UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
324 EAST ELEVENTH STREET
KANSAS CITY, MISSOURI 64106

IN THE MATTER OF

State Drive-In Theater, Inc.,

and

Leroy Shavers,

and

Howard Jansen,

and

Durwood Downing,

Respondents.

Proceedings under Section 106
of the Comprehensive Environm
Response, Compensation and Li
Act of 1980, 42 U.S.C. §9606(a
Section 7003(a) of the Resourc
Conservation and Recovery Act
1976, 42 U.S.C. §6973(a).

Docket No. 85-F-0002

AMENDED ORDER

Amended signed AO's

PRELIMINARY STATEMENT

The following Order is issued to Mr. Durwood Downing (Respondent Downing), Mr. Howard Jansen (Respondent Jansen), Mr. Leroy Shavers (Respondent Shavers), and State Drive-In Theater, Inc. (Respondent Theater), pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(a), and Section 7003(a) of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. §6973(a), by authority delegated to the undersigned official by the Administrator of the United

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Superfund

sampling procedures, safety provisions, and the ultimate disposition of the wastes. The removal of the drums must be completed within 96 hours of the effective date of this Order.

EFFECTIVE DATE

22. Because the amendments hereto are technical in nature, this amendment does not alter the original effective date of the Order issued October 15, 1984. The effective date of that Order and this Amended Order are the same. Counsel for the Respondent Theater has agreed to this provision.

RETENTION AND AVAILABILITY OF INFORMATION; SAMPLING AND ANALYSIS

23. All sampling and analysis shall be done pursuant to EPA protocols. Samples taken by or for Respondents shall be handled according to the chain-of-custody procedures established by the EPA National Enforcement Investigation Center. Before disposal of any samples by Respondents, the EPA shall be given 24-hour notice and opportunity to take possession of such samples.

24. Respondents shall preserve all records relating to response at the Facility until instructed by EPA to do otherwise. These records including sampling, analyses, and chain-of-custody records, manifests, trucking logs, receipts, reports, records of destination of the hazardous substances and/or hazardous wastes, correspondence and other documents produced during the response at the Facility.

brought in the appropriate United States district court to enforce such Order, be fined not more than $5,000 for each day in which such violation occurs or such failure to comply continues.

OPPORTUNITY TO CONFER

31. Within 24 hours of receipt of the Order, Respondents may request a conference with EPA to discuss the terms and conditions of this Order. The person to contact will be Ron McCutcheon, previously identified.

AMENDMENT

32. This Order may be amended by the undersigned as required. Such amendment shall be in writing and fully executed. Amendments shall be effective upon receipt by Respondents of fully executed copies unless otherwise provided.

IT IS SO ORDERED.

for Morris Kay
Morris Kay
Regional Administrator
U.S. Environmental Protection
Agency
Region VII

10/22/84
Date