

Summary of Investigation Findings

EXIDE FRISCO BATTERY RECYCLING PLANT

Investigation # 880260

7471 5TH ST

Investigation Date: 05/06/2011

FRISCO, COLLIN COUNTY, TX 75034

Additional ID(s): 30516
30516
TXD006451090
50206

OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF ENFORCEMENT

Track No: 444319 Compliance Due Date: To Be Determined

2D TWC Chapter 26.121(a)(3)

30 TAC Chapter 335.4

Alleged Violation:

Investigation: 880260

Comment Date: 8/29/2011

According to 30 TAC 335.4, no person may cause, suffer, allow, or permit the collection, handling, storage, processing, or disposal of industrial solid waste or municipal hazardous waste in such a manner so as to cause: (1) the discharge or imminent threat of discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the TCEQ (formerly Texas Natural Resource Conservation Commission); or (3) the endangerment of the public health and welfare.

According to 2D TWC 26.121(a)(3), except as authorized by the commission, no person may commit any other act or engage in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any of the water in the state, unless the activity is under the jurisdiction of the Parks and Wildlife Department, the General Land Office, the Department of Agriculture, or the Railroad Commission of Texas, in which case this subdivision does not apply.

During the investigation, TCEQ DFW Region staff observed liquid discharging through cracks and seeps in the barrier wall into the environment (Stewart Creek embankment). The cracks and seeps in the barrier wall were observed on the Stewart Creek (south) side of the barrier wall and south of the Slag Treatment building. The analytical sample results of the soil collected at this location detected elevated concentrations of lead (Total = 3,560 mg/kg; TCLP = 2.86 mg/L). TCEQ DFW Region staff also observed a discharge running down the barrier wall beneath the stormwater pipe that discharged to the stormwater pond. The liquids appeared to be water generated during the street sweeping activities and stormwater. According to the analytical sample results, the soil collected at this location exhibited the toxicity characteristic for lead (Total = 39,800 mg/kg; TCLP = 127 mg/L) and cadmium (Total = 894; TCLP = 12.2 mg/L). The discharges are occurring along the banks of Stewart Creek which runs through the facility. These discharges have the potential to adversely affect the downstream waters and stream beds of Stewart Creek.

During the investigation, TCEQ DFW Region staff observed a white solid near the southwest corner of the Slag Treatment Building. TCEQ DFW Region staff also observed a liquid with a white tint flowing between the south side of the Slag Treatment Building (south side) and the barrier wall towards the stormwater collection point. TCEQ DFW Region staff collected a soil sample at the southwest corner of the Slag Treatment Building which also contained the white solid and a material resembling slag. According to the sample results, the soil collected at this location exhibited the toxicity characteristic for lead (Total = 39,700 mg/kg; TCLP = 44.8 mg/L) and cadmium (Total = 574 mg/kg; TCLP = 1.74 mg/L).

During the investigation, TCEQ DFW Region staff observed soil and a material resembling slag on the facility grounds below the opening on the north face of the Slag Treatment Building. According to the analytical sample results, the solids collected at this location exhibited the toxicity characteristic for lead (Total = 47,100 mg/kg; TCLP = 59.3 mg/L) and cadmium (Total = 1,090 mg/kg; TCLP = 9.28 mg/L).

During the investigation, TCEQ DFW Region staff observed white solids in the drainage swale near a culvert which discharged to the City of Frisco. A white solid was also observed in the drainage swale which began at the Crystallizer and ended at the culvert. A material resembling battery chips was also observed in the drainage swale by TCEQ DFW Region staff. Analytical sample results of the soil collected near the culvert detected elevated concentrations of lead (Total = 694 mg/kg; TCLP = 3.92 mg/L) and sulfates (Total = 6,040 mg/kg). TCEQ DFW Region staff noted an unauthorized release.

During the investigation, TCEQ DFW Region staff observed that the cover of the South Disposal Area (pre-RCRA landfill) had significantly eroded in various places on the south side. The erosion has caused the release of battery chips. Battery chips and slag were also observed intermittently in the surface soils along the top of the disposal area. TCEQ DFW Region staff noted an unauthorized release.

