



Mark Parkinson, Governor  
John W. Mitchell, Acting Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

www.kdheks.gov

November 19, 2010

**CERTIFIED LETTER -- RETURN RECEIPT REQUESTED**

BER SCANNED

DEC 08 2010

Kaw Pipe Line Company  
c/o Mr. James H. Wilson  
National Cooperative Refinery Association  
1391 Iron Horse Road, P.O. Box 1404  
McPherson, KS 67460

**RE: NO FURTHER ACTION DETERMINATION FOR THE KAW PIPE LINE-DEAN TIE-  
IN PROPERTY**

**Name of Voluntary Party:** Kaw Pipe Line-Dean Tie-In  
**Legal Description of Property:** A portion of W1/2, NW1/4, Section 13, T11S, R18W  
**Property Location:** 14 miles north and 1.5 miles east of Hays, Ellis County, KS

**Voluntary Agreement No. 04VCP0021**

Dear Mr. Wilson:

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of November 19, 2010 for the subject property. Based on the information presented in the documents, total petroleum hydrocarbon (TPH) contamination in soil 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 that TPH 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, 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 Kaw Pipe Line Company and extends to its successors and assigns of the subject property. This determination is conditioned upon Kaw Pipe Line Company recording in the office of the Register of Deeds in and for Ellis 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.

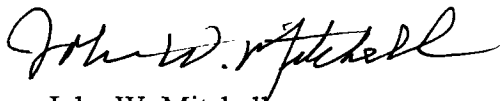
NO FURTHER ACTION DETERMINATION LETTER  
Kaw Pipe Line-Dean Tie-In Property  
November 19, 2010  
Page 2 of 2

**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 November 19, 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 Bryan Bain at (785) 296-5548 or legal counsel, Paul Marx at (785) 296-1330.

Sincerely,



John W. Mitchell  
Acting Secretary

JWM/bb

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

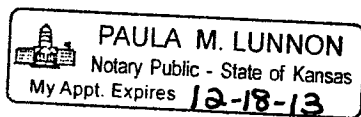
c: Rick Bean > Jerry Lineback > Bryan Bain > file (C6-026-71902, 2.0)  
Paul Marx, KDHE Legal Office  
Dan Wells, NWDO

\*\*\*\*\*

State of Kansas        )  
County of Shawnee    )

This instrument was acknowledged before me on December 7, 2010 by  
John W. Mitchell as Acting 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: November 19, 2010

PROPERTY NAME: Kaw Pipe Line-Dean Tie-In  
14 miles north and 1.5 miles east of Hays, Ellis County, Kansas  
A portion of W1/2, NW1/4, Section 13, T11S, R18W

PREPARED BY: Bryan Bain: Bryan Bain Date: 11-19-10  
REVIEWED BY: Unit Chief: [Signature] Date: 11-19-10  
Section Chief: [Signature] Date: 11-19-10

**CONTAMINANTS IDENTIFIED AT PROPERTY:**

**Soil:** Gasoline Range Organics (TPH-GRO) - OA-1 Method,  
Diesel Range Organics (TPH-DRO) - OA-2 Method,  
Benzene (CAS #71-43-2), Ethylbenzene (CAS #100-41-4),  
Toluene (CAS #108-88-3), and Xylenes (CAS #1330-20-7)

**Groundwater:** Gasoline Range Organics (TPH-GRO) - OA-1 Method,  
Ethylbenzene (CAS #100-41-4), and Xylenes (CAS #1330-20-7)

**CONTAMINANTS EVALUATED AT PROPERTY:**

**Soil:** Gasoline Range Organics (TPH-GRO) - OA-1 Method,  
Diesel Range Organics (TPH-DRO) - OA-2 Method,  
Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) - OA-1 Method  
Poly Aromatic Hydrocarbons (PAH) - EPA Method 8270

**Groundwater:** Gasoline Range Organics (TPH-GRO) - OA-1 Method,  
Diesel Range Organics (TPH-DRO) - OA-2 Method,  
Benzene, Toluene, Ethylbenzene, Xylenes (BTEX) - OA-1 Method

## NO FURTHER ACTION DETERMINATION SUMMARY

Kaw Pipe Line-Dean Tie-In property

November 19, 2010

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The Kaw Pipe Line-Dean Tie-In property is located approximately 14 miles north and 1.5 miles east of Hays, Ellis County, Kansas. This property was originally brought to the attention of the Kansas Department of Health and Environment (KDHE) following a KDHE Northwest District Office (NWDO) spill response. A pipeline leak was reported at the subject property in November 1991. An estimated 50 barrels of crude oil was released from a 6 inch pipeline. The release impacted surface soil, subsurface soil, and reached the groundwater. Crude oil covered a surface area of approximately 139 feet long and 4-15 feet wide. Spill response actions taken to mitigate the leak included pipeline repair, excavating a small amount of impacted soil at the leak point, and using vacuum trucks to remove the crude oil. Approximately 48 barrels of crude oil were recovered.

