



Mark Parkinson, Governor  
John W. Mitchell, Acting Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

December 22, 2010

**CERTIFIED LETTER—RETURN RECEIPT REQUESTED**

**BER SCANNED**

**JAN 13 2011**

Ms. Dorothy Fleming  
ANR Pipeline Company  
717 Texas Street  
Houston, Texas 77002

**RE: NO FURTHER ACTION DETERMINATION FOR THE B.A.M.S. METERING  
STATION, LYONS, RICE COUNTY, KANSAS**

**Name of Voluntary Party:** ANR Pipeline Company  
**Legal Description of Property:** SW ¼, SW ¼, Section 1, T 20S, R 7W  
**Property Location:** Avenue N & 24<sup>th</sup> Road, Lyons, Rice County, Kansas

**Voluntary Agreement No. 09VCP0008**

Dear Ms. Fleming,

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of December 22, 2010 for the subject property. Based on the information presented in the documents, mercury in soil was tested for at the subject property. The attached determination summary identifies the nature and status of the contamination detected.

KDHE has evaluated the available documents for the subject property and has determined that there is no contamination by mercury impacting the subject property. Therefore, pursuant to Kansas Statutes Annotated 65-34-161 *et seq.*, KDHE declares that No Further Action is necessary at the subject property. This No Further Action determination is issued to ANR Pipeline Company and extends to its successors and assigns of the subject property. This determination is conditioned upon ANR Pipeline Company recording in the office of the Register of Deeds in and for Rice County, KDHE's determination summary presenting investigation results and subsequent conclusions regarding potential contaminant impact at the subject property, the enclosed legal map showing property boundaries and this letter containing KDHE's No Further Action determination. **An affidavit (form enclosed) indicating that the enclosures have been attached to the property deed must be returned to KDHE prior to termination of the voluntary agreement.**

KDHE's No Further Action determination applies only to the subject property as identified on the attached map and is based exclusively on information provided to KDHE through December 22, 2010. This determination pertains only to the identified known conditions on the subject property

BUREAU OF ENVIRONMENTAL REMEDIATION  
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 410, TOPEKA, KS 66612-1367  
Voice 785-296-1673 Fax 785-296-7030

NO FURTHER ACTION DETERMINATION LETTER

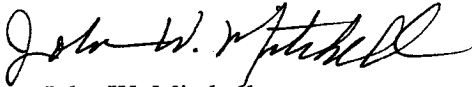
December 22, 2010

Page 2 of 2

and does not account for activities that may be conducted at the subject property which could cause future releases of contaminants.

If you have any questions concerning KDHE's determination for no further action, please contact Project Manager, Andrea Schiller at (785) 296-0489 or legal counsel, Paul Marx at (785) 296-5334.

Sincerely,



John W. Mitchell  
Acting Secretary

JWM/as

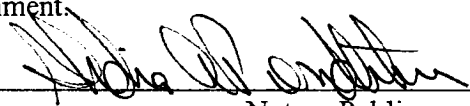
Attachments: KDHE No Further Action Determination Summary  
Legal map showing property boundaries  
Affidavit form

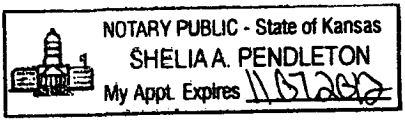
cc: Rick Bean > Jerry Lineback > Andrea Schiller > File (C5-080-72451, 2)  
Paul Marx, KDHE-Legal  
Jennifer Nichols > Scott Lang, KDHE-NCDO

\*\*\*\*\*

State of Kansas        )  
County of Shawnee    )

This instrument was acknowledged before me on January 5, 2011 by  
John W. Mitchell as Acting Secretary of the  
Kansas Department of Health and Environment.

  
\_\_\_\_\_  
Notary Public



My appointment expires: 11.07.2012

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT  
BUREAU OF ENVIRONMENTAL REMEDIATION  
1000 SW Jackson, Suite 410  
Phone: (785) 296-1673 Fax: (785) 296-7030

**VOLUNTARY CLEANUP AND PROPERTY REDEVELOPMENT PROGRAM**

**NO FURTHER ACTION DETERMINATION SUMMARY**

SUMMARY DATE: December 22, 2010

PROPERTY NAME: B.A.M.S. Metering Station  
Avenue N & 24<sup>th</sup> Road, Lyons, Kansas  
SW ¼, SW ¼, Section 1, T 20S, R 7W, Rice County, Kansas

PREPARED BY: Project Manager: Andrea Schiller Date: 12/22/10

REVIEWED BY: Unit Chief: Brynn Ben for Jerry Lineback Date: 12-22-10

Section Chief: [Signature] Date: 12-27-10

**CONTAMINANTS IDENTIFIED AT PROPERTY:**

**Soil:** None

**Groundwater:** None

**CONTAMINANTS EVALUATED AT PROPERTY:**

**Soil:** Total Mercury (by EPA method 7471A)

**Groundwater:** None

The B.A.M.S. Metering Station (approximately 170 square feet) is located north of the intersection of Avenue N and 24<sup>th</sup> Road, approximately seven miles east of Lyons, Rice County Kansas. The site began operation as a natural gas metering station prior to 1990. Improvements at the site include steel pipe fencing and a steel box containing a natural gas meter. The remainder of the site is covered sand and gravel. Surrounding land is agricultural. According to the KGS Water Well Database, one oil field supply well is located within one mile northwest of the site.

