



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 MIDAMERICA PL
INTERCONNECT, LITTLE RIVER, RICE COUNTY, KANSAS**

Name of Voluntary Party: ANR Pipeline Company
Legal Description of Property: SE ¼, Section 28, T 19S, R 6W
Property Location: 2 miles South & 2 miles East of Little River, Rice County, Kansas

Voluntary Agreement No. 09VCP0011

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 identified at the subject property. The attached determination summary identifies the nature and status of the contamination detected.

KDHE's evaluation of the available documents for the subject property indicates that mercury contamination impacting the subject property is present at levels that do not exceed the KDHE approved risk-based cleanup levels. KDHE has determined that contamination at the subject property does not pose a significant risk to human health or the environment. 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 describing the contamination remaining 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,

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

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2010. This determination pertains only to the identified known conditions on the subject property 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

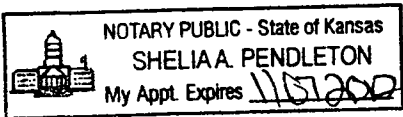
Attachments: KDHE No Further Action Determination Summary
Legal map
Affidavit form

cc: Rick Bean > Jerry Lineback > Andrea Schiller > File (C5-080-72448, 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.

[Signature]
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: MidAmerica PL Interconnect
2 miles South and 2 miles East of Little River, Kansas
SE ¼, Section 28, T 19S, R 6W, Rice County

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

REVIEWED BY: Unit Chief: Bryan [Signature] for Jerry Lineback Date: 12-22-10

Section Chief: [Signature] Date: 12-22-10

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Mercury (CAS #7439-97-6)

Groundwater: None

CONTAMINANTS EVALUATED AT PROPERTY:

Soil: Total Mercury (by EPA method 7471A)

Groundwater: None

The MidAmerica PL Interconnect (approximately 0.06 acres) is located two miles south and two miles east of Little River, Rice County, Kansas. The site has been the location of a natural gas meter station since prior to 1990 and that use continues currently. Surrounding land use is agricultural with a residence located within 0.25 mile southeast of the site. The site is surrounded by chain link fencing and consists of a meter building and above ground steel piping. Gravel and sand cover the property. According to the KGS Water Well Database, four domestic wells are located in the area.

In July 2007, an investigation was conducted at the facility to evaluate potential mercury impact to the soil due to the possible historical use of mercury-containing meters at the facility. Twelve soil borings (S001 – S012) were completed around the meter building using a hang auger to a

NO FURTHER ACTION DETERMINATION SUMMARY
Dorothy Fleming – MidAmerica PL Interconnect property
December 22, 2010

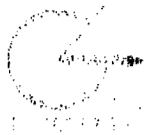
depth of 1.5 feet below ground surface. Soil samples were collected in each boring at 6-inch intervals. Mercury concentrations ranged from 0.009 mg/kg (S011 1.5-2.0 feet) to 0.074 mg/kg (S002 0-0.5 feet). Mercury vapor analysis was also conducted inside the meter building, with no detections being noted.

ANR Pipeline Company submitted an application for the facility to the Voluntary Cleanup and Property Redevelopment Program (VCPRP) in December 2008 to further evaluate the mercury impacts noted in the 2007 investigation. The contamination at the site was classified as Class II and Voluntary Agreement 09VCP0011 was executed by the Secretary on March 22, 2009.

Because the previous investigation was conducted prior to participation within the VCPRP, Voluntary Cleanup Investigation (VCI) activities conducted in June 2009 included a replicate sample (S001R) to verify the earlier data. Non-biased samples (SK1-SK5) were also required to evaluate the presence of mercury throughout the property. S001R was collected from 0-0.5 feet and the non-biased samples were collected from 0-0.5 feet and 1.5-2.0 feet. In accordance with BER Policy BER-RS-034, since groundwater was not encountered during VCI activities, groundwater was not sampled at the site.

Analytical results of the soil sampling appeared to verify the 2007 investigation. The replicate sample, S001R, showed a similar mercury concentration as the original S001 from the previous investigation. The non-biased sampling did not uncover any previously undetected mercury impacts.

