



Robert Moser, MD, Secretary

Department of Health & Environment

Sam Brownback, Governor

July 2, 2013

Cecilia Tapia
Director, Superfund Division, EPA Region VII
11201 Renner Boulevard
Lenexa, Kansas 66219

RE: Cherokee Zinc Company Site, Weir, Cherokee County, Kansas
KDHE I.D. # C3-011-71741
EPA I.D. # Not yet assigned

Dear Ms. Tapia:

The Kansas Department of Health and Environment (KDHE) has completed the Integrated Assessment (IA) of the Cherokee Zinc Company smelter site located in Weir, Cherokee County, Kansas. Lead, cadmium, chromium and arsenic are present above KDHE's Tier 2 residential Risk-based Standards for Kansas concentrations at the former smelter works and in residential yards in Weir. Sediments have also been determined to be impacted with heavy metals based on previous KDHE investigations. KDHE is referring this site for a removal action consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). KDHE will conduct a post-removal assessment to complete site actions.

Sincerely,

John W. Mitchell
Director, Division of Environment

Rlb/mlm
Attachments: Integrated Assessment Report

- C: Rick Bean → Randy Brown (without copy of report)
Doug Doubek → Tiffini Wells → C3-011-71741 (with copy of report)
Paul Roemerman, EPA/EFLR (without report, sent under separate letter)
Gary Blackburn, KDHE (without report)
Bob Jurgens, KDHE (without report)
Renee Brown, KDHE (with report)



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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 Removal Action at the Cherokee Zinc Company (Weir Smelter) site located at:

413 North Washington Street

Street Address, Parcel Number or Other Property Description

Weir

City

Cherokee

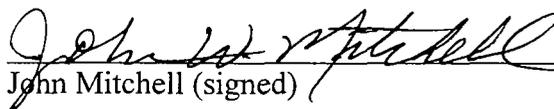
County

Kansas, 66781

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) at the Cherokee Zinc Company (Weir Smelter) site. The site is the location of an abandoned primary zinc smelter with multiple residential yards impacted with lead and other heavy metals including arsenic, cadmium, and chromium above KDHE's residential Tier 2 Risk-based Standards for Kansas levels. Sediments and surface water are also impacted by heavy metals releases from the smelter. KDHE currently does not have the resources necessary to conduct the removal action. KDHE will conduct a post-removal assessment to complete site actions.

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 or 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.


John Mitchell (signed)

Director, Division of Environment, KDHE
Title

July 3, 2013
Date