quality (TCEQ)
VCP / Corrective Action Section
P.O. Box 13087
Austin, TX 78711-3087

Re: VCP Application
Northeast Stewart Creek Property, Dallas North Tollway and Cotton Gin Road
Intersection, Frisco, Texas 75034
CN600245526

To Whom it May Concern:

Cook-Joyce, Inc. (CJI) has prepared this letter on behalf of the City of Frisco (City), the Frisco Community Development Corporation (CDC), the Frisco Development Corporation (FDC), Stewart Creek International Investors, LP, and Bellevue Partners LTD (collectively, the Applicants). The Applicants wish to enroll the Stewart Creek Northeast Property (Site) in the Voluntary Cleanup Program (VCP). The VCP Application for this Site is provided as Attachment 1 to this document.

The Applicants wish to enroll the Site in the VCP because it is immediately downstream of the nearby and recently closed Exide Battery Recycling Facility (former Exide facility). Contamination attributable to Exide has been discovered along Stewart Creek, which crosses the Site draining from the east to the west (Figure 1). Due to the Site's proximity to the former Exide facility it is also possible that the Stewart Creek floodplain and upland areas have lead or other metal impacts associated with or originating from Exide. Finally, (as explained below) a portion of one of the parcels included in this VCP Application is excluded from this application since it had a response action to limit the mobility of battery chips.

The former Exide facility is immediately adjacent to Stewart Creek and one of its tributaries. The former Exide facility operated as a lead oxide manufacturing facility from 1963 to 1969, and as a battery recycler/secondary lead smelter from 1969 until it closed in November 2012. Prior to Exide's purchase of the facility, it was owned and operated by Gould National Battery (GNB). Figure 2 depicts the Site's location relative to the former Exide facility.

Lead contamination, foundry slag, and battery chips originating from the former Exide facility have impacted Stewart Creek. Lead contaminated air particulate originating from Exide has also impacted vacant property (the J-Parcel) adjacent to the former Exide facility.¹ Current VCP or Corrective Action projects that are directly associated with the former Exide facility include:

¹ *Phase I Environmental Site Assessment, J Parcel, Near the Intersection of Eagan Drive and 5th Street, Frisco, Collin County, Texas*, by Southwest Geoscience, dated January 18, 2013.





Name	Address	Program ID Numbers
Former Exide Battery Recycling Facility	7471 South 5 th Street, Frisco, Texas 75034	TXD006451092 CN600129787, RN100218643 SWR #30516
J-Parcel Property	N of Dallas North Tollway & S of Hickory St, Frisco, Texas	VCP ID # 2541
Former Stewart Creek Wastewater Treatment Plant (SCWTP)	Eagan Way and Parkwood Boulevard, Frisco, Texas	VCP ID # 2122
Museum of the American Railroad	Cotton Gin Road, Frisco, Texas	T2966
Grand Park	7275 Dallas Parkway, Frisco, Texas	VCP #2592
Bicentennial Park Site	9349 Sunset Drive, Frisco, Texas	TXD988088266 SWR# 52140 (inactive) SWR# 80088

With the exception of the Bicentennial Park Site (which is too far away to be shown), the location of each of these properties relative to the Site is depicted in Figures 1 and 2.

SITE DESCRIPTION

The Site is approximately 27 acres in size and consists of undeveloped portions of 3 tracts of land. Historical aerial photographs (Attachment 2) document that, with one exception, the Site has been undeveloped since the early 1940s. The tracts of land that make up the Site include:

1. An 18.358 acre tract of land which is located to the north of Stewart Creek and at the southeast corner of Cotton Gin Road and the Dallas North Tollway. This property consists of an open field and a driveway linking the adjacent Frisco Discovery Center with the Dallas North Tollway. Most of this property (approximately 17.01 acres), which is owned by the CDC, will be enrolled in the VCP. The section that will be omitted is an area under and adjacent to a railroad track associated with the adjacent Museum of the American Railroad (MARR) property (Figure 2).

The railroad track is being omitted from the VCP site because a response action associated with the MARR investigation occurred under and adjacent to it. As documented in the reports associated with the MARR investigation and response action², battery chips were observed during construction of the MARR rail spur. This forced an expedited assessment and remediation of the MARR property. As part of that investigation, it was determined that the battery chips were probably used to “pave” an old ranch road that was located on the MARR property. The battery chips and impacted soils associated with the battery chips were excavated from two areas under the rail spur (both to the east of the proposed VCP site). Although the contaminated soil was

² *Affected Property Assessment Report, Phase I of Museum of the American Railroad*, Southwest Geoscience, dated 25 October 2011.

Affected Property Assessment Report, Phase II of Museum of the American Railroad, Southwest Geoscience, dated 5 January 2012.

Response Action Completion Report, Museum of the American Railroad, Southwest Geoscience, dated 9 December 2011.

Response Action Completion Report Addendum – Phase I Track Area, Museum of the American Railroad, Southwest Geoscience, dated 16 August 2013.





removed, it was possible that buried battery chips remained under the future railroad track because fill had been placed to level the track bed prior to the investigation. Therefore, a geotextile was placed over the entire track bed and the immediately adjacent areas that had also been filled to bring the track bed to grade. Because the contaminated soil had been removed, the sole purpose of the geotextile was to limit the mobility of any residual battery chips remaining in the graded area. Based on the work done at the MARR property the TCEQ closed the MARR site³.

This property is also the only tract that appears to have been developed in the past. A structure is visible in the 1953, 1968, 1972, and 1984 aerial photographs (Attachment 2). It appears that the MARR railroad spur was constructed over the area where the eastern portion of the structure was located; but that the western portion of the structure extended onto the subject property. Southwest Geoscience, which researched the structure while performing the MARR assessment, indicated that it was a homestead and stables.

