



MAY 24 2010

Ms. Glenda Briscoe  
Assistant Field Manager  
Bureau of Land Management  
801 Fillmore Street  
Amarillo, TX 79101-3514

Dear Ms. Briscoe:

The Texas Commission on Environmental Quality (TCEQ) and United States Environmental Protection Agency (EPA) Region 6 have made a technical determination that the Exell Helium Plant is Ready for Reuse (*RfR*). A Ready for Reuse Determination is an acknowledgment that environmental conditions on the property are protective of human health and the environment based on its previous and anticipated future use as a commercial/industrial property.

On August 19, 2009, the TCEQ received the Bureau of Land Management's (BLM) application requesting an *RfR* for the 300-acre Exell Plant located in Masterson, Texas (shown on Enclosure 1). The application included a detailed description of the property for which the *RfR* Determination is requested. In addition, the application provided information concerning the investigation, remediation, and risk management activities performed to ensure protection of human health and the environment. In response to EPA/TCEQ comments, BLM submitted a revised *RfR* application on February 2, 2010.

In order to obtain the *RfR* Determination, all areas of the Exell Helium Plant were adequately investigated, and all required response actions have achieved standards acceptable for commercial/industrial land use. A summary of the current environmental conditions of the property, and the risk management activities, including institutional controls (e.g., land use restrictions or limitations) required to ensure protection of human health and the environment, are summarized in Enclosure 2 to this letter.

The TCEQ/EPA *RfR* Determination is based on a review of all relevant corrective action documents (collectively, the "Documentation") for the Exell Helium Plant, which are listed in Enclosure 3. With this *RfR* Determination, TCEQ and EPA Region 6 concur that the BLM has successfully completed its investigation and implemented final response actions pursuant to State municipal hazardous waste and industrial solid waste regulations. As long as the restrictive covenant present in Exhibit "C" of the TCEQ Voluntary Cleanup Program (VCP) Conditional Certificate of Completion (COC) issued on May 6, 2009 is observed, and the conditions present in Exhibit "D" of the VCP COC are maintained, the response actions are considered protective of human health and the environment. Copies of documents may be obtained from TCEQ and BLM at the addresses provided in Enclosure 4 to this letter.

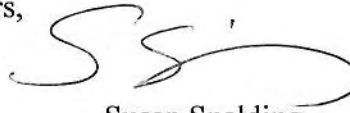
If conditions at the facility change, including environmental conditions, land use, site receptors, and remedy performance, the current owner/operator will notify the TCEQ and EPA Region 6 and it may become necessary to perform additional remediation to ensure their continuing protectiveness. The undersigned expressly reserve all rights and authorities to require future action by owners or operators if new or additional information comes to light that impacts this *RFR* Determination, whether such information is known as of this date, or is discovered in the future.

Congratulations on this most noteworthy achievement!

Sincerely yours,



William J. Shafford, P.E., Manager  
VCP-Corrective Action Section  
Texas Commission on  
Environmental Quality



