



Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

March 14, 2011

CERTIFIED LETTER

RETURN RECEIPT REQUESTED

BER SCANNED
MAR 30 2011

Ms. Caryl A. Weekley, P.G.
Project Manager, Superfund and Specialty Portfolios
Chevron Environmental Management Company
6101 Bollinger Canyon Rd.
San Ramon, CA 94583

**RE: NO FURTHER ACTION DETERMINATION FOR CHEVRON USA, INC., PROPERTY,
CHEROKEE COUNTY, KANSAS.**

Name of Voluntary Party: Chevron USA, Inc.
Legal Description of Property: SE¼ SE¼ Section 5, T. 34 S., R. 25 E.
Property Location: Lostine Road west of SE 84th Street, Rural Cherokee County,
Kansas
Voluntary Agreement No.: 04VCP0008

Dear Ms. Weekley:

The Kansas Department of Health and Environment (KDHE) completed its review of the available documents, as of March 14, 2011, for the subject property. Based on the information presented in the documents, lead, cadmium, and zinc were identified in the soil and groundwater 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, completed verification sampling, and has determined that metals contamination impacting the subject property has been addressed in accordance with the KDHE approved voluntary cleanup action. The KDHE hereby provides official notice that all requirements established by the Voluntary Cleanup and Property Redevelopment Program related to contamination at the subject property have been satisfactorily addressed. Therefore, pursuant to Kansas Statutes Annotated, 65-34, 161 *et seq.*, KDHE declares that no further affirmative remedial action is necessary at the subject property with the following condition: the maintaining of institutional controls specified in Environmental Use Control Agreement 08-EUC-0039. This No Further Action determination is issued to Chevron USA, Inc., and extends to successors and assigns of the subject property. This determination is conditioned upon Chevron USA, Inc., recording in the office of the Register of Deeds in and for Cherokee County KDHE's determination summary describing any contamination that may be 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 March 14, 2011. 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 Jerry Lineback at (785) 296-2546 or legal counsel, Paul Marx at (785) 296-1330.

Sincerely,



Robert Moser, MD
Secretary

RM/jal

Attachments: KDHE No Further Action Determination Summary
Legal Map Showing Property Boundaries
Affidavit Form

cc: Rick Bean > Jerry Lineback > Chevron USA, Inc. (C3-011-71857-2.0)
Paul Marx, Legal
David Stutt, SEDO

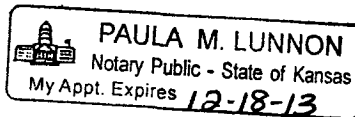
State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on March 28, 2011 by
Robert Moser, MD as Secretary

of the Kansas Department of Health and Environment.

Paula M. Lunnon
Notary Public

My appointment expires: 12-18-13



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: March 14, 2011

PROPERTY NAME: Chevron USA, Inc., property, Lostine Road west of SE 84th Street, rural Cherokee County, Kansas. SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 34 S., R. 25 E.

PREPARED BY: Project Manager: Jung A. Limback Date: 3-14-2011

REVIEWED BY: Unit Chief: Jung A. Limback Date: 3-14-2011

Section Chief: [Signature] Date: 3-14-2011

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Cadmium (CAS # 7440-43-9); Lead (CAS # 7439-92-1).

Groundwater: Cadmium (CAS # 7440-43-9); Lead (CAS # 7439-92-1); Zinc (CAS # 7440-66-6).

CONTAMINANTS EVALUATED AT PROPERTY:

Soil, Sediment,

Surface Water

and Groundwater: Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury (8 RCRA Metals – EPA Method 6010/7471)

The Chevron USA, Inc., property is located on the north side of Lostine Road, west of Southeast 84th Street, in the SE $\frac{1}{4}$ of Section 5, T. 34 S., R. 25 E., in rural Cherokee County, Kansas. The property comprises 14.02 acres of land that is largely forested and used as pasture. Surrounding properties are agricultural in nature. No current structures are present on the property, but the property was the site of a lead-zinc mine prior to 1920 called the Pitzer Mine. Foundations of mine structures and remnants of piles of mine-waste are present. Lead-zinc ore was typically processed by milling at the mine site to concentrate the ore before sending it to a smelter. The milling operations are believed to be the source of metals contamination found at the property.

