bcc: Steve Kinser, SPFD

Site: Martha
ID #: MOD980633069
Break: 11.6
Other:

D12

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

RECEIVED
OCT 23 1986
CMPL SECTION

October 21, 1986

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Donald R. Huhn
Barbara F. Huhn
[redacted]

FOIA Exemption 6

Dear Mr. and Mrs. Huhn:

I have tried unsuccessfully to contact you by phone as requested by Mrs. Huhn. Mrs. Huhn did request that I send a copy of the search warrant which is enclosed.

The purpose in my contacting you is to advise you that PCB contaminated equipment has been illegally removed from the Martha C. Rose Chemicals, Inc./American Steel Works, Inc. facility in Holden, Missouri, and stored at various locations in the Johnson County, Missouri, area and in Kansas City, Missouri. We also have information that some equipment may have been taken to other locations, including the St. Louis area.

Through tests of this equipment, we have determined that generally those items of equipment which were used or stored in the work areas at the Holden facility are contaminated with polychlorinated biphenyls (PCBs), and, therefore, are illegally stored and/or transported and distributed in commerce. After receipt of these sample results, EPA issued an Order on September 26, 1986, to various companies and individuals affiliated with Martha C. Rose Chemicals, Inc., and individuals who owned or controlled property where the equipment was illegally stored. A copy of that Order is enclosed. The EPA had previously sent a letter request as well as holding a meeting and participating in phone calls with the attorney for Martha C. Rose Chemicals, Inc., and affiliated companies, in an attempt to have the companies involved take responsibility for the PCB contaminated equipment which was illegally stored. We also contacted the individuals named in the Order to obtain access to their properties in the event the responsible companies did not take the necessary measures required by the Order. Of those, only Dwight Thomas and the companies and Walter C. Carolan failed to provide written access.

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SUPERFUND RECORDS

After it became apparent that no appropriate response would be taken, EPA obtained warrants for property owned or controlled by Dwight Thomas and property at 2459 Charlotte, Kansas City, Missouri. We commenced an immediate removal of PCB contaminated equipment which was returned to the Holden facility for temporary storage pending final clean-up of that facility.

EPA employees, under the authority of an administrative search warrant issued on July 17, 1986, entered your building on July 18, 1986. They observed material from American Steel Works and Dust Suppression. A sample was taken and later analyzed. It indicated the piece of equipment, an electric motor, was PCB contaminated. On October 8, 1986, EPA employees returned to the Thomas property in order to remove PCB contaminated equipment. Dwight Thomas advised our employees that there was nothing in your building and that it was owned by "Bob Hughes." He was advised that EPA employees were inside the building pursuant to the last search warrant and knew that PCB contaminated equipment was improperly stored therein. I do not know if the PCB contaminated equipment is stored on your property with your permission, but this letter is to advise you that it has been illegally removed from the Holden facility and is illegally stored on your property. Please contact me within twenty-four hours of receipt of this letter and advise me whether you will allow us to remove the PCB contaminated equipment. If you will, I need a letter giving us written permission. My office phone number is (913) 236-2811.

Sincerely yours,

Martha R. Steincamp

Martha R. Steincamp
Deputy Regional Counsel

Enclosures