



The Kansas Department of Health and Environment

Bureau of Environmental Remediation
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Evaluation of Existing Institutional Controls

A Report on Inspections and Records Review of
Historical Contaminated Sites With Institutional
Controls Placed Prior to Enactment of Kansas
Environmental Use Controls Statute in July 2003

March 2005



John's Sludge Pond Site in Wichita

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Introduction

The Kansas Department of Health and Environment's (KDHE) Bureau of Environmental Remediation (BER) has recently established an Environmental Use Controls (EUC) Program. This program is currently being funded by a grant from the United States Environmental Protection Agency (U.S. EPA) under Subtitle C of the Brownfields Revitalization and Environmental Restoration Act of 2001.

KDHE utilized grant funding to perform an evaluation of all sites with existing institutional controls (ICs) pre-dating the legislative authority of the EUC Program in the State. This report summarizes the results of this evaluation. This initial section discusses both the background leading to the evaluation and the approach used in carrying out the review.

Background

The statutory basis of the EUC Program and the objectives of the review are provided in this section.

Legislation

On April 21, 2003, Governor Sebelius signed House Bill 2247. This bill established the use of environmental use controls for property with environmental contamination above unrestricted (e.g., residential) use standards. The bill was developed by KDHE in concert with a broad stakeholder committee representing state and local government, military, agricultural and petroleum industries, and environmental special interest groups. The bill was introduced during the 2003 Legislature and was subsequently passed by the House 111 to 12 and the Senate 34 to 0. House Bill 2247 became law on July 1, 2003.

Environmental Use Controls, more commonly known as institutional controls (ICs), are legal controls intended to restrict or prohibit human activities and property use in such a way as to prevent or reduce exposures to contamination. Some examples of environmental use controls include: preventing disturbance of soil caps, covers, berms, etc.; prohibiting the drilling of water wells for domestic or other purposes; restricting and/or providing notification during utility excavation of an area; restricting use of a property for residential purposes; and restricting access to the property.

The bill, which was specifically written for property with environmental contamination, sets forth the following definition:

An environmental use control "means an institutional control or administrative control, a restriction, prohibition or control of one or more uses of, or activities on, a specific property, as requested by the property owner at the time of issuance, to ensure future protection of public health and the environment when environmental contamination which exceeds department standards for unrestricted use remains on the property following the appropriate assessment and/or remedial activities as directed by the department pursuant to the secretary's authority".

Although the EUC statute is reasonably prescriptive, under Kansas law regulations in conjunction with the statute must be prepared, approved, and enacted. A draft set of EUC regulations is currently in review and should be finalized by the end of 2005.

Objectives

The objectives of this evaluation were to:

1. Determine specifically which sites have (or were intended to have) institutional controls placed on the property prior to passage of the EUC legislation in July 2003.
2. Determine whether the ICs were filed with the County Register of Deeds.
3. Determine whether the conditions of the ICs are being met.
4. Determine whether the property has changed ownership, and if so, whether the conditions of the ICs were communicated with the new owner or lessees of the property.

Approach

The actual process used in performing the IC review is described below, including a discussion of the records review process, the inspection process, and the process of updating relevant data base(s).

An Environmental Use Controls Inspection Form was developed and used to address both the records review and the physical inspections. This form was used to verify adherence with the following requirements, as applicable:

- The property is used for non-residential purposes only.
- Protective structures have retained their functional integrity.
- Water wells are not used for domestic purposes.
- Unauthorized construction or excavation has not occurred.
- Vegetation is kept in acceptable condition.
- Site security measures are in place and in working condition.
- Environmental monitoring stations are in place and in working condition.
- Public access to the property is prohibited.
- Property zoning excludes residential use.
- Local ordinances included in the EUCA are being enforced.
- The IC instrument is recorded at the County Register of Deeds.
- The name of the property owner on file at KDHE matches the owner listed on the deed.

Additional restrictions, not listed above, were added into a “Remarks” section of the form. A copy of the inspection form is provided in Appendix A.

Records Review

The records review consisted of review of internal KDHE files as well as public records, primarily at the County and City level. In many cases, the KDHE records did not include a copy of the final IC instrument recorded at the respective County Register of Deeds Office. County Register of Deeds offices were visited in many cases to seek and obtain copies of the final instruments as recorded, and also to obtain copies of the actual most recent deed(s) for the subject properties. County and City offices were contacted or visited as necessary to determine current zoning classification of pertinent properties. In some cases, to conserve resources or save time, County and City offices were consulted by telephone to check on the above matters.

Inspections

Property owners, responsible parties for the environmental contamination, and/or tenants were contacted to obtain access and arrange for physical inspections. To the extent feasible, all relevant parties were contacted prior to the inspection. The inspections consisted of verifying adherence to appropriate restrictions (or noting any deviations), evaluating current land use, and generally checking for any unusual circumstances that might affect the overall protectiveness of institutional controls previously put in place. Photographic documentation was performed as feasible to supplement visual observations, field notes, and use of the inspection forms.

Database Updates

The Bureau of Environmental Remediation’s Identified Sites List (ISL) database is a public record of environmentally contaminated sites in Kansas (excluding Petroleum Trust Fund sites). This database has been recently modified using federal grant funding to include information relative to the EUC Program, so that it can be utilized as the EUC Tracking System. Additional modifications associated with the EUC Tracking System will be made in 2005.

The ISL database was used in planning inspections, and in many cases was updated with identified IC restrictions prior to the inspection. Following the records review and physical inspection, the IC or EUC information was updated and a summary of the inspection results was entered into the site records.

Summary of Findings

Contaminated sites addressed under KDHE's Bureau of Environmental Remediation were reviewed to identify sites with institutional controls pre-dating the Kansas Environmental Use Controls (EUC) legislation enacted July 1, 2003. A total of 41 sites¹ were identified for further evaluation including inspections. The evaluation of these sites is the subject of this Report.

The overriding goal of this evaluation was to determine whether the IC requirements were being met at sites having existing ICs. This summary section first describes the types of instruments that were identified and whether they were actually filed. It then discusses any problems observed in complying with the terms of the institutional controls. It concludes by addressing some general "lessons learned" and plans for follow-up.

Institutional Control Instruments

Of the 41 sites evaluated, 37 were found to have IC controls on file at the appropriate County Register of Deeds Office (or otherwise formally in place), whereas four (4) did not yet have IC controls registered as such. The following types of IC instruments were in use (or were planned for use, in the latter case):

- 1) Thirty-four (34) sites carried Restrictive Covenants or equivalent instruments.² For 31 of these sites the instrument was titled "Restrictive Covenant(s)" or similar term. The instruments for the other three (3) sites were named differently, but were functionally equivalent to Restrictive Covenants.

Of the 34 "Restrictive Covenant" sites, the instrument was not recorded yet at two (2) of the sites. In one case³, the Restrictive Covenant was signed and notarized by the property owner in 2003, but was not yet recorded with the Register of Deeds. KDHE has requested a lessee of this property to record the Restrictive Covenant instrument along with other documents issued by the Agency in December 2003. In the other case⁴, the instrument dated in 1992 was apparently never signed. KDHE will follow up with the current property owner to ensure appropriate restrictions are placed on the property.

- 2) Three (3) sites⁵ carried Deed Restrictions duly filed within the Deed with the County Register of Deeds.⁶

¹ Of these 41 sites, three (3) sites fall in the category of Environmental Use Control Agreement (EUCA). They are included in this evaluation because the historical process of developing institutional controls on these sites pre-dates the Kansas EUC legislation.

² A Restrictive Covenant is regarded as a stand-alone, notarized statement of the terms of the Institutional Controls, intended for filing with the Register of Deeds Office of the County in which the Property is located.

³ Pittsburg Site #A5G001.

⁴ High Plains Chemical Company site.

⁵ One of these three sites also carried a Restrictive Covenant, and thus is also included in the count of 34 Restrictive Covenants.

⁶ Deed Restrictions document the institutional controls within a Warranty Deed or a Quit Claim Deed, which is filed with the Register of Deeds Office of the County in which the Property is located.

- 3) Two (2) sites had restrictions based upon long-term agreements that, in a strict sense, are neither Restrictive Covenants nor Deed Restrictions. In one case, the restrictions were covered under a long-term care agreement referred to as a Post Removal Site Control Plan. Although this instrument was not filed with the Register of Deeds as such, the ICs are binding through an EPA Administrative Order on Consent (AOC). In the other case, the restrictions are stated in a Long-term Lease Agreement, which was filed with the County Register of Deeds.⁷ The lessee in turn contracted with a third party in a Lease Assignment that was also filed with the Register of Deeds. The Assignee is obligated to follow all requirements in the leasehold estate.
- 4) For three (3) of the 41 sites, an EUC Agreement has been filed or is being issued.

In one case, the EUCA was finalized and filed with the Register of Deeds in March 2004.⁸ The evaluation and inspection of this site was discussed in this report because the timing of the Agreement was close to the enacted EUC legislation, and the initial inspection under the EUCA was performed in conjunction with this evaluation for efficiency reasons.

In another case, the EUCA is currently being prepared by KDHE, although discussions regarding ICs for this site have spanned the past several years.⁹

In the final case, an EUCA is anticipated. Although Institutional Controls were previously called for in a Corrective Action Decision (CAD) document, there have been delays in property transfers that would place all the contaminated property under the control of a City government. The planned instrument has changed from a Restrictive Covenant to the new EUCA over the period of negotiations of property transfers. It is anticipated that an EUCA will be developed for this site during 2005.¹⁰

Ten sites had documents filed with the Register of Deeds that complemented the IC instrument. These filings included No Further Action (NFA) Determinations and Summaries, a Corrective Action Decision (CAD) document, and a Cover Maintenance Plan.