Recommended Corrective Action: Exide was requested to immediately cease the unauthorized discharges of waste and make appropriate operational and site engineering changes to prevent future unauthorized discharges. Exide was requested to assess the horizontal and vertical extent of contamination (soil and groundwater), and conduct any remediation in accordance with 30 Texas Administrative Code (TAC) 350 (Texas Risk Reduction Program (TRRP)).

The entity was also requested to retain documentation that appropriate corrective action has been performed. The entity is also requested to submit copies of that documentation which would resolve this violation to the TCEQ Enforcement Division for review. It was requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444320 **Compliance Due Date:** To Be Determined
30 TAC Chapter 335.152(a)(10)
30 TAC Chapter 335.2

Alleged Violation:

Investigation: 880260

Comment Date: 8/29/2011

According to 30 TAC 335.2, no person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste unless such activity is authorized by a permit, amended permit, or other authorization from the Texas Commission on Environmental Quality (commission) or its predecessor agencies, the Department of State Health Services (DSHS), or other valid authorization from a Texas state agency.

During the investigation, TCEQ DFW Region staff observed a pile of untreated slag, a characteristic hazardous waste, near the blast furnace. TCEQ DFW Region staff noted that after the slag is cooled, it is inspected to determine if additional lead can be removed. After any recoverable lead is removed, the slag is broken up and piled again in the same area. It is at this point that the slag leaves the process and becomes a waste. TCEQ DFW Region staff noted that Exide failed to obtain a permit to manage hazardous waste (untreated blast furnace slag) in a waste pile. TCEQ DFW Region staff also noted that Exide was operating an unauthorized waste pile. TCEQ DFW Region staff also noted that the hazardous waste pile had not been assessed by Exide to determine if it meets the requirements of 30 TAC 335.170 (Design and Operating Requirements for hazardous waste piles).

Recommended Corrective Action: It was requested that Exide obtain authorization from the TCEQ to manage a waste pile containing hazardous waste. The entity was also requested to retain documentation that appropriate corrective action has been performed and submit copies of that

documentation which would resolve this violation to the TCEQ Enforcement Division for review. It was requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444321 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.2

30 TAC Chapter 335.431

40 CFR Chapter 264.13

40 CFR Chapter 268.34(b)

PERMIT 50206, Provision II.A.7

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to 40 CFR 268.34(b) and 30 TAC 335.431, slag from secondary lead smelting which exhibits the Toxicity Characteristic due to the presence of one or more metals is prohibited from land disposal.

According to 30 TAC 335.2, no person may cause, suffer, allow, or permit any activity of storage, processing, or disposal of any industrial solid waste or municipal hazardous waste unless such activity is authorized by a permit, amended permit, or other authorization from the Texas Commission on Environmental Quality (commission) or its predecessor agencies, the Department of State Health Services (DSHS), or other valid authorization from a Texas state agency.

During the investigation, TCEQ DFW Region staff collected two samples of the treated slag in the active on-site Class 2 Non-hazardous landfill. The analytical sample results indicate that waste (untreated slag) exceeding the toxicity characteristic for lead (D008) (Total = 32,800 mg/kg; TCLP = 25.52 mg/L) (Total = 36,200 mg/kg; TCLP = 18.3 mg/L) and cadmium (D006) (Total = 437 mg/kg; TCLP = 1.57 mg/L) and (Total = 433 mg/kg; TCLP = 1.43 mg/L) were present in the Class 2 Non-hazardous landfill. The analytical sample results also indicate that wastes exceeding the Land Disposal Restriction (LDR) treatment and universal standards for lead (D008) and cadmium (D006) were present in the landfill. According to Exide representatives, treated slag containing waste exhibiting the toxicity characteristic for lead are excavated from the landfill, re-treated, and disposed again in the landfill.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide cease the disposal of hazardous waste and wastes exceeding the Land Disposal Restriction Standard for metals. It was requested that Exide change its slag sampling and disposal procedures to ensure that the slag does not exceed the LDR standard prior to land disposal. TCEQ DFW Region staff requested that Exide obtain a hazardous waste permit for the landfill or remove all hazardous waste from the landfill and dispose of it at an authorized facility.

