



Mark Parkinson, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

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Division of Environment

February 19, 2010

CERTIFIED MAIL

Return Receipt Requested

40352838



Superfund

Cecilia Tapia
Director, Superfund Division, EPA Region VII
901 North 5th Street
Kansas City, Kansas 66101

The following document is available on
CD only
UFA Report Associated Documents

RE: Former Kelley Instruments Site, Wichita, Sedgwick County, Kansas
KDHE I.D. # C208772195
EPA I.D. # Not Yet Assigned

Dear Ms. Tapia:

The Kansas Department of Health and Environment (KDHE) has completed a Unified Focused Assessment (UFA) of the former Kelley Instruments site in Wichita, Sedgwick County, Kansas. The site is a former radium dial shop. Soil sampling indicates a maximum value of 102 picocuries per gram (pCi/g) of Ra-226, which exceeds the site-specific cleanup goal of 5.89 pCi/g which equates to 5 pCi/g plus background (0.89 pCi/g). Arsenic and lead contamination in the soil was also identified above the Risk-based Standards for Kansas.

Upon completion of the UFA, KDHE conducted a Responsible Party Search and identified the following:

Kelley Instruments, Inc. ("Kelley") is a Kansas for-profit corporation incorporated October 30, 1961. The corporation is active and in good standing. The name of its resident agent and the address of its registered office in Kansas are: BD Registered Agent, Inc., 301 North Main, Suite 600, Wichita, Kansas 67202. Kelley has operated a business that refurbishes aircraft instruments since at least 1971 in the Wichita area. Kelley's current business location is 4131 West May Street. From approximately 1971 to 1983, Kelley operated at 1008 South Santa Fe Avenue, utilizing storage space at 1004 South Santa Fe Avenue. In approximately 1983, Kelley moved nearby to 1024 South Santa Fe Avenue and remained there until approximately 1990. The Former Kelley Instruments Site ("Site") consists of the building at the south end of the property, housing 1024 South Santa Fe; the building at the north end of the property, which encompasses the addresses 1004 and 1008 South Santa Fe; a parking lot in between the two buildings; and surrounding grounds, including the contaminated areas found therein. Beginning in the 1970s, during the course of those refurbishment operations, Kelley received instrument dials that had been previously painted with luminescent radium paint. Kelley applied to the KDHE Bureau of Air and Radiation (BAR) for a radioactive materials license (RML) in 1983 seeking "to establish approved procedures for the handling of aircraft instruments found to contain radium painted dials and pointers at Kelley Instruments Inc." In

BUREAU OF ENVIRONMENTAL REMEDIATION
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 410, TOPEKA, KS 66612-1367
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Cecilia Tapia
February 22, 2010
Page 2 of 2

1984, Kelley was granted RML number 25-R552-01 for the operations then located at 1024 South Santa Fe. (The same license, as amended, applies to Kelley's current operation at 4131 West May Street.) The RML, which is "valid until terminated," specifies that the company may store aircraft instrument or instrument parts containing radium-226 (Ra-226) for up to 30 days; may not open the case of any aircraft instrument known to contain radium-painted components; and, may not repair or remove any radium-painted component from an aircraft instrument known to contain radium.

KDHE has been in negotiations with Kelley Instruments, Inc. for the past two years for cleanup of the facility. Unfortunately, negotiations have reached a point of impasse with Kelley Instruments, Inc. to conduct appropriate response actions at this site. KDHE is referring this site to EPA for a removal action consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The UFA report, associated documentation and KDHE's file in electronic form are attached (CD), as well as, the *Request for Federal Action* form. KDHE may elect to conduct the post-removal site assessment. If you have any additional questions regarding the UFA please feel free to contact Randy Brown at (785) 296-8065. Corena Jaeger will be your technical point of contact during the removal process for this site and can be reached at (785)-296-1676.

Sincerely,



Gary Blackburn
Bureau Manager
Bureau of Environmental Remediation

GB/rfb/mlm

Attachments: Request for Federal Action
CD

C: Rick Bean → Randy Brown → Jean Underwood → Corena Jaeger → C208772195
Scott Hayes, EPA
Paul Roerman, EPA/EFLR
Bob Jurgens, KDHE
Kyle Parker, SCDO
Paul Marx, KDHE Legal

REQUEST FOR FEDERAL ACTION

The **Kansas Department of Health and Environment** ("Requesting Agency") requests that the United States Environmental Protection Agency, Region 7 (EPA) conduct a response action at the Former Instruments, Incorporated (Inc.) site located at:

1024 South Santa Fe

Street Address, Parcel Number or Other Property Description

Wichita

City

Sedgwick

County


Kansas 67211

State

Type of Action Requested (briefly describe): KDHE requests EPA to conduct a removal action consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). KDHE may elect to conduct a post-removal assessment in support of the removal action.

KDHE completed a Unified Focused Assessment (UFA) at this site in 2007. The initial screening survey of the property identified a discrete area with total gamma readings above background. The maximum radium-226 laboratory detection was 102 pCi/g in Sample #1 at 0.5 feet below surface, above its EPA/NRC screening level of 5 pCi/g plus background (5.89 pCi/g at this site). Negotiations with the potentially responsible parties were unsuccessful and KDHE does not have the resources to adequately address this site in a timely manner. Residential areas are located within one mile of this site.

By making this Request, the Requesting Agency recognizes that EPA, or any other federal agency acting in conjunction with or on behalf of EPA, may use its authority under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C.A. § 9601, et seq., the National Contingency Plan (NCP), 40 C.F.R. Part 300, or any other federal statute, regulation or response program, to respond to and recover costs incurred in response to releases to threats of releases of pollutants and contaminants as deemed necessary in EPA's sole discretion to abate an imminent and substantial endangerment to public health or welfare or the environment at the location stated above. By making this Request, the Requesting Agency waives notice as otherwise required by Section 128(b)(1)(D) of CERCLA, 42 U.S.C. § 9628(b)(1)(D). The signatory of this request is authorized to make this request on behalf of the State.


Gary Blackburn (signed)

Bureau Manager, Bureau of Environmental Remediation
Title

2/19/10

Date