ANR Pipeline Company (ANR) submitted an application to the Voluntary Cleanup and Property Redevelopment Program (VCPRP) on December 23, 2008, due to the potential for the historical use of mercury-containing meters at the site. The potential contamination was classified as Class II. Voluntary Agreement 09VCP0008 was executed by the Secretary on March 22, 2009.

NO FURTHER ACTION DETERMINATION SUMMARY  
Dorothy Fleming – B.A.M.S. Metering Station property  
December 22, 2010

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VCI activities were conducted at the site in June 2009. Biased soil samples, located around the meter, were collected at 0-6" and 6"-12" (S001-S004). Random soil samples located throughout the remainder of the site, were collected at 0-6" and 18"-24" (SK1-SK4). Samples were submitted to a laboratory for analysis of mercury. Analytical results of the soil samples indicated no mercury impacts were present at the facility. In accordance with BER Policy BER-RS-034, groundwater samples were not collected since groundwater was not encountered during soil sampling activities. In addition, because the meter station was not enclosed in a building, mercury vapor analysis was not conducted at the site.

In summary, samples collected at the B.A.M.S. Metering Station indicated no mercury impacts in the soil. ANR reportedly began discontinuing use of mercury-containing meters at meter stations in the 1970s and currently, this station does not use mercury-containing meters. Therefore, all requirements of the VCPRP have been met and a No Further Action for the B.A.M.S. Metering Station has been issued based on no contamination impacting the property.



**AFFIDAVIT**

STATE OF KANSAS                    )  
                                                  ) SS:  
COUNTY OF RICE                    )

COMES NOW, \_\_\_\_\_, an adult and after being duly sworn, state:

1. I am a representative of TransCanada/ANR, which made application to place the following property into the Voluntary Cleanup and Property Redevelopment Program:

170 square feet  
ANR BAMS Meter Station  
Avenue N & 24<sup>th</sup> Road, Lyons, Kansas  
A Portion of SW ¼, SW ¼, Section 1, T 20S, R 7W, Rice County

2. In that same capacity as described above, I received a No Further Action Determination Letter and a No Further Action Determination Summary from the Kansas Department of Health and Environment (KDHE) regarding the above described property within the context of the Voluntary Cleanup and Property Redevelopment Program.

3. In that same capacity, I had a map prepared of the above described property by *Gilson Enterprises* and submitted the map to KDHE for approval.

4. On \_\_\_\_\_, \_\_\_\_\_, the original No Further Action Determination Letter and No Further Action Determination Summary issued by KDHE and the KDHE approved property map were filed by TransCanada/ANR with the Register of Deeds for the County in which the property is located.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me, a Notary Public for the above county and state on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My appointment expires on: \_\_\_\_\_, \_\_\_\_\_



# CONCURRENCE SHEET

## BUREAU OF ENVIRONMENTAL REMEDIATION

December 22, 2010

**This concurrence form is for your review and comments for the enclosed document; please be advised that this is the ORIGINAL INSTRUMENT.**

**IN THE MATTER OF:**

**CASE NUMBER: 09VCP0008**

**No Further Action Determination for:**

**BER SCANNED**

B.A.M.S. Metering Station  
 Avenue N & 24<sup>th</sup> Road, Lyons, Kansas  
 SW ¼, SW ¼, Section 1, T 20S, R 7W, Rice County

**JAN 21 2011**

	Name	Date	Comments
Project Manager	Andrea Schill	12/22/10	Please sign & return
Unit Chief	Byron Beitz <sup>for Jimmy Lineback</sup>	12-22-10	✓
Section Chief	[Signature]	12-27-10	
Bureau Manager	Gary Bloell	12/29/10	
Legal Office	Paul [Signature]	01/03/11	
Director of Legal	[Signature]	1-5-11	
Director of Env.	[Signature]	1-5-11	
General Counsel	[Signature]	1-5-11	
Secretary	[Signature]	1-5-11	

**PLEASE RETURN ORIGINAL TO PROJECT MANAGER AFTER SIGNED BY SECRETARY**

Return to Andrea Schiller, BER, Suite 410

~~Please notarize Secretary Mitchell's Signature~~  
**RECEIVED**

**Received**

**JAN 05 2011**

**JAN - 5 2011**

**DIRECTOR OF ENVIRONMENT  
 DEPT. OF HEALTH & ENVIRONMENT**

OFFICE OF THE SECRETARY