Compliance Issues

As described above, of the 41 sites evaluated, 37 had fully established institutional controls. For the four cases where the institutional controls have not yet been recorded with the Register of Deeds, there were no problems observed in compliance with the intended controls. Of the other 37 sites, it was found that 27 were fully compliant with all terms of the ICs, and ten (10) were largely compliant although there were some minor problems observed. **None of the 37 sites with recorded ICs were found to have significant compliance issues.**

The ten sites where minor compliance problems were observed are characterized as follows:

- Two (2) sites had minor erosion problems.
- Two (2) sites had minor surface impacts due to burrowing animals.

⁷ The Lease Agreement established a "leasehold estate" which was for a term of 99 years in this instance.

⁸ PNR-Ulysses Gas Plant Flare Pit site.

⁹ Colgate-Palmolive Fuel Oil Area site.

¹⁰ Willie Street Battery Disposal site.

- One (1) site was used for raising animals, which potentially represents prohibited agricultural use.¹¹
- Two (2) sites had minor security problems (breach in fencing, partial obstruction of required signage, etc.)
- Two (2) sites had experienced minor excavating without appropriate notification to KDHE.
- One (1) site had had wells used for remediation or monitoring which had not been abandoned and plugged as required.

Planned Follow-up

KDHE plans to follow up inspection findings by sending letters to the owners of each site that was evaluated. The letters will include a summary of the restrictions, a summary of the findings of the evaluation, along with descriptions of any problems identified, and in the case of compliance problems, a clearly defined request for voluntarily resolving the problems. In some cases, “house-keeping” issues may be raised. These include minor issues not covered under the restrictions such as household refuse/litter, small spills of fertilizer or other chemicals, etc., which were observed at several of the sites.

Owners of the four sites where ICs were required but have not been recorded will be contacted by KDHE to ensure the ICs are recorded as soon as possible. Where feasible, the required ICs will be applied to the properties through EUC Agreements rather than Deed Restrictions or Restrictive Covenants.

In most cases, the IC instruments were properly filed with the County Register of Deeds offices. In more than half the cases, final copies indicating proper filing of the IC instrument had not been previously submitted to KDHE’s Bureau of Environmental Remediation; however, appropriately annotated copies were generally readily obtained by visiting or otherwise contacting the County offices. As a result of this evaluation, the Bureau’s records have been updated to better document the exact legal status of the Institutional Controls. In several cases, the public record has also been or will be updated with the fully executed institutional controls instrument.

Some lessons were learned that will be useful in fully implementing the new EUC Program in Kansas:

- Although industrial, commercial, and governmental landowners are generally aware of the restrictions, residential or small business landowners are not always fully aware of the restrictions in place on their property. In a number of cases, such owners stated they thought all the contamination was resolved on their property and seemed surprised there were still restrictions.
- Landowners are sometimes interested in what actions would be necessary to remove the restrictions. There are also occasional questions as to where excavation or digging could be allowed, i.e., the exact boundaries of the restricted region.

¹¹It is unlikely the specific area of concern was ever actively used for industrial purposes, or was ever contaminated, thus this case is regarded as an administrative matter more than a perceived risk. The site may represent a violation of County zoning requirements besides the Restrictive Covenant with KDHE.

A recommendation arising from this evaluation is to improve education of landowners having institutional controls, so they will be fully aware of the restrictions, as well as be fully informed as to whom to contact with questions or to discuss maintenance issues. Measures should be taken to also inform any tenants of the requirements and restrictions.

General education may be needed to explain how the public record is available to assist owners, developers, purchasers, and other parties to become fully informed of past contamination and institutional controls on properties. This goal will become incorporated, as feasible, within KDHE's new Environmental Use Controls Program. A new EUC Tracking System will provide a web-based public information source to assist cities, counties, and the public in knowing where institutional controls are in place.

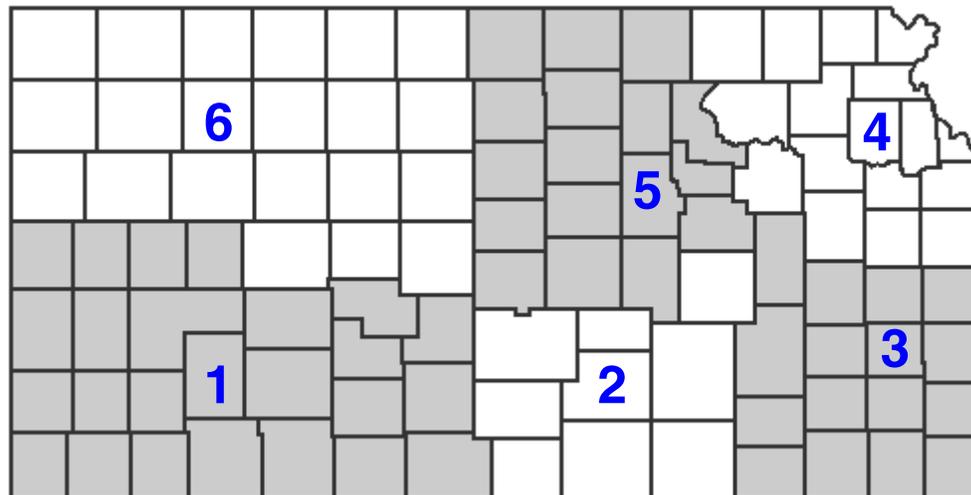
Site-Specific Results

As discussed in the previous section, 41 sites with institutional control requirements were identified for more detailed review. Brief site-specific summaries for each of these sites are given in this section. The sites are organized first by district within the Agency, then by counties under each district. The map below shows the regions covered under the six districts. In the table immediately following, the individual sites are listed in the order presented in the remainder of this section.

Additional review involving sites with deed notice requirements is ongoing and is not discussed within this report. Deed notices involve sites where remedial objectives have been met. Sites with institutional controls consisting only of local ordinances or land use requirements are addressed where appropriate (e.g., under Sedgwick County and Riley County); however, this report is not intended as an exhaustive listing of such sites.

Appendix A presents the Environmental Use Control Inspection Form used for inspections of these sites. Completed Inspection Forms will be included with the project files maintained by KDHE.

DISTRICTS



List of Sites Evaluated

District 1—Southwest Kansas

Edwards (ED) County

Kinsley Airport

Ford (FO) County

Astra Gas Plant (Westar)

Grant (GT) County

PNR – Ulysses Gas Plant Flare Pit

Seward (SW) County

Liberal Iron & Metals

Panhandle Eastern – Liberal Compressor Station

Wichita (WH) County

Jaeger Implement Co.

District 2—South-central Kansas

Butler (BU) County

Pester Burn Pond Site

Cowley (CL) County

Arkansas City Dump Site

Harvey (HV) County

FMGP – Newton

Reno (RN) County

Obee Road, Landfill Subsite

Panhandle Eastern Haven Compressor Station

Sedgwick (SG) County

John's Sludge Pond

Sumner (SU) County

Lange Company

District 3—Southeast Kansas

Cherokee (CK) County

Jayhawk (Chevron, Allco, Koch)

Crawford (CR) County

Pittsburg Site #A5G001

Labette (LB) County

FMGP – Parsons

Independence AAF #3

Montgomery (MG) County

American Zinc, Lead and Smelting Co.

National Zinc Company (Cherryvale)

SARCO (Standard Asphalt & Rubber Co.)

Sinclair—Coffeyville

Neosho (NO) County

EOTT Energy Operating Limited Partnership

Western PetroChemical (Neosho #2)

Wilson (WL) County

Neodesha Refinery (Former AMOCO Refinery)

List of Sites Evaluated (Cont'd)

District 4—Northeast Kansas

Brown (BR) County

City of Hiawatha

Douglas (DG) County

Kansas Public Service (Former Lawrence Manufactured Gas)

Johnson (JO) County

Arbors of Olathe

Lakeside Hills Golf Course

Willie Street Battery Disposal

Leavenworth (LV) County

Hallmark Cards – Leavenworth

Leavenworth Coal Gas Plant (Former)

Leavenworth Light and Heating (Electrical Plant)

Shawnee (SN) County

Midwest Machine Works

Josten's

Wyandotte (WY) County

Colgate-Palmolive Fuel Oil Area

Container Recycling

Sealright Company

District 5—North-central Kansas

Clay (CY) County

Hutchinson Mayrath

Ellsworth (EW) County

Kinder Morgan Bushton – OB-19 Area

Saline (SA) County

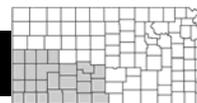
Tommy's Radiator

District 6—Northwest Kansas

Thomas (TH) County

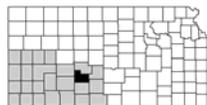
High Plains Chemical Company (Schmitt Brothers)

District 1—Southwest Kansas



District 1 consists of 25 counties in the southwest part of the State. Six sites, located in five counties, were evaluated in this review.

Edwards (ED) County



County Seat: *Kinsley*

Kinsley Airport

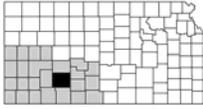
The Kinsley Airport site (KDHE Project No. C1-024-00506), located in Section 3, Township 25 South, Range 19 West, was formerly used for storing and mixing pesticides for aerial spraying. The site was contaminated due to improper handling of pesticides. The remedy consisted of excavation and off-site disposal of much of the contaminated soil, placement of an asphalt cap over remaining contamination, and institutional controls. The removal action was completed in 1998. Institutional controls involved restrictions on domestic groundwater use and requirements for excavation notification and site maintenance, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 130, Page 255. The property owner is the City of Kinsley.

This site was inspected on November 15, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows in the background the building formerly used to store and mix pesticides. The foreground includes the area where much of the spill had occurred, and which is covered by the asphalt cap. The right-hand photograph shows one of the three active monitoring wells maintained by the City of Kinsley, and in the background, where the spill had occurred (upper middle) and a runway (upper right).