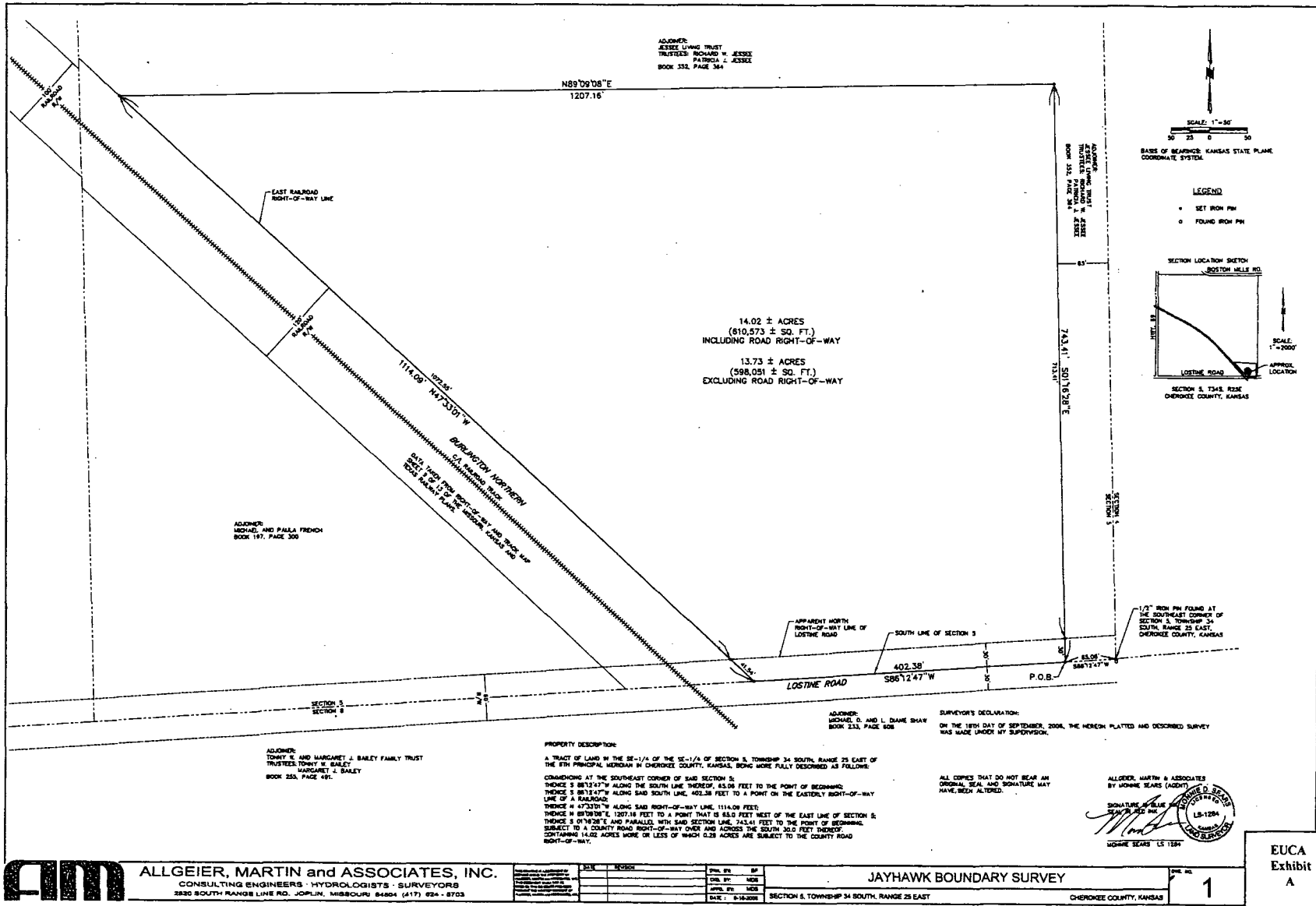
In making a regional assessment of environmental conditions at former mining, milling, and smelting facilities located in Southeastern Kansas, KDHE collected soil samples from the property that were found to contain metal contamination exceeding applicable Kansas risk-based cleanup standards for both residential and non-

residential scenarios. Chevron applied to the Voluntary Cleanup and Property Development Program (VCPRP) of the Kansas Department of Health and Environment (KDHE) in 2004 to address the contamination and Voluntary Agreement 04VCP0008 was signed on May 7, 2004.

