



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 17 2010

Mr. Harold Schleimer
We-Mac Manufacturing Company
326 East 14th Avenue
North Kansas City, Mo. 64116

RE: NO FURTHER ACTION DETERMINATION FOR WE-MAC MANUFACTURING SITE

Name of Voluntary Party: We-Mac Manufacturing Company
Legal Description of Property: SE/4, Section 3, T6S, R20E (Tract 3)
Property Location: 11016 West Highway 59, Atchison County,
Atchison, Kansas
Voluntary Agreement No.: 09VCP0019

Dear Mr. Schleimer:

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, toluene, xylene, and metals were identified in the soil, toluene and metals in groundwater and metals in sediment and surface water 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 toluene, xylene, and metals contamination impacting the subject property are 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 We-Mac Manufacturing Company and extends to successors and assigns of the subject property. This determination is conditioned upon We-Mac Manufacturing Company recording in the office of the Register of Deeds in and for Atchison 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**

BUREAU OF ENVIRONMENTAL REMEDIATION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 410, TOPEKA, KS 66612-1367
Voice 785-296-1673 Fax 785-296-7030

NO FURTHER ACTION DETERMINATION LETTER
We-Mac Manufacturing Company
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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 portion of the subject property assessed (Tract 3) as identified on the attached survey 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, Darryl Morgan at (785) 291-3244 or legal counsel, Daric Smith at (785) 296-1333.

Sincerely,



John W. Mitchell
Acting Secretary

RLB/bd

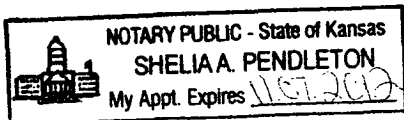
Attachments: KDHE No Further Action Determination Summary
Survey of Property and Site Boundaries
Affidavit Form

cc: Rick Bean > Jerry Lineback > Darryl Morgan > We-Mac Manufacturing Co., (C4-003-72471)
Daric Smith, Legal
Tom Winn, NEDO

State of Kansas)
County of Shawnee)

This instrument was acknowledged before me on November 3, 2010 by
John W. Mitchell as Acting Secretary
of the Kansas Department of Health and Environment.

Shelia A. Pendleton
Notary Public



My appointment expires: 11/17/2012

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: November 19, 2010

PROPERTY NAME: We-Mac Manufacturing Company, 11016 W. Highway 59, Atchison,
Atchison County, Kansas. C4-003-72471. SE¼, Sec. 3, T. 6 S., R. 20 E.
(Tract 3)

PREPARED BY: Darryl D. Morgan: Darryl D. Morgan Date: 11/19/2010
REVIEWED BY: Unit Chief: Jerry J. Linbeck Date: 11-19-2010
Section Chief: [Signature] Date: 11-22-2010

CONTAMINANTS IDENTIFIED AT PROPERTY:

Soil: Toluene (CAS # 108883); Xylene (CAS # 1330207);
Arsenic (CAS # 7440382); Barium (CAS # 7440393);
Cadmium (CAS # 7440439); Chromium (CAS # 7440473);
Lead (CAS # 7439921); Mercury (CAS # 7439976)

Sediment: Arsenic (CAS # 7440382); Barium (CAS # 7440393);
Cadmium (CAS # 7440439); Chromium (CAS # 7440473);
Lead (CAS # 7439921);

Groundwater: Toluene (CAS # 108883); Barium (CAS # 7440393);
Lead (CAS # 7439921); Selenium (CAS # 7782492);

Surface Water Barium (CAS # 7440393); Lead (CAS # 7439921);

CONTAMINANTS EVALUATED AT PROPERTY:

Soil: Volatile Organic Compounds (VOCs – EPA Method 8260)
Total Petroleum Hydrocarbon (GRO – EPA Method 8260/OA-1)
Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury
(8 RCRA Metals – EPA Method 6010/7471)

Ground Water: Volatile Organic Compounds (VOCs – EPA Method 8260)
Total Petroleum Hydrocarbon (GRO – EPA Method 8260/OA-1)
Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury (8
RCRA Metals – EPA Method 6010/7471)

Sediment: Volatile Organic Compounds (VOCs – EPA Method 8260)
Total Petroleum Hydrocarbon (GRO – EPA Method 8260/OA-1)
Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury (8
RCRA Metals – EPA Method 6010/7471)

Surface Water: Volatile Organic Compounds (VOCs – EPA Method 8260)
Total Petroleum Hydrocarbon (GRO – EPA Method 8260/OA-1)
Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Mercury (8
RCRA Metals – EPA Method 6010/7471)

The We-Mac Manufacturing (We-Mac) property is located on an approximate 6-acre tract of land in an industrialized area of Atchison, Kansas. The property address is 11016 West Highway 59. The property is bordered by industrial properties to the northeast, east and southwest, Union Pacific Railroad (UPR) property to the north, and BNSF Railway property to the south. Land use to the north is agricultural. The property is owned by UPR Company and is leased by We-Mac. The lease is scheduled to terminate on May 14, 2020. The facility operation includes fabrication and painting of above ground and underground steel storage tanks and has been operating at this location since 1962. Prior to 1962, the property was agricultural land. Numerous structures are located on the property, including the main manufacturing building, and several smaller support buildings and sheds. The steel tank institute protection (STIP) and old paint buildings are located in the eastern portion of the property and were the subject of this investigation.