Ford (FO) County



County Seat: Dodge City

Astra Gas Plant (Westar)

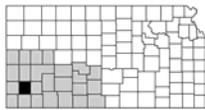
The Astra Gas Plant site (KDHE Project No. C1-029-70187), located in Section 13, Township 29 South, Range 25 West, was formerly used for processing (refining) natural gas. The site was contaminated with hydrocarbons from refined petroleum and refining waste due to a wastewater lagoon and a leaking underground tank. Contaminated soil was excavated and land farmed with fertilizer to enhance bioremediation in 2001. Institutional controls prohibited domestic groundwater use and unauthorized excavation, and required site maintenance, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 100, Pages 644-645. The property owner is ONEOK.

This site was inspected on November 16, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows the remediated area in the foreground and equipment from the former processing plant in the background. The right-hand photograph shows the area of the former underground tank; a standpipe is visible in the upper left-hand corner.



Grant (GT) County



County Seat: Ulysses

PNR – Ulysses Gas Plant Flare Pit

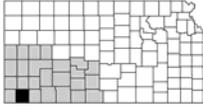
The PNR – Ulysses Gas Plant Flare Pit site (KDHE Project No. C1-088-70094), located in Section 24, Township 33 South, Range 32 West, was formerly used for open burning of excess natural gas at a natural gas processing facility which is still operational. Soil at the site was contaminated with petroleum hydrocarbons due to incomplete combustion. Much of the contaminated soil was excavated and disposed off site in 2003. Clean backfill was domed to facilitate runoff. Institutional controls prohibited residential land use or unauthorized excavation and restricted domestic wells or groundwater usage, as set forth in an Environmental Use Controls Agreement (No. 03-EUC-0002). The EUCA also required maintenance of the backfilled excavation. This instrument, representing the first completed EUC Agreement in Kansas, was recorded in the County Register of Deeds Office in Book 52, Pages 571-577. The property owner is Pioneer Natural Resources USA, Inc.

This site was inspected on November 17, 2004, in conjunction with this EUC Program evaluation of existing institutional controls, although the inspection was performed as the initial inspection under the EUCA. The site was found to be in full compliance with the institutional controls, e.g., with the terms of the EUCA.

The left-hand photograph below shows much of the restricted area. The mound visible in the upper left-hand corner consists of recently removed roadbed material that has been temporarily stored in the area of the former flare pit. This use is allowable under the EUCA. The right-hand photograph shows from another direction the restricted area (middle portion of photograph) along with the piled roadbed material; the active processing plant is in the background.



Seward (SW) County



County Seat: Liberal

Liberal Iron & Metals

The Liberal Iron & Metals site (KDHE Project No. C1-088-70145), located in Section 5, Township 35 South, Range 33 West, was formerly used for scrap iron works and metal fabrication from spent and recycled metal products and pipe. The site was contaminated with lead due to improper handling of lead-containing scrap metal including battery casings. The remedy consisted of stabilization of lead contaminated soil with hydrated lime and Portland cement, subsequent encapsulation on site in a layered disposal cell, and institutional controls. The treatment and re-burial actions were completed in 2000. Institutional controls prohibited residential use and drilling wells for domestic or agricultural consumption, and required proper maintenance of the waste containment system, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 499, Pages 882-883. The property owner is the City of Liberal.

This site was inspected on November 16, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included some erosion from runoff on the north face of the landfill, which was discussed with the property owner at the time of the inspection. Follow-up will involve a written request by KDHE that the owner repair erosion damage and re-vegetate any barren areas on the surface of the landfill.

The left-hand photograph below shows the waste containment system in the background (opposite the small lake). Buildings used for storage on the property are also visible. The right-hand photograph shows most of the erosion damage, caused by unusually heavy rainfalls during 2004.



Panhandle Eastern – Liberal Compressor Station

The Panhandle Eastern – Liberal Compressor Station site (KDHE Project No. C1-088-70094), located in Section 24, Township 33 South, Range 32 West, is an active natural gas compressor facility. The site was contaminated with PCBs and petroleum hydrocarbons associated with a pond impoundment as well as benzene due to a leaking condensate drain tank.

Contaminated soil and the tank were removed in 1998, with a semi-permeable soil cover installed.

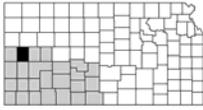
From related investigations in 2000, a groundwater plume of BTEX was discovered, and a monitored natural attenuation (MNA) program was instigated as a further remedy pursuant to the Corrective Action Decision (CAD) completed in 2001. Institutional controls prohibited residential land use and drilling *any* wells in the restricted area and buffer zone, required pre-notification for excavation, and required maintenance of monitoring systems, as set forth in a Restrictive Covenant and the related CAD document. These instruments were recorded in the County Register of Deeds Office in Book 526, Pages 551-568. The property owner is Panhandle Eastern Pipeline Company, whereas the environmental liabilities as the site are owned by TRC Companies, Inc.

This site was inspected on November 16, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows one of the monitoring wells, with part of the restricted area in the background (both sides of fence). The right-hand photograph shows mounded soil where the former underground condensate tank was removed.



Wichita (WH) County



County Seat: Leoti

Jaeger Implement Co.

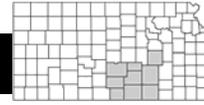
The Jaeger Implement Co. site (KDHE Project No. C1-102-70984), located in Section 18, Township 18 South, Range 36 West, is an active farm implement dealership. Soil at the site was contaminated with petroleum hydrocarbons due to direct discharge of oil and grease from a repair shop at the dealership. On-site burial of the contaminated soil in vertical pits ("Texas Post Holes") with concrete capping was completed in 2001. Institutional controls required protecting and preserving the final cover (caps) and containment system and required notification prior to any excavation, as set forth in Deed Restrictions attached to a No Further Action (NFA) Determination issued by KDHE on February 19, 2002. The NFA/Deed Restrictions instrument was recorded in the County Register of Deeds Office on March 20, 2002 in Book CC, Pages 513-520. The Deed Restrictions were referenced by Jaeger Implement Company, Inc. in the subsequent General Warranty Deed, recorded on July 2, 2002 in Book 54, Pages 804-805, which deeded the property to the new owners, Jeffrey H. Bieber and Martha A. Bieber, husband and wife.

This site was inspected on November 17, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows a repaired concrete parking lot forming an asphalt cap over Texas Post Hole #2. The center of the Post Hole is visible under the cab of the truck. A monitoring well is visible in the foreground. The right-hand photograph shows the concrete cap over Post Hole #1. The Deed Restrictions apply to 75 foot diameter circles centered over these Post Holes. Longitude and latitude coordinates of the Post Holes were confirmed via use of a geographic positioning system (GPS) hand-held unit, as part of the inspection.

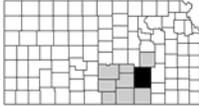


District 2—South-central Kansas



District 2 consists of nine counties in the south-central part of the State. Eight sites, located in six counties, were evaluated in this review.

Butler (BU) County



County Seat: *El Dorado*

Pester Burn Pond Site

The Pester Burn Pond Site (KDHE Project No. C2-008-00058), located in Section 26, Township 25 South, Range 5 East, was formerly used for open burning of petroleum wastes. The site was contaminated with crude oil and refined petroleum products as well as various organics and heavy metals due to the nature of the historical burn pond processes. Cleanup consisted of sludge removal, in-situ soil flushing, and in-situ bioremediation. The bioremediation was discontinued in 2001 due to only partial success, and an alternative treatment system is currently under review. Institutional controls prohibited residential land use, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 699 Page 165 (2 pages). The property owner is Total Petrochemicals USA, Inc. On October 17, 2000, ATOFINA supplied a statement of financial security for remediation activities, per requirements of the applicable Consent Order.

This site was last visited on July 20, 2004 by the KDHE/BER Project Manager. The site was in compliance with the institutional controls.

The left-hand photograph below shows the pond with the refinery tank farm in the background. The right-hand photograph shows an overview of the refinery.



Cowley (CL) County

County Seat: Winfield

Arkansas City Dump Site

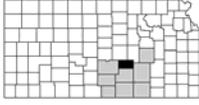
The Arkansas City Dump site (KDHE Project No. C2-018-00009), located in Section 36, 34 South, Range 3 East, was formerly used for petroleum refining and some open dumping of domestic waste. The site was contaminated with refined petroleum and various organic and inorganic contaminants due to operation of acidic sludge ponds and later dumping activities. In 1992 acidic sludge was excavated, neutralized, reburied and capped. Institutional controls prohibited agricultural land use and domestic groundwater use, as well as construction of buildings and operation of heavy vehicles over the capped area. The ICs also required that the protective structure and signage be maintained, as set forth in three Restrictive Covenants for adjoining properties with separate owners. These instruments were recorded in the County Register of Deeds Office in Book 510 Pages 367-382. The property owners include the City of Arkansas City; Arkansas City Industries, Inc.; and Robert A. White and the Estate of Larry B. White.

This site was inspected on December 6, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included disruption of vegetative cover in a few small areas due at least in part to animal activity, and slight obstruction of one sign due to evergreen shrub growth. As follow-up, KDHE will request trimming as needed to maintain visibility of the “no dumping/no digging” signs, as well as revegetation of any barren areas.

The left-hand photograph below shows one of several signs prohibiting dumping or digging on the site. The right-hand photograph shows a small area of disrupted vegetation due to burrowing animals (not representative of overall site, for which the vegetative cover was largely in excellent condition).



