



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 PEOPLES NATURAL GAS  
METER STATION, LYONS, RICE COUNTY, KANSAS**

**Name of Voluntary Party:** ANR Pipeline Company  
**Legal Description of Property:** NE ¼, Section 24, T 19S, R 6W  
**Property Location:** 13 miles East & 1mile North of Lyons, Rice County, Kansas

**Voluntary Agreement No. 07VCP0025**

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

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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

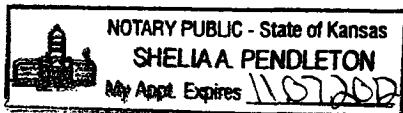
cc: Rick Bean > Jerry Lineback > Andrea Schiller > File (C5-080-72449, 2)  
Paul Marx, KDHE-Legal  
Jennifer Nichols > Scott Lang, KDHE-NCDO

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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: Peoples Natural Gas Meter Station  
13 miles East & 1 mile North of Lyons, Kansas  
NE ¼, Section 24, T 19S, R 6W, Rice County

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

REVIEWED BY: Unit Chief: Bym Baji 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 Peoples Natural Gas Meter Station (approximately 0.05 acres) is located 13 miles east and 1 mile north of Lyons, in 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. The facility consists of a meter building and steel piping. Gravel and sand cover the property. According to KGS Water Well database, no wells are located within one mile of the facility.

ANR Pipeline Company submitted an application for the facility to the Voluntary Cleanup and Property Redevelopment Program (VCPRP) in February 2007 to evaluate potential mercury contamination due to the historical use of mercury-containing meters at the facility. The contamination at the site was classified as Class II and Voluntary Agreement 07VCP0025 was

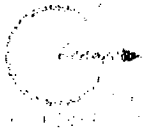
NO FURTHER ACTION DETERMINATION SUMMARY  
Dorothy Fleming – Peoples Natural Gas Meter Station property  
December 22, 2010

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executed by the Secretary on May 23, 2007.

Voluntary cleanup investigation (VCI) activities were conducted in June 2009. Twelve borings were completed throughout the property using a hand auger. Eight borings (S001-S008) were located to evaluate the onsite meter building. Two samples (0-0.5 feet and 0.5-1.0 feet) were collected from each boring. Four borings (SK1-SK4) were randomly located throughout the property, with one sample collected at 0-0.5 feet from each boring. Additionally, deeper samples from 1.5-2.0 feet were collected from SK2 and SK4. Soil samples were submitted to a laboratory for analysis of mercury. Analytical results of the soil samples did not detect mercury impacts. Groundwater was not encountered during the soil sampling and, therefore not sampled, in accordance with BER Policy BER-RS-034. In addition, mercury vapor analysis was conducted inside the meter building, with no detections being noted.

In summary, the Peoples Natural Gas Meter Station does not appear to have been impacted by the potential historical use of mercury onsite. Furthermore, 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.



### Gilson Enterprises

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

### Boundary Survey

SE/4 NE/4 Sec. 24-19-6W  
Little River, Kansas

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

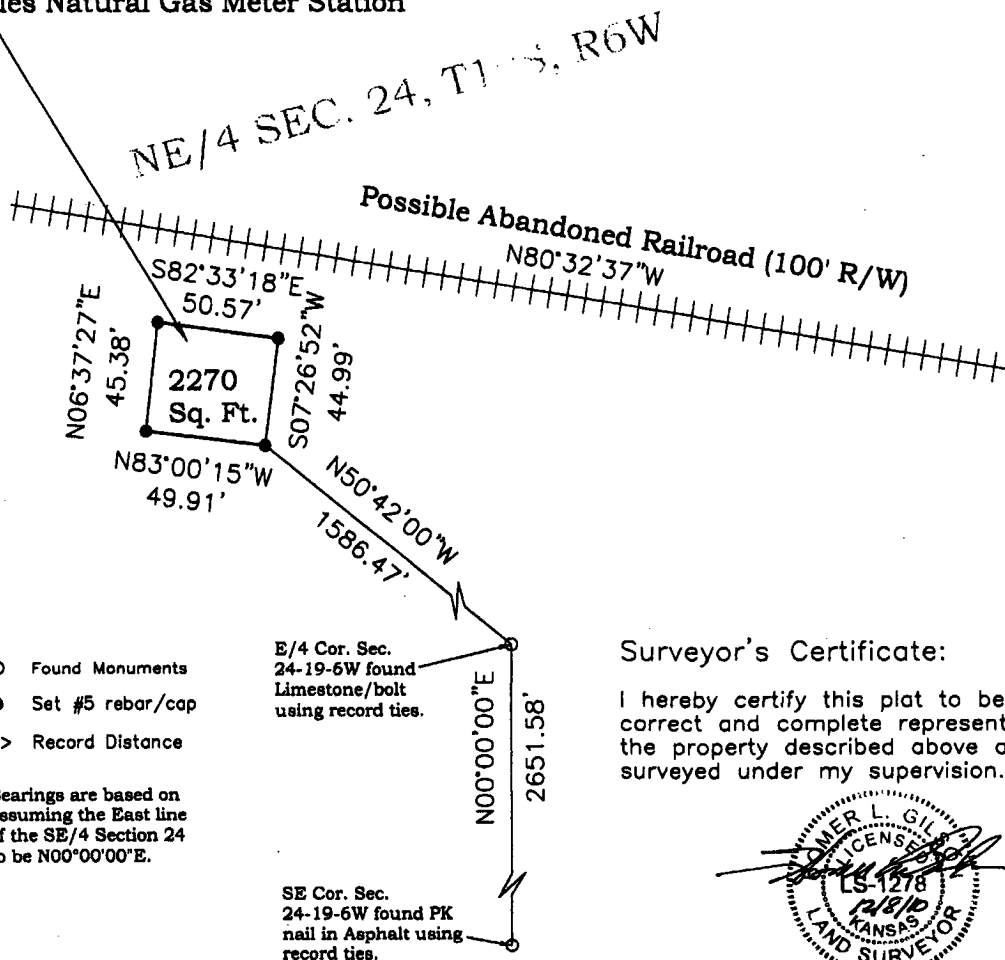
Legal Description: A tract of land in the Southeast Quarter of the Northeast Quarter of Section 24, Township 19 South, Range 6 West of the 6th P.M., Rice County, Kansas more particularly described as follows: Commencing at the Southeast corner of said Northeast Quarter of Section 24 thence N50°42'00"W a distance of 1586.47 feet to a Point of Beginning; thence N83°00'15"W a distance of 49.91 feet; thence N06°37'27"E a distance of 45.38 feet; thence S82°33'18"E a distance of 50.57 feet; thence S07°26'52"W a distance of 44.99 feet to the Point of Beginning.



Scale 1" = 50'



Peoples Natural Gas Meter Station



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

Bearings are based on assuming the East line of the SE/4 Section 24 to be N00°00'00"E.

E/4 Cor. Sec. 24-19-6W found Limestone/bolt using record ties.

SE Cor. Sec. 24-19-6W found PK nail in Asphalt using record ties.

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: SUR09010B

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:

0.05 acres  
Peoples Natural Gas Meter Station  
13 miles East & 1 mile North of Lyons, Kansas 67554  
A Portion of NE ¼, Section 24, 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: \_\_\_\_\_, \_\_\_\_\_