



Mark Parkinson, Governor
John W. Mitchell, Acting Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Environment

December 1, 2010

CERTIFIED LETTER—RETURN RECEIPT REQUESTED

SCANNED

DEC 12 2010

Mr. Gregory E. Miller
Senior Environmental Scientist
Enterprise Products Operating, LLC
P.O. Box 4324
Houston, TX 77210-4324

**RE: NO FURTHER ACTION DETERMINATION FOR THE MID-AMERICA PIPELINE
AM 55.5, TOWANDA, BUTLER COUNTY, KANSAS**

Name of Voluntary Party: Enterprise Products Operating, LLC
Legal Description of Property: SW ¼, Section 21, T 25S, R 3E
Property Location: ¼ mile South of NW 30th Street & NW Prairie Creek Road,
Towanda, Butler County, Kansas

Voluntary Agreement No. 09VCP0015

Dear Mr. Miller,

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of December 1, 2010 for the subject property. Based on the information presented in the documents, petroleum hydrocarbons and volatile organic compounds (VOCs) in soil and groundwater were identified 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 petroleum hydrocarbons and VOCs impacting the subject property are present at levels that do not exceed the KDHE-approved risk-based cleanup levels and KDHE has determined that the 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 Enterprise Products Operating, LLC and extends to its successors and assigns of the subject property. This determination is conditioned upon Enterprise Products Operating, LLC recording in the office of the Register of Deeds in and for Butler 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**

NO FURTHER ACTION DETERMINATION LETTER

December 1, 2010

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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 1, 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 showing property boundaries
Affidavit form

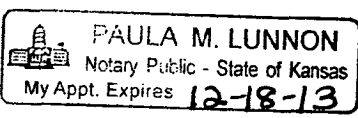
cc: Rick Bean > Jerry Lineback > Andrea Schiller > File (C2-008-72464, 2)
Paul Marx, KDHE-Legal
Allison Herring > Kyle Parker, KDHE-SCDO

State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on December 10, 2010 by
John W. Mitchell as Acting 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: December 1, 2010

PROPERTY NAME: Mid-America Pipeline AM 55.5
¾ mile South of NW 30th Street & NW Prairie Creek Road, Towanda
SW ¼, Section 21, T 25S, R 3E, Butler County, Kansas

PREPARED BY: Project Manager: Andrea Schiller Date: 12/1/10

REVIEWED BY: Unit Chief: *Jessica Linbeck* Date: 12-1-10
Section Chief: *AS* Date: 12-2-10

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Benzene (CAS # 71-43-2), toluene (108-88-3), ethylbenzene (100-41-4), xylenes (1330-20-7), and Total Petroleum Hydrocarbons-Gasoline Range Organics (TPH-GRO)

Groundwater: Benzene (71-43-2), toluene (108-88-3), xylenes (1330-20-7), and TPH-GRO

CONTAMINANTS EVALUATED AT PROPERTY:

Soil: Benzene, toluene, ethylbenzene, xylenes (BTEX), 1,2-dichloroethane (1,2-DCA), 1,2-dibromoethane (EDB), naphthalene, methyl tert-butyl ether (MTBE) (by EPA Method 8260); TPH-GRO (by Iowa Method OA-1)

Groundwater: BTEX, 1,2-DCA, EDB, naphthalene, MTBE (by EPA Method 8260); TPH-GRO (by Iowa Method OA-1)

The Mid-America Pipeline AM 55.5 site (approximately 0.8 acres) is located within an agricultural field, approximately ¾ mile south of NW 30th Street and NW Prairie Creek Road, Towanda, Butler County, Kansas. The site consists of a pipeline corridor containing three pipelines, including the Mid-America Coffeyville Red Line, a natural gasoline pipeline. During installation of the third pipeline in 2008, excavation equipment operated by a third-party pipeline company came into contact with the Coffeyville Red Line, causing the pipeline to rupture at the point of contact. The nearest receptors are a residence located approximately 800 feet southwest of the spill site and an unnamed tributary of the West Branch Whitewater Creek, located 350 feet east of the spill site. According to the KGS Water Well database,

three domestic wells are located northwest and southwest of the spill site.

KDHE was informed of the spill October 3, 2008 by Enterprise Products Operating, LLC, which operates the Coffeyville Red Line. KDHE Southcentral District Office (SCDO) personnel provided the oversight throughout the spill response. Initial response activities included recovery of an estimated 321 barrels of the original 531 barrels of natural gasoline released into the previously excavated trench. Following product recovery, the surrounding impacted soils were then excavated from the pipeline area. Approximately 10,000 cubic yards of impacted soil were removed and landfarmed on the adjacent agricultural property. Soil samples were obtained from the excavated area to confirm the removal of all impacted soil prior to backfilling. Samples were analyzed for BTEX, 1,2-DCA, EDB, naphthalene, MTBE, and TPH-GRO and subsequently indicated the remaining soil did not exceed residential Risk-based Cleanup Standards (RSKs). Groundwater that had infiltrated into the excavated area was also sampled and showed high levels of benzene and TPH-GRO. Approximately 100,000 gallons of groundwater were then removed and placed in onsite frac tanks prior to disposal at the Publicly Owned Treatment Works (POTW) Plant 2 in Wichita, Kansas. The excavation was then backfilled using the landfarmed soil, once contaminant concentrations at the landfarm were noted below residential RSKs.