Harvey (HV) County



County Seat: Newton

FMGP – Newton

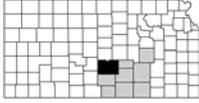
The FMGP – Newton site (KDHE Project No. C2-096-71219), located in Section 34, Township 30 South, Range 3 West, was formerly used for manufacturing gas from coal. The site was contaminated with polynuclear aromatic hydrocarbons (PAH) and other hydrocarbon contaminants due to generation of coal tar waste. Pursuant to the final CAD approved on May 17, 2001, contaminated soil was removed and disposed off-site, and the site was capped with soil and gravel backfill. Long-term groundwater monitoring is still ongoing. Institutional controls prohibited residential land use and construction of domestic water wells, and required written approval prior to excavation, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 372 Pages 633-634. The property owner is ONEOK (formerly Westar Energy).

This site was visited by the Project Manager within the past year, and was also visited on October 15, 2004 as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below, looking to the west, is an overview of the property. The right-hand photograph, looking to the north, shows the restricted area where coal tar waste was excavated.



Reno (RN) County



County Seat: Hutchinson

Obee Road, Landfill Subsite

The Obee Road, Landfill Subsite (KDHE Project No. C2-078-00056), located in Section 10, Township 23 South, Range 5 West, was formerly used as a municipal landfill from 1953 to 1968. The site was contaminated with vinyl chloride and other volatile organics (groundwater) and PCBs (soil) as part of the past landfill operations. The remedy, consisting of long term groundwater monitoring with ICs, is ongoing since 1997. Institutional controls prohibited construction, groundwater consumption, trenching, excavation, or property rezoning; and required that the integrity of the landfill cover be maintained, as set forth in Deed Restrictions. This instrument was recorded in the County Register of Deeds Office in Book 527 Page 29 (2 pages). The property owner is the City of Hutchinson.

This site was inspected on July 27 2004, by the KDHE/BER Project Manager. The site was found to be in compliance with the institutional controls.

The photographs below show the current condition of this site. The cover is heavily vegetated, including mixed grasses, broadleaves, trees and shrubs. Scattered piles of metal debris are also found on the surface.



Panhandle Eastern Haven Compressor Station

The Panhandle Eastern Haven Compressor Station site (KDHE Project No. C2-078-70073), located in Section 6, Township 25 South, Range 5 West, is an active natural gas compressor facility. The site was contaminated with hydrocarbons and PCBs due to use of surface impoundments. An interim remedial measure was performed in 1998 and consisted of removal of the PCB contaminated soil, in-situ treatment of hydrocarbon-contaminated surface soil, and installation of a semi-permeable soil cover over the former impoundments.

The Corrective Action Decision, finalized in 2000, addressed TPH contamination in ground water through monitored natural attenuation (MNA) and required two years of ground water monitoring and institutional controls.

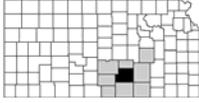
Institutional controls prohibited residential land use and drilling of any water wells or excavation, and were set forth in a Restrictive Covenant. This instrument and the CAD document were recorded in the County Register of Deeds Office in Book 362 Page 1 (16 pages). The property owner is Panhandle Eastern Pipeline Company.

This site was inspected on October 15, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below, looking north, shows the area where the hydrocarbon-contaminated soil was treated and land applied. The owner has installed signs warning of digging. The right-hand photograph, looking north, shows the area addressed specifically by the Restrictive Covenant.



Sedgwick (SG) County



County Seat: Wichita

John's Sludge Pond

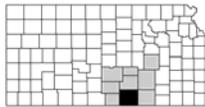
The John's Sludge Pond site (KDHE Project No. C2-087-00047), located in Section 3, Township 27 South, Range 1 East, was formerly used for disposal of waste oil and oily sludge from a nearby refinery. The site was contaminated with crude oil, heavy metals, and PCBs, due to the historical disposal practices. The cleanup action, consisting of neutralization of acidic sludge with on-site burial and capping, was completed in 1986. Institutional controls prohibited removal of stored waste material, construction of buildings, changes in drainage patterns, and removal or disturbance of monitoring wells. The ICs also prohibited use of the land for food chain crops, removal of fencing or restrictive signs, and any changes to vegetation type grown on the soil cover, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Film 0869, Pages 0936-37. The property owner is the City of Wichita.

This site was inspected on October 15, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows the east end of the cap, looking west, showing a "No Trespassing" sign in place. The right-hand photograph shows the monitoring well to the west of the cap, looking east.



Sumner (SU) County



County Seat: Wellington

Lange Company

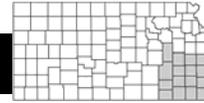
The Lange Company site (KDHE Project No. C2-096-71219), located in Section 34, Township 30 South, Range 3 West, was formerly used for storing liquid fertilizer. Soil at the site was contaminated with nitrates when about 1,000 gallons of product leaked due to a tank rupture. In 2002, contaminated soil was removed and disposed offsite and residual contaminated soil was land farmed on site. Institutional controls involved restrictions on well construction/design to preclude communication of upper impacted soils with deeper water producing formations. The ICs also required notification to KDHE prior to excavation or removal of the outer structure or concrete base where the fertilizer tank had been housed, as set forth in a so-called “Deed Restriction”, which along with the No Further Action Determination documents, was recorded in the County Register of Deeds Office in Book 614, Pages 123-131. (Note that this IC instrument was functionally similar to a restrictive covenant and was “attached to” the deed rather than being incorporated within the deed.) The property changed hands on September 3, 2004, and the new owner is the Farmers Cooperative Grain Association, of Conway Springs, Kansas, as recorded in a Statutory Warranty Deed in Book 665, Page 359.

This site was inspected on December 6, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls. The new owner reportedly was properly informed of the Deed Restriction prior to purchasing the property.

The left-hand photograph below shows an overview of the site, looking north. The “Blick’s Tank” is a bin designed to store solid, granular material. Within this structure was formerly a tank used to store liquid fertilizer on a lease agreement. It is the inner tank that had the leak. The right-hand photograph shows a locked gate to the outer structure. The remediation occurred in the area to the right and behind this structure. The outer structure is currently used to store farm implements.

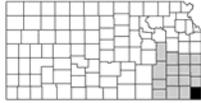


District 3—Southeast Kansas



District 4 consists of 16 counties in the southeast part of the State. Ten sites, located in six counties, were evaluated in this review.

Cherokee (CK) County



County Seat: Columbus

■ Jayhawk (Chevron, Allco, Koch)

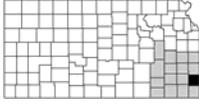
The Jayhawk site (KDHE Project No. C3-011-03009), located in Section 33, Township 33 South, Range 25 East, was formerly used for a wide range of manufacturing operations for the U.S. government, including ammonia, nitric acid, explosives, pesticides, and speciality chemicals. The site was contaminated with 1,2-dichloroethane as well as other solvents, PCBs, nitrates, and heavy metals. The remedy included removal of contaminated soil with off-site disposal, capping, and on-site burial. Institutional controls involved restrictions on ground water consumption from the surface down to (but not including) the Roubidoux Formation, as set forth in a Declaration of Restrictive Covenants Regarding Groundwater. This instrument was recorded in the County Register of Deeds Office in Book 84 in multiple filings (due to multiple owners): Pages 472-485, 486-499, 653-666, and 724-737. The property owners include Chevron Texaco as well as Jayhawk Fine Chemicals Corp., Koch Chemical Company, and Universal Tech Corporation. A Supplemental Declaration of Restrictive Covenants was recently recorded on October 8, 2004, in Book 102, Pages 1-15, to correct prior omission of certain properties within the affected area.

Due to access issues, this site was not inspected as part of this EUC Program evaluation. KDHE is in communication with the Responsible Party and is planning an approach to check that the terms of the Restrictive Covenants have been and continue to be met.

The left-hand photograph, taken in 1990, shows part of the manufacturing complex (“Jayhawk Plant”). The view is toward the north, looking toward a nitric acid reactor, with a tank farm visible to the left of the building. A monitoring well is visible in the foreground. The right-hand photograph is a recent view of a different portion of the site.



Crawford (CR) County



County Seat: Girard

Pittsburg Site #A5G001

The Pittsburg Site #A5G001 (KDHE Project No. C3-019-71670), located in Section 29, Township 30 South, Range 25 East, is part of a larger site formerly used for zinc smelting. The site was contaminated with lead due to the stockpiling and handling of smelter waste. The site was capped with asphalt in 2003 as part of the remedy. Institutional controls prohibited drilling domestic water wells and residential land use, and required notification requirements for excavation, as set forth in a Restrictive Covenant (signed May 15, 2003). Requirements for cap maintenance are found in the approved Voluntary Cleanup Proposal dated January 15, 2003. A No Further Action determination letter, contingent upon filing the Restrictive Covenant and NFA documents in the County Register of Deeds Office, was issued by KDHE on December 12, 2003.

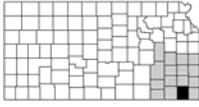
The property owner is the South Kansas & Oklahoma Railroad, Inc. The property is leased to Gorilla Towers, LLC and subleased to VoiceStream Kansas City, Inc. VoiceStream has further subleased a portion of the site to Southwestern Bell Wireless. Lease agreements to Gorilla Towers and to Southwestern Bell Wireless were recorded with the Register of Deeds; however, the Restrictive Covenant and NFA documents have not yet been filed.

This site was inspected on December 30, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls. KDHE will send a letter, as needed, requiring that the IC documents be recorded by a specific date. Follow-up will also include checking that the institutional controls have been appropriately conveyed to all lessees of the site.

The left-hand photograph below shows the overall site, looking northwest. The cell tower compound is 100 ft by 100 ft and is fenced. The right-hand photograph is a closer view of the asphalt cap in the vicinity of the tower structure, looking north.



