



Mark Parkinson, Governor
John W. Mitchell, Acting Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

December 2, 2010

CERTIFIED LETTER—RETURN RECEIPT REQUESTED

Duraseal Pipe Coatings Company, LLC
Mr. Jason Town
Plant Manager
15315 South Highway 169,
Olathe, Kansas 66062

ER SCANNED
DEC 2 2 2010

**RE: NO FURTHER ACTION DETERMINATION FOR THE DURASEAL PIPE
COATINGS PROPERTY**

Name of Voluntary Party: Duraseal Pipe Coatings Company, LLC
Legal Description of Property: NW ¼, Section 12, Township 14 S., Range 23 E.
Johnson County
Property Location: 15315 South Highway 169, Olathe, Kansas 66062

Voluntary Agreement No. 09VCP0036

Dear Mr. Town:

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of December 2, 2010 for the subject property. Based on the information presented in the documents, caustic and metals contamination was identified at the subject property. The attached summary identifies the nature and status of the contamination detected.

KDHE's evaluation of the available documents for the subject property indicates the caustic spills that potentially contained metals is present in soils at the subject property but at levels that do not exceed the KDHE approved risk-based cleanup levels. The 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, K.S.A. 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 Duraseal Pipe Coatings Company, LLC (Duraseal) and extends to its successors and assigns of the subject property. This determination is conditioned upon Duraseal recording in the office of Register of Deeds in and for Johnson 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**

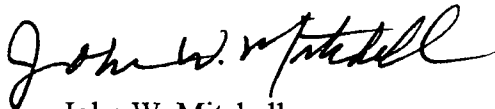
Mr. Jason Town
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attached to the property deed must be returned to KDHE prior to termination of the voluntary agreement.

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 the KDHE through December 2, 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 release of contaminants.

If you have any questions concerning KDHE's determination for No Further Action, please contact the Project Manager, Gary Richards at 785-296-6380 or legal counsel, Paul Marx at 785-296-5334.

Sincerely,



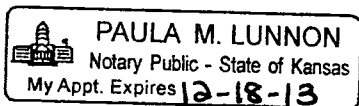
John W. Mitchell
Acting Secretary,
Kansas Department of Health and Environment

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

C: Rick Bean > Jerry Lineback > Gary Richards > file Duraseal (C4-046-72509-2.0)
 Paul Marx, Legal
 Linda Benson, BER

State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on December 20, 2010 by
John W. Mitchell as Acting Secretary
of the Kansas Department of Health and Environment.



Paula 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: December 2, 2010

PROPERTY NAME: Duraseal Pipe Coatings Company, LLC (Duraseal)
15315 South Hwy 169, Olathe, Kansas 66062
NW ¼ Section 12, Township 14S., Range 23 E., Johnson County

PREPARED BY: Gary Richards: *Gary Richards* Date: 12/2/2010

REVIEW BY: Unit Manger: *Jeffrey Linbeck* Date: 12-2-10

Section Chief: *[Signature]* Date: 12-2-10

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: pH; Arsenic (CAS # 7440-38-2); Barium (CAS# 7440-39-3); Cadmium (CAS# 7440-43-9); Chromium (CAS# 7440-47-3); Lead (CAS# 7439-92-1)

Groundwater: Not Sampled

CONTAMINANTS EVALUATED AT THE PROPERTY:

Soil: pH (by EPA Method SW846-9045C); RCRA Metals (by EPA Method SW846-6010B, Mercury by EPA Method SW846-7471A); TCLP Leachate (by EPA Method SW846-1311)

Groundwater: Not Evaluated

SITE SUMMARY

On August 13, 2009, Duraseal disclosed to Kansas Department of Health and Environment – Bureau of Waste Management (KDHE-BWM) that three incidents occurred where caustic solutions potentially containing metals were accidentally released onto the grounds at the site. Two incidents occurred on August 4, 2009. The first incident released approximately five gallons of muriatic acid from a 350gallon above ground storage tank located on the east side of the facility. In the second incident,

