

May 23, 2011

CERTIFIED LETTER—RETURN RECEIPT REQUESTED

BER SCANNED
JUN 16 2011

Mr. William Seiler
VG Pipe, LLC
2211 Viega Avenue
McPherson, Kansas 67460

RE: NO FURTHER ACTION DETERMINATION FOR VG PIPE, LLC PROPERTY

Name of Voluntary Party: VG Pipe, LLC
Legal Description of Property: SE ¼, SW ¼, Section 20, T 19S, R 3W
Property Location: 831-905 North Vanguard Street, McPherson, McPherson County, Kansas

Voluntary Agreement No. 09VCP0012

Dear Mr. Seiler,

The Kansas Department of Health and Environment (KDHE) has completed its review of the available documents as of May 23, 2011 for the subject property. Based on the information presented in the documents, metals, petroleum hydrocarbons, and volatile organic compounds (VOC), in soil and groundwater were identified at the subject property. The attached determination summary identifies the nature and status of the contamination detected.

KDHE's evaluation of the available documents for the subject property indicates that metals, petroleum hydrocarbons, and VOC 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 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 VG Pipe, LLC and extends to successors and assigns of the subject property. This determination is conditioned upon VG Pipe, LLC recording in the office of the Register of Deeds in and for McPherson 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 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 May 23, 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 contamination.

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, Shari Feist-Albrecht at (785) 296-1607.

Sincerely,



Robert Moser, MD, Secretary
Kansas Department of Health and Environment

RM/ars

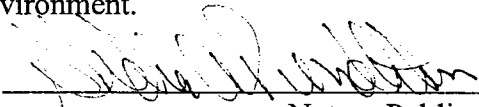
Attachments: KDHE No Further Action Determination Summary
Site map with legal description of boundaries
Affidavit form

cc: Rick Bean > Bryan Bain > Andrea Schiller > File (C5-059-72461, 2.0)
Shari Feist-Albrecht, KDHE-Legal
Jennifer Nichols > Scott Lang, KDHE-NCDO

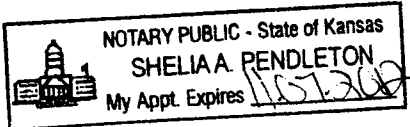
State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on May 23, 2011 by
Robert Moser, MD as 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: May 23, 2011

PROPERTY NAME: VG Pipe, LLC
831-905 North Vanguard Street, McPherson, Kansas
SE ¼, SW ¼, Section 20, T 19S, R 3W, McPherson County

PREPARED BY: Project Manger: Andrea Schiller Date: 5/23/11

REVIEWED BY: Unit Chief: [Signature] Date: 5/24/11

Section Chief: [Signature] Date: 5/27/11

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Arsenic (CAS # 7440-38-2), Barium (7440-39-3), Cadmium (7440-43-9), Chromium (18540-29-9), Lead (7439-92-1), Mercury (7439-97-6), Selenium (7782-49-2), Silver (7440-22-4), Acetone (67-64-1), Carbon disulfide (75-15-0), 2-Butanone (MEK) (78-93-3), Methylene chloride (75-09-2), Total Petroleum Hydrocarbons – Diesel Range Organics (TPH-DRO)

Groundwater: Acetone (67-64-1), 1,2-Dichloroethane (107-06-2), Ethylbenzene (100-41-4), 2-Hexanone (591-78-6), Methyl chloride, MEK (78-93-3), Methyl-tert-butyl-ether (MTBE) (1634-04-4), Toluene (108-88-3), Total Petroleum Hydrocarbons – Gasoline Range Organics (TPH-GRO), TPH-DRO

CONTAMINANTS EVALUATED AT PROPERTY:

Soil: RCRA Metals (by EPA Method 6010); Mercury (by EPA Method 7471); Volatile Organic Compounds (VOCs) (by EPA Method 8260); TPH-GRO (by Iowa Method OA-1); TPH-DRO (by Iowa Method OA-2)

Groundwater: VOCs (by EPA Method 8260); TPH-GRO (by Iowa Method OA-1); TPH-DRO (by Iowa Method OA-2)

NO FURTHER ACTION DETERMINATION SUMMARY
William Seiler – 831-905 North Vanguard Street property
May 23, 2011

The VG Pipe, LLC facility (formerly Vanguard Piping, approximately 10.7 acres) is located at 831-905 North Vanguard Street in McPherson, McPherson County, Kansas. The site currently consists of two office/manufacturing warehouses, an industrial/stormwater lagoon, and storage shed. From 1978 to 2008, the property was used for the manufacturing and storage of extruded, flexible plastic pipe. In 2008, VG Pipe relocated their operations offsite and currently the facility is used for warehouse storage. Surrounding land use includes commercial and industrial purposes. A lawn and garden well is located onsite, according to the KGS Water Well database, along with several other lawn and garden and monitoring wells in the area.

