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Cleanup Enforcement in Action:
Addressing Community Needs in Olathe, Kansas

The Value of Environmental Enforcement

At the Chemical Commodities, Inc. (CCI) Superfund site in Olathe, EPA's environmental enforcement mechanisms and resources have played a vital role in supporting public health protection, environmental restoration and reuse. These outcomes are providing long-term community benefits for nearby Olathe residents.

EPA's environmental enforcement program facilitated the identification of the parties responsible for the cleanup of this former chemical storage and recycling facility and executed an agreement with the parties to pay for and perform the cleanup. EPA enforcement staff also required and facilitated the development of institutional controls to safeguard the site's long-term remedy. Effective cleanup enforcement responses as well as extensive collaboration among EPA, its partners, and site stakeholders ensured the cleanup would be compatible with plans for the site's future.

Today, those plans have been realized. The site currently hosts a colorful and varied pollinator prairie, a haven for bees, butterflies, hummingbirds, and other pollinators. The area is a beautiful community park, and stands in stark contrast to the chemical recycling facility that once contaminated the site.

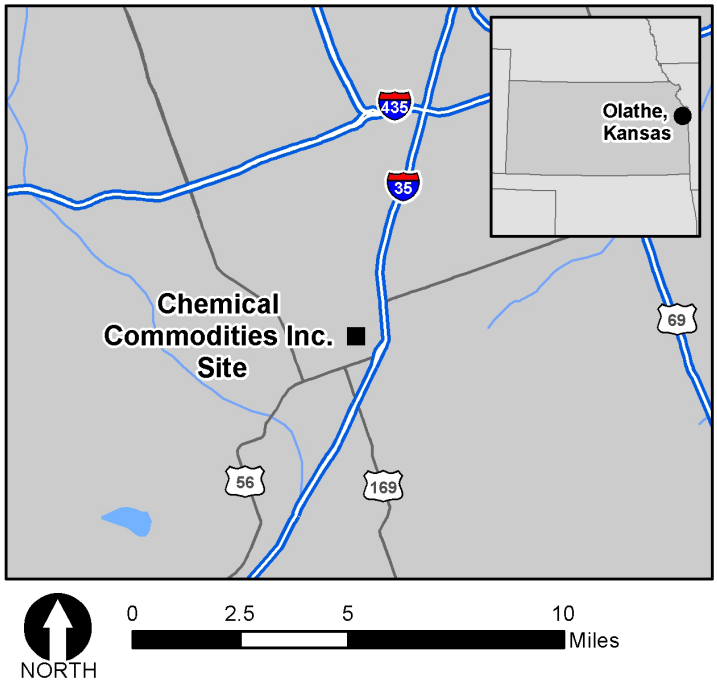
Environmental Enforcement Benefits the Community

Environmental and public health impacts affect people most significantly where they live. EPA works to provide strong, effective enforcement support to all communities. As the Agency implements environmental and public health improvements across the country, EPA is looking for new ways to assist communities in environmentally overburdened, underserved, and economically distressed areas where the needs are greatest.

Working Together to Achieve Site Reuse and Using Institutional Controls for Long-term Protection

Ongoing collaboration among EPA, Boeing, the state of Kansas, the City of Olathe, community members, the Advisory Group, Monarch Watch, and the Pollinator Partnership made the site's reuse possible. In addition to the cleanup plan's engineering and physical components, EPA included institutional controls to add layers of protectiveness.

The site's location in Olathe, Kansas.



Sources: Esri, DeLorme, AND, Tele Atlas, First American, UNEP-WCMC and USGS.

CCI facility operations.

Site and Community Overview

The site is located in a residential neighborhood near downtown Olathe. The surrounding neighborhoods included mostly low to middle class income homes with many rental properties, resulting in a largely transient community. From 1951 to 1989, CCI stored, recycled, repackaged and distributed chemicals on site. During facility operations, the community grappled with a range of challenges – several fires, explosions, and even contaminated runoff. Area residents faced significant health risks from soil and groundwater contamination as well as poor indoor air quality. After the facility shut down in 1989, the dilapidated property continued to pose significant health risks and was a community eyesore.