The entity was also requested to retain documentation that appropriate corrective action has been performed and submit copies of that documentation which would resolve this violation to the TCEQ Enforcement Division for review. It was requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444322 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.112(a)(9)

40 CFR Chapter 265.193

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to 40 CFR 265.190, hazardous waste tanks are required to have an approved secondary containment system capable of detecting and collecting releases and accumulated liquids until the collected material is removed, unless the tank systems are exempt under 40 CFR 265.190(a) & (b). The requirements for secondary containment systems are detailed in

40 CFR 265.193.

During the investigation, TCEQ DFW Region staff observed free liquids (equipment wash down and dust suppression water) covering the floor of the 90-day accumulation tank (Slag Treatment Building). The quantity of water exceeded the capacity of the sump used to collect it. The water had been in contact with the untreated slag, untreated refractory brick, the crusher, and concrete mixing truck. TCEQ DFW Region staff also noted that the wastes are inside of the tank but the tank is not inside of a building with an impermeable floor. The tank fails to meet the exemption of 40 CFR 265.190(a) because the tank is not inside a building with an impermeable floor and free liquids are present inside the tank. TCEQ DFW Region staff noted that Exide failed to have secondary containment or a method of leak detection for the hazardous waste tank.

According to Exide representatives, the Slag Treatment Building is scheduled to be torn down in 2012.

Recommended Corrective Action: The tank will have to go through the closure process in accordance to 40 CFR 265.197. The entity was requested to retain documentation that appropriate closure and corrective action has been performed and submit copies of that documentation which would resolve this violation to the TCEQ Enforcement Division for review. It was requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444324 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(1)

40 CFR Chapter 264.16(c)

PERMIT 50206, Provision III.B

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to 264.16(a)(1) and Provision III.B of IHW Permit No. 50206, the owner and operator of a facility which treat, store, or dispose of hazardous waste must ensure that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of 40 CFR 264.16. Facility personnel must also participate in a review of this training annually.

During the investigation, TCEQ DFW Region staff noted that Exide did not receive any annual training that would assure compliance with 40 CFR 264.16. TCEQ DFW Region staff also noted that Exide could not produce any records documenting the last date that this training occurred.

TCEQ DFW Region staff requested that Exide personnel handling hazardous waste receive the required hazardous waste training in accordance with 40 CFR 264.16(a). TCEQ DFW Region staff requested that Exide personnel ensure that this training is received annually and that training records are maintained in accordance with 40 CFR 264.16(d) & (e). It was requested that Exide submit copies of those training records to the TCEQ Enforcement Division for review. It was also requested that Exide transmit copies to the TCEQ DFW Region Office.

Recommended Corrective Action: It was recommended that Exide personnel handling hazardous waste receive the required annual hazardous waste training and submit copies of those training records to the TCEQ Enforcement Division for review. It was also requested that Exide transmit copies to the TCEQ DFW Region Office.

Track No: 444326 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(1)

30 TAC Chapter 335.152(a)(4)

40 CFR Chapter 264.15(b)(1)

40 CFR Chapter 264.15(d)

40 CFR Chapter 264.73(b)(5)

PERMIT 50206, Provision III.D

PERMIT 50206, Provision II.B.2

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to 40 CFR 264.73(b)(5), 40 CFR 264.15(b)(1), 40 CFR 264.15(d), Provision B.2 of IHW Permit No. 50206, and Provision D of Permit No. 50206, the owner or operator of a facility that treats, stores, or disposes of hazardous waste must follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, and operating and structural equipment that are important to preventing, detecting, or responding to environmental or human health hazards. The owner or operator must also record inspections in an inspection log or summary, and retain these records for three years from the date of the inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

During the investigation, TCEQ DFW Region staff noted that the entity does not maintain an inspection log of emergency equipment that would document compliance with Table III.D: Inspection Schedule in IHW Permit No. 50206.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide create an inspection log for emergency equipment as stated in Table III.D of the permit and submit copies of those logs to the TCEQ Enforcement Division for review. It was also requested that Exide transmit copies of that documentation to the TCEQ DFW Region Office.