Labette (LB) County



County Seat: Oswego

FMGP – Parsons

The FMGP - Parsons site (KDHE Project No. C3-050-70040), located in Section 19, Township 31 South, Range 20 East, was formerly used for manufacturing gas from coal. The site was contaminated with PAHs and other semivolatile organics, heavy metals and other inorganic contaminants, and petroleum hydrocarbons, due to the gas manufacturing operations and fuel storage.

Contaminated soil and source material were removed and disposed offsite, and a clean soil cap was placed in 1998. Because it was not feasible to completely excavate all contaminated material (as anticipated in the Corrective Action Decision in December 1997), institutional controls were later determined to be necessary, and were set forth in a draft Restrictive Covenant, as approved by KDHE on September 8, 2000. The Restrictive Covenant prohibited residential land use and drilling of domestic water wells, and required maintenance of the final cover and containment system (“cap”), as well as advance notification of any excavation within the affected area.

This site was inspected on November 4, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the anticipated institutional controls; however, as part of this EUC Program evaluation, it was determined that the IC instrument had not yet been recorded, and the property owner, ONEOK, was promptly notified. The owner subsequently executed the Restrictive Covenant, signing/notarizing it on December 20, 2004, and the two-page instrument was recorded with the County Register of Deeds on January 13, 2005, in Book 99 Misc., Page 144.

The left-hand photograph below shows where an underground fuel oil tank was excavated (near brick building on left). The right-hand photograph shows where the tar holder was excavated (near corner of building where gas meter now stands).



Independence AAF #3

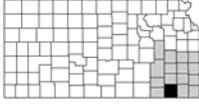
The Independence AAF #3 site (KDHE Project No. C3-050-70914), located in Section 32, Township 33 South, Range 19 East, was part of a property formerly used as a military auxiliary airfield. This 20-acre portion was used as a landfill by the City of Edna beginning in 1981 or 1982; it is no longer in active use by the City. The site was potentially contaminated with solvents or other contaminants due to the past military airfield operations, as well as later commercial use by crop dusters and general aviators. There has been no formal remedy proposed. Institutional controls involved requirements to (a) use the property for "health purposes" (sanitary landfill) for 30 years beginning January 31, 1983, and (b) maintain the waste containment and monitoring systems, as set forth in a Deed Restriction and a subsequent Restrictive Covenant. These instruments were recorded in the County Register of Deeds Office in Book 259, Page 409, and Book 80 Misc., Page 53, respectively. The property owner is the City of Edna.

This site was inspected on November 3, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included erosion of the surface due to burrowing animals. Follow-up will involve surface repair and revegetation where burrowing has occurred.

The left-hand photograph below shows a small amount of standing water observed in furrows on the landfill cap surface. This did not appear to present any immediate impairment of the cap, but should be monitored for any further deterioration. The right-hand photograph shows evidence of burrowing animals; several sizes of burrow holes, apparently from different types of animals, were observed in limited areas of the landfill surface.



Montgomery (MG) County



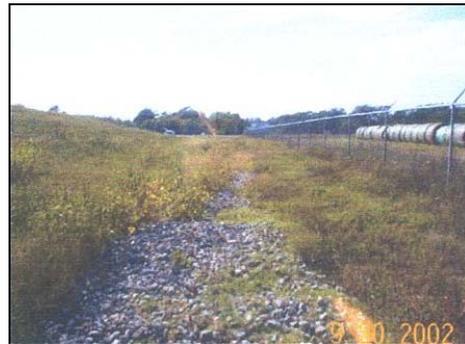
County Seat: Independence

American Zinc, Lead and Smelting Co.

The American Zinc, Lead and Smelting Co. site (KDHE Project No. C3-063-00190), located in Section 7, Township 35 South, Range 14 East, was formerly used for mineral smelting operations. The site was contaminated with heavy metals, including lead, zinc, and cadmium, due to presence of tailings and other waste materials. The most contaminated material was excavated and disposed offsite in a Subtitle C landfill. Less contaminated materials excavated from nonresidential properties were consolidated in an onsite repository with capping. Finally, residential portions of the site were capped with clean soil and vegetation. These remedial actions were completed in 2000. Groundwater monitoring is ongoing. Institutional controls required maintenance of the integrity of the caps and security fencing, and quarterly inspections, as set forth in a Post Removal Site Control Plan. The Plan was presented as Appendix A to the Summary Report for the Removal Action report, as approved by KDHE on August 14, 2000. The property owner is Blue Tee Corporation.

This site is overseen by the U.S. EPA and was not inspected as part of this EUC Program evaluation because quarterly inspections area conducted by a subcontractor of the Responsible Party. Previous quarterly reports and phone discussions with the RP's contractor indicate the site is primarily in compliance with the institutional controls; however, compliance issues have included breaching of the security fencing from vandalism and non-timely submittal of recent inspection reports. The EPA project manager is responsible, overall, for any follow-up actions.

The left-hand photograph, taken in 1999, shows the excavation of contaminated material. A horizontal band of smelter waste material is visible in the center of the photograph. The right-hand photograph, taken in 2002, shows the completed repository mounding to the left and the security fence to the right. The photograph is of the toe drain on the north side of the repository (from Quarterly Report by Midwest Environmental Services, dated October 9, 2002).



National Zinc Company (Cherryvale)

The National Zinc Company (Cherryvale) site (KDHE Project No. C3-063-00026), located in Section 8, Township 32 South, Range 17 East, was formerly used for a major zinc smelting operation. The site was contaminated with various heavy metals, including lead, cadmium, and arsenic, due to lagoons that contained runoff from slag and other processing waste. In 1979, sludge from the former lagoon, ore, and contaminated soil were encapsulated on site, with the most heavily contaminated soil placed in a one acre EPA Repository Area. In 1995, KDHE determined that the encapsulation had failed and additional remediation was necessary. Further removal actions were performed in 2002 for residential and public use property. Additional consolidation and capping of remaining soil contamination is anticipated. Institutional controls stemming from the earlier remediation actions involved restrictions on excavating or changing drainage, construction of buildings, agricultural use, and fencing, as set forth in a Restrictive Covenant notarized on October 26, 1983. This instrument was recorded in the County Register of Deeds Office in Book 61 Misc., Page 218. The City of Cherryvale is the property owner for the majority of the site.

This site was visited on September 28 and October 27, 2004, by the Project Manager. The site was found to be largely in compliance with the existing institutional controls.

The left-hand photograph, taken in 2002, below shows the area of the encapsulated lagoon. The right-hand photograph, taken in 2003, shows where the one-acre repository is located.



SARCO (Standard Asphalt & Rubber Co.)

The SARCO site (KDHE Project No. C3-063-00040), located in Section 6, Township 33 South, Range 16 East, was formerly used for petroleum refining and tar production. The site was contaminated with tar due to improper past disposal of waste sludge from the refining operations. The remedy consisted of removal of contaminated materials from the former industrial site and nearby residential areas, treatment to reduce mobility, encapsulation, and institutional controls. These actions were completed in 2002. The ICs prohibited residential land use and domestic wells, and required notification and approval from KDHE prior to excavating within the capped area, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 501, Page 495 (3 pages). The property owner is Cromwell Contracting.

This site was inspected on October 21, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues involved lack of notification for recent shallow trenching in order to lay a water pipe from a pond to a pump house. KDHE will send a letter documenting the findings for the inspection and providing written reminders to the property owner as to the terms of the Restrictive Covenant.

The left-hand photograph below shows the corner of the disposal site, looking northwest. The disposal cells for the treated sludge are in the grassy area between the fence and the far tree line. The right-hand photograph shows where a shallow trench was dug and a water pipe installed. A pump house under construction just outside the fenced area is visible in the background.



Sinclair—Coffeyville

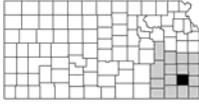
The Sinclair—Coffeyville site (KDHE Project No. C3-063-00031), located in Section 35, Township 34 South, Range 16 East, was formerly used for petroleum refining, brick manufacturing, and scrap metal handling. The site was contaminated with various volatile and semivolatile organics due to the presence of a lagoon. The remedy, consisting of waste stabilization with a soil cap and institutional controls, was completed in 2001. The institutional controls were set forth in two lot-specific Restrictive Covenants, and involved: prohibitions on residential, commercial, industrial, mining, and most agricultural uses of the property; prohibitions on construction and installation of wells of any type; restrictions on irrigation and pond construction; notification requirements and restrictions for excavation or construction; and requirements for maintenance of the protective structure. These instruments were recorded in the County Register of Deeds Office in Book 510, Page 457 (26 pages). The property owner is Muller Construction, Inc. On September 5, 2001, the Responsible Party, ARCO Environmental Remediation L.L.C., supplied a statement of financial security for remediation activities, per requirements of the Corrective Action Decision document for the site.

This site was inspected on September 9, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below, taken during an earlier inspection in 2002, shows the west edge of “Area #1”, looking west over Bayou Creek. The hay bails in the background indicate where rip-rap was placed for erosion control. The right-hand photograph from the same visit was taken standing south of “Area #2” and looking back east at the fill area.



Neosho (NO) County



County Seat: Erie

EOTT Energy Operating Limited Partnership

The EOTT Energy Operating Limited Partnership site (KDHE Project No. C3-067-70994), located in Section 17, Township 27 South, Range 18 East, was formerly part of the MARCO Refinery. The site was contaminated with refined petroleum products (e.g., tar) and other contaminants from a sludge pit just east of the EOTT site's property line. In 1999 an initially investigated area was remediated via excavation with offsite disposal. For a subsequently investigated "Northern area," institutional controls were deemed necessary because residual contamination, following excavation, by diesel range organics (DRO) exceeded the residential standard for soil to groundwater pathway.