Project History

1985 – 1993
Responding to Initial Concerns

Area residents brought the site to the attention of local authorities due to concerns about on-site operations and contaminated runoff in their yards. After receiving notification from local and state agencies, EPA began site investigations. Inspections revealed the need to redirect drainage to control surface runoff, inadequate waste storage practices, poor general housekeeping practices, and uncertain conditions of the underground storage tanks. Initial enforcement activities focused on removal actions to address urgent health hazards from site drainage impacting residents near the site. In May 1985, EPA signed an administrative order on consent with CCI. This agreement led to the removal of three leaking underground storage tanks, eliminating the source of ongoing contamination.

In 1988, after a CCI truck caught on fire while transporting waste, EPA investigations and enforcement activities resumed. Further investigations found numerous environmental and public health threats in the form of soils contaminated with heavy metals, polychlorinated biphenyls (PCBs), semi-volatile organic compounds, polyaromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs), which also impacted groundwater.

Enforcement Mechanisms

- **Administrative Settlement Order on Consent** Settlement agreement used by EPA for removal activities, site investigations, remedy design work and cash settlements with responsible parties. The U.S. Department of Justice often assists EPA in negotiating administrative order on consent settlements.
- **Unilateral Administrative Consent** EPA can issue a unilateral administrative consent order when it finds there may be an imminent and substantial endangerment to the public health or the environment. The order requires parties to undertake a response action, either a short or long-term cleanup.
- **Action Memorandum Document** provides a written record of the selection and approval of a removal action, and substantiates the need for a removal action.
- **Consent Decree** Legal document that formalizes an agreement between EPA and PRPs that describes actions that PRPs are required to perform.

" Neighbors and the community were tired of living near an overgrown eyesore. It was a good time to plan for the future. "

- Terrie Boguski,
TOSC Technical Assistance Specialist

To ensure necessary cleanup actions continued, EPA issued a unilateral administrative order in April 1989. The order required CCI to perform cleanup actions but the company did not fully comply with cleanup requests. To keep cleanup moving forward, EPA signed an action memorandum in July 1989. The action memorandum supported the use of federal funds to conduct the necessary cleanup actions.

Both CCI and CCI's sole proprietor filed for bankruptcy in 1991. CCI had no remaining assets at the time, and Kansas bankruptcy law made it difficult to obtain assets from the sole proprietor. EPA then stepped in and used federal funds for the cleanup. In 1991, EPA and CCI entered into a settlement agreement to reimburse EPA for its past cleanup costs, resulting in EPA receiving payments from insurance policies. While EPA successfully recovered some costs through these proceedings, it was important to identify a long-term PRP who would be able to support the site's cleanup work.

1994 – Present
Identifying Additional Responsible Parties, Achieving Long-Term Protection of Public Health and the Environment

EPA listed the site on the Superfund program's National Priorities List (NPL) in May 1994. In September 1994, EPA identified Rockwell International Corporation as a PRP. Rockwell recycled its solvents used to clean rocket engines at CCI. In 1996, the Boeing Company acquired Rockwell.

With CCI unable to fund remaining cleanup needed at the site, EPA's identification of additional PRPs was critical to protect the community from contamination. In addition to Boeing, EPA identified over 12 other PRPs who had contributed to the contamination to undertake the site's long-term cleanup plan. Without EPA enforcement's tireless efforts to identify responsible parties, taxpayer dollars would have been used to pay for the cleanup. Instead, a PRP-lead cleanup allowed for the fast cleanup of the site, minimizing risks to the community. To streamline communication and facilitate a more efficient cleanup process, Boeing stepped forward to lead the PRP group and conduct the cleanup work, which included waste characterization, risk assessments, time-critical removal actions, indoor

The 2015 Monarch Migration Festival at the site's pollinator prairie.

In 2013, the prairie was certified through the Corporate Lands for Learning program by the Wildlife Habitat Council.

Integrating Cleanup and Reuse

Based on the site's remedial investigation and feasibility study, site stakeholders decided the remedy could support a community park or open space.

- Light recreational or ecological reuses were ideal not only for the community but for Boeing, as the PRP.
- These greenspaces could incorporate native vegetation on the cap; meaning the plants would not only help keep the cap in place and prevent erosion, they would likely require less maintenance than non-native plantings. Native vegetation provides habitat for local species, including many pollinators, and is well-suited to endure local weather.

air ventilation system installations, and completing the final cleanup.

For years, residents had sought assistance, "Some had seen impacts to their homes or yards, but they had not received answers, no meaningful responses," explained EPA site attorney Barbara Peterson. During the long-term remedial planning phase in 2001, the community came together to form the CCI Citizens Advisory Group. EPA provided independent technical assistance through its Technical Outreach Services for Communities (TOSC) program to help the advisory group stay informed. EPA legal counsel attended community meetings and assisted by answering community member questions whenever possible. Residents sought guidance and information regarding their obligations as property owners and potential sellers in the area as well as other legal questions.