In March 2009, the We-Mac facility was the subject of a Kansas Department of Health and Environment (KDHE), Bureau of Waste Management (BWM), Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection. Following KDHE's inspection, We-Mac received a "Notice of Non-Compliance" letter that noted several violations, notably Unlawful Treatment and Unlawful Disposal of Hazardous Waste. KDHE also identified environmental concerns (Concern No. 2) regarding stained and impacted soil at the following locations: beneath a toluene above ground storage tank (AST), adjacent to a spring-fed creek, and outside the current and historically used paint buildings. According to We-Mac, the toluene AST was removed in July 2009. Based on the information developed from the RCRA inspection, We-Mac entered the Voluntary Cleanup and Property Redevelopment Program (VCPRP) to address the potential contamination associated with Concern No. 2. The Voluntary Agreement 09VCP0019 was executed on July 17, 2009.

On December 4, 2009, Kleinfelder on behalf of We-Mac submitted a Voluntary Cleanup Investigation (VCI) Work Plan to evaluate the area associated with Concern No.2 and included the collection of soil/groundwater/sediment/surface water samples for laboratory analyses of volatile organic compounds (VOCs), total petroleum hydrocarbon (TPH) gasoline range organic (GRO), and arsenic, barium, cadmium, chromium, mercury, selenium, silver, and lead (8 RCRA metals). On April 5, 2010, a VCI report prepared by Kleinfelder was received by KDHE and approved on May

18, 2010. As indicated therein, soil, sediment, groundwater, and surface water analytical results are as follows:

Soil

Toluene (0.45 mg/kg) and xylene (0.022 mg/kg) were detected in the soil sample obtained from B-1, 5 to 6 feet but at concentrations below their respective 2010 Tier 2, Risk-Based Standards for Kansas (RSK), Residential Scenarios, Soil and Soil to Ground Water Pathways levels. Additional VOCs and TPH GRO were not detected at concentrations above their respective laboratory reporting limits from the soil samples analyzed.

Eight (8) RCRA metals were detected in the soil samples at concentrations below their respective 2010 Tier 2, RSK, Residential Scenarios, Soil Pathway levels.

Ground Water

Toluene (0.22 mg/L) was detected in the ground water sample obtained from B-1 but at a concentration below its 2010 Tier 2, RSK, Residential Scenarios, Ground Water Pathway level of 1 mg/L. TPH GRO was not detected at concentrations above its laboratory reporting limit in ground water samples obtained.

Total 8 RCRA metals (unfiltered) were detected at concentrations above their respective 2010 Tier 2, RSK, Residential Scenarios, Ground Water Pathway levels in several of the groundwater samples obtained; however, the dissolved 8 RCRA metals (filtered) were detected at concentrations below their respective 2010 Tier 2, RSK levels. Detection of total metals (unfiltered) in the ground water is most likely attributable to the high turbidity in the ground water samples obtained from the piezometers.

Sediment

Eight (8) RCRA metals were detected in the soil samples obtained from the drainage ditch but at concentrations below their respective 2010 Tier 2, Residential Scenarios, Soil Pathway RSK levels, except for the detected chromium concentration at location SS-2 at 0-1 foot (41 mg/kg), which was only slightly above the RSK level of 33.6 mg/kg. KDHE performed a statistical analysis of the chromium results and determined that SS-2 sample is more than three standard deviations from the data set mean value; therefore, is considered an outlier. Additionally, the detected chromium concentration of 41 mg/kg in SS-1 is considered within the 10^{-4} to 10^{-6} Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) protective range of 336 mg/kg to 3.36 mg/kg for chromium.

KDHE quality control sample SS-1 detected arsenic (15 mg/kg) at a concentration exceeding its 2010 Tier 2, Residential Scenarios, Soil Pathway RSK level of 11.3 mg/kg. A statistical analysis of the arsenic results determined SS-1 sample is more than three standard deviations from the data set mean value; therefore, is considered an outlier.

VOCs and TPH GRO were not detected at concentrations exceeding their respective laboratory reporting limits in the drainage ditch samples obtained and analyzed.

Surface Water

VOCs and TPH GRO were not detected at concentrations exceeding their laboratory reporting limits in the surface water samples obtained including KDHE's quality control sample.

Total lead (0.019 mg/L) was detected at a concentration exceeding the 2010 Tier 2, Residential Scenarios, Ground Water Pathway RSK level of 0.015 mg/L; however, dissolved lead (filtered) were detected at concentrations below its 2010 Tier 2, RSK levels. Detection of total lead (unfiltered) in the surface water is most likely attributable to high turbidity in the surface water samples obtained.

Results of the VCI indicate some detections of the contaminants of concern but at concentrations below their applicable 2010 Tier 2, Residential Scenarios, RSK levels. Therefore, KDHE has determined that a No Further Action (NFA) may be issued for VOCs (8260 list), TPH GRO, and 8 RCRA metals based upon insignificant contamination for the portion of the property investigated. The attached survey map identifies the area investigated (Tract 3). The NFA determination and NFA letter should be issued to:

Mr. Harold Schleimer
President
We-Mac Manufacturing Company
326 East 14th Avenue
P. O. Box 12378
North Kansas City, Missouri 64116

As a condition of the NFA determination, Mr. Harold Schleimer should file this determination summary, the NFA letter, and accompanying property map with the Atchison County Register of Deeds office.

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:

0.37 acres more or less
We-Mac Manufacturing Company
11016 West Highway 59
Atchison, Kansas 66002
Tract 3 located within the SE1/4, Section 3, T6S, R20E, Atchison County, Kansas

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 *David P. Clark L.S. No. 1288*, surveyor, 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: _____, _____