In June 2004, with KDHE/NWDO oversight, the source area of crude oil impacted soil around the pipeline leak point was excavated down to groundwater (approximately 15-20 ft.). The majority, but not all of the crude oil impacted soil was removed. Some residual soil impacts were noted, especially in the south wall of the excavation. The excavated soil was landfarmed onsite.

On August 6, 2004, a Voluntary Agreement (# 04VCP0021) was executed between KDHE and Kaw Pipe Line Company, a subsidiary of National Cooperative Refinery Association, to further evaluate the environmental condition of the property. Previous remedial action had not fully delineated contamination at the property; therefore, KDHE determined that a Voluntary Cleanup Investigation (VCI) was required to characterize the extent of impact.

In September 2004, thirteen Geoprobe borings were advanced to approximately 20 feet in depth around the open excavation. Elevated petroleum hydrocarbon impacts were detected in soil samples collected from two soil borings (GP-3 at 19-20' depth and GP-4 at 17-18' depth) within the capillary fringe immediately above the static water level. Six groundwater samples were collected from the soil borings and submitted for laboratory analysis. The groundwater sample collected from boring GP-3 detected total petroleum hydrocarbon in the gasoline range (TPH-GRO) above the Tier 2 residential Risk-Based Standards for Kansas (RSK). Data indicated no detections for the remaining groundwater samples.

In May 2007, four monitoring wells were installed to delineate the potential groundwater impact. All four of these monitoring wells were sampled a total of three times in 2007 and 2008, plus twice in 2009. Analytical data indicated no hydrocarbon detections for any of the well samples, which demonstrated that contamination was not migrating into the groundwater.

In September 2007, confirmation soil samples were collected from the side walls and floor of the open excavation pit. Analytical data indicated the south wall sample resulted in 4230 mg/kg of TPH-DRO. There were no detections in any of the other excavation soil samples.

## NO FURTHER ACTION DETERMINATION SUMMARY

Kaw Pipe Line-Dean Tie-In property

November 19, 2010

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Confirmation sampling of the landfarm soil was conducted in September 2007 with verification split samples collected by KDHE staff. Data indicated that remediation of the soil from the first excavation was complete.

In June 2008, the excavation was expanded and enlarged along the south wall with additional crude oil impacted soil removed. Confirmation soil samples collected from the south wall of the excavation pit indicated no RSK exceedances.

This impacted soil from the second excavation phase was temporarily stockpiled onsite while the remediated soil from the first excavation phase was backfilled into the excavation pit. The subject property was restored back to the original elevations and contours. Once that was complete, the soil from the second excavation was spread out in a thin layer and landfarmed onsite.

On December 17, 2009, additional sampling of the remediation plot containing soil from the second excavation was conducted with KDHE collecting a verification split sample. DRO-TPH was detected slightly above Tier 2 RSK. The landfarm was worked throughout most of 2010 and resampled on November 5, 2010 with KDHE collecting a verification split sample. The data indicate that TPH concentrations were well below regulatory limits.

KDHE has determined that any residual petroleum hydrocarbon soil and groundwater impacts at the subject property are insignificant and that all requirements for the VCPRP have been met. Thus, a "No Further Action" determination based upon insignificant contamination is recommended for the subject property.

**AFFIDAVIT**

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF \_\_\_\_\_ )

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

1. I am a duly appointed representative of the Kaw Pipe Line Company, a subsidiary of the National Cooperative Refinery Association (NCRA), for the following Voluntary Cleanup and Property Redevelopment Program property:

Kaw Pipe Line-Dean Tie-In  
14 miles north and 1.5 miles east of Hays, Ellis County, Kansas  
A portion of W1/2, NW1/4, Section 13, T11S, R18W

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 prepared a map of the above described property by Wilson and Company and submitted it 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: \_\_\_\_\_, \_\_\_\_\_.

