Memorandum (Internal, need not be retyped.) March 26, 1985

Re: Lake Park Drive-In Theatre; 250 South 59th Lane; Kansas City, Ks.

From: David V. Crawford, Superfund Branch/Compliance Section (SUPF/COMP)

To: Craig W. Smith, Acting Chief SUPF/COMP

Bob DVC - please concur

Fine Bob -

Background

This site consists of an abandoned drive-in theatre, at which nine or ten drums of hazardous wastes had been illegally deposited. One of the drums may have been partially or completely empty. The drums were determined to contain paint-related hazardous wastes, which were ignitable and therefore hazardous. Fires had already been reported at the site and had been exstinguished by the Fire Department. The site is surrounded on several sides by residential development. The drums of ignitable, and potentially toxic wastes, were therefore determined by the Environmental Protection Agency (EPA) tp present a potentially imminent and substantial endangerment to health, welfare or the environment.

The drums were initially observed by the Kansas City, Ks. Fire Department, who reported their observations to EPA. The EPA initially attempted to address the site as a RCRA compliance matter. The Kansas Department of Health and Environment has interim authorization for RCRA and was the lead agency for RCRA compliance on this site. The KDHE attempted, unsuccessfully, to require that the responsible parties remove, and safely manage the drummed wastes. Eventually the KDHE requested that EPA address this site as an immediate removal under the Superfund Program.

Action

On October 22, 1984 The Regional Administrator signed a unilateral Order requiring the immediate removal of the drummed wastes. The Order was issued under Section 106 of the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA). The Region VII Environmental Services Division was prepared to conduct the removal, in the event the responsible parties did not comply with the 106 Order. The 106 Order was issued to all responsible parties which could be identified as follows: State Drive-In Theater, Inc. (property owner); Leroy Shavers (agent for property owner who controlled access to the site); Howard Jansen (who sold or gave the wastes to the transporter who deposited them at this site); and Durwood Downing (the person who transported and deposited the wastes at this site).

Only State Drive-In Theater, Inc. complied with the Order. State hired a hazardous waste contractor who arranged for shipment and incineration of the wastes in a licensed hazardous waste incinerator in East St. Louis, Ill. In the interim until the incinerator could accept the wastes the site was secured to prevent unauthorized removal or potential exposures to the drummed wastes. On January 14, 1985 I was advised by the EPA/ENSV On-Scene-Coordinator that the drummed wastes had been removed from the site and transported to the facility in East St. Louis for incineration.

Recommendation

The drummed wastes which had been the subject of concern at this site have been removed and safely disposed. No evidence of any significant spillage or soil contamination has been observed or reported. Based upon the available information no further action is warranted on this site under the Superfund or Uncontrolled Site Program. I am therefore recommending we write this site off as no further action necessary. I have drafted a Final Strategy Determinaton to this effect, to be submitted if you concur.

agree _____ disagree _____ comments _____

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Superfund

The property owner (State) eventually complied with the 106 Order in removing and providing for safe disposal of the drummed wastes. I therefore recommend that we go ahead and send them the form letter advising them that we have determined that no further actions are warranted at this site, based upon available information. I would also recommend that they consider more adequate security at the site to prevent any additional disposal or dumping of hazardous wastes. (As an abandoned theater the site is prone to this type of activitiy.) Because of the level of involvement of ENSV and CNSL on this site I recommend we put them down for a concurrence on this letter.

agree AB disagree_____ comments_____

The removal on this site was implemented by one of the responsible parties. EPA costs on this site amounted to less than $10,000. Because of the small amount of money involved SUPF previously determined that no cost recovery actions would be pursued on this site.

Agree - NAN on cost recovery. CB

attachment: Final Strategy Determination

cc: Site File
Reading File
Steve Kinsor, SUPF TASS