In August 2005, a Phase I environmental assessment was conducted on the property as part of the merger between Vanguard Piping and Viega. The assessment did not indicate any Recognized Environmental Concerns (RECs); however, the assessment did note that the onsite lagoon, used for industrial wastewater and stormwater storage, was not lined or correctly permitted. Water from the lagoon and floor drains in the steam bays and boiler room was being discharged to the drainage ditch east of Vanguard Street without a National Pollutant Discharge Elimination System (NPDES) permit. As a result of the Phase I findings and as a requirement of the merger with Viega, Vanguard Piping, now known as VG Pipe, filed a Notice of Voluntary Disclosure with KDHE Bureau of Water (BOW) in October 2005.

After discussions with BOW, VG Pipe collected surface water samples from the lagoon outfalls in April 2008. The two samples (OUTFALL-1 and OUTFALL-2) were analyzed for VOCs, TPH-GRO, TPH-DRO, and RCRA metals. Analytical results of the surface water samples indicated 2-hexanone at 8.4 µg/l (OUTFALL-1), TPH-GRO at 0.023 mg/l (OUTFALL -2), and TPH-DRO at 0.132 mg/l (OUTFALL-2). BOW recommended that, while the closing of the lagoon and associated ditches, including possible sediment removal, could be overseen by BOW; the underlying soil and groundwater at the site could be addressed through the VCPRP. VG Pipe subsequently enrolled the property in the VCPRP and Voluntary Agreement 09VCP0012 was executed by the Secretary on March 22, 2009.

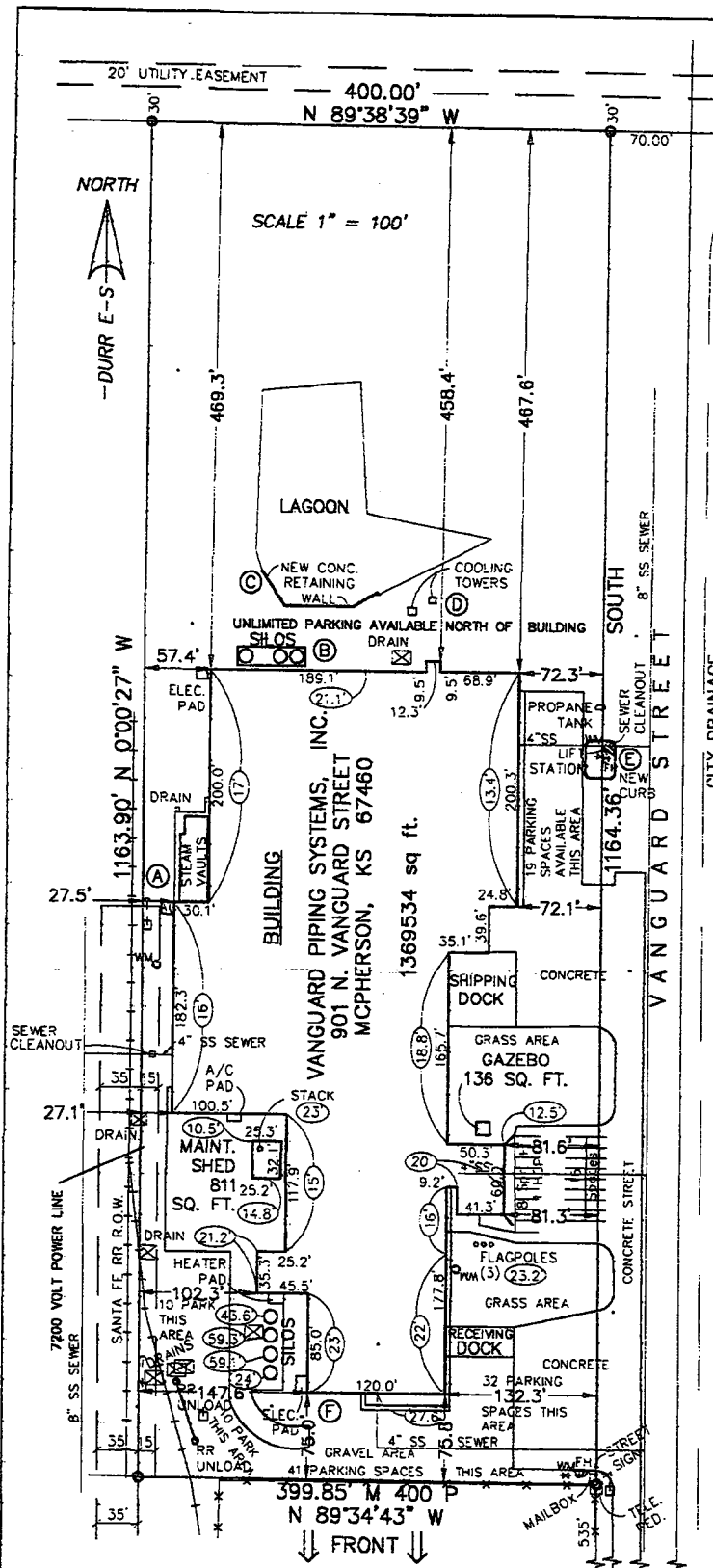
VCI activities commenced in February 2010. As part of the BOW requirements for closing the lagoon, the water within the lagoon was drained to the City of McPherson sanitary sewer, with permission from the City of McPherson. VG Pipe also plugged all floor drains extending from the warehouses to the lagoon and ditches with concrete. Twenty-one borings (P-01 – P-21) were completed onsite. P-01 – P-09 were located within the lagoon area. Sediment thickness in the lagoon borings was observed to range between one to two inches. In addition to the sediment samples collected from the lagoon borings, subsurface soil and groundwater samples were collected throughout the site. Sediment and soil samples were analyzed for VOCs, TPH-GRO, TPH-DRO, and RCRA metals. Groundwater samples were analyzed for VOCs, TPH-GRO, and TPH-DRO. Analytical results of the sediment and soil samples indicated low levels of acetone, ranging from 0.0277 mg/kg to 0.185 mg/kg; carbon disulfide, ranging from 0.0036 mg/kg to 0.029 mg/kg; MEK at