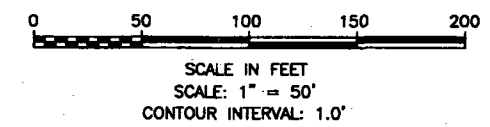
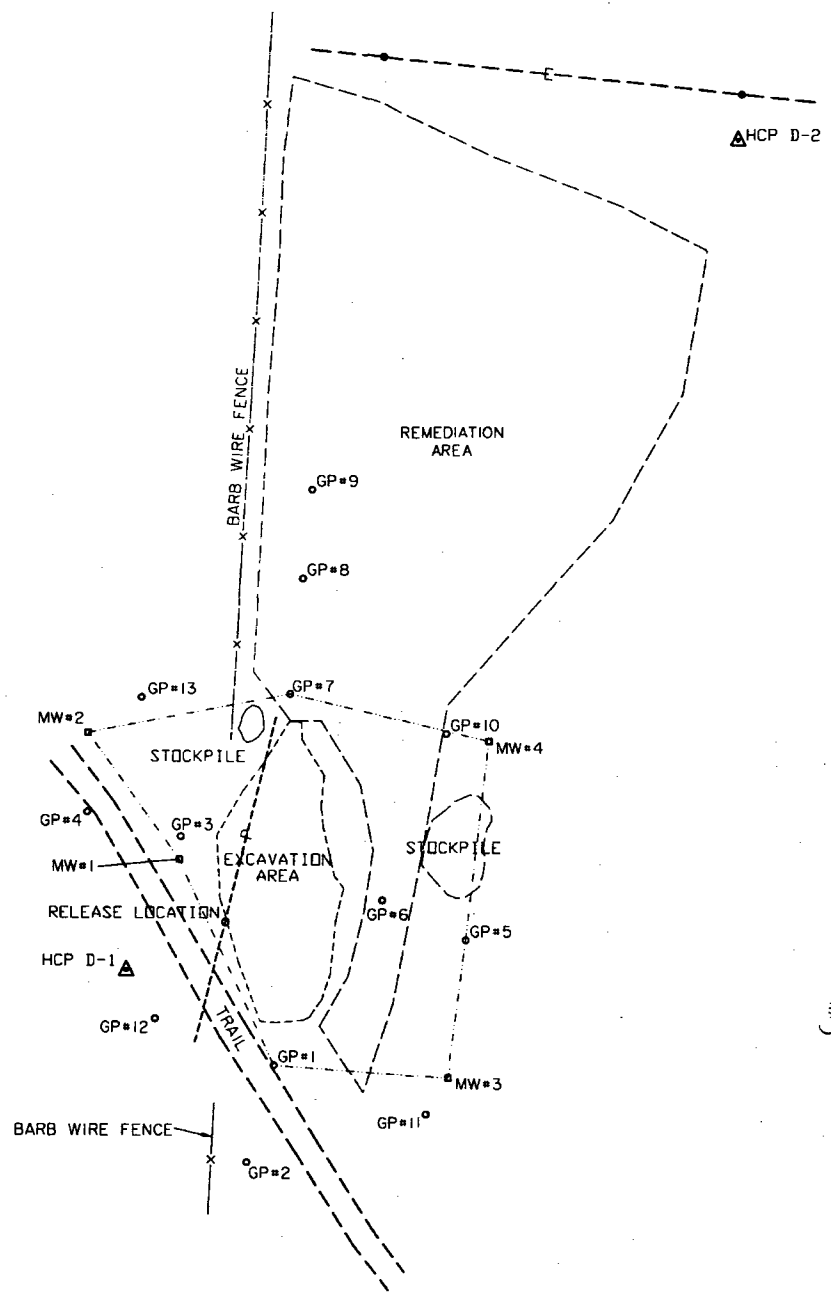
PUMPING UNIT

LEGEND

- x—x— FENCE
- - - - - PETROLEUM LINE
- - - - - NFA BOUNDARY
- ELECTRIC POLE
- GP GEOPROBE LOCATION
- ⊙ PROPOSED MONITORING WELL
- 640— INDEX CONTOUR
- INTERMEDIATE CONTOUR

ELEVATIONS SHOWN WERE DERIVED FROM AUTONOMOUS GPS SURVEY. NOT TRUE SEA LEVEL DATUM.

PUMPING UNIT



PUMPING UNIT

NCRA-DEAN  
 SEC 13, T-11-S, R-18-W  
 ELLIS COUNTY

NO FURTHER ACTION (NFA) BOUNDARY

MW#2	N 39° 05' 53.96293"	W 99° 16' 27.00468"	CORNER
GP#7	N 39° 05' 54.15555"	W 99° 16' 25.82093"	CORNER
MW#4	N 39° 05' 53.95138"	W 99° 16' 24.64015"	CORNER
GP#5	N 39° 05' 53.04210"	W 99° 16' 24.75196"	CORNER
MW#3	N 39° 05' 52.40755"	W 99° 16' 24.84313"	CORNER
GP#1	N 39° 05' 52.45564"	W 99° 16' 25.87171"	CORNER
MW#1	N 39° 05' 53.39175"	W 99° 16' 26.45011"	CORNER

GEOPROBE LOCATIONS ADDED	10/23/04	TJE	DESIGN	DRAWN
GEOPROBE LOCATIONS ADDED #12	11/04/04	JWS	MLM	JWS
PROPOSED MW 1-4 ADDED	03/30/07	TJE		
MONITORING WELLS 1-4 ADDED	05/29/07	TJE		
PIEZOMETRIC CONTOURS ADDED	07/18/07	TJE		
ADDED NFA BOUNDARY	12/31/09	JWS		
REVISION	DATE	BY		

**WILSON & COMPANY**  
 Engineers & Architects  
 Salina, Kansas

DATE: 12/2009  
 FILE NO. X2420052  
 FIG 1