Track No: 444328 **Compliance Due Date:** To Be Determined**30 TAC Chapter 335.503(a)****30 TAC Chapter 335.504****30 TAC Chapter 335.62****40 CFR Chapter 262.11****Alleged Violation:**

Investigation: 880260

Comment Date: 8/19/2011

According to 30 TAC 335.62, a person who generates a solid waste must determine if that waste is hazardous pursuant to §335.504 of this title (relating to Hazardous Waste Determination) and must classify any nonhazardous waste under the provisions of Subchapter R of this chapter (relating to Waste Classification). If the waste is determined to be hazardous, the generator must refer to this chapter and to 40 Code of Federal Regulations Parts 261, 264, 265, 266, 268, and 273 for any possible applicable exclusions or restrictions pertaining to management of the specific waste.

According to 30 TAC 335.503(a), all industrial solid and municipal hazardous waste generated, stored, processed, transported, or disposed of in the state shall be classified according to the provisions of this subchapter.

According to 30 TAC 335.504, a person who generates a solid waste must determine if that waste is hazardous using the methods described in 30 TAC 335.504 (1, 2, & 3).

According to 40 CFR 262.11, a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.

During the investigation, TCEQ DFW Region staff observed several drums of contaminated personal protective equipment (PPE) throughout the facility. According to Mr. Messer, a hazardous waste determination and waste classification had not been performed on the contaminated PPE.

During the investigation, TCEQ DFW Region staff observed a berm (approx. 5,000 cubic feet)

on the west side of the South Disposal Area. The berm was used as a shooting range for the City of Frisco Police Department but has not been used since the early 1980s. The berm contains large amounts of untreated slag and battery chips which may have come from the South Disposal Area. TCEQ DFW Region staff noted Exide had not conducted a hazardous waste determination and waste classification on the solid wastes accumulated in the berm.

During the investigation, TCEQ DFW Region staff inspected the truck/tire washing stations. TCEQ DFW Region staff observed a bin in the truck/tire washing station located between the WWT Plant and the Slag Treatment Building. The bin contained soil, wood, paper, packaging, and other debris generated at the truck/ tire washing station. The wash station is not part of the recycling "process" as it has been laid out by Exide in their renewal application. TCEQ DFW Region staff noted that the material in the bin appeared to be a solid waste and the entity had not performed a hazardous waste determination or waste classification on this material.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide perform a hazardous waste determination and waste classification on the contaminated PPE at the point of generation. It was also requested that the drums containing the contaminated PPE be managed according to 30 TAC 335.69(d) and 40 CFR 265 Subpart I if the PPE is determined to be hazardous.

It was requested that Exide perform a hazardous waste determination on the material in the bin and properly dispose of the waste an authorized facility

It was requested that Exide perform a hazardous waste determination and waste classification on the berm and properly dispose of the waste at an authorized facility.

TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444329 **Compliance Due Date:** To Be Determined
30 TAC Chapter 335.6(c)

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to 30 TAC 335.6(c), any person who provides notification pursuant to this subsection shall have the continuing obligation to immediately document any changes or additional information with respect to such notification and within 90 days of the occurrence of such change or of becoming aware of such additional information, provide notice to the executive director in writing or using electronic notification software provided by the executive director. The information submitted pursuant to the notification requirements of this subchapter and to the additional requirements of §335.503 of this title (relating to Waste Classification and Waste Coding Required) shall include, but is not limited to:

- (1) a description of the waste;
- (2) a description of the process generating the waste;
- (3) the composition of the waste;
- (4) a proper hazardous waste determination which includes the appropriate EPA hazardous waste number(s) described in 40 Code of Federal Regulations (CFR) Part 261. Generators must determine whether such waste is hazardous as defined in 40 CFR Part 261 and submit the results of that hazardous waste determination to the executive director;
- (5) the disposition of each solid waste generated, if subject to the notification requirement of this subsection, including the following information:
 - (A) whether the waste is managed on-site and/or off-site;
 - (B) a description of the type and use of each on-site waste management facility unit;
 - (C) a listing of the wastes managed in each unit; or
 - (D) whether each unit is permitted, or qualifies for an exemption, under §335.2 of this title.