The remedy in the latter case consisted of excavation and offsite disposal of off-spec asphalt, backfilling with soil, placement of a gravel cap, and institutional controls. This second remedy was completed in 2000. The institutional controls prohibited drilling of domestic water wells, required notification prior to residential land use, and required maintenance of the cap and final cover integrity, as set forth in a Restrictive Covenant. This instrument and an associated No Further Action Determination were recorded in the County Register of Deeds Office in Book 143-M, Pages 179-187. The property owner is Plains Marketing, formerly the EOTT Energy Operating Limited Partnership (an Enron company). The site is currently leased by a trucking company.

This site was inspected on November 4, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included some deterioration of the gravel cover in a few areas. In follow-up, KDHE will request that additional gravel be spread in areas where the cover is thin or absent.

The left-hand photograph below, looking south along the east side of the property, shows deterioration of the gravel cover. The right-hand photograph shows current use (parking area for trucks) with a cement manufacturing facility north of this property shown in the background. Trucks using this facility are used to transport Portland cement product.



Western PetroChemical (Neosho #2)

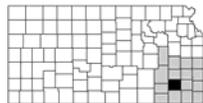
The Western PetroChemical (Neosho #2) site (KDHE Project No. C3-067-00028), located in Section 5, Township 28 South, Range 18 East, was formerly used for disposal of acid sludge from the nearby Western PetroChemical refinery in burial pits. The site was contaminated with heavy metals and semivolatile organics. The remedy, consisting of neutralization with cement kiln dust and soil capping, was completed about 1983; however, repairs to the capped areas and to the drainage system later became necessary and were completed in 1998. Institutional controls were required in conjunction with the later repairs and included prohibition of residential land use, restrictions on excavation or other disturbance, and requirements for maintaining any monitoring stations, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 128M, Pages 233-236. The property owner is the City of Chanute.

This site was inspected on November 4, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows a surface drainage feature, with the City power plant in the background; excellent vegetative growth can be seen. The right-hand photograph shows the inlet channel to the south drainage pond, previously repaired with grouted riprap.



Wilson (WL) County



County Seat: Fredonia

Neodesha Refinery (Former AMOCO Refinery)

The Neodesha Refinery site (KDHE Project No. C3-103-00027), located in Section 18, Township 30 South, Range 16 East, was formerly used for petroleum refining. The site was contaminated with petroleum hydrocarbons, BTEX, and heavy metals from the refining operations. A variety of remedies have been applied, with some currently ongoing; they include removal of contaminated soil with offsite disposal, vacuum extraction, capping, waste encapsulation, and dual/multiphase extraction for contaminated soil and sediment, with air sparging, chemical injection/oxidation, cutoff walls, pump and treat, monitored natural attenuation, long term monitoring for ground water contamination, and institutional controls. Major remediation measures and capping were performed in the mid-1980's, and additional interim remedial measures were later completed in 2000 and in 2002.

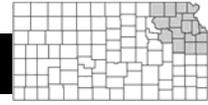
Institutional controls were recorded in several Restrictive Covenants for different parcels of land. The ICs for capped areas prohibit other land use or building structures and require ongoing maintenance of the caps. The ICs for buffer and drainage areas prohibit residential land use or groundwater consumption, and require notification prior to excavation. Other ICs for a former tank farm area and a developed industrial park area carry similar restrictions. Restrictive Covenants listing the City of Neodesha as owner were recorded in the County Register of Deeds Office in Book 263, Pages 438-443 and 444-452. Additional Restrictive Covenants were recorded for plots purchased from the City within the industrial park area, involving Millennium (Book 263, Pages 424-437) and Prestige (Book 263, Pages 642-649) as owners. KDHE, along with the Responsible Party (BP, or British Petroleum) will continue to pursue additional Restrictive Covenants for other parcels within the overall former refinery site.

This site was inspected on October 20, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included potential agricultural use by an adjacent landowner in one corner of the industrial park area. Follow-up will involve working with the private landowner and County officials to resolve the issue of potential agricultural use.

The upper left-hand photograph below shows the South Site Area cap. The upper right-hand photograph shows the North Site Area cap. The middle left-hand photograph shows the restricted area within the industrial park now owned by Millennium. The middle right-hand photograph shows a monitoring well in the so-called Drainage Area. The lower left-hand photograph shows the Tank Farm Area now used by the City for public recreational (ball field) use. Finally, the lower right-hand photograph shows where animals are being raised in a corner of the industrial park area; the adjacent landowner's property was never owned or used by the refinery, and it is unlikely this corner area was used industrially either, but formally there are restrictions on "agricultural use." KDHE will further review this potential minor compliance issue, although it is not likely an exposure risk issue.

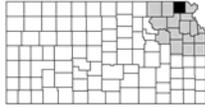


District 4—Northeast Kansas



District 4 consists of 17 counties in the northeast part of the State. Thirteen sites, located in six counties, were evaluated in this review.

Brown (BR) County



County Seat: Hiawatha

City of Hiawatha

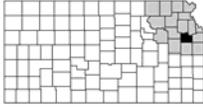
The City of Hiawatha site (KDHE Project No. C4-007-70960), located in Section 29, Township 2 South, Range 17 East, was formerly used for a commercial paint shop. The site was contaminated with kerosene used for paint cleaning which was allowed to enter a floor drain. The remedy relied upon institutional controls limiting water well construction (to preclude migration from soil moisture to groundwater) and requiring notification to workers and KDHE prior to excavation, as set forth in Deed Restrictions. This instrument, was recorded in the County Register of Deeds Office in Book 383, Pages 830-833. A set of related No Further Action (NFA) Determination documents was filed in Book 384, Pages 986-991. The current property owners are Andy and Wendy Pederson.

This site was inspected on October 5, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows a now plugged monitoring well in the foreground, and the most contaminated area (vicinity of the former floor drain), just beyond the exterior wall with the windows. The right-hand photograph shows an overview of the buildings on site, now used for storing seed corn for sale.



Douglas (DG) County



County Seat: Lawrence

Kansas Public Service (Former Lawrence Manufactured Gas)

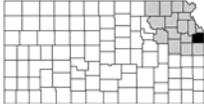
The Kansas Public Service site (KDHE Project No. C4-023-03005), located in Section 31, Township 12 South, Range 20 East, was the home of a former manufactured gas plant. The site was contaminated with PAHs as well as VOCs from waste coal tar. Engineering controls included removal of source areas (including the tar well) with off-site disposal. Institutional controls prohibited domestic well construction and residential use of the land, and required notification to workers and KDHE for excavation, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 664, Pages 1107-1109. The property owner is Aquila.

This site was inspected on October 5, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows where the tar well was removed and backfilled. The right-hand photograph shows security fencing and a gate maintained by the owner.



Johnson (JO) County



County Seat: Olathe

Arbors of Olathe

The Arbors of Olathe site (KDHE Project No. C4-046-71372), located in Section 33, Township 13 South, Range 24 East, was contaminated with refined petroleum due to a leak from a pipeline running through the land. The more contaminated impacted soils were excavated and treated via land farming offsite. Remaining contamination was largely capped via construction of apartment buildings and parking lots. Clean clay and soil formed a cap on remaining areas. Institutional controls involved restrictions on water well construction (to preclude contaminant migration from soil to groundwater), notification requirements to workers and KDHE prior to excavation, and surface maintenance requirements, as set forth in a Restrictive Covenant. This instrument, with accompanying NFA Determination documents, was recorded in the County Register of Deeds Office in Book 8929, Pages 691-703. The current property owner is The Realty Associates Fund VI, L.P., who acquired the property on January 15, 2004.

During the period of this EUC Program institutional controls evaluation, the KDHE Project Manager in the Voluntary Cleanup Program was informed that unauthorized excavation had occurred along the edge of the restricted area addressed by the Restrictive Covenant. This occurred when the City of Overland Park was widening the adjacent Plumm Road. The KDHE will follow up to investigate the problems involved with proper notification involving this site.

The left-hand photograph below, taken in 2001, shows the area where impacted soils were removed, with the apartment buildings in the background. The right-hand photograph taken in 2002, looking northward, shows the region the pipeline runs under in the middle of the photograph. The area in the middle right part of the photograph is included in the Restrictive Covenant.



Lakeside Hills Golf Course

The Lakeside Hills Golf Course site (KDHE Project No. C4-046-03013), located in Section 33, Township 13 South, Range 23 East, was formerly used for disposal of batteries, resulting in contaminated with lead. The disposal site was capped in 1999; erosion of the cap was later observed, requiring repairs. Institutional controls prohibit construction of structures, residential rezoning, or disturbance of the landfill cover; and require notification prior to excavation or repairs of existing water lines or other site features, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 6328, Pages 907-909. The property owner is the City of Olathe.

This site was inspected on July 29, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows prior cap construction over exposed battery landfill debris. The right-hand photograph shows later exposure of battery debris following erosion of the cap. However, this erosion was repaired prior to the 2004 inspection by KDHE.



Willie Street Battery Disposal

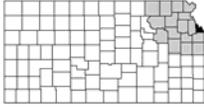
The Willie Street Battery Disposal site (KDHE Project No. C4-046-70720), located in Section 26, Township 13 South, Range 23 East, was contaminated with lead due to past disposal of battery manufacturing waste. Engineering controls included limited removal of source materials and contaminated soil, with offsite disposal, followed by capping with soil and Enkamat geotextile material. Institutional controls are required by the Corrective Action Decision document of June 2000. Initial plans to prepare a Restrictive Covenant have evolved to prepare instead an EUC Agreement. The property owner is the City of Olathe, but adjacent property included in a railroad right-of-way is also contaminated. The City is awaiting a transfer of property from the railroad that will facilitate development of the institutional controls.

This site was inspected on September 29, 2004, as part of this EUC Program evaluation. The site was found to be in good condition, with good vegetative cover on the surface of the cap. The property is now being used as a park. Minor problems included several areas of top soil erosion, exposing the geotextile layer immediately below.

