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June 3, 2016

**RECEIVED**

**JUN 6 2016**

**CITY OF FRISCO  
CITY MANAGER'S OFFICE**

VIA Certified U.S. Mail; Return Receipt Requested 7015 1520 0001 4018 7071 and  
Electronic Submission via www.tceq.gov

Texas Commission on Environmental Quality  
Office of the Chief Clerk  
MC105  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: *Application of Exide Technologies for a Water Quality Permit  
Amendment; TPDES Permit No. WQ00002964000; CN600129787; RN  
100218643; Collin County, Texas*

To the Texas Commission on Environmental Quality:

The undersigned represents the City of Frisco, Texas ("City" or "Frisco") regarding the above-referenced TPDES permit application ("Application"). Please accept this letter as the City's notice of its opposition to the Application submitted by Exide Technologies ("Exide"). **The City hereby requests a public meeting and a contested case hearing on the Application.** In accordance with the published notice, the City provides the following information:

1. *Your name, address, phone number:*

The City may be notified of any developments in this case by providing notice to:

Kerry E. Russell  
Arturo D. Rodriguez, Jr.  
Russell & Rodriguez, LLP  
1633 Williams Drive, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)

2. *Applicant information:* Application of Exide Technologies for a renewal and Major Amendment to TPDES Permit No. 02964; CN600129787; RN100218643.

3. *The location and distance of your property/activities relative to the proposed facility:*

The facility is located within the City's corporate limits and the City owns much of Stewart Creek adjacent to, and directly downstream of, the facility and discharge point.

4. *Specific description of how you would be adversely affected by the facility in a way not common to the general public:*

The City owns most of Stewart Creek between the discharge point and Lake Lewisville. Stewart Creek is utilized by City residents and others for recreational purposes. The City is in the process of permitting and building the Grand Lake project directly downstream of the Exide property.

This entire section of Stewart Creek is currently contaminated by lead and cadmium waste from the Exide facility. TCEQ is currently requiring Exide to investigate and remediate this entire section of Stewart Creek.

Exide is currently performing a SSERA to determine the impact of its past arsenic discharges on aquatic life. The arsenic at issue remains in the creek sediment and has not been remediated. Aquatic life in Stewart Creek will be endangered by Exide's proposed discharge.

Exide is currently not allowed to discharge wastewater or mixed wastewater and stormwater into Stewart Creek.

Exide's pretreatment permit to discharge wastewater into the Stewart Creek West WWTP has expired and Exide has filed an application for a new pretreatment permit. That permit application is on hold pending Exide demonstrating that it will properly pretreat and remove hazardous constituents from its wastewater.

The Application will, if approved, allow Exide to mix various wastewater sources with its stormwater and directly discharge the untreated combined wastewater stream directly into Stewart Creek. Those sources include groundwater contaminated with lead, cadmium, and arsenic. Those sources also include surface runoff that has come in contact with battery chips, furnace slag, and contaminated soil of the RCRA permitted area of the former Exide battery recycling facility. Based on past history and TCEQ enforcement actions against Exide it is expected that the mixed wastewater will contain hazardous constituents that have been diluted with uncontaminated stormwater.

Further, Exide's compliance history should be evaluated regarding its ability to perform adequately given all the environmental conditions that originate from their property.

The City believes Exide's proposed discharge is in direct violation of the Clean Water Act and RCRA.

The discharge authorization being sought by Exide will endanger public health and the environment. Thus, the City protests the entirety of the application and seeks further time to review it.

5. The City requests a public meeting and a contested case hearing on the Application.

If we may be of further assistance or provide additional information, please contact me at the number above or 512-930-1317.

Sincerely,



Arturo D. Rodriguez, Jr.

cc: Mr. Richard Hyde  
Mr. Bill Shafford  
Mr. George Purefoy  
✓ Mr. Mack Borchardt  
Mr. Richard Abernathy