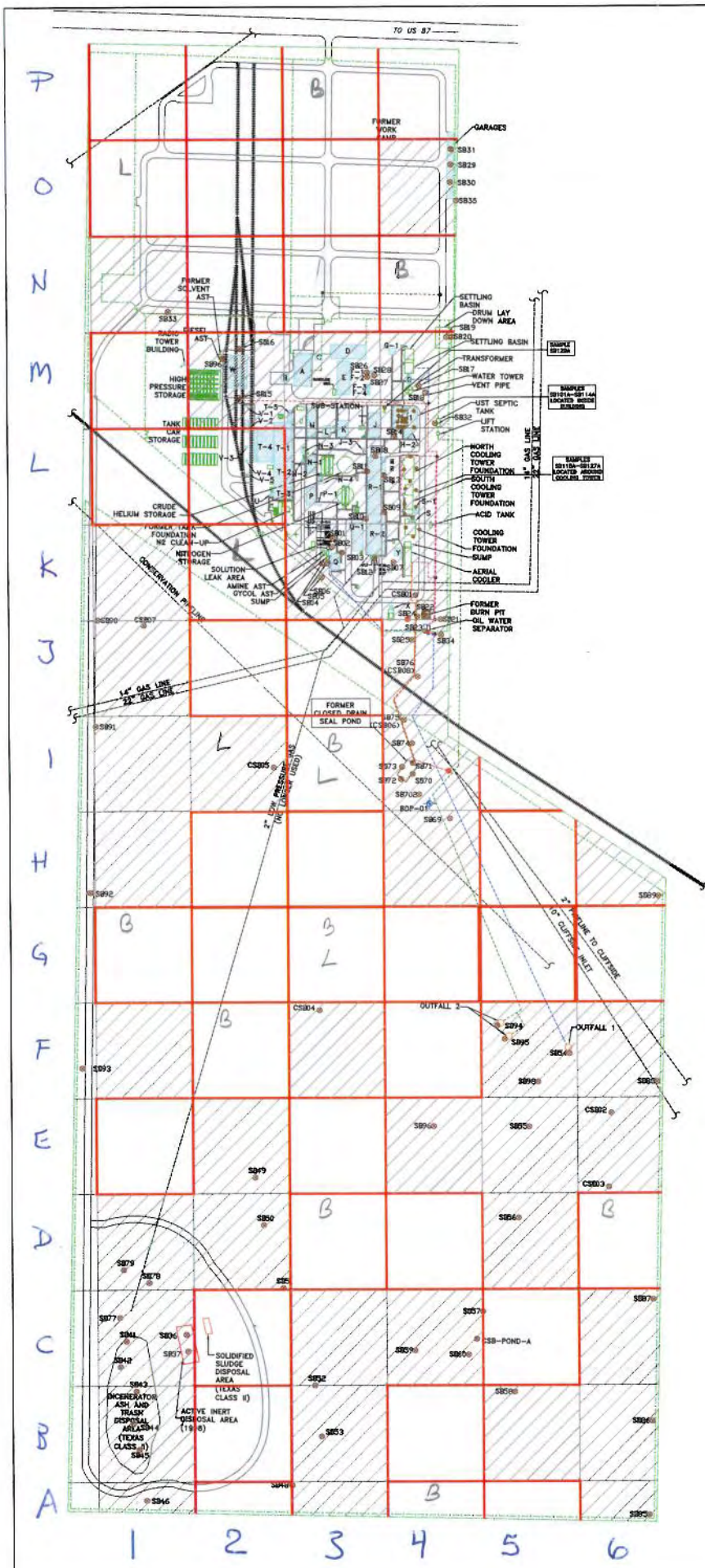
Susan Spalding  
Associate Director, RCRA Program  
Multimedia Planning and  
Permitting Division

- Enclosures:
1. Exell Facility Maps
  2. Current Environmental Conditions Table
  3. List of Relevant Documents
  4. Agency Contacts

## **ENCLOSURE 1**

### **Exell Facility Maps**

1. Facility Layout (Buildings, Areas of Concern, etc.)
2. Facility Boundary (Survey)
3. Deed Restricted Area (Survey))



NOTE: THIS HYPOTHETICAL SAMPLING GRID WOULD RESULT IN APPROXIMATELY 41 SAMPLE LOCATIONS.