The left-hand photograph below shows cap construction nearing completion in 2002. The right-hand photograph, taken recently, shows an area where the geotextile fabric is exposed.



Leavenworth (LV) County



County Seat: Leavenworth

Hallmark Cards – Leavenworth

The Hallmark Cards - Leavenworth site (KDHE Project No. C4-052-00048), located in Section 18, Township 9 South, Range 23 East, has been used for manufacturing and printing of paper products for over 40 years. The site was contaminated with volatile organic compounds (VOCs) related to these operations. Several investigations of the site were performed in the 1980s and 1990s, with VOCs found in the ground water. Some source removal and soil treatment was performed in 1993-1994. A Corrective Action Decision was issued in 1997, and ground water monitoring is still ongoing. Institutional controls prohibited drilling domestic wells or disturbing monitoring stations, and required proper maintenance and testing of the monitoring wells, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 807, Pages 229-232. The property owner is Hallmark Cards, Inc.

The Project Manager in KDHE's Voluntary Cleanup Program visited this site on June 9, 2004. The site was found to be in compliance with the institutional controls.

The left-hand photograph below, looking east-northeasterly, shows the location of several monitoring wells. The trees in the background are a Poplar grove planted by the facility as an experimental phytoremediation process. The right-hand photograph, looking to the west, shows the location of two additional monitoring wells. People involved with ground water sampling are visible between the tank and the small trees.



Leavenworth Coal Gas Plant (Former)

The Leavenworth Coal Gas Plant site (KDHE Project No. C4-052-00410), located in Section 25, Township 8 South, Range 22 East, was a former manufactured gas plant (FMGP). The site was contaminated with PAHs (from coal tar), refined petroleum, and free cyanide, due to the historical use of the site. Source areas were removed, and capping was performed as part of a City Redevelopment Project along the Missouri River. Institutional controls prohibit residential use, drilling domestic water wells, and require maintaining the final cover, with 10 days notification required to KDHE prior to any excavation or disturbance of the final cover, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 773, Pages 90-91. The property owner is ONEOK, Inc.

This site was last visited on September 29, 2004, by Bureau staff. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows an area where contaminated soil was removed, backfilled, and covered with gravel. The right-hand photograph shows a vegetated area of the restricted portion of the site.



Leavenworth Light and Heating (Electrical Plant)

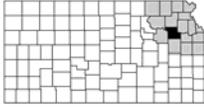
The Leavenworth Light and Heating (Electric Plant) site (KDHE Project No. C4-052-00709), located in Section 36, Township 8 South, Range 22 East, was formerly used for coal-fired and gas-fired electric utility boilers and various manufacturing or commercial operations over the past 150 years. The site was contaminated with PAHs, typical of coal tar, from the past operations. Conversion of the property into a car dealership resulted in capping of contaminated areas with asphalt or buildings in the late 1990s. Institutional controls involved requirements to maintain paved areas (cap), as set forth in a Long-Term (99-Year) Lease Agreement (1996) and subsequent assignment (sub-lease). These instruments were recorded in the County Register of Deeds Office in Book 726, Page 402, and Book 726, Page 641, respectively. For the restricted area, the property owner is Western Resources (ONEOK), the City of Leavenworth holds the long-term lease, and the sub-lessee is Henry Martens. The Martens own adjacent property, which was also impacted with PAHs, but not covered under the long-term lease agreement, which is also part of the car dealership.

This site was visited on August 27, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the existing institutional controls. Additional controls may be needed on the Martens property, based upon soil sampling performed in 1998, although much of the parcel is covered with an asphalt parking lot.

The left-hand photograph below shows the southeast corner of the Martens property, looking west-southwest. The right-hand photograph included under the parking lot the restricted area covered by the 1996 long-term lease agreement.



Shawnee (SN) County



County Seat: Topeka

Midwest Machine Works

The Midwest Machine Works site (KDHE Project No. C4-089-00058), located in Section 20, Township 11 South, Range 16 East, has been used to manufacture machinery for many years. The site was contaminated with chlorinated solvents used for degreasing, due to their disposal in a pit. Contaminated ground water was pumped and treated with an air stripper for about five years, with post remedial monitoring continued for another five years. Institutional controls prohibit domestic wells and unauthorized excavation, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 3404, Pages 57-59. Related NFA Determination documents were filed in Book 3404, Pages 43-46. The property owner is ThyssenKrupp Rubber Machinery.

This site was inspected on October 11, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the Restrictive Covenant; however, not all terms of the NFA letter, dated July 12, 1999, had been met. This letter required any monitoring and recovery wells on the property to be properly plugged and abandoned by a Kansas licensed well driller. Follow-up will involve KDHE requesting the owner, again, to plug and abandon the monitoring and recovery wells.

The left-hand photograph below shows the formerly used stripping tower. The right-hand photograph shows the recovery well which has not been abandoned, along with associated piping.



Josten's

The Josten's site (KDHE Project No. C4-089-03011), located in Section 20, Township 12 South, Range 16 East, is home to a printing operation. The site was contaminated with solvents and lead due to use of a "dry well" on site. Following discovery of the contamination, the dry well was closed and the contaminated soil was excavated and spread on the surface on a portion of the property to promote natural degradation. Institutional controls prohibit residential use, restrict construction type (only slab-on-grade near dry well), and required approval to move or remove monitoring stations, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Book 3048, Pages 640-647. The property owner is Josten's, Inc.

This site was inspected on October 12, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls.

The left-hand photograph below shows the restricted area surrounding the former dry well (to the left of the tree, near the building). The right-hand photograph shows where the contaminated soil was land-applied.



Wyandotte (WY) County

County Seat: Kansas City

Colgate-Palmolive Fuel Oil Area

The Colgate-Palmolive Fuel Oil Area site (KDHE Project No. C4-105-70069), located in Section 21, Township 11 South, Range 25 East, has been used for soap and detergent manufacturing for many years. The site was contaminated with petroleum hydrocarbons due to spills from fuel oil storage and waste oil handling. Remediation actions have included removal of impacted soil, with subsequent construction of an asphalt parking lot that functions as a cap over remaining soil contamination. Institutional controls will be incorporated into an Environmental Use Control Agreement (EUCA). These controls will prohibit residential use of the property, construction of domestic water wells, or disturbance of the integrity of the cap or associated monitoring systems; and will require notification to KDHE of any excavation, building construction over the restricted area, changes in surface contours or site drainage, or removal of security devices limiting public access. The EUCA will be issued in early 2005 to the property owner, Colgate Palmolive. This site was not inspected as part of this EUC Program evaluation since no institutional controls are yet in place.

The left-hand photograph below, taken in April 2002, shows part of the restricted area with asphalt cap used for parking. The view is to the south, and the 18th Street Expressway is on the right of the photograph. The right-hand photograph, taken on the same day, shows a ground water sampling event.



Container Recycling

The Container Recycling site (KDHE Project No. C4-105-71240), located in Section 21, Township 11 South, Range 25 East, was formerly used for automobile fluff disposal and later for drum reconditioning and storage. The site was contaminated with a wide range of organic chemicals and heavy metals resulting from these past industrial uses. Extensive source material was removed in a prior EPA cleanup action, but the automobile fluff and lead contamination remain on site. A limestone cap and associated drainage system were constructed in 2000. Institutional controls prohibit residential use, excavation beyond minor repairs, and construction of domestic wells, as set forth in a Restrictive Covenant including an associated Cover Maintenance Plan. This 12-page instrument was recorded in the County Register of Deeds Office in Book 2003R, Page 12730. The property owner is Pallet City, LLC.

This site was inspected on August 5, 2004, as part of this EUC Program evaluation. The site was found to be largely in compliance with the institutional controls. Minor compliance issues included limited erosion of the limestone cover and partial blockage of drains due to silt buildup from the gravel erosion. KDHE will request eroded areas to be filled with additional gravel and sediment buildup around drains to be removed.

The left-hand photograph below shows the southern perimeter of the cap, paralleling the Kansas River, looking easterly. Much of the surface is used to store shipping containers (pictured) and truck trailers. The right-hand photograph shows erosion of the gravel surface near a drain.



Sealright Company

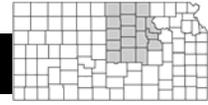
The Sealright Company site (KDHE Project No. C4-105-00801), located in Section 34, Township 10 South, Range 25 East, has been used for a variety of industrial manufacturing operations for many years. The site was contaminated with perchloroethylene, presumable from printing plate-cleaning operations with release to a floor drain. The remedy consisted of vacuum extraction of contaminated soil, a ground water “pump and treat” process involving air sparging, long-term ground water monitoring, and institutional controls. The ICs prohibit consumption of groundwater beneath the property, require soil to be tested prior to excavation, and require security systems to prevent unrestricted access to remediation systems, and are set forth in a Restrictive Covenant and in “KDHE’s Corrective Action Decision for Soil and Ground Water Remediation” dated November 1996. The Restrictive Covenant was recorded in the County Register of Deeds Office in Book 3852, Pages 315-318. The current property owner is Rainen Companies, Inc., whereas the owner that signed the Restrictive Covenant in 1996 was Sealright Packaging Company, now known as Huhtamaki. The tenant is Empire Candle, which operates a candle manufacturing operation.

This site was inspected on October 7, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows the “pump and treat” system located just outside the manufacturing building on the east side, facing west-southwest. One of the monitoring wells is visible in the foreground. The right-hand photograph shows part of the soil vapor extraction system on the interior of the building, facing south-southeast.

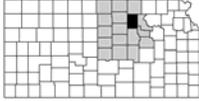


District 5—North-central Kansas



District 5 consists of 17 counties in the north-central part of the State. Four sites, located in four counties, were evaluated in this review.

