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Superfund (CERCLIS)

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Description Report

Site Description

SUPERFUND SITE ID: 0700513 **SITE NAME:** CHEMICAL COMMODITIES, INC.

Description Text

The Chemical Commodities Inc. (CCI) site is located at 320 South Blake Street in the city of Olathe, Johnson County, Kansas. The site consists of an approximately 1.5 acre parcel of land owned by CCI, adjoining property owned by Burlington Northern San Francisco (BNSF) Railway Company, and associated groundwater contamination which has migrated underneath neighborhoods west and north of the site. The site is located in a mixed commercial/industrial and residential area. A major rail line lies adjacent to the east of the site, and residences are located adjacent to the north and west of the site. Currently, the CCI property is zoned M3 industrial, but the city's master plan shows the property as residential. The EPA and the city have proposed that CCI seek to have the property re-zoned as residential, with restrictions to allow only for open space or recreational uses. Land use around the CCI property is a mixture of residential and light industrial. The site is bounded on the east by a major rail line. Residences are located adjacent to the north and west of the site. A large residential neighborhood is located west of the site. The reasonable anticipated future land use of the CCI property is open green space or recreational use. Given the proximity to the railroad and the length of time needed to complete remedial actions, the site is not a candidate for residential development. The local community has indicated a preference for open green space or recreational use, and is opposed to industrial or commercial uses. CCI was a chemical brokerage facility that operated at the site from 1951 until 1989. Recycling activities were conducted using a filter press. Hazardous chemicals processed through the filter press were spilled or leaked into site soils. Some chemical repackaging activities were also conducted on the CCI property. Chemicals of all types were stored on the property in a variety of containers including above ground tanks, under ground tanks, drums, barrels, cylinders, bottles, etc. Many of the containers leaked, causing a release of hazardous substances to the site soils and groundwater. CCI began operations at the site prior to any federal environmental laws. There were numerous fires and explosions that occurred at the site during the 1960s and 1970s. The city of Olathe Fire Department responded to the fires and cited CCI for unsafe conditions. The local citizens lodged numerous complaints with the city regarding the fires and drainage flowing from the site down Keeler Street and onto surrounding properties. The EPA first became involved at the site in the early 1980s after receiving numerous complaints from local and state agencies regarding operations at the site. Initial inspections revealed the need to redirect drainage to control surface runoff, inadequate waste storage practices, poor general housekeeping practices, and uncertain conditions of underground storage tanks. In May 1985, EPA signed an administrative order on consent (AOC) with the site owner to conduct certain cleanup activities. Under the order, three underground storage tanks (USTs), which had been found to be leaking, were removed. The EPA enforcement activities resumed in 1988 following a dangerous incident in which a CCI truck caught fire while transporting waste. An investigation of the CCI facility revealed numerous environmental and public health threats. As a result of this investigation, EPA issued a unilateral administrative order (UAO) to CCI, requiring it to perform cleanup activities at the site. Initially the site owner expressed intent to comply. CCI submitted a cleanup plan for the facility; however, EPA determined that the plan was inadequate. The EPA signed an Action Memorandum in July 1989 supporting the use of federal funds to conduct the necessary cleanup actions. Between 1989 and 1991, an extensive removal action was conducted at the site in phases. Phase 1 consisted of site characterization, segregation of wastes, and packaging of wastes for disposal. Phase 2 included the transportation and disposal of containerized wastes. Phase 3 involved excavation and offsite disposal of highly contaminated soils, onsite capping of moderately contaminated soils, decontamination of the main warehouse building, and installation of a groundwater interceptor trench and water treatment system to collect and treat contaminated groundwater. In September 1991, Jerald Gershon, the sole officer and director of CCI and the operator of the facility, filed bankruptcy. The EPA filed a civil action under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for reimbursement of response costs in federal district court against Gershon and CCI on September 30, 1991. The EPA also filed a claim in the bankruptcy

proceeding for past response costs and objections to the discharge of the debtor. In 1993, EPA and Gershon entered into a settlement agreement requiring payments from remaining unsecured assets of the estate for partial reimbursement of EPA response costs. A default judgment was entered by the district court against CCI. The EPA listed the site on the National Priorities List (NPL) in June 1994. In September 1994, Rockwell International Corporation was identified as a potentially responsible party (PRP). Then in September 1995, EPA issued a UAO to Rockwell to perform a site characterization study. An extensive site characterization study focusing on onsite soils and groundwater was completed by Rockwell in September 1996. An Engineering Evaluation and Cost Analysis (EE/CA) was also prepared by Rockwell. However, the EE/CA was never approved by EPA due to a number of disagreements between EPA, Kansas Department of Health and the Environment (KDHE), and Rockwell. After a thorough review of site records, EPA identified several additional PRPs. In October 1998, EPA signed an AOC with the PRP group for a time-critical removal action involving the dismantling of the water treatment system and long-term operation of the interceptor trench. Under the 1998 AOC, the PRP group is obligated to drain the trench until the trench is decommissioned or 90 days following signature of the Record of Decision (ROD). The trench may be decommissioned prior to or during remedial design, or may become part of the final remedy. In May 2000, an AOC for the performance of a Remedial Investigation/Feasibility Study (RI/FS) was signed between EPA and two of the major PRPs. The RI focused on offsite groundwater since onsite soils and groundwater were characterized during the site characterization study completed in 1996. An initial RI Report was partially approved by EPA in December 2001. The report was approved in part due to the remaining data gaps, mainly relating to the fractured bedrock. Additional phases of investigation were conducted by the PRPs in order to produce a more complete conceptual site model. The RI was approved for completion in February 2004. Between November 2000 and November 2002, increasing concentrations of chlorinated solvents were observed in crawl space and indoor air samples collected from homes near the site. The EPA signed an Action Memorandum in December 2002 for a time-critical removal action calling for the installation of ventilation systems in homes designated as phase 1 homes, confirmation sampling, and additional sampling beyond the phase 1 homes to determine whether additional ventilation systems would be needed. The ventilation systems for the phase 1 homes were installed by the PRPs pursuant to a February 2003 amendment to the RI/FS AOC. However, EPA retained responsibility for the confirmation sampling and additional air sampling beyond the phase 1 area. Since the initial phase 1 action, an additional 13 homes have received ventilation systems. Air sampling in the neighborhood continues. The PRPs have agreed to conduct the air sampling program and to perform operation and maintenance of ventilation systems pursuant to the August 2005 modification of the RI/FS AOC. The EPA conducted a time-critical removal action in June 2003 to address contaminated soils which had been stockpiled onsite since the early removal actions conducted between 1989 and 1991. The removal action also addressed the onsite warehouse building which had become badly deteriorated and presented a threat to site workers and trespassers. The building was demolished and the building debris along with the stockpiled soils was transported offsite for disposal in a permitted waste disposal facility. A Record of Decision (ROD) addressing Operable Unit 01 (OU1) at the Chemical Commodities site was completed in May 2005.

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