



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

SEP 11 2008

Mr. Gary Blackburn  
Bureau of Environmental Remediation  
Kansas Department of Health and Environment  
1000 SW Jackson Street, Suite 410  
Topeka, Kansas 66612-1367

Dear Mr. Blackburn:

As you may be aware, the Superfund removal program of the United States Environmental Protection Agency (EPA) is conducting a time critical removal action at the AgForce Site, Herington, Kansas. To perform this action, EPA will attempt to comply, to the extent practicable, with all applicable or relevant and appropriate state requirements (ARARs). This letter formally requests that the state of Kansas identify any potential ARARs for this site.

We request that an appropriate state official identify potential ARARs in the tables provided, or an equivalent-type format. To qualify as state ARARs, these requirements must be promulgated. A state requirement is promulgated if it is legally enforceable and of general applicability.

The tables are divided into 3 sections addressing the following categories: chemical-specific requirements, location-specific requirements, and action-specific requirements. Chemical-specific requirements are health- or risk-based numeric values that establish the acceptable amount or concentration of a chemical that may be found in, or discharged to, the ambient environment. Location-specific requirements are restrictions placed on the concentration of hazardous substances or the conduct of activities solely because they occur in special locations. For example, a location-specific requirement demands that hazardous waste storage facilities, if located within 100-year flood plains, must be designed, constructed, operated, and maintained in a manner which avoids washout. Action-specific requirements are technology- or activity-based requirements or limitations on actions taken with respect to hazardous waste.

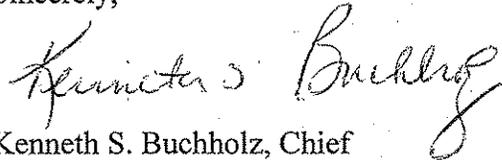
Your timely response will ensure that Kansas requirements will be considered when conducting the removal action. If it is not possible to detail these regulations in writing by September 25, 2008, please telephone the On-Scene Coordinator (OSC), Mr. Randy Schademann, at (913) 551-7331, or me at (913) 551-7473 with this information before

confirming the information in writing. All information concerning state ARARs must be received in writing within thirty days of receipt of this letter. Also, please feel free to contact Mr. Schademann or myself if additional information on the site is needed for the purpose of completing the enclosures, or if you wish to comment on the proposed action.

Any state policies or guidance will be considered, even if they are not ARARs. The OSC will examine your responses to determine whether they are applicable, or relevant and appropriate to the site to the extent practicable. It is important to clarify, however, that all potential state ARARs identified in the tables may not be met during the removal.

A draft version of the EPA Removal Action Memorandum for this site is also enclosed for your review. Should you have any comments on this Action Memorandum, please provide these comments in writing within thirty days of receipt of this letter.

Sincerely,



Kenneth S. Buchholz, Chief  
Emergency Response and Removal North Branch  
Superfund Division

Enclosures