BUILDING KEY	
A	HEADQUARTERS BUILDING
B	MONITORING BUILDING
C	ENGINEERING OFFICE
D	WAREHOUSE
E	COMBINATION BUILDING:
E-1	WELDING
E-2	MACHINE
E-3	AUTOMOTIVE
E-4	GENERAL MAINTENANCE
F-1	PAINT STORAGE BUILDING
F-2	MAINTENANCE STORAGE BUILDING
F-3	MAINTENANCE STORAGE BUILDING
F-4	MAINTENANCE STORAGE BUILDING
G	PUMP HOUSE
G-1	CHLORINE BUILDING
H-1	CLIFFSIDE BUILDING/O2
H-2	CLIFFSIDE METER HOUSE
J	OLD GENERATOR BUILDING
J-3	PUMP HOUSE
K	FORMER BOILER BUILDING
L	BOILER BUILDING
M	COMBINATION BUILDING:
M-1	CARPENTER SHOP
M-2	ELECTRICIAN SHOP
M-3	DEWAR MAINTENANCE
N-1	INSTRUMENT SHOP
N-2	RELIEF VALVE REPAIR SHOP
N-3	PUMP HOUSE
N-4	PUMP HOUSE
N-4	LABORATORY
P-1	LABORATORY STORAGE BUILDING
Q	NEW CO BUILDING - PUMP HOUSE
Q-1	GENERATOR BUILDING, NORTH END
R-1	COMPRESSOR BUILDING, NORTH END
R-2	COMPRESSOR BUILDING, SOUTH END
S	ACID PUMP BUILDING
S-1	CHLORINE BUILDING
T-1	SEPARATION BUILDING (LIQUEFACTION AREA)
T-2	SEPARATION BUILDING (EXTENSION)
T-3	SEPARATION BUILDING (CONTROL ROOM)
T-4	LOADING DOCK
T-5	DEWAR DOCK
U	BTU ANALYZER BUILDING
V-1	TANK CAR FILLING STATION
V-2	TANK CAR FILLING PUMP HOUSE
V-3	TANK CAR FILLING STATION
V-4	TANK CAR FILLING STATION
V-5	TANK CAR FILLING STATION
W	RULLCAR MAINTENANCE BUILDING
X	STATION BUILDING
Y	MOTOR CONTROL CENTER

LEGEND	
---	PROPERTY BOUNDARY
---	FENCE
---	RAILROAD TRACK
---	TANK CAR WASH WATERS PIPELINE
---	SANITARY SEWER PIPELINE
---	COOLING WATER PIPELINE
---	PROCESS DRAIN PIPELINE
---	FLARE PIPELINE
---	O22 BLOWDOWN PIPELINE
---	MISCELLANEOUS UNDERGROUND PIPELINE
□	BUILDING
□	STRUCTURE
○	MANHOLE
○	OUTFALL
○	FLARE
○	SOIL BORING LOCATION
○	DEEP MONITORING WELL
□	PROPOSED SOIL BORING GRID LOCATIONS
□	SAMPLES PREVIOUSLY TAKEN

ecology and environment, inc.  
Dallas, Texas  
International Specialists in the Environment

