

APPROVAL

October 3, 2013

Mr. Kenneth L. Money, President
Exide Group Incorporated
1213 Culbreth Drive
Wilmington, NC 28405

RE: Remedial Action Plan for Lead Impacted River Sediments, Mill River Study Areas I-V
Former Exide Battery Facility, 2190 Boston Post Road, Fairfield, Consent Order No. SRD-193

Dear Mr. Money:

The Remediation Division of the Bureau of Water Protection and Land Reuse of the Connecticut Department of Energy and Environmental Protection (the Department) has reviewed the remedial action plan titled *Remedial Action Plan for Lead Impacted River Sediments, Mill River Study Areas I-V, the Former Exide Battery Facility Project, 2190 Boston Post Road, Fairfield, Connecticut*, dated July 2013 (herein referred to as the July 2013 SedRAP). The July 2013 SedRAP was prepared on behalf of Exide Group Incorporated (Exide) by CCA, LLC for the Exide Facility located at 2190 Boston Post Road, Fairfield (Site) as required by Paragraph B.2.d. of Consent Order No. SRD-193.

The July 2013 SedRAP proposes the remediation lead-impacted sediment within Study Areas I-V of the Mill River to be protective of human health and the environment. The July 2013 SedRAP is the final version of the SedRAP and incorporates revisions made as a result of the public comments received and the facilitated discussions with representatives of the Town of Fairfield, a neighborhood advocacy group (FairPLAN), Exide, and the Department. The Department's responses to the public comments are provided in a separate document titled *Responses to Public Comments on Remedial Action Plan for Lead Impacted Sediments, Mill River Study Areas I-V, the Former Exide Battery Facility Project, Fairfield Connecticut*, dated October 3, 2013, and available at the Town of Fairfield First Selectman's Office, the Fairfield Public Library, and on the project website at:
http://www.ct.gov/deep/cwp/view.asp?a=2719&q=517076&deepNav_GID=1654.

The July 2013 SedRAP proposes the use of a hydraulic dredge to remove the lead-impacted sediment. The sediment slurry will be pumped to the Site for processing. Sediment processing includes dewatering the sediment slurry utilizing geotextile dewatering bags (for example, Geotubes®), treatment and discharge of treated water from the dewatering of the sediment slurry into the Mill River, and transportation of the solids to an off-site permitted disposal facility. Specific performance standards for this project were established and included in the July 2013 SedRAP to ensure that short-term impacts of the project are minimized and the cleanup is successful. The performance standards include: best management practices; comprehensive turbidity monitoring program including corrective measures; measures to ensure protection of fish and shellfish; and confirmation sampling to verify removal of lead impacted sediment above the established sediment cleanup criteria. The established cleanup criteria for the Mill River sediment are 220 mg/kg for Study Areas I-IV and 400 mg/kg for Study Area V.

The July 2013 SedRAP includes the results of the sediment sampling conducted in 2008 and 2009 to assess the distribution of lead concentrations in sediment within Study Areas I-V. The results of the

2008-2009 sediment investigation were used to delineate the proposed lateral and vertical extent of remediation and are included in the drawings included in the July 2013 SedRAP. The 2008-2009 investigation also included an evaluation of the overbank, out-of-water surficial soil to assess the potential for deposition of lead-impacted sediments in out-of-water areas between the normal water edge and the likely water level during flooding events. Results of the overbank surficial soil investigation demonstrated that lead concentrations were similar to background concentrations and further investigation or remediation of these out-of-water areas was not required.

The July 2013 SedRAP also includes a proposal to conduct remediation activities along the east bank of the Mill River within Study Area II (Section 9 of the July 2013 SedRAP). It is noted that this remediation work was completed on June 1, 2013 as part of the supplemental upland remediation activities which was approved by the Department in a letter dated August 28, 2012 and therefore is not included as part of this approval. Results of this riverbank remediation will be provided in the Supplemental Upland Remedial Action Implementation Report and submitted to the Department for review and approval.

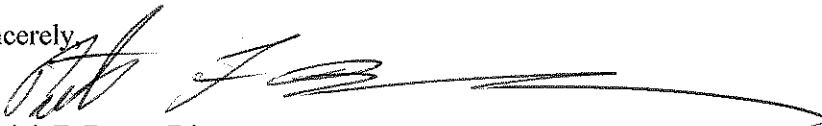
The investigation results and proposed remediation detailed in the July 2013 SedRAP is hereby approved.

The next deliverables due are a revised Natural Diversity Database (NDDB) review and a detailed schedule following receipt of all necessary permits and securing a contractor to perform the approved remediation activities. These deliverables are due on or before 30 days prior to project start-up. The detailed schedule shall include the project start-up date, mobilization date for the contractor, the start date for active remediation, the anticipated start date and estimated completion date for each individual study area, and the anticipated completion date for the remediation activities, including the final verification sampling. In addition, a Sediment Remedial Action Implementation Report documenting the results of the remediation activities completed for Mill River Study Areas I-V including all monitoring and confirmation sample results is due on or before 90 days following the completion of the remediation activities in the Mill River Study Areas I-V (remediation activities will be considered complete following receipt of the laboratory analytical results from the final verification sampling program).

Nothing in this approval shall affect the Commissioner's authority to institute any proceeding, or take any action to prevent or abate pollution, to recover costs and natural resource damages, and to impose penalties for violations of law. If at any time the Commissioner determines that the approved actions have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution. This approval relates only to pollution or contamination identified in the above referenced proposal. In addition, nothing in this approval shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions pertaining to this matter, please contact Carolyn Fusaro of my staff at (860) 424-4105.

Sincerely,



Patrick F. Bove, Director
Remediation Division
Bureau of Water Protection and Land Reuse

c: Ralph Klass, CCA, LLC, 40 Old New Milford Road, Brookfield, CT 06804
Michael C. Tetreau, First Selectman, Town of Fairfield, Independence Hall, 725 Old Post Road, Fairfield, CT 06824
ec: Stanton Lesser; Kevin Gumper; Mary von Conta; Sanford Wakeman; Tom Steinke; Geoff Steadman - Fairfield
Kathryn Braun, FairPLAN
John Wertam; Cindy Cook - Exide
Tonia Selmeski; Don Gonyca; Traci Iott; Mark Johnson - DEEP