In summary, while mercury was detected at the site, the concentrations did not exceed the Kansas Risk-based Standards (RSKs). ANR reportedly discontinued the use of mercury-containing meters at facilities beginning in the 1970s and no mercury-containing meters are currently utilized at the site. Therefore, all requirements of the VCPRP have been met and a No Further Action has been issued for the site based on insignificant contamination.



Gilson Enterprises

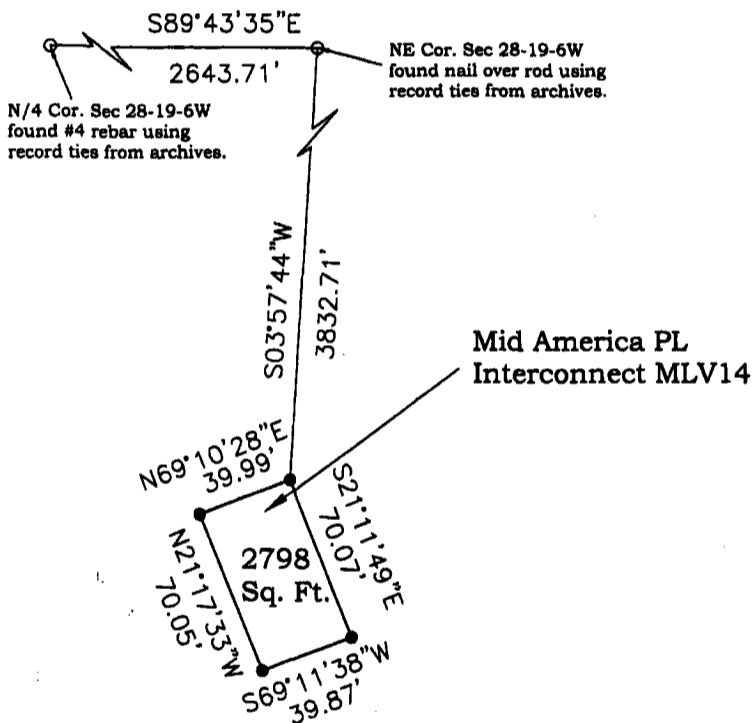
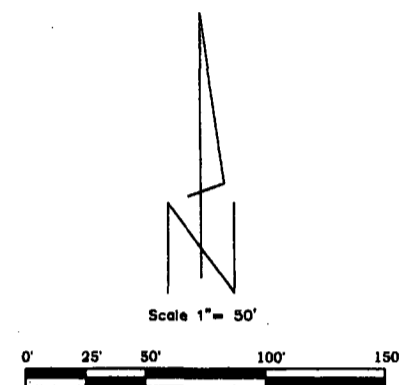
201 W 5th Avenue
Hutchinson, Kansas 67501
620-665-0069

Boundary Survey

SE/4 Sec. 28-19-6W
Little River, Kansas

Client: TransCanada ANR Pipeline Company
717 Texas St.
Houston, TX 77002

Legal Description: A tract of land in the Southeast Quarter of Section 28, Township 19 South, Range 6 West of the 6th P.M., Rice County, Kansas more particularly described as follows: Commencing at the Northeast Corner of said Section 28 thence S03°57'44"W a distance of 3832.71 feet to a Point of Beginning; thence S21°11'49"E a distance of 70.07 feet; thence S69°11'38"W a distance of 39.87 feet; thence N21°17'33"W a distance of 70.05 feet; thence N69°10'28"E a distance of 39.99 feet to the Point of Beginning.



- Found Monuments
- Set #5 rebar/cap
- < > Record Distance

Bearings are based on assuming the North line of NE/4 to be S89°43'35"E

Utilities shown hereon are from apparent surface evidence and available utility maps, and may not be complete. Gilson Enterprises assumes no responsibility for actual location. A professional locating service should be performed before any digging or excavation.

Surveyor's Certificate:

I hereby certify this plat to be a true, correct and complete representation of the property described above as surveyed under my supervision.



Homer L. Gilson
Kansas RLS#1278

Date: December 8, 2010 Ref: SUR09010A
UNLESS SIGNED, SEALED, AND DATED THIS IS A PRELIMINARY PLAT.

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:

0.06 acre
ANR MidAmerica PL Interconnect
2 miles South & 2 miles East of Little River, Kansas
A Portion of SE ¼, Section 28, T 19S, R 6W, 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: _____, _____