HYPOTHETICAL SAMPLE GRID, 400' EXELL HELIUM PLANT MOORE AND POTTER COUNTIES, TEXAS

JOB# 001096.GX86.09 Date: OCTOBER 2007  
FILE NAME: 1096GX86z5.DWG P.M.: J. MYERS

# BLOCK P.M.C., E.L. & R.R. RAILWAY CO. SURVEY, MOORE AND POTTER COUNTIES, TEXAS

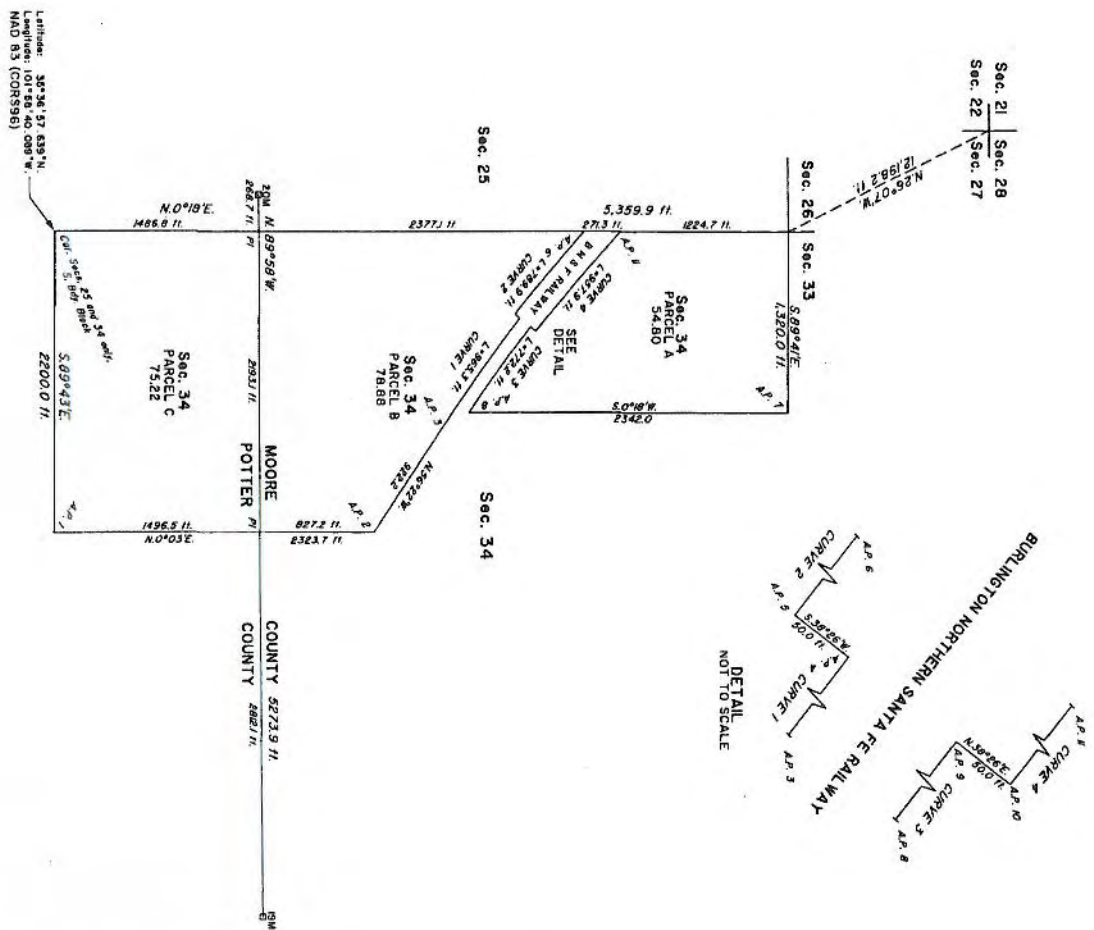
## DEPENDENT RESURVEY AND SURVEY

**CURVE 1 DATA**  
 Curve Direction, Right  
 Δ = 4°48' 11"  
 R = 11,539.2 ft.  
 C = N49°37'W,  
 789.8 ft.

**CURVE 2 DATA**  
 Curve Direction, Right  
 Δ = 4°48' 11"  
 R = 11,539.2 ft.  
 C = N49°37'W,  
 789.8 ft.

**CURVE 3 DATA**  
 Curve Direction, Right  
 Δ = 3°52' 7"  
 R = 11,409.2 ft.  
 C = 722.1 ft.

**CURVE 4 DATA**  
 Curve Direction, Right  
 Δ = 4°48' 11"  
 R = 11,539.2 ft.  
 C = N49°37'W,  
 789.8 ft.



A history of surveys and additional information are contained in the field notes.

This plot represents the dependent resurvey of a portion of the line between Moore and Potter Counties, a portion of the south boundary of the block, and a portion of the subdivisional lines, designed to restore the corners in their true original locations according to the best available evidence, and metes-and-bounds surveys in sections 21 and 34, Block P.M.C., E.L. & R.R. Railway Co. Survey, Moore and Potter Counties, Texas.

Survey executed by William F. Oliver, Cadastral Surveyor, beginning December 11, 2006 and completed June 4, 2007, pursuant to Special Instructions dated and approved December 7, 2006, for Group No. 9, Texas.

