Draft of 12/08/12

COMMENTS ON

EXIDE DECONTAMINATION AND DEMOLITION WORK PLAN

NOVEMBER 9, 2012

I. General Comments

The plan is very general and vague in many places. It is not possible to meaningfully comment on a plan that is so short on details. Among other things, there is no schedule for the performance of the activities or table that illustrates how the various projects and activities will be sequenced. The plan also appears to ignore the requirement in 40 C.F.R. §261.4(c) that provides that materials in process vessels and raw material storage tanks meeting the criteria for hazardous waste can become regulated after 90 days from cessation of operation or for legitimate storage of raw materials. In addition, the plan makes no mention or provision for public access to data and public participation in the process.

II. Specific Comments

Page 1, ¶1. It is stated that the activities addressed in the Plan do not include remediation of environmental media as part of the facility's RCRA permit requirements. But see Section 6.1 (page 13) which discusses closure of "regulated waste management units" and addressing "affected media" under TRRP. What exactly is Exide planning to do with these units? Will this work take place in accordance with both Sections VII (closure of regulated units) and VIII (corrective action) under the facility RCRA permit? Will the public be given an opportunity to comment on proposed closure and remediation measures? In addition, what is the status of pending TCEQ enforcement actions relative to site conditions and how do these impact what is proposed under this Plan?

Page 4, last ¶. The Plans says that a City of Frisco Demolition Permit will be obtained. What process did Exide go through to get this permit? What plans were submitted? What does the City permit require?

Page 11, ¶5.2.4. Will the drum holding area where the stockpiled lead acid batteries will be stored a covered area such that there will be no contact with storm water?

Page 12, ¶5.4. When will the above ground storage tank "no longer [be needed]? What's in it? Will the contents become hazardous waste after 90 days pursuant to 40 C.F.R. §261.4(c)?

Page 13, ¶6.1. This section relates to "Regulated Waste Management Units." It appears that closure work is being performed as part of decontamination and demolition activities, but there is little discussion of specifics beyond reference to the permit and TCEQ rules. These units and other solid waste management units at the facility are indeed subject to a RCRA operating permit issued by TCEQ pursuant to a federally-delegated permit program. That permit contains closure requirements and closure performance standards for regulated units and corrective action for solid waste management units. This

Plan should not be a vehicle for short-circuiting or circumventing those requirements. Moreover, much of the available sampling data developed in the course of prior RCRA permit-related investigations (including the RCRA Facility Investigation that took place over 10 years ago) is very old and site operations since that sampling have likely changed.

Page 13, ¶6.1.1. It is stated that "[a]ll of the batteries will be removed by Exide *and processed through the facility smelter for the reclamation of lead.*" (emphasis added) Isn't the smelter supposed to be shut down? If Exide can't process the batteries through the smelter, how will they be managed?

Page 13, ¶6.1.1. Decontamination of the buildings is to be demonstrated by testing the rinsate for cadmium and lead rather than the surfaces that have been cleaned. This method could miss contaminant concentrations that might leach out of building materials when subjected to an acidic environment, which the RCRA TCLP is supposed to reflect. Has TCEQ approved this testing method? Was consideration given to representative surface wipe samples rather than testing of the rinsate?

Page 14, ¶6.1.2. The second sentence in this section states that, "All of the waste materials contained in the raw material storage area will be removed *and processed through the smelter for reclamation of lead.*" (emphasis added) Isn't the smelter supposed to be shut down? If Exide can't process the batteries through the smelter, how will they be managed? Exide proposes to use rinsate samples to determine classification of residual materials that will remain in the area. This method could miss contaminant concentrations that might leach out of building materials when subjected to an acidic environment, which the RCRA TCLP is supposed to reflect. Has TCEQ approved this testing method? Has TCEQ approved this testing method? Was consideration given to representative surface wipe samples rather than testing of the rinsate?

Page 15, ¶6.1.5. This section relates to verification sampling for closure of regulated waste management units, but makes no reference to applicable RCRA permit requirements for closure. Also, it makes reference to "applicable cleanup standards established for the Site under TRRP," but does not provide specifics on such standards. How will cleanup standards be derived? What basis is there to include January 2012 soil samples as verification samples for work taking place almost a year later?

Page 15, ¶6.2. This section relates to "Decontamination of Other Buildings and Structures." It is extremely vague and general and thus does not provide a reasonable basis for understanding what will be done.

Page 17, ¶7.0, second paragraph. Materials exceeding the non-hazardous Class II waste criteria may be treated on site for disposal in the on-site non-hazardous landfill. How will they be treated and what in-site and off-site impacts may there be from such treatment? Will this treatment entail the need for a RCRA or other permit or registration amendment? Will RCRA land disposal restrictions be triggered? Aren't there already RCRA compliance problems at the on-site non-hazardous landfill?

Page 18, ¶8.2. What exactly are the adjacent structures that will not be demolished? How will they be screened for hazardous materials?

Page 18, ¶8.3, first sentence. What are the "lead-bearing residues" referenced here? How will they be cleared?

Page 19, ¶8.5 How are "salvageable materials and clean demolition debris" to be defined?

Page 20, ¶8.7 How will stockpiles of debris material be protected from the elements and storm water runoff?

Page 21, ¶8.7, Table 1. How will non-hazardous, Class 1 waste be treated? Will a permit or registration amendment be necessary?

Page 21, ¶8.7.1. Materials exceeding the non-hazardous Class II waste criteria may be treated on site. How will they be treated and what in-site and off-site impacts may there be from such treatment? Will this treatment entail the need for a RCRA or other permit or registration amendment? Will RCRA land disposal restrictions be triggered? Aren't there already RCRA compliance problems at the on-site non-hazardous landfill?