2. A portion of a 6.859 acre tract of land owned by Stewart Creek International Investors, LP. Portions of this tract that will be enrolled in the VCP include Stewart Creek and floodplain associated with Stewart Creek. This area is approximately 4.08 acres in size. The historical aerial photographs in Attachment 2 show that the ranch road that was apparently "paved" with battery chips crosses Stewart Creek and crosses this property. Because of that field personnel will attempt to locate this former ranch road and look for battery chips along its length.
3. A portion of an 11.718 acre tract of land owned by Bellevue Partners LTD. Portions of this tract that will be enrolled in the VCP include Stewart Creek and floodplain associated with Stewart Creek. This area is approximately 6.1 acres in size.

The legal description of each tract of land is provided in Attachment 3 to this letter.

LEAD CONTAMINATION IN AND ADJACENT TO STEWART CREEK

Sections of Stewart Creek that are upstream of the Site were remediated to remove slag and/or lead contaminated sediment in 1986⁴ and 1999⁵. Stewart Creek was identified as a Solid Waste Management Unit (SWMU) at the former Exide facility in 1991⁶. More recently, lead contaminated sediment or soil has been reported in or adjacent to Stewart Creek in the following locations:

³ *Approval of Response Action Completion Report (RACR) for Phase 1, Railroad Track and Old Road, Future Site of the Museum of the American Railroad, 6299 Cotton Gin Road, Frisco, Texas, TCEQ Facility ID No. T2966, dated 22 December 2011.*

⁴ *Water and Sediment Tests, GNB Lead Plant, Frisco, Texas, prepared by Southwestern Laboratories (SWL) dated February 21, 1986; Stream Sediment Samples, GNB, Inc. Plant, Frisco, Texas, prepared by SWL dated May 21, 1986; Stream Sediment Test, GNB, Inc. Plant, Frisco, Texas, prepared by SWL dated June 13, 1986; and Stream Sediment Tests, GNB, Inc. Plant, Frisco, Texas, prepared by SWL dated July 29, 1986.*

⁵ *Stewart Creek Corrective Measures Implementation Report (CMI), JDC Consulting, Inc., dated July 13, 2000.*

⁶ *RCRA Facility Investigation (RFI), GNB Incorporated, Frisco, Texas, Lake Engineering, dated May 8, 1991.*





- On Exide property by the TCEQ⁷ and the United States EPA⁸.
- At and downgradient of the former Stewart Creek Wastewater Treatment Plant (SCWTP)⁹. The SCWTP site is located on Stewart Creek between the Site and the former Exide facility (Figure 2).
- On the Site. The results of sediment sampling in the segment of Stewart Creek located within the Site are provided with, but not discussed in, the Screening Level Ecological Risk Assessment (SLERA) submitted as Appendix 9 of the SCWTP APAR. In addition, more recent sampling has been conducted in Stewart Creek by Southwest Geoscience. Those results will be provided in the Affected Property Assessment Workplan for this Site.

LEAD CONTAMINATION IN UPLAND AREAS FROM AIR DEPOSITION

Currently, there is an on-going VCP investigation of buffer property (the J-Parcel Property) surrounding the former Exide facility. Although those data have not been provided to the TCEQ to date (the APAR for that project is currently being finalized), they indicate that several acres of that area have been impacted by lead particulate originating from the former Exide facility.

CLOSING

The Applicants plan to investigate Stewart Creek and the Stewart Creek floodplain through the VCP. The City will also investigate upland areas of the Site that are adjacent to the Frisco Discovery Center that could have been impacted by air deposition and/or where battery chips may have been used as fill or pavement in the past. Impacts discovered during the investigation will be remediated through the VCP as well.

To that end, an executed VCP Application, a Core Data Form for the City of Frisco, and a \$1,000 check for the VCP Application Fee are attached to this transmittal letter.

⁷ Texas Commission on Environmental Quality Investigation Report, Exide Technologies, Exide Frisco, Battery Recycling Plant, Investigation #880260, CN600129787, RN100218643, dated September 9, 2011.

⁸ Corrective Action Inspection, Exide Technologies, 7471 South 5th Street, Frisco, TX 75034, TXD0064510920, United States Environmental Protection Agency, dated January 12, 2011.

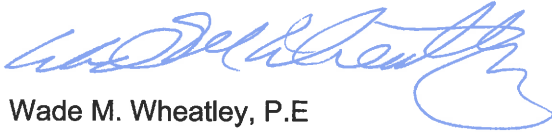
⁹ Affected Property Assessment Report, Former Stewart Creek Wastewater Treatment Plant (VCP ID No. 212), Frisco, Texas, Pastor, Behling & Wheeler, LLC, dated April 1, 2013.





Please contact the undersigned with questions or comments regarding this VCP Application. A copy of these documents has also been sent to the TCEQ's Region 4 office in Fort Worth, Texas.

Sincerely,



Wade M. Wheatley, P.E

Cc: Mr. Mack Borchardt, City of Frisco, Texas
Mr. Kerry Russell, Russell & Rodriguez
Mr. Terry K. Lowrey, Stewart Creek International Investors, LP
Mr. L. Bradley Camp, Bellevue Partners LTD
Ms. Rusty Simpson, Southwest Geoscience
Ms. Joanna Manning, TCEQ