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Santa Fe, New Mexico June 20, 2007

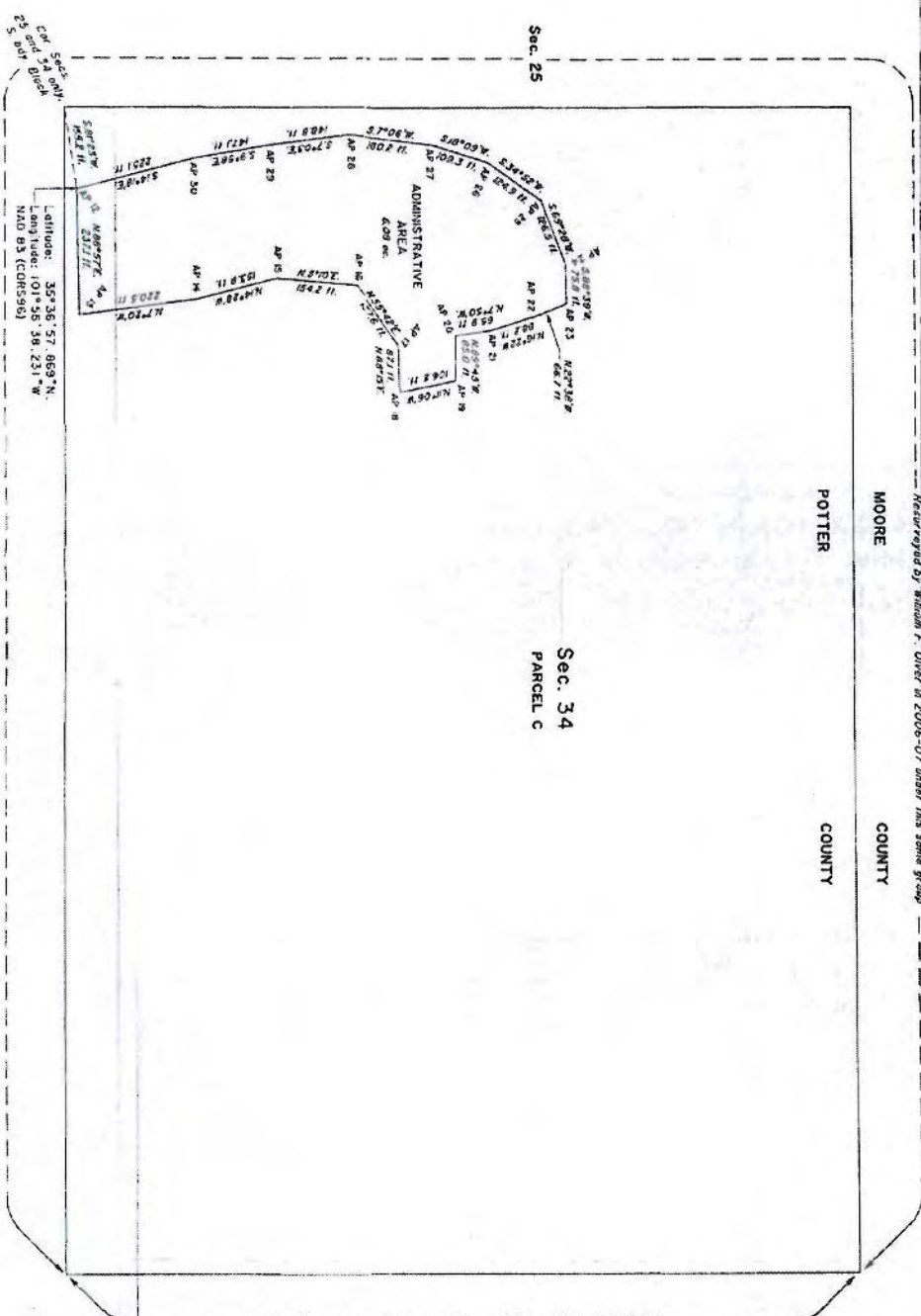
This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*Stephen W. Reynolds*