Surface water samples were collected from the unnamed tributary at 800 feet southeast and 0.5 miles south of the spill site and from West Branch Whitewater Creek at 1 mile south and north of the spill site. Two private domestic wells located 1000 feet and 1500 feet southwest of the spill site were also sampled. Samples were also analyzed for BTEX, 1,2-DCA, EDB, naphthalene, MTBE, and TPH-GRO. Contaminants were not detected in any of the samples.

After the spill response activities were completed and at KDHE's recommendation, Enterprise Products Operating entered the spill site into the Voluntary Cleanup and Property Redevelopment Program (VCPRP) in February 2009 to continue addressing any potential impacts. Voluntary Agreement 09VCP0015 was executed by the Secretary on April 9, 2009.

The first phase of Voluntary Cleanup Investigation (VCI) activities occurred in November 2009. Eighteen borings (DP1-DP18) were completed around the perimeter of the previously excavated area. Groundwater samples were collected from each boring and submitted to a laboratory for BTEX, 1,2-DCA, EDB, naphthalene, MTBE, and TPH-GRO. Analytical results of the groundwater samples indicated a benzene concentration of 5.23 µg/l at DP4 and toluene concentrations of 7.73 µg/l and 1.54 µg/l at DP4 and DP6, respectively. The benzene concentration detected at DP4 was noted to exceed the residential groundwater pathway RSK. To further delineate the observed impacts, two borings (DP4R and DP19) were completed in June 2010. DP4R was completed at the approximate location of DP4 in order to verify the November 2009 impacts. Groundwater samples were collected from each boring and were analyzed for BTEX and GRO. Impacts were not detected in either sample. In addition, because verification samples of the excavated area were not collected before backfilling, one boring (DP20) was completed at the approximate pipeline release point. KDHE collected a soil sample at 20 feet, which according to past records was the excavation floor. The soil sample was analyzed for BTEX and GRO. No impacts were detected.