During the investigation, TCEQ DFW Region staff noted that Exide did not update their Notice of Registration (NOR) to include a 30 cubic yard roll-off (less than 90-day accumulation container) used to store hazardous PVC piping/plastic.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide update their NOR to include the 90-day accumulation container. TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444331 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(7)

40 CFR Chapter 264.175(b)(1)

40 CFR Chapter 264.175(b)(2)

PERMIT 50206, Provision V.B.3

Alleged Violation:

Investigation: 880260

Comment Date: 8/25/2011

According to Provision V.B.3 of IHW Permit No. 50206 and 40 CFR 264.175(b)(1 & 2), a container storage areas must have a base beneath the containers which is free of cracks or gaps and the base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation.

During the investigation of the permitted container storage area, TCEQ DFW Region staff observed significant deterioration of the floor and part of the wall. TCEQ DFW Region staff also observed that precipitation (rain water) had formed puddles which were not flowing toward the sumps due to the deterioration of the floor.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide repair the deteriorated floor and the cracked wall of the container storage area. TCEQ DFW Region staff also requested that Exide repair the floor so that storm run-on flows toward the sumps and does not pool on the floor. TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444333 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(20)

40 CFR Chapter 264.1100(e)

40 CFR Chapter 264.1101(c)(1)(iii)

PERMIT 50206, Provision V.C.1

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to Provision V.C.1 of IHW Permit No. 50206, 40 CFR 264.1100(e) and 40 CFR 264.1101(c)(1)(iii), an area must be designated to decontaminate equipment and the rinsing must be properly managed so as to prevent the tracking of materials from the containment building.

During the investigation, TCEQ DFW Region staff observed personnel spraying water into the containment building and small pools of a white liquid flowing from a pile of lead feed that had not completely dried. TCEQ DFW Region staff observed that the liquids on the floor in the containment building were tracked out of the doorway leading to the reverberatory furnace doorway to the Covered Raw Material Storage Area (non-RCRA permitted unit), and the south entrance/exit. The liquids, which have been in contact with hazardous waste, are also tracked from the containment building to the Covered Raw Materials Storage Area by a front-end loader after the transport of raw materials into the containment building. TCEQ DFW Region staff did not observe a designated area to decontaminate equipment within the containment building.

The equipment decontamination area is located immediately south of the building. TCEQ DFW Region staff noted that heavy equipment must track the material outside of the building before being decontaminated. TCEQ DFW Region staff also noted that Exide personnel tracked the material out of the containment building on the bottom of their boots.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide create and implement a method of decontamination so that personnel and equipment do not track materials out of the building and into an area not authorized to manage hazardous wastes. TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444335 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(20)

40 CFR Chapter 264.1100(a)

40 CFR Chapter 264.1101(a)(1)

40 CFR Chapter 264.1101(a)(2)

PERMIT 50206, Provision V.C.1

Alleged Violation:

Investigation: 880260

Comment Date: 8/19/2011

According to Provision V.C.1 of IHW Permit No. 50206, 40 CFR 264.1100(a), and 40 CFR 264.1101(a)(1 & 2), the containment building must be completely enclosed.

During the investigation of the permitted containment building (IHW Permit Unit No. 001; NOR Unit No. 005) known as the Raw Materials Storage Area, TCEQ DFW Region staff observed that the containment building was not completely enclosed due to a broken roll-up door and a doorway curtain consisting of vertical plastic strips that at times did not completely close. According to Mr. Messer, the roll-up door leading to the Covered Raw Materials Storage Area had been broken for several years.

Recommended Corrective Action: TCEQ DFW Region staff requested that Exide repair the roll-up door and keep the containment building completely enclosed except when transporting materials into the unit. It was also requested that Exide personnel ensure that the plastic strips completely close after exiting the unit. TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of this documentation be transmitted to the TCEQ DFW Region Office.