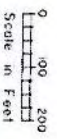
Acting Chief Cadastral Surveyor for New Mexico

BLOCK P. MC., E.L. & R.R. RAILWAY CO. SURVEY, POTTER COUNTY, TEXAS  
 METES-AND-BOUNDS SURVEY



Resurveyed by William F. Oliver in 2006-07 under this same group

Surveyed by William F. Oliver in 2006-07 under this same group



Latitude: 35° 36' 57.863" N.  
 Longitude: 101° 55' 38.231" W  
 NAD 83 (GRS96)

A history of surveys and additional information are contained in the field notes.

This plat represents a metes-and-bounds survey in section 34, Block P.M.C., E.L. & R.R. Railway Co. Survey, Potter County, Texas.

The official areas are as shown on the plat approved June 20, 2007.

Survey executed by William F. Oliver, Cadastral Surveyor, beginning January 20, 2009 and completed January 21, 2009, pursuant to Special Instructions dated and approve December 7, 2006, and Supplemental Special Instructions dated and approved January 6, 2009, for Group No. 9, Texas.

**UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT**

Sanle Fe, New Mexico      February 5, 2009

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*William F. Oliver*

Chief Cadastral Surveyor for New Mexico

## Enclosure 2

### Current Environmental Conditions Table

Area Description	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Cleanup Status	Cleanup Standard	Institutional Control(s) (Type/Purpose/Location)
<p><b>Closed Drain Seal Pond (CDSP)</b>, located in the northern part of the southern section of the Exell Helium Plant site.</p>	<p>BTEX contaminated soil was excavated to approximately 60 feet below ground surface and backfilled with clean sand and compacted.</p>	<p>Surface soil: no VOCs, SVOCs or PAHs detected above the critical PCLs. Subsurface soil: no SVOCs or PAHs detected above the critical PCL. Maximum VOCs concentrations: Benzene – 3.5 mg/kg Toluene – 32 mg/kg Ethylbenzene – 20 mg/kg</p>	<p>Complete and no further action</p>	<p>Calculated Tier 2 Soil to Groundwater Ingestion PCL (Tier 2 <sup>GW</sup>Soil<sub>ING</sub> PCL) for Commercial/Industrial soil: Benzene – 0.051 mg/kg Toluene – 21.98 mg/kg Ethylbenzene – 30.35 mg/kg</p>	<p>Zoned commercial/industrial  Deed notice not required due to depth of residual contamination and lack of potential for future migrations</p>
<p><b>Cliffside Building (H-1)</b> is located in the northern section of the Exell Helium Plant.</p>	<p>Mercury contaminated soil was excavated and disposed of at an approved facility. The excavation was backfilled with clean gravel and compacted.</p>	<p>Mercury – below critical PCL</p>	<p>Complete and no further action</p>	<p>Critical PCL - Tier 1 <sup>Tot</sup>Soil<sub>Comb</sub> PCL (6.22 mg/kg)</p>	<p>None</p>
<p><b>Former Incinerator Ash Disposal Area</b> located in the southwestern corner of the southern section of the plant (Potter County)</p>	<p>Additional soil cover added from removal of earthen dams to reduce potential exposure.</p>	<p>No SVOCs or PAHs detected above the critical PCL</p>	<p>Complete. Inspection and maintenance as per exhibit “D” in TCEQ VCP COC and RACR</p>	<p>N/A</p>	<p>Deed Restriction filed in both Moore and Potter Counties)</p>
<p><b>Treated Chromium Sludge Landfill</b> located in the southwestern corner of the southern section of the plant (Potter County)</p>	<p>Treated chromium on-site with fly ash, then disposed of in landfill and capped.</p>	<p>RCRA-exempt closed land disposal area (see additional detail in the attached Chronology)</p>	<p>Complete. Inspection and maintenance as per exhibit “D” in TCEQ VCP COC and RACR</p>	<p>N/A</p>	<p>Deed Restriction filed in both Moore and Potter Counties</p>