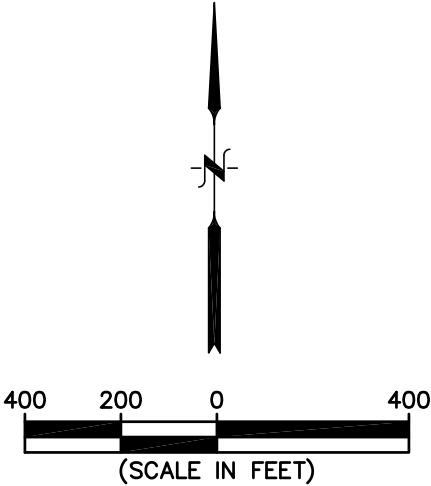
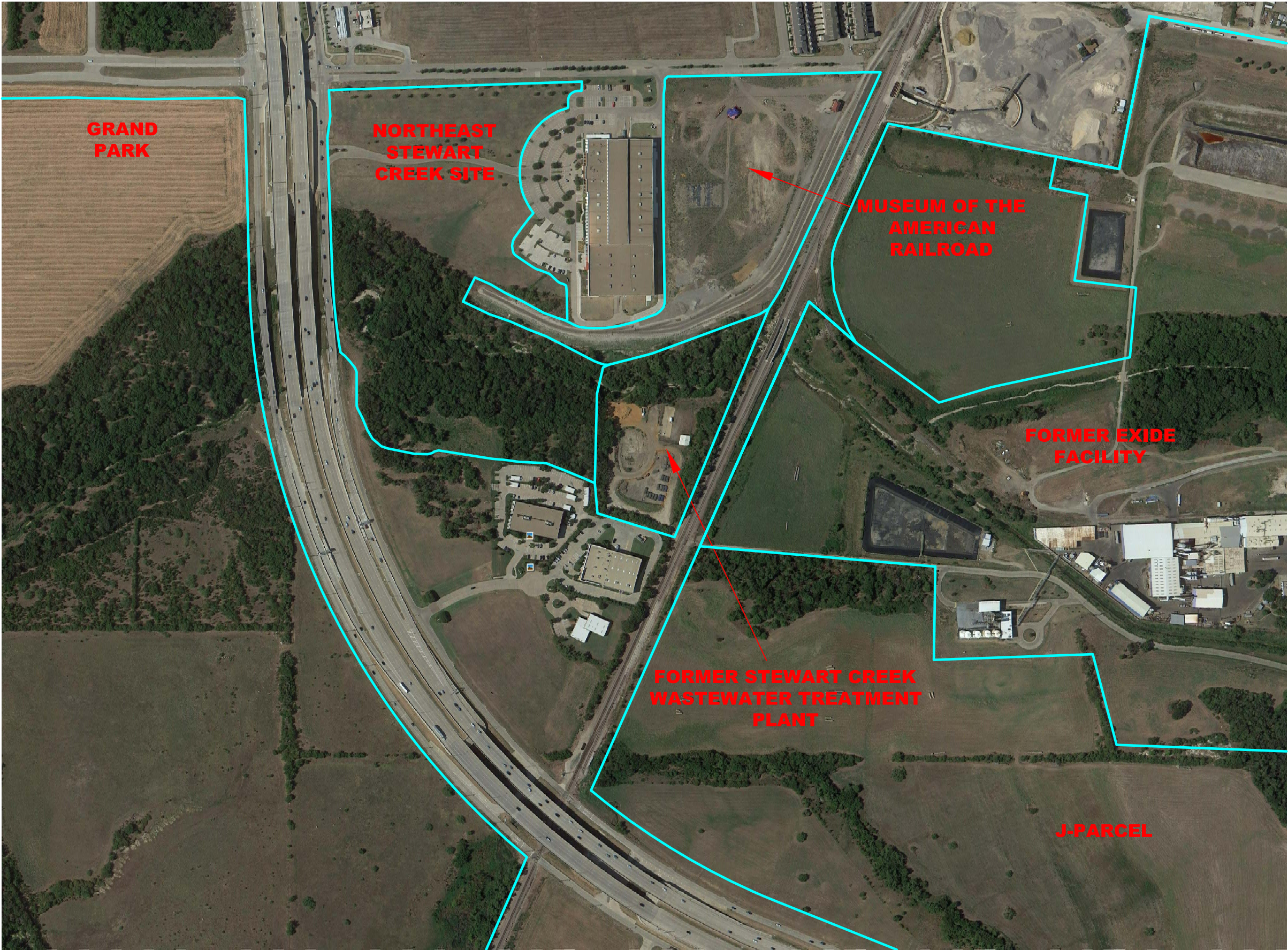
RV:rv
Attachments





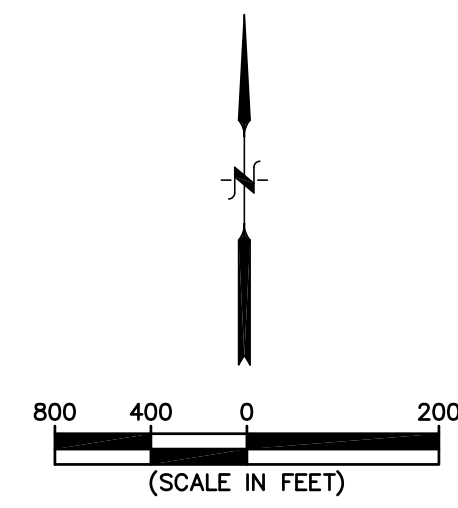
FIGURES






SOURCE:
GOOGLE PRO EARTH,
8/5/2012 AERIAL PHOTOGRAPH

REV.	DATE	DESCRIPTION	DR BY	APP BY	
<div><div><div></div><div></div></div><div>COOK-JOYCE INC. ENGINEERING AND CONSULTING 812 WEST ELEVENTH 512-474-9097 AUSTIN, TEXAS 78701 TEXAS REGISTERED ENGINEERING FIRM F-883</div></div>					
PROJECT: NORTHEAST STEWART CREEK SITE FRISCO, TEXAS					
SHEET TITLE: NORTHEAST STEWART CREEK & SURROUNDING PROPERTIES					
DES BY			SCALE: SEE BAR SCALE		
DR BY	SDB		PROJECT NO. 13048.01		
CHK BY	RDV		CJI NO. 13048002		
APP BY	RDV		SHEET 1 OF 1 SHEETS		
DATE ISSUED: 11-21-2013			FIGURE NO.		
PURPOSE: VCP APPLICATION			1		



LEGEND
— PROPERTY BOUNDARY

REV.	DATE	DESCRIPTION					DR BY	APP BY	
<div><div></div><div><div>COOK-JOYCE INC.</div><div>ENGINEERING AND CONSULTING</div><div>812 WEST ELEVENTH 512-474-9097</div><div>AUSTIN, TEXAS 78701</div><div>HUB & WBE CERTIFIED</div><div>TEXAS REGISTERED ENGINEERING FIRM F-883</div></div></div>									
PROJECT: NORTHEAST STEWART CREEK SITE FRISCO, TEXAS									
SHEET TITLE: VICINITY MAP									
DES BY			SCALE: SEE BAR SCALE						
DR BY	SDB		PROJECT NO. 13046.01						
CHK BY	KLL		CJI NO. 13046007						
APP BY	RDV		SHEET 1 OF 1 SHEETS						
DATE ISSUED: 11-11-2013			FIGURE NO.						
PURPOSE:			2						