Track No: 444701 **Compliance Due Date:** To Be Determined

30 TAC Chapter 335.152(a)(4)

40 CFR Chapter 264.13

40 CFR Chapter 264.73(b)(3)

PERMIT 50206, Provision IV.A

Alleged Violation:

Investigation: 880260

Comment Date: 8/22/2011

According to 40 CFR 264.13 and Provision IV.A of IHW Permit No. 50206, before an owner or operator treats, stores, or disposes of any hazardous wastes or nonhazardous wastes, a detailed chemical and physical analysis of a representative sample of waste must be obtained. The owner or operator must also develop and follow a written waste analysis plan (WAP) which describes the procedures which will be carried out to comply with this rule.

During the investigation, TCEQ DFW Region staff noted that Exide is not required to have a WAP for lead-acid batteries and scrap metal; however, Exide is required to have a WAP for other incoming wastes including floor sweepings, dross, sump muds, and any other incoming wastes that are not lead-acid batteries or scrap metals. TCEQ DFW Region staff noted that Exide did not have a WAP for any incoming wastes.

Recommended Corrective Action: It was requested that Exide develop and implement a WAP according to 40 CFR 264.13 for all incoming wastes excluding lead-acid batteries and scrap metals. TCEQ DFW Region staff also requested that Exide submit documentation demonstrating corrective action to the TCEQ Enforcement Division for review. It was also requested that an additional copy of

this documentation be transmitted to the TCEQ DFW Region Office.

ADDITIONAL ISSUES

Description

Item #13

Additional Comments

During the investigation, TCEQ DFW Region staff traveled to an off-site area west of the site and observed battery chips along the embankment of Stewart Creek. TCEQ DFW Region staff pointed out the battery chips to Mr. Messer who also identified the material as battery chips that may have been used by the City of Frisco as road base for old 5th St. According to Mr. Messer, the City of Frisco used battery chips as road base material prior to the promulgation of the Resource Conservation and Recovery Act (May 19, 1980). According to Mr. Messer, as the roads are repaired and battery casings are uncovered, Exide assumed responsibility for the clean-up and off-site disposal.

Item #14

During the investigation, TCEQ DFW Region staff observed that the Bale Stabilization Area may be located over the North Disposal Area (pre-RCRA landfill) and a closed municipal solid waste landfill that was operated by the City of Frisco. TCEQ DFW Region staff requested records delineating the boundaries of the MSW landfill.

Item #15

During the investigation, TCEQ DFW Region staff noted that the permitted container storage area (CSA) (NOR Unit No. 011; IHW Permit Unit No. 002) inspection logs were inaccurate. The logs reflected that the CSA was in acceptable condition when significant repair was needed.

Item #16

During the investigation, TCEQ DFW Region staff observed a pool of white liquid on the floor in the Raw Material Storage Area (NOR Unit No. 005; IHW Permit No. 001) (Containment Building) which drained away from the reverberatory furnace feed because the feed was not completely dry. The quantity is sufficient so that it flows away from the feed, and forms small puddles on the containment building floor. These puddles remain on the floor until they evaporate. It appears that some free liquid does form although the wastes in the Raw Material Storage Area have passed the Paint Filter Test.

Item #17

During the investigation, TCEQ DFW Region staff noted that updates were needed in the Contingency Plan that would address issues listed in the Notice of Deficiency Letter transmitted by the TCEQ IHW Permits Section during the permit review. The Contingency Plan would also have to be update to reflect personnel changes after the departure of Mr. Messer.

Item #18

According to the Notice of Registration, the shrink wrap/cardboard packaging material (TWC 0010319H) is classified as hazardous prior to treatment with Free Flow-100®. According to Mr. Messer and Mr. Edwards, this material is actually non-hazardous at the point of generation but is treated as hazardous as a precaution because it has occasionally exceeded the TCLP lead standard of 5.0 mg/L. Since this waste stream is hazardous on the Notice of Registration, the baler in which this waste is treated should be managed as a 90-Day Accumulation Tank subject to 40 CFR 265 Subpart J until Exide updates the Notice of Registration to reflect this waste stream as non-hazardous. Exide was requested to submit sample analysis results in accordance with SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods) demonstrating that this waste is non-hazardous.