NO FURTHER ACTION DETERMINATION SUMMARY
William Seiler – 831-905 North Vanguard Street property
May 23, 2011

0.0289 mg/kg; methylene chloride, ranging from 0.0064 mg/kg to 0.0182 mg/kg; and TPH-DRO, ranging from 5.32 mg/kg to 867 mg/kg. A majority of the impacts were noted in either the sediment or shallow soil (0-1') samples. None of the detected contaminant concentrations exceeded the residential Risk-based Standards (RSK) for the soil to groundwater pathway. Arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver were also detected; however, the concentrations did not exceed the residential RSKs for the soil pathway and appeared to be indicative of background conditions. Analytical results of the groundwater samples also indicated contaminant concentrations below the residential RSKs for the groundwater pathway. Low levels of acetone, ranging from 15.6 µg/l to 17.9 µg/l; 1,2-DCA at 0.59 µg/l; ethylbenzene, ranging from 0.24 µg/l to 0.33 µg/l; 2-hexanone, ranging from 5.2 µg/l to 7.6 µg/l; methyl chloride, ranging from 0.56 µg/l to 1.5 µg/l; MEK, ranging from 2.8 µg/l to 3.1 µg/l; MTBE at 1.0 µg/l; toluene, ranging from 0.21 µg/l to 0.45 µg/l; and TPH-DRO, ranging from 171 µg/l to 217.8 µg/l were detected in the groundwater samples collected during the investigation.

The impacts noted at the VG Pipe site during VCI activities appear likely to be either residual from the historical onsite and area industrial operations or possible laboratory contamination (acetone, methylene chloride, and MEK may be common laboratory contaminants). The low levels of contaminants in soil and groundwater at the VG Pipe facility do not appear to be indicative of an active onsite contaminant source(s). Although the distribution of contaminants in the groundwater and the noted southern groundwater flow direction seemingly indicated a possible offsite source, no definitive information regarding an offsite source was uncovered in a review of the area. Only one site, Aero Transport (ATP) (KDHE file C5-059-72290) was noted in the area, located approximately 700 feet north-northwest of the VG Pipe facility. During geoprobe investigations in 2006 and 2007 at the ATP site, similar concentrations of the same contaminants were detected in soil and groundwater samples. The contaminants have not been detected since in the monitoring wells that were subsequently installed at the ATP site and a source of the contamination was not identified during the investigations.

BOW determined that, due to the relatively thin sediment layer and lack of contamination exceeding the RSKs, removal of the lagoon sediment was not necessary. Furthermore, as all conduits from the warehouses to the lagoon had been sealed, BOW approved utilizing the lagoon for future stormwater containment. With no apparent onsite source detected and contaminant concentrations in sediment, subsurface soil, and groundwater below residential RSKs, the VG Pipe facility does not appear to pose a risk to human health and the environment. Therefore, all requirements for the VCPRP have been met and KDHE has issued a NFA for the VG Pipe facility.

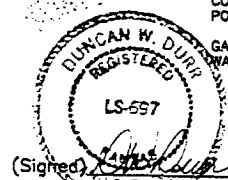


To Vanguard Piping Systems, Inc., General Electric Capital Business Asset Funding Corporation, and Security Title Company of McPherson, Kansas:

This is to certify that this map or plat and the survey on which it is based were made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1997, and include Items 1, 2, 3, 4, 6, 7(a), 7(b), 7(c), 8, 9, 10, 11, and 13 of Table A thereof, and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification) of an Urban Survey.

REVISED DRAWING 7/22/2002 PROJ # 2162 TO SHOW ITEMS A - E

REVISED DRAWING 7/19/2000



(Signed) _____ Date: 7/22/02 (Seal)

Registration No. 697

AFFIDAVIT

STATE OF KANSAS)
) SS:
COUNTY OF MCPHERSON)

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:

10.7 acres
VG Pipe, LLC
831-905 North Vanguard Street, McPherson, Kansas
SE ¼, SW ¼, Section 20, T 19S, R 3W, McPherson 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 legal survey prepared of the above described property by *Durr Engineering* and submitted the legal description 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: _____, _____