**ATTACHMENT 1
VCP APPLICATION**



OFFICE USE ONLY:

PCA number: _____

VCP Project number: _____

***TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM*****Program Application**

Please complete this form, a Texas Commission on Environmental Quality (TCEQ) Form 10400 and an agreement form to request assistance and review from TCEQ staff in the Voluntary Cleanup Program (VCP) pursuant to §361.604 of the Texas Solid Waste Disposal Act. You may download this document, TCEQ Form 10400 and any other VCP documents via the Internet at <http://www.tceq.state.tx.us/remediation/vcp/vcp.html>

Complete all applicable sections. The TCEQ may reject incomplete or inaccurate applications as per §361.605 of the VCP statute. To accurately complete this form, please refer to the VCP Application Instructions or call the TCEQ's Voluntary Cleanup Section at (512) 239-5891 with any questions concerning the completion of this form.

General Site Information

Site Name: _____

Site Size (acres): _____

Regulated Entity Reference No. (if issued): CN-_____

IMPORTANT - Please attach a completed CORE Data Form TCEQ-10400 for Applicant A Only**Applicant(s)**

Applicant A (The person or entity seeking review and approval of a plan or report and/or issuance of a VCP Certificate of Completion by the TCEQ. Applicant A is responsible for payment of TCEQ costs of review and oversight unless indicated otherwise on page 2 of this form).

Applicant :		
Contact Person:	Title:	
Customer Reference No. (if issued): CN		
Organization:	Phone: ()	Fax: ()
Interest in Property:		
Receive copies of TCEQ correspondence? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Applicant B

Applicant :		
Contact Person:	Title:	
Customer Reference No. (if issued): CN		
Address:		
City, State, Zip:		
Organization:	Phone: ()	Fax: ()
Interest in Property:		
Receive copies of TCEQ correspondence? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Applicant C

Applicant :		
Contact Person:	Title:	
Customer Reference No. (if issued): CN		
Address:		
City, State, Zip:		
Organization:	Phone: ()	Fax: ()
Interest in Property:		
Receive copies of TCEQ correspondence? <input type="checkbox"/> Yes <input type="checkbox"/> No		

If there are more than three applicants, list others under “Additional Applicants” on page 8 of this form.

Current Site Owner (if different from an applicant)

Owner(s) :		
Contact Person:	Title:	
Customer Reference No. (if issued): CN		
Organization:	Phone: ()	Fax: ()
City	State	Zip



ADDITIONAL APPLICANTS

Applicant D

Applicant: Stewart Creek International Investors, LP		
Contact Person: Terry K. Lowrey	Title: Manager	
Customer Reference No. (if issued) :		
Address: 5750 Genesis Ct Ste 105		
City, State, Zip: Frisco, TX 75034-4163		
Organization: Stewart Creek International Investors, LP	Phone: 972-241-5959	Fax: 214-975-7661
Interest in Property: Property Owner		
Receive copies of TCEQ correspondence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

Applicant E

Applicant: Bellevue Partners LTD		
Contact Person: L. Bradley Camp	Title: Manager	
Customer Reference No. (if issued) :		
Address: 11518 Reeder Rd		
City, State, Zip: Dallas, TX 75229-2114		
Organization: Bellevue Partners LTD	Phone: 214-241-6774	Fax: 214-484-9191
Interest in Property: Property Owner		
Receive copies of TCEQ correspondence: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		



Other Contacts (Consultant/Attorney)

Name(s):		Title:	
Customer Reference No. (if issued): CN			
Organization:		Phone: ()	Fax: ()
Address:			
City:	State:		Zip Code:

Name(s):		Title:	
Customer Reference No. (if issued): CN			
Organization:		Phone: ()	Fax: ()
Address:			
City:	State:		Zip Code:

Billing Information

If billing should be directed to a person other than Applicant A, please enter the required information below and include their signature consenting to the obligation for payment of TCEQ oversight costs.

Name(s):		Title:	
Customer Reference No. (if issued): CN			
Organization:		Phone: ()	Fax: ()
Address:			
City:	State:		Zip Code:
Signature of Consent:			Date:

Current Property Use (Use percentage if site is divided into different use categories.)

Residential _____ Other (e.g., agricultural, recreational) _____
Non-residential _____ If non-residential, **type of business** _____

Is a real estate transaction imminent for this site? Yes ____ No ____
If yes, what is the planned closing date? _____

Latitude/Longitude

Latitude (degrees, min., sec. N or decimal degrees) _____

Longitude (degrees, min., sec. W or decimal degrees) _____

Date of collection _____ Organization providing collection data _____

Check the method used to determine latitude and longitude:

____ GPS - Real Time Differentially Corrected _____

____ GPS - Post Processed Differentially Corrected _____

____ Map Interpolation - Manual _____

____ Map Interpolation - Digital _____

____ DOQQ _____

If using GPS, please state professional unit brand name, model number and accuracy tolerances.

If using Map Interpolation, please state which USGS quad map was used for interpolation.

If using DOQQ Interpolation, please state which DOQQ was used for interpolation.

Does the latitude and longitude listed above refer to the

____ Center of the property?

____ Main entrance to the property?

____ Other, please describe _____

VCP Eligibility and Involvement with Other Regulatory Programs

Is the site subject to a TCEQ permit or administrative order? Yes ____ No ____

Have response actions been initiated at the site on or after April 19, 1996 that were not covered by a VCP agreement? Yes ____ No ____

Note: Response actions initiated by the VCP applicant on or after April 19, 1996, that were not covered by a VCP agreement may cause the applicant to become ineligible for the VCP.