NO FURTHER ACTION DETERMINATION SUMMARY

Duraseal Pipe Coatings Company, LLC

December 2, 2010

approximately 50 gallons of sodium hydroxide leaked from the cleaning bay located on the east end of the building, ran out across the parking lot and was reported to terminate just east of Hwy 169 on the asphalt drive off 153rd Street. The third release occurred on August 11, 2009, where approximately 50 gallons of sodium hydroxide leaked from the cleaning bay and ran out on the ground adjacent to the northeast corner of the building. In an initial response to the spills, Duraseal removed the contaminated top soil and crushed gravel where possible and stockpiled the soils in an isolated location to be characterized through laboratory analysis. Additionally, during an excavation for a sewer line installation project; it was observed that some top soil was stained red along the east property boundary. Following the disclosure of these spills and a failed facility inspection resulting in a Notice of Violation by the Bureau of Waste Management, it was recommended that Duraseal apply to the Voluntary Cleanup and Property Redevelopment Program (VCPRP) to address the potential risk of contamination to human health and environment. Duraseal complied with KDHE - BWM and was accepted into the VCPRP on December 14, 2009, as a site with Class II Contamination. Initial laboratory analysis of the stockpiled soil identified contaminants listed in the above section; however, each contaminant identified was below their respective Tier II RSK value for a residential scenario. The stockpiled soils were analyzed for metals by EPA method 6010, TCLP by EPA Method 1311, semi-volatile organic compounds by EPA method 8270, and volatile organic compounds by EPA method 8260. The analytical results for the stockpiled soils indicated there were no exceedances for any of the analytes. Therefore, the Voluntary Cleanup Investigation (VCI) focused on the potential for elevated soil pH and RCRA metals in soils.

Duraseal contracted Environmental Resources Management (ERM) of Overland Park, Kansas, to conduct the Voluntary Cleanup Investigation and subsequent reporting to the KDHE - Bureau of Environmental Remediation (BER). A VCI Work Plan was submitted and approved on April 6, 2010.

On April 27, 2010, ERM conducted the VCI. In all, a total of eight borings were advanced. Six borings were advanced by hand in locations where the caustic spills originated and terminated; one boring was advanced by hand at the location where a spill may have occurred (area of the stained soil), and an eighth boring was advanced off site and adjacent to the property boundary to establish a baseline or background for metals in soil. At each boring, discrete soil samples were collected at depth intervals of 0'-1' and 1'-2' below ground surface for laboratory analysis of pH, total RCRA metals, and Toxicity Characteristic Leaching Procedure (TCLP). Additionally, the discrete soil samples were screened with a photo-ionization detector for Volatile Organic Compounds (VOC) and were collected for laboratory analysis if detected. Only one sample at boring location B-3 (0'-1') indicated the presence of VOCs at 66.3ppm. Laboratory analysis of that sample indicated VOCs were not present above their respective laboratory detection limit of 5.0µg/kg. Initially, all soil samples were submitted to the laboratory with the 1'-2' depth interval samples placed on hold until results were obtained for the 0'-1' depth interval. Analytical results for the 0'-1' depth interval indicated further analysis of the 1'-2' depth interval was not warranted. As documented in the VCI Report, samples

NO FURTHER ACTION DETERMINATION SUMMARY

Duraseal Pipe Coatings Company, LLC

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submitted for laboratory analysis indicated all analytes tested for were below their respective residential Tier II RSK values except for one. Boring B-4 contained arsenic at 13.1mg/kg. However, the duplicate sample for the same boring (B-4) at depth interval (0'-1') indicated an arsenic concentration at 7.7mg/kg. This exceedance appears to be within range for arsenic background concentrations in the area.

In Summary, the VCI was conducted at the site as proposed and an audit conducted by KDHE found all sampling procedures to be in accordance with the Standard Operating Procedures described in the KDHE approved site specific work plan. While there were contaminants detected in soils; the concentrations were below their respective residential Tier II RSK values. A No Further Action determination based on insignificant contamination is recommended for this property with respect to the contaminants identified in this document.

AFFIDAVIT

STATE OF KANSAS)
) SS:
COUNTY OF _____)

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

1. I am the person who made application to place the following property into the Voluntary Cleanup and Property Redevelopment Program:

Duraseal Pipe Coatings Company, LLC
15315 South Highway 169, Olathe, Kansas,
NW ¼, Section 12, T14S., R23E., Johnson County

2. 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. I had a map prepared of the above described property by _____ and submitted the map to KDHE for approval.

4. On _____, I filed the original No Further Action Determination Letter and No Further Action Determination Summary issued by KDHE and the KDHE approved property map 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: _____, _____