Clay (CY) County



County Seat: Clay City

Hutchinson Mayrath

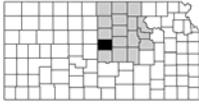
The Hutchinson Mayrath site (KDHE Project No. C5-014-70884), located in Section 6, Township 8 South, Range 3 East, has been used for farm machinery and implements manufacturing for many years. The site was contaminated with lead due to a former lead paint operation in a subgrade container (“dip tank”). Engineering controls involved placing a concrete cap over the contaminated area. Institutional controls prohibited domestic water well construction, required maintaining the integrity of the cap, and required notification to workers and to KDHE prior to excavation, as set forth in a Restrictive Covenant. This instrument, along with NFA Determination and related documents, were recorded in the County Register of Deeds Office in Book 19, Pages 129-148. The property owner is Hutchinson/Mayrath, a division of TIC United Corp.

This site was inspected on October 14, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below, looking southwest, shows in the foreground the restricted area, now covered by a concrete floor in a newly constructed building used for manufacturing. The right-hand photograph, looking northeast, shows the same building from the outside



Ellsworth (EW) County



County Seat: Ellsworth

Kinder Morgan Bushton – OB-19 Area

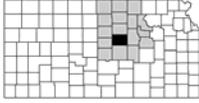
The Kinder Morgan Bushton site (KDHE Project No. C5-027-00023), located in Section 31, Township 17 South, Range 9 West, was formerly used for underground storage and processing of liquid hydrocarbons, and is adjacent to an active processing facility. The site was contaminated with refined petroleum and VOCs from five waste disposal pits. Each of the five pits was covered with a clay cap and re-vegetated. Institutional controls, as set forth in a Restrictive Covenant, prohibited residential use, construction of domestic wells, and removal of monitoring wells and markers. The ICs also required consulting with KDHE prior to working on the monitoring systems, constructing improvements, structures, or drainage ditches, changing the surface contours or vegetation, producing food chain crops, or removing security devices. Finally, the ICs required notice to workers and KDHE prior to excavation. This instrument was recorded in the County Register of Deeds Office in Book MS14, Pages 578-590. The property owner is ONEOK; however, Kinder Morgan is responsible for all environmental liability on this property.

This site was inspected on November 19, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows a monitoring well and one of the restricted areas capping a waste disposal pit beyond the well. The right-hand photograph shows an additional capped area, looking east northeast toward the active hydrocarbon processing area of the facility.



Saline (SA) County



County Seat: Salina

Tommy's Radiator

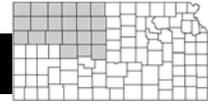
The Tommy's Radiator site (KDHE Project No. C5-085-70231), located in Section 11, Township 14 South, Range 3 West, was formerly used by a radiator repair shop. The site was contaminated with lead due to improper handling of waste materials from repair processes. The contaminated area was re-graded and graveled by the landowner prior to KDHE guidance. Institutional controls prohibit construction of domestic wells, prohibit residential use, and require notification of workers and KDHE prior to excavation and testing of excavated material, as set forth in a Restrictive Covenant. This instrument was recorded in the County Register of Deeds Office in Volume 163 Misc., Pages 875-876. The property owners are Michael L. Farley and Jacquelyn L. Farley, who own a pawnshop on adjacent property and use this site for storage.

This site was inspected on October 14, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the institutional controls.

The left-hand photograph below shows the restricted region, in the middle of the graveled area alongside the building. The right-hand photograph shows an interior view of the building, now used for storage. The contamination from the former radiator repair shop occurred from operations toward the back of the left (exterior) wall in the photograph.

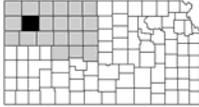


District 6—Northwest Kansas



District 6 consists of 21 counties in northwest Kansas. One site was evaluated in this district.

Thomas (TH) County



County Seat: Colby

High Plains Chemical Company (Schmitt Brothers)

The High Plains Chemical Company site (KDHE Project No. C6-097-00036), located in Section 13, Township 8 South, Range 31 West, was formerly used as an operational base for aerial pesticide application. The site was contaminated with toxaphene and other pesticides due to improper handling and mixing operations carried out in a former schoolhouse. Engineering controls consisted of source removal with off-site disposal in 1986, with later removal and off-site disposal of soil “hot spots” and soil inversion (deep plowing) of remaining contaminated site soils, backfilling, and seeding in 1992. On December 21, 1992, EPA Region 7 requested that institutional controls in the form of a deed “Notice and Restriction” be established. These requested restrictions would require notification to KDHE prior to any farming (plowing), trenching or digging on the restricted parcels. In February 2000 KDHE followed up to assess any residual risk by conducting an Abbreviated Preliminary Assessment (PA) under authority of CERCLA; the PA concluded that ICs provided adequate protection, but the recording of the IC instrument was not verified. The current evaluation found that the IC instrument prepared by EPA in 1992 was *not* recorded in the County Register of Deeds Office, and was presumably not signed by the estate Trustees who were the owners at that time. KDHE will follow up with the current owner, BJ’s & Guys, LLC, to pursue, if possible, an EUC Agreement. Because this site was a CERCLA site, close coordination with EPA will be necessary.

This site was inspected on November 18, 2004, as part of this EUC Program evaluation. The site was found to be in compliance with the *intended* institutional controls.

The left-hand photograph below, facing north, shows the area with the highest historical contamination levels (vicinity of the former schoolhouse). The right-hand photograph, facing east, was taken in the area of the former schoolhouse. Although vegetation type was not addressed in the IC restrictions, roots of young trees becoming established on the property could potentially take up some of the contaminants via phytoextraction, creating a potential exposure pathway for livestock if introduced on this site. These concerns may be further addressed in KDHE’s follow-up to pursue a recorded IC instrument.



Inspection Form

	Kansas Department of Health and Environment Environmental Use Control Program Bureau of Environmental Remediation 1000 SW Jackson St., Suite 410 Topeka, KS 66612-1367 Telephone: (785) 296-1660	<h2 style="margin:0;">ENVIRONMENTAL USE CONTROL INSPECTION FORM</h2>
SECTION I: PROPERTY INFORMATION		
PROJECT NAME		PROJECT CODE
EUCA NUMBER	PROPERTY OWNER	OWNER PHONE NUMBER
PROPERTY ADDRESS		
CITY	COUNTY	SEC. TWP. RANGE OR LAT/LONG
INSPECTION CONTACT NAME		INSPECTION CONTACT TELEPHONE
EUC CATEGORY DESIGNATION	INSPECTION FREQUENCY	CURRENT PROPERTY ZONING
Protective Structure on-property? Yes <input type="checkbox"/> or No <input type="checkbox"/>		
SECTION II: VERIFICATION OF RESTRICTIONS		
INDICATE IF THE TERMS OF THE EUCA ARE BEING MET BY CLICKING YES, NO, OR N/A. N/A indicates this restriction does not apply to the property. IF THE ANSWER IS NO, PLEASE EXPLAIN IN THE REMARKS SECTION PROVIDED BELOW.	1. Protective structures have retained their functional integrity.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	2. Is the protective structure free of erosion cracks or other evidence of degradation?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	3. Water wells are not used for restricted purposes, as defined in the EUCA.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	4. Unauthorized construction or excavation has not occurred.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	5. Vegetation is present and kept in acceptable condition.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	6. All permanent survey markers, benchmarks, and monitoring stations are in place as designed.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	7. Local ordinances included in the EUCA are being enforced.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	8. Site security measures are in place and in working condition.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	9. SITE SECURITY MEASURES INCLUDE: (click all that apply) signs <input type="checkbox"/> fences <input type="checkbox"/> gates <input type="checkbox"/> security guard <input type="checkbox"/>	
	10. The property is used for non-residential purposes only.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	11. The property is not being used for restricted agricultural activities as defined in the EUCA.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	12. LAND USE TYPE (click all that apply) Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/>	
	13. SURROUNDING LAND USE TYPE (click all that apply) Residential <input type="checkbox"/> Recreational <input type="checkbox"/> Agricultural <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant <input type="checkbox"/>	
	14. Property zoning excludes residential use.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	15. Property zoning has not changed since issuance of EUC.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	16. The EUC is recorded at the county register of deeds. (Provide a copy of the recorded EUC).	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	17. The name of the property owner on file at KDHE matches the owner listed on the deed.	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
	18. Has property ownership changed? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the new property owner is:	
	19. Is the property being leased? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, the lessee is:	
REMARKS		
DESCRIBE ANY ADDITIONAL RESTRICTIONS FOR THE PROPERTY IN THE REMARKS AREA.		

Inspection Form

SECTION III: CURRENT PROPERTY DESCRIPTION		
BRIEFLY DESCRIBE THE CURRENT CONDITION AND USE OF THE PROPERTY.		
DESCRIBE ANY IMPROVEMENTS MADE TO PROPERTY, INCLUDING NEW STRUCTURES, SINCE THE PREVIOUS INSPECTION.		
DESCRIBE ANY NEED FOR REPAIRS TO PROTECTIVE STRUCTURES, SECURITY MEASURES, MONITORING STATIONS, PERMANENT BENCHMARKS, OR OTHER FEATURES. INCLUDE OBSERVATION OF EROSION, CRACKING, WEED CONTROL, SETTLEMENT, SUBSIDENCE, EXCESSIVE BURROWING, ETC.		
***PLEASE TAKE PICTURES OF THE PROPERTY AND INCLUDE IN INSPECTION REPORT.		
SECTION IV: INSPECTOR INFORMATION		
INSPECTOR NAME	BUREAU OR DISTRICT OFFICE	PROGRAM EUC
	PROGRAM/OTHER	
INSPECTION DATE	INSPECTOR SIGNATURE	