Has a state or federal Notice of Violation or any other notice of enforcement action been issued relating to contamination at the site? Yes ____ No ____

Has there been any prior contact with any state or federal environmental regulatory programs or agencies relating to environmental issues at this site? Yes ____ No ____

If yes, please describe all prior contact with any state or federal environmental regulatory programs or agencies which relate to each of these questions. Attach additional sheets as necessary. _____

Is a request for reimbursement pre-approval currently under review by the Petroleum Storage Tank (PST) Program? Yes ____ No ____

If yes, then please describe the site's status in the PST Program: _____

Please provide any and all state and federal identification numbers related to the property in question, including any solid waste registration, leaking petroleum storage tank, CERCLIS, RCRIS, UIC, etc. registration numbers which have been assigned. _____

Contaminated Media and Contaminants Present

Have contaminants been detected in on-site media? Yes ____ No ____

Please check the chemicals of concern within each contaminant category and the media which have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment
*VOCs				
*SVOCs				
*Heavy Metals				
*Chlorinated Solvents				
Pesticides				
TPH				
PCBs				
Other _____				

*Please describe: _____

Applicant's Intended Response Action Objectives (Cleanup Levels)

_____ Not known at this time. Applicant wishes to receive guidance from the VCP prior to the signing of a VCP agreement.

Texas Risk Reduction Program Rules (30 TAC Chapter 350) - Check Appropriate Standard and Tier Level:

_____ Self-Implemented Cleanup to Remedy Standard A, Tier 1 ____ Tier 2 ____ Tier 3 ____

_____ Non Self-Implemented Cleanup to Remedy Standard A, Tier 1 ____ Tier 2 ____ Tier 3 ____

_____ Cleanup to Remedy Standard B, Tier 1 ____ Tier 2 ____ Tier 3 ____

PST Rules (30 TAC Chapter 334) - Check Appropriate Standard:

_____ Cleanup to generic risk-based levels (following PST Plan A requirements).

_____ Cleanup to site specific risk-based levels not relying on engineering or institutional controls (following PST Plan B requirements).

_____ Cleanup to site specific risk-based levels which rely on engineering or institutional controls (following PST Plan B requirements).

_____ Other (explain) _____

Federal Brownfields Tax Deduction

Are you requesting TCEQ certification that the site is eligible for a federal tax deduction under the Taxpayer Relief Act of 1997 (HR 2014)? Yes____ No ____

If yes, please submit a Brownfields Tax Deduction Pre-Certification Form. This form may be downloaded from <http://www.tceq.state.tx.us/assets/public/remediation/vcp/taxform>

State Property Tax Abatements for Brownfields

Are you interested in signing an agreement with the local taxing authority to receive a property tax abatement after issuance of the VCP Certificate of Completion, as allowed under Section 312.211 of the Texas Tax Code? Yes____ No ____

If yes, please read the application instructions for more information about this tax abatement.

Environmental Assessment

An environmental assessment that includes the following information must be attached to this application:

1. a legal description of the site, including a site map drawn to scale;
2. the physical characteristics of the site;
3. the operational history of the site, to the extent the history is known by the applicant;
4. information that the applicant is aware of concerning the nature and extent of any contamination and/or release at the site and in areas contiguous to the site; and
5. relevant information the applicant is aware of concerning the potential for human and environmental exposure to contamination at or emanating from the site.

Intent to Participate

The undersigned requests oversight by the TCEQ of investigation and cleanup activities of possible contamination at the property described above and intends to negotiate in good faith, a written agreement

with the TCEQ to provide technical and regulatory oversight. This Intent to Participate does not constitute such an agreement and neither TCEQ nor the undersigned will be bound to proceed with VCP oversight unless such an agreement is executed. Applicants should be aware that in order for the TCEQ to issue a VCP Certificate of Completion for an entire site, the applicant must provide adequate information to document that the entire site meets the applicable standards. As an alternative, the applicant may pursue a VCP Certificate of Completion for only a portion of the site, as a partial response action area. The agreement will describe the project activities of each party and will require Applicant A (unless indicated otherwise on page 2 of this form) to reimburse the TCEQ for all of its oversight costs. By completing and signing this Intent to Participate and that excepting areal limitations with partial response actions, all environmental media which exceed the critical Protective Concentration Levels shall be addressed through appropriate response actions. The undersigned affirms the applicant's financial capability to perform the voluntary cleanup. The Executive Director may also request additional information to support this affirmation.

With this Intent to Participate, the undersigned does not admit or assume liability for investigation or cleanup of the site. In addition, the undersigned may terminate the Intent to Participate at any time. If the TCEQ rejects the application, it will notify the applicant and explain the reasons for rejection and will refund half of the application deposit, unless the applicant indicates a desire to resubmit a corrected application. An applicant can resubmit an application once without submitting an additional application fee, if the applicant resubmits within 45 days after the rejection notice date.

Deposit of Oversight Costs

The applicant must submit with this application, a deposit in the amount of one thousand dollars (\$1,000), and made payable to the Texas Commission on Environmental Quality. Deposits may be made in the form of company or personal checks. If a deposit check is returned due to insufficient funds, the application will be considered incomplete and will be rejected. Cash deposits will not be accepted.

Please execute this Intent to Participate in the space below and return it and all associated documents (e.g., environmental assessment reports) to:

**Attention: Cashier
Texas Commission on Environmental Quality
MC- 214
P.O. Box 13088
Austin, Texas 78711-3088**

For overnight or express mail please use the following street address:

**Attention: Cashier
Texas Commission on Environmental Quality
MC-214
12100 Park 35 Circle
Austin, Texas 78753**

*******Please do not send the application and associated documents directly to the VCP. This will only result in a delay in processing your application.*******

If you have any questions on how to fill out this form or about the VCP, please contact us at 512/239-5894.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact the TCEQ at 512-239-3282.

Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A

By: George A. Purefoy
(signature)

Date: 11-25-13

Company: City of Frisco

Name: George A. Purefoy
(print or type)

Title: City Manager, City of Frisco

Phone: (972) 292-5000

Applicant B

By: James L. Gandy
(signature)

Date: 11-25-13

Company: Frisco EDC

Name: James L. Gandy
(print or type)

Title: President, EDC

Phone: (972) 292-5150

Applicant C

By: George A. Purefoy
(signature)

Date: 11-25-13

Company: Frisco CDC

Name: George A. Purefoy
(print or type)

Title: City Manager, City of Frisco

Phone: (972) 292-5150

Applicant D

By: _____
(signature)

Date: _____

Company: Stewart Creek International Investors, LP

Name: Terry K. Lowrey
(print or type)

Title: Manager

Phone: (972) 241-5959

If you have any questions on how to fill out this form or about the VCP, please contact us at 512/239-5894.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact the TCEQ at 512-239-3282.

Correctness of Information

The undersigned affirm that the information contained in this application is true and accurate to the best of their knowledge.

Applicant's Signatures

Applicant A

By: _____
(signature)

Date: _____

Company: City of Frisco _____

Name: George A. Purefoy _____
(print or type)

Title: City Manager, City of Frisco _____

Phone: (972) 292-5000 _____

Applicant B

By: _____
(signature)

Date: _____

Company: Frisco EDC _____

Name: James L. Gandy _____
(print or type)

Title: President, EDC _____

Phone: (972) 292-5150 _____

Applicant C

By: _____
(signature)

Date: _____

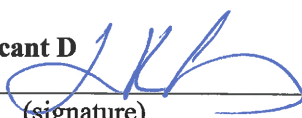
Company: Frisco CDC _____

Name: George A. Purefoy _____
(print or type)

Title: City Manager, City of Frisco _____

Phone: (972) 292-5150 _____

Applicant D

By:  _____
(signature)

Date: 11/22/13 _____

Company: Stewart Creek International Investors, LP _____

Name: Terry K. Lowrey _____
(print or type)

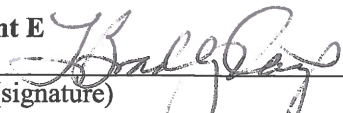
Title: Manager _____

Phone: (972) 241-5959 _____

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
VOLUNTARY CLEANUP PROGRAM**

Program Application - Additional Applicants Form

Applicant E

By: 
(signature)

Date: 11-22-13

Company: Bellevue Partners LTD

Name: L. Bradley Camp
(print or type)

Title: Manager

Phone: (214) 241-6774

Applicant F

By: _____
(signature)

Date: _____

Company: _____

Name: _____
(print or type)

Title: _____

Phone: (____) _____



ATTACHMENT 2
HISTORICAL AERIAL PHOTOGRAPHS






Site: PROPOSED MARR SITE
Source: USDA
Date: 2004
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 2004

DES BY	SDB	SCALE: SEE BAR SCALE
DR BY	RDV	PROJECT NO. 13048.01
CHK BY	RDV	C.J. NO. 13048001
APP BY	RDV	SHEET 1 OF 1 SHEETS
DATE ISSUED: DATE ISSUED:	PURPOSE: PURPOSE:	FIGURE NO. NA




SITE



Site: PROPOSED MARR SITE
Source: USGS
Date: 1996
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 1996


DES BY	SDB	SCALE:	SEE BAR SCALE
DR BY	RDV	PROJECT NO.	13048.01
CHK BY	RDV	C.J.I. NO.	13048001
APP BY	RDV	SHEET	1 OF 1 SHEETS
DATE ISSUED:	DATE ISSUED:	FIGURE NO.	NA
PURPOSE:	PURPOSE:		



Site: PROPOSED MARR SITE
Source: TXDOT
Date: 05-09-84
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 05-09-1984

DES BY		SCALE: SEE BAR SCALE
DR BY	SDB	PROJECT NO. 13048.01
CHK BY	RDV	C.J.I. NO. 13048001
APP BY	RDV	SHEET 1 OF 1 SHEETS
DATE ISSUED: DATE ISSUED:		FIGURE NO.
PURPOSE: PURPOSE:		NA




SITE



Site: PROPOSED MARR SITE
Source: ASCS
Date: 02-24-72
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