The final cleanup included excavation, treatment and disposal of contaminated soils, backfilling and capping of excavated areas, chemical oxidation of contaminated groundwater, monitored natural attenuation, ventilation system operation and maintenance, and institutional controls. EPA signed an action memorandum in 2002 for a time-critical removal action calling for the installation of ventilation systems and sampling to determine the need for additional systems, thereby minimizing the risks from contaminated indoor air in nearby residences. Boeing initially installed and monitored these systems; EPA has since taken over the indoor air program as a way to support Boeing in its cooperative approach as a PRP.

Boeing worked with the advisory group to make sure the cleanup would be compatible with recreational uses such as a community park or open space. The advisory group had conducted a survey in 2005 which indicated that most respondents preferred future site reuses that could include open space with components like landscaping, benches and walkways. In 2009, after Boeing and other site PRPs signed a consent decree with EPA to complete the site's cleanup, remedial design began.

Under EPA oversight, and with Boeing's coordination, the cleanup finished under budget and a year ahead of schedule.

Institutional Controls

Non-engineered instruments such as administrative and legal controls that help minimize the potential for human exposure to contamination and/or protect the integrity of the remedy.

Examples include zoning restrictions, local ordinances and restrictive covenants. Institutional controls can document restrictions on property use, including types of land development, excavation depths or groundwater use.

Ongoing collaboration among EPA, Boeing, the state of Kansas, the City of Olathe, community members, the Advisory Group, Monarch Watch, and the Pollinator Partnership made the site's reuse possible. The area is now home to the Olathe Pollinator Prairie, a community park offering opportunities for habitat restoration, environmental education and recreation. Walking paths with informational signage wind through a garden of native species that attract pollinators such as bees, birds and butterflies. The prairie is also along a migrational corridor for Monarch butterflies. An area for tagging migrating Monarch butterflies helps researchers to learn more about their migration patterns and survival rates. The pollinator prairie illustrates how suburban areas can support species conservation and biodiversity.

Ensuring Site Access and Long-Term Protectiveness

In addition to the cleanup plan's engineering and physical components, EPA included institutional controls to add layers of protectiveness. EPA enforcement staff required and facilitated the development of the site's 2006 restrictive covenant, which precludes commercial, residential and industrial uses, prohibits disturbance of the property's surface or subsurface, restricts livestock grazing and food production, and prohibits water wells on site. In addition, the PRPs and the city recognize that a 2006 zoning designation restricts the area to recreational green space and prohibits the construction of residences. The site's 2009 consent decree also ensures that EPA will have ongoing access to the property to make sure the

Informational placards throughout the pollinator prairie share the history of the area and information about native pollinators.

Community members watching pollinators in the site's habitat garden.

site remains safe for users, area residents, and the environment. Groundwater extraction for domestic use is restricted via a city ordinance.

Enforcement Makes a Difference

EPA's environmental enforcement program has helped make a difference in thousands of communities impacted by hazardous waste contamination. At sites like the Chemical Commodities, Inc. Superfund site, the program helps ensure that viable liable parties perform and pay for prompt and protective cleanups that integrate future site reuse and consider long-term protectiveness through the use of institutional controls. In Olathe, Kansas, collaboration among site PRPs and federal agencies, sustained engagement with the community and forward thinking have allowed for the safe and sustainable use of the Chemical Commodities, Inc. Superfund site as a pollinator prairie, benefitting visitors, local residents and native wildlife alike.

"Our priority was low-maintenance green space that would beautify the neighborhood."

- Janell Andrews,
CCI Citizens Advisory Group

The Importance of a Pollinator Habitat

Pollinators provide pollination services to over 180,000 different plant species and more than 1,200 crops. Most flowering plants need help from pollinators to survive but many pollinator populations are in decline. This decline is attributed most severely to a loss in feeding and nesting habitats. EPA is working with potentially responsible parties and community groups at Superfund sites across the country to restore, create and protect pollinator habitat. Native pollinator gardens, meadows and educational prairies, like the one at the CCI site, not only provide much-needed habitat, the educational component helps spread the word about why pollinators are so important and how to help them. To learn more about how EPA is supporting pollinators, visit: https://www.epa.gov/pollinator-protection/epa-actions-protect-pollinators.

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