Area Description	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Cleanup Status	Cleanup Standard	Institutional Control(s) (Type/Purpose/Location)
<b>Asbestos Containing Material - (Facility Locations described in Walsh 2005)</b>	Asbestos Materials removed in multiple events: 1985 to 1996 and 2005	Asbestos	Further removal warranted if deterioration in remaining asbestos observed	1% (if friable)	None
<b>Lead-based Paint (Facility Locations described in Walsh 2005)</b>	None	Lead	Further removal or abatement warranted if paint begins to peel or if structure demolition takes place	0.5% (1 mg/cm <sup>2</sup> ) if chipped or peeling	None
<b>Used Oil UST</b>	Tank removal and disposal of contents	None	Closure approved by TWC	N/A	None
<b>Evaporation Pond A</b>	Removal of stained soil – in the course of housekeeping operations	None	NFA	N/A	None
<b>Unleaded Gas Tank</b>	Removal of tank and near-surface soils; backfilling	TPH up to 1,130 mg/kg, benzene up to 0.112 mg/kg, toluene up to 21 mg/kg, ethylbenzene up to 30 mg/kg, and xylenes up to 237 mg/kg	Closure approved by TWC	Calculated Tier 2 Soil to Groundwater Ingestion PCL (Tier 2 <sup>GW</sup> Soil <sub>ING</sub> PCL) for Commercial/Industrial soil: Benzene – 0.051 mg/kg Toluene – 21.98 mg/kg Ethylbenzene – 30.35 mg/kg	None



Area Description	Remedial Action Taken	Residual Contaminants of Concern (COCs)	Cleanup Status	Cleanup Standard	Institutional Control(s) (Type/Purpose/Location)
<b>Spilled Mercury Removal</b>	Mercury spills cleaned in the course of house-keeping operations	No detections above Permissible Exposure Limits (PELs) in buildings (except H-1). Sampled surface soils – no metals above critical PCL	NFA	N/A	None

## Enclosure 3

### List of Relevant Documents

Dynamac Corporation, *Phase I Environmental Site Assessment, Exell Facility, Helium Operations, Moore and Potter Counties, Texas*, June 11, 1999.

Ecology and Environment, Inc., Request for Ready for Reuse Certification, Exell Helium Plant, Masterson, Texas, VCP. No. 1858, dated August 19, 2009, revised February 2, 2010

\_\_\_\_\_, *Addendum to Response Action Completion Report*, August 2008.

\_\_\_\_\_, *Response Action Completion Report*, June 2008.

\_\_\_\_\_, *Phase II Environmental Site Assessment – Affected Property Assessment Report Addendum*, January 2008.

\_\_\_\_\_, *Phase II Environmental Site Assessment – Affected Property Assessment Report Addendum*, November 2006.

\_\_\_\_\_, *Response Action Plans*, December 2005.

\_\_\_\_\_, *Affected Property Assessment Report*, August 2005.

\_\_\_\_\_, *Supplemented Phase II Environmental Site Assessment Report*, August 2005.

Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program (VCP) Conditional Certificate of Completion (COC), dated May 6, 2009, VCP no. 1858

Walsh Environmental Scientist and Engineers, LLC., *Inspection for Asbestos, Lead-Based Paint and Hazardous Materials*, August 2005.

## **Enclosure 4**

### **Agency Contacts**

Mr. Otu Ekpo-Otu  
TCEQ, Remediation Division  
P.O. Box 13087, Mail Code 127  
Austin, TX 78711-3087  
okepootu@@tceq.state.tx.us

Physical Address  
TCEQ, Remediation Division  
12100 Park 35 Circle, Bldg. D  
Austin, TX 78753

Ms. Glenda Briscoe  
Assistant Field Manager  
Bureau of Land Management  
801 Fillmore Street  
Amarillo, TX 79101-3514  
Glenda\_briscoe@blm.gov