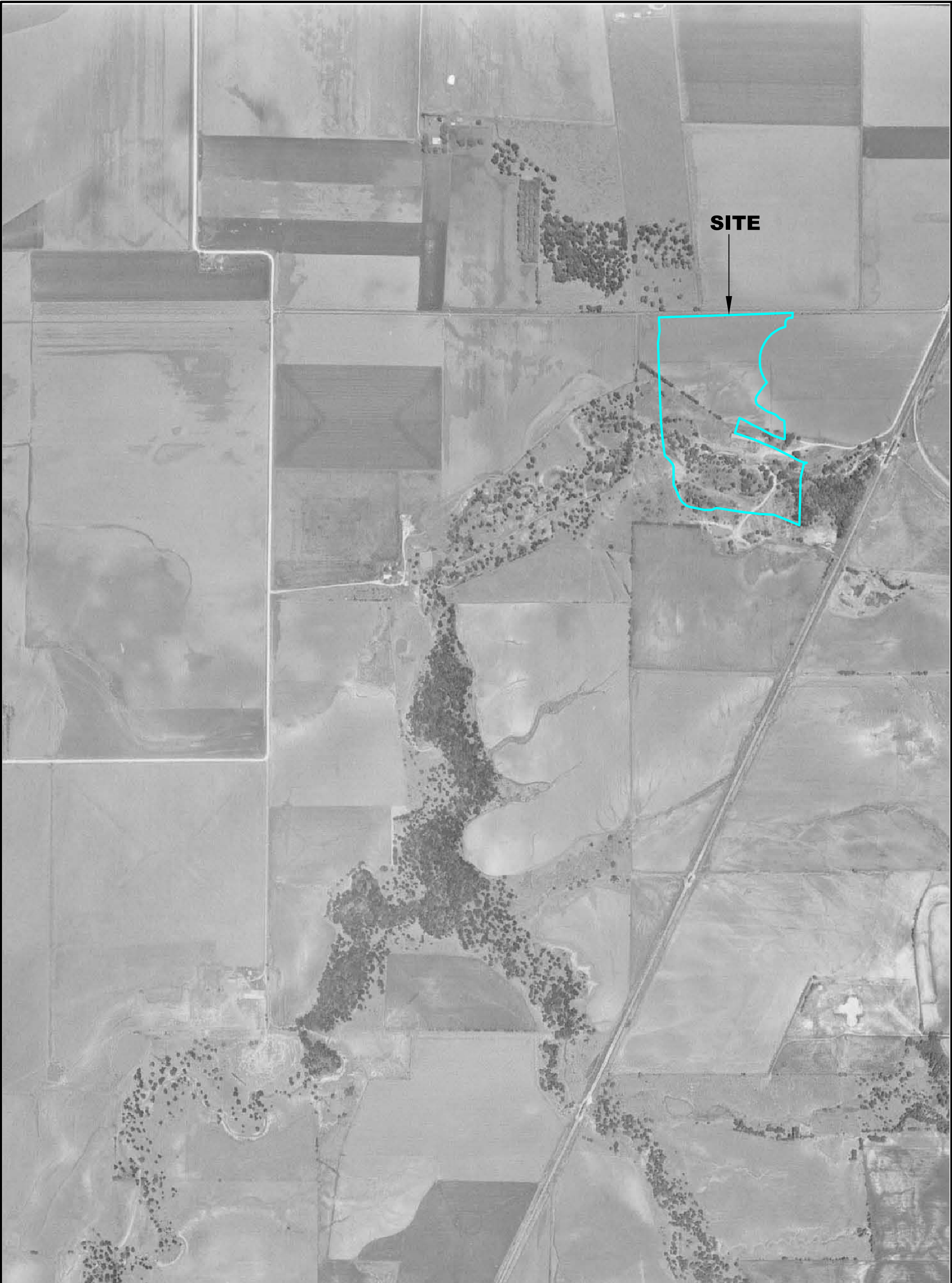
REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 02-24-1972


DES BY		SCALE: SEE BAR SCALE
DR BY	SDB	PROJECT NO. 13048.01
CHK BY	RDV	CJI NO. 13048001
APP BY	RDV	SHEET 1 OF 1 SHEETS
DATE ISSUED: DATE ISSUED:		FIGURE NO.
PURPOSE: PURPOSE:		NA



Site: PROPOSED MARR SITE
Source: USGS
Date: 05-01-68
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 05-01-1968


DES BY	SDB	SCALE:	SEE BAR SCALE
DR BY	RDV	PROJECT NO.	13048.01
CHK BY	RDV	C.J.I. NO.	13048001
APP BY	RDV	SHEET	1 OF 1 SHEETS
DATE ISSUED:	DATE ISSUED:	FIGURE NO.	NA
PURPOSE:	PURPOSE:		



Site: PROPOSED MARR SITE
Source: AMS
Date: 01-04-53
County: DENTON, TX
Scale: 1" = 1320'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 01-04-1953


DES BY	SDB	SCALE: SEE BAR SCALE
DR BY	RDV	PROJECT NO. 13048.01
CHK BY	RDV	CJI NO. 13048001
APP BY	RDV	SHEET 1 OF 1 SHEETS
DATE ISSUED: DATE ISSUED:	FIGURE NO.	NA
PURPOSE: PURPOSE:		



Source: ASCS
Date: 03-22-42
County: DENTON, TX
Scale: 1" = 700'

GeoSearch

REV.	DATE	DESCRIPTION	DR BY	APP BY



COOK-JOYCE INC.
ENGINEERING AND CONSULTING
812 WEST ELEVENTH 512-474-9097
AUSTIN, TEXAS 78701
HUB & WBE CERTIFIED
TEXAS REGISTERED ENGINEERING FIRM F-883

PROJECT:	NORTHEAST STEWART CREEK SITE VCP APPLICATION
SHEET TITLE:	AERIAL PHOTO 03-22-1942

DES BY	SDB	SCALE:	SEE BAR SCALE
DR BY	RDV	PROJECT NO.	13048.01
CHK BY	RDV	C.J.I. NO.	13048001
APP BY	RDV	SHEET	1 OF 1 SHEETS
DATE ISSUED:	DATE ISSUED:	FIGURE NO.	NA
PURPOSE:	PURPOSE:		



ATTACHMENT 3
LEGAL DESCRIPTIONS FOR TRACTS OF LAND IN PROPOSED VCP SITE





LEGAL DESCRIPTIONS FOR TRACTS OF LAND IN PROPOSED VCP SITE

Tract #	Legal Description
1	Beal Aerospace, Blk 1, Lot 2r, 18.358 Acres; Replat
2	Stewart Creek Business Center #2, Blk A, Lot 1, 6.859 Acres
3	Abs A0618 L H Mcniel Survey, Tract 31, 11.718 Acres





**ATTACHMENT 4
CORE DATA FORM**





TCEQ Use Only

TCEQ Core Data Form

For detailed instructions regarding completion of this form, please read the Core Data Form Instructions or call 512-239-5175.

SECTION I: General Information

1. Reason for Submission (If other is checked please describe in space provided)			
<input type="checkbox"/> New Permit, Registration or Authorization (Core Data Form should be submitted with the program application)			
<input type="checkbox"/> Renewal (Core Data Form should be submitted with the renewal form)		<input type="checkbox"/> Other	
2. Attachments		Describe Any Attachments: (ex. Title V Application, Waste Transporter Application, etc.)	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		VCP Application	
3. Customer Reference Number (if issued)		4. Regulated Entity Reference Number (if issued)	
CN 600245526		RN	