A Voluntary Cleanup Investigation was carried out in 2005. Surface water was sampled from two on-site ponds and found to be below applicable risk-based levels. Sediment samples were collected from the ponds and also were below applicable risk-based levels. Groundwater was found perched at shallow depths in soil above the bedrock formations and sampled. Analytical results from the samples showed that some dissolved metals exceeded applicable risk-based levels both in areas where soil contamination was present and in background samples from uncontaminated areas. KDHE determined that impacts from the property to groundwater could not be documented. Soil samples indicated that much of the site was contaminated by lead above residential risk-based levels and that in some parts of the property, soil contamination by lead exceeded non-residential risk-based levels. Areas where lead in soil exceeds the non-residential risk levels became known as the “KDHE Hot Spot Area”. Further investigation took place in 2005 to fully define the Hot Spot Area and to delineate vertical distribution of lead in soil. The highest levels of lead were found at shallow depths in the soil. KDHE then requested Chevron USA to prepare a Voluntary Cleanup Proposal.

The Voluntary Cleanup Proposal was received in 2007 and consisted of placing two feet of clean soil as a vegetative cap over the areas where soil contamination exceeded the 1000 mg/kg non-residential risk-based cleanup level for lead and to place an Environmental Use Control Agreement (EUCA) on the entire property, including areas outside of the vegetative cap where soil contamination exceeds residential levels but not non-residential cleanup levels. The EUCA will protect the integrity of the cap, limit access to the property, and insure that the property use will remain non-residential. KDHE approved the Proposal. A Voluntary Cleanup Plan to implement the proposed remedial action was approved in 2008, following public notice, and the Plan was implemented in 2009.

KDHE received and approved the Voluntary Cleanup Report in March 2010. The EUCA was approved and filed on the property deed in February 2011. With that filing, the Chevron USA property is now eligible to receive a conditional No Further Action determination with the condition being continued compliance with the conditions of the EUCA.



ADJOURNER:
JESSE L. HARRIS TRUST
TRUSTEES: RICHARD W. JESSE
PATRICIA J. JESSE
BOOK 332, PAGE 364

ADJOURNER:
MICHAEL AND PAULA FRENCH
BOOK 197, PAGE 300

ADJOURNER:
TONNY E. AND MARGARET J. BAILEY FAMILY TRUST
TRUSTEES: TONY E. BAILEY
MARGARET J. BAILEY
BOOK 255, PAGE 481

PROPERTY DESCRIPTION:
A TRACT OF LAND IN THE SE-1/4 OF THE SE-1/4 OF SECTION 5, TOWNSHIP 34 SOUTH, RANGE 25 EAST OF THE 8TH PRINCIPAL MERIDIAN IN CHEROKEE COUNTY, KANSAS, BEING MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 5;
THENCE S 88°15'17\" W ALONG THE SOUTH LINE THEREOF, 85.08 FEET TO THE POINT OF BEGINNING;
THENCE S 88°15'47\" W ALONG SAID SOUTH LINE, 402.38 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF A RAILROAD;
THENCE N 87°23'07\" W ALONG SAID RIGHT-OF-WAY LINE, 1114.09 FEET;
THENCE N 89°09'08\", 1207.16 FEET TO A POINT THAT IS 84.0 FEET WEST OF THE EAST LINE OF SECTION 5;
THENCE S 0°19'02\" E AND PARALLEL WITH SAID SECTION LINE, 743.41 FEET TO THE POINT OF BEGINNING,
SUBJECT TO A COUNTY ROAD RIGHT-OF-WAY OVER AND ACROSS THE SOUTH 30.0 FEET THEREOF,
CONTAINING 14.02 ACRES MORE OR LESS OF WHICH 0.25 ACRES ARE SUBJECT TO THE COUNTY ROAD RIGHT-OF-WAY.

SURVEYOR'S DECLARATION:
ON THE 18TH DAY OF SEPTEMBER, 2008, THE HEREIN PLATTED AND DESCRIBED SURVEY WAS MADE UNDER MY SUPERVISION.

ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL, AND SIGNATURE MAY HAVE BEEN ALTERED.

ALLGEIER, MARTIN & ASSOCIATES
BY: MICHAEL SEARS (ADJUTANT)
MICHAEL SEARS
LS-1294
KANSAS SURVEYOR
MOORE SEARS LS 1294

AM ALLGEIER, MARTIN and ASSOCIATES, INC.
CONSULTING ENGINEERS - HYDROLOGISTS - SURVEYORS
2820 SOUTH RANGE LINE RD., JOPLIN, MISSOURI 64804 (417) 924-8703

NO.	SECTION	FILE NO.	DATE
1	SECTION 5, TOWNSHIP 34 SOUTH, RANGE 25 EAST	LS-1294	9-18-2008

EUCA
Exhibit
A

Disclaimer
Document has been modified from its original size;
scale may no longer be accurate.