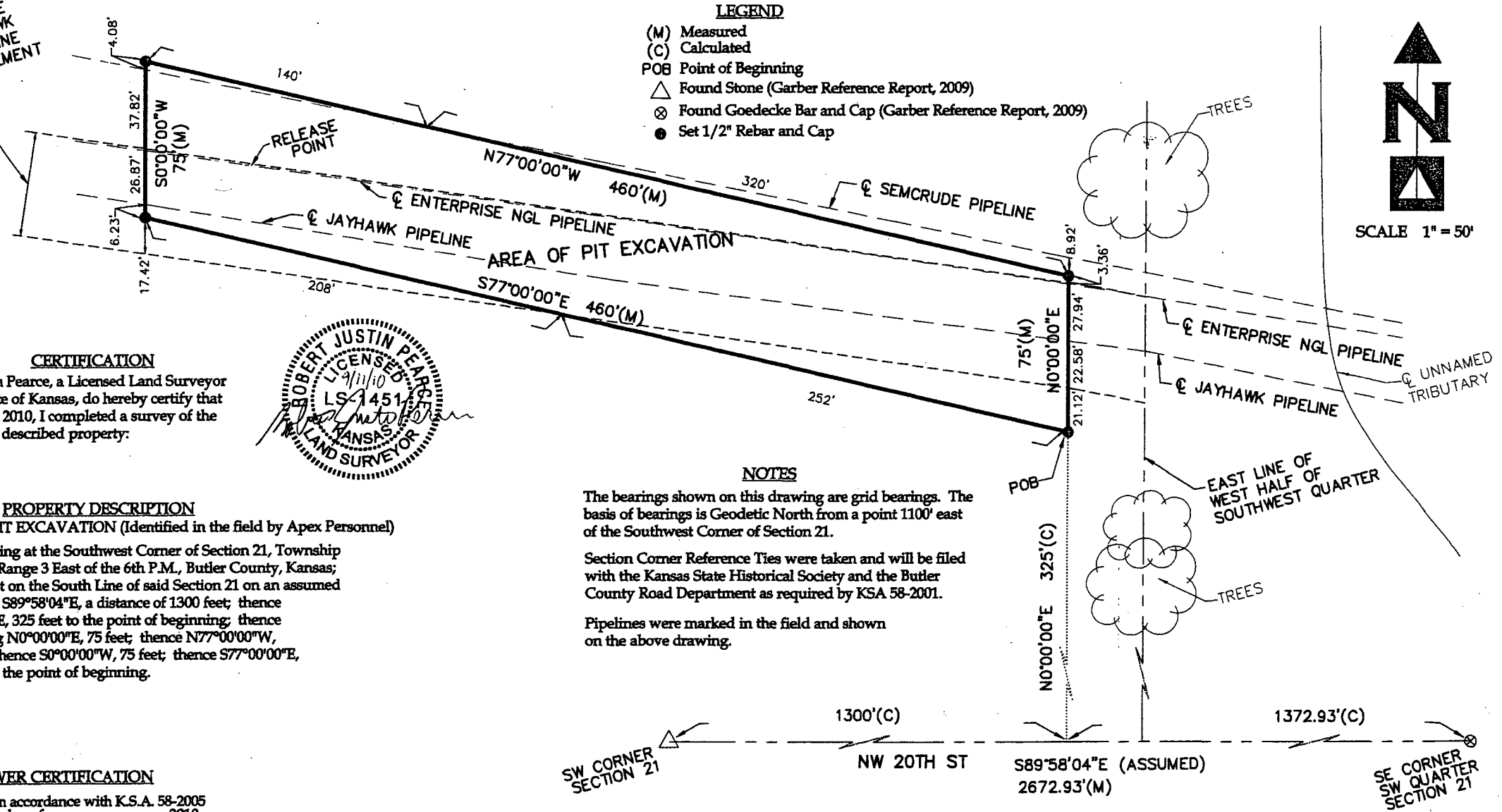
NO FURTHER ACTION DETERMINATION SUMMARY

Gregory Miller – Mid-America Pipeline AM 55.5 property

December 1, 2010

In summary, Enterprise Products Operating, LLC has successfully addressed the October 2008 natural gasoline release from the Coffeyville Red Line. The spill response, which was overseen by the KDHE SCDO, included product recovery and excavation of impacted soil. Confirmation samples indicated no impacted soil remained in place, which was verified through KDHE sampling. The impacted soil was successfully treated in an adjacent landfarm and was utilized as backfill for the excavated area. In addition, impacted groundwater that had seeped into the excavated area was removed prior to backfilling and disposed at the POTW Plant 2 in Wichita. Sampling of the nearby unnamed tributary, West Branch Whitewater Creek, and the two domestic wells did not indicate any impacts. The groundwater contamination detected during the November 2009 VCI activities was not replicated during the June 2010 sampling, indicating that any contaminants remaining in the groundwater following the spill response have possibly degraded naturally. Therefore, all requirements for the VCPRP have been met and KDHE has issued a NFA for the Mid-America AM 55.5 site.

50' WIDE
JAYHAWK
PIPELINE
EASEMENT



LEGEND

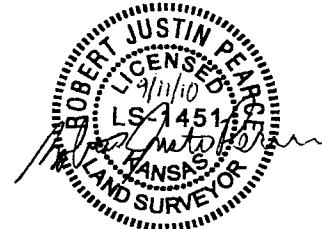
- (M) Measured
- (C) Calculated
- POB Point of Beginning
- △ Found Stone (Garber Reference Report, 2009)
- ⊗ Found Goedecke Bar and Cap (Garber Reference Report, 2009)
- Set 1/2" Rebar and Cap



SCALE 1" = 50'

CERTIFICATION

I, R. Justin Pearce, a Licensed Land Surveyor in the State of Kansas, do hereby certify that on Sept 8, 2010, I completed a survey of the following described property:



PROPERTY DESCRIPTION

AREA OF PIT EXCAVATION (Identified in the field by Apex Personnel)

Commencing at the Southwest Corner of Section 21, Township 25 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence east on the South Line of said Section 21 on an assumed bearing of S89°58'04"E, a distance of 1300 feet; thence N0°00'00"E, 325 feet to the point of beginning; thence continuing N0°00'00"E, 75 feet; thence N77°00'00"W, 460 feet; thence S0°00'00"W, 75 feet; thence S77°00'00"E, 460 feet to the point of beginning.

NOTES

The bearings shown on this drawing are grid bearings. The basis of bearings is Geodetic North from a point 1100' east of the Southwest Corner of Section 21.

Section Corner Reference Ties were taken and will be filed with the Kansas State Historical Society and the Butler County Road Department as required by KSA 58-2001.

Pipelines were marked in the field and shown on the above drawing.

REVIEWER CERTIFICATION

Reviewed in accordance with K.S.A. 58-2005 on the ___ day of _____, 2010.

SUPPORTING DOCUMENTS

- Kansas Secured Title Research (File:5125279)
- Record Book 583, Page 187; Warranty Deed to Duvanel.
- Misc Book 202, Page 510; Pipeline Right of Way Grant. (not plottable)
- Misc Book 285, Page 71; Pipeline Right of Way Grant. (not plottable)
- Record Book, 2010, Page 4098; 50' Wide Pipeline Easement. (shown above)

Survey of: Part of the West Half, Southwest Quarter
Section 21, T25S, R3E.

Prepared by:

PEARCE surveys

1300 N Spruce
Kingman, Ks 67068
(620) 532-1133
pearcesurveys@sbcglobal.net

AFFIDAVIT

STATE OF KANSAS)
) SS:
COUNTY OF BUTLER)

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:

0.8 acres
Mid-America Pipeline AM 55.5
3.4 mile South of NW 30th Street & NW Prairie Creek Road, Towanda, Kansas 67144
A Portion of SW ¼, Section 21, T 25S, R 3E, Butler 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 *Pearce Surveys* 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: _____, _____