SECTION II: Customer Information

5. Effective Date for Customer Information Updates (mm/dd/yyyy)		11/11/2013	
6. Customer Role (Proposed or Actual) – as it relates to the <u>Regulated Entity</u> listed on this form. Please check only <u>one</u> of the following:			
<input type="checkbox"/> Owner <input type="checkbox"/> Operator <input type="checkbox"/> Owner & Operator			
<input type="checkbox"/> Occupational Licensee <input type="checkbox"/> Responsible Party <input checked="" type="checkbox"/> Voluntary Cleanup Applicant <input type="checkbox"/> Other: _____			
7. General Customer Information			
<input type="checkbox"/> New Customer <input type="checkbox"/> Update to Customer Information <input type="checkbox"/> Change in Regulated Entity Ownership			
<input type="checkbox"/> Change in Legal Name (Verifiable with the Texas Secretary of State) <input checked="" type="checkbox"/> No Change**			
**If "No Change" and Section I is complete, skip to Section III – Regulated Entity Information.			
8. Type of Customer:		<input type="checkbox"/> Corporation <input type="checkbox"/> Individual <input type="checkbox"/> Sole Proprietorship- D.B.A	
<input type="checkbox"/> City Government <input type="checkbox"/> County Government <input type="checkbox"/> Federal Government <input type="checkbox"/> State Government			
<input type="checkbox"/> Other Government <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Other: _____			
9. Customer Legal Name (If an individual, print last name first: ex: Doe, John)		If new Customer, enter previous Customer below	
		End Date:	
10. Mailing Address:			
City State ZIP ZIP + 4			
11. Country Mailing Information (if outside USA)		12. E-Mail Address (if applicable)	
13. Telephone Number		14. Extension or Code	
() -		() -	
16. Federal Tax ID (9 digits)		17. TX State Franchise Tax ID (11 digits)	
18. DUNS Number (if applicable)		19. TX SOS Filing Number (if applicable)	
20. Number of Employees		21. Independently Owned and Operated?	
<input type="checkbox"/> 0-20 <input type="checkbox"/> 21-100 <input type="checkbox"/> 101-250 <input type="checkbox"/> 251-500 <input type="checkbox"/> 501 and higher		<input type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION III: Regulated Entity Information

22. General Regulated Entity Information (If 'New Regulated Entity' is selected below this form should be accompanied by a permit application)			
<input checked="" type="checkbox"/> New Regulated Entity <input type="checkbox"/> Update to Regulated Entity Name <input type="checkbox"/> Update to Regulated Entity Information <input type="checkbox"/> No Change** (See below)			
**If "NO CHANGE" is checked and Section I is complete, skip to Section IV, Preparer Information.			
23. Regulated Entity Name (name of the site where the regulated action is taking place)			
Northeast Stewart Creek			

24. Street Address of the Regulated Entity: (No P.O. Boxes)	Southeast Corner of Dallas North Tollway/Cotton Gin Road Intersection						
	City	Frisco	State	TX	ZIP	75034	ZIP + 4
25. Mailing Address:							
	City		State		ZIP		ZIP + 4
26. E-Mail Address:							
27. Telephone Number	28. Extension or Code		29. Fax Number (if applicable)				
() -			() -				
30. Primary SIC Code (4 digits)	31. Secondary SIC Code (4 digits)	32. Primary NAICS Code (5 or 6 digits)		33. Secondary NAICS Code (5 or 6 digits)			
34. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description.)							
This is vacant land.							

Questions 34 – 37 address geographic location. Please refer to the instructions for applicability.

35. Description to Physical Location:	~27 acre tract of land located at southeast corner of the North Dallas Tollway/Cotton Gin Road intersection, Frisco, Collin County, TX						
36. Nearest City	County		State		Nearest ZIP Code		
Frisco	Collin		TX		75034		
37. Latitude (N) In Decimal:	33.143380		38. Longitude (W) In Decimal:	96.837091			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds		

39. TCEQ Programs and ID Numbers Check all Programs and write in the permits/registration numbers that will be affected by the updates submitted on this form or the updates may not be made. If your Program is not listed, check other and write it in. See the Core Data Form instructions for additional guidance.

<input type="checkbox"/> Dam Safety	<input type="checkbox"/> Districts	<input type="checkbox"/> Edwards Aquifer	<input type="checkbox"/> Industrial Hazardous Waste	<input type="checkbox"/> Municipal Solid Waste
<input type="checkbox"/> New Source Review – Air	<input type="checkbox"/> OSSF	<input type="checkbox"/> Petroleum Storage Tank	<input type="checkbox"/> PWS	<input type="checkbox"/> Sludge
<input type="checkbox"/> Stormwater	<input type="checkbox"/> Title V – Air	<input type="checkbox"/> Tires	<input type="checkbox"/> Used Oil	<input type="checkbox"/> Utilities
<input type="checkbox"/> Voluntary Cleanup	<input type="checkbox"/> Waste Water	<input type="checkbox"/> Wastewater Agriculture	<input type="checkbox"/> Water Rights	<input type="checkbox"/> Other:


SECTION IV: Preparer Information

40. Name:	Wade Wheatley		41. Title:	Vice President	
42. Telephone Number	43. Ext./Code	44. Fax Number	45. E-Mail Address		
(512) 474-9097	2495	() -	wade.wheatley@cook-joyce.com		

SECTION V: Authorized Signature

46. By my signature below, I certify, to the best of my knowledge, that the information provided in this form is true and complete, and that I have signature authority to submit this form on behalf of the entity specified in Section II, Field 9 and/or as required for the updates to the ID numbers identified in field 39.

(See the Core Data Form instructions for more information on who should sign this form.)

Company:	City of Frisco		Job Title:	City Manager, City of Frisco	
Name (In Print):	George A. Purefoy			Phone:	(512) 292-5000
Signature:				Date:	11-25-13



ATTACHMENT 5
COPY OF CHECK FOR VCP APPLICATION FEE



COOK-JOYCE INC.
812 W. 11TH ST. PH 512-474-9097
AUSTIN, TX 78701

7445

37-65/1119 6083
9550056635

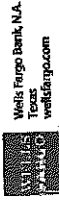
DATE 12-2-13

PAY TO THE ORDER OF TRCQ

\$ 1000

DOLLARS

One thousand & no/100



Sherry A. Orger

FOR NE STERLING BANK VCL Application



MP