



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FINDING OF IMMINENT AND SUBSTANTIAL ENDANGERMENT

HPI East Eighth Street
St Joseph, Buchanan County, Missouri

Based on the factors outlined below, I have determined that a threat exists to the public health or welfare or the environment at this site/incident. An imminent and substantial endangerment to the public health or welfare or the environment exists because of the actual or threatened release of a hazardous substance at or from the incident.

I. SITE INFORMATION

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|--------------------------------|---|
| Site Name: | HPI East Eighth Street |
| Site Number: | None |
| CERCLIS ID: | None |
| Site Location: | St Joseph, MO |
| Potentially Responsible Party: | |
| Name: | William Garvey |
| Address: | 424 East Eighth Street St Joseph, MO |
| Telephone Number: | Unknown |
| Access: | Restricted by locked door |
| NPL Status: | Non-NPL |
| Removal Start Date: | 3/26/07 |

II. THREAT TO THE PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

A. Site Background

HPI Chemical Products, located in St Joseph, Missouri, is a general chemical formulator that formulates and packages pesticides, herbicides, and other chemical products. There are several HPI facilities in St Joseph that are owned and operated by William Garvey. The facilities include the main office and manufacturing facility at 222 Sylvania St., and other storage and distribution facilities throughout the downtown area, including the HPI East Eighth Street Site, located at 424 East Eighth Street.

The Missouri Department of Natural Resources (MDNR), Hazardous Waste Enforcement Unit has conducted several inspections of the HPI facilities. Three of the MDNR inspection reports, dated December 8, 2005, December 30, 2005, and December 28, 2006, identified numerous violations including large quantities of waste/product drums, bags, and other containers that had been stored indefinitely for many years. Many of these containers were corroded, leaking, and were mislabeled, or not labeled at all.

On March 20, 2007, the Environmental Protection Agency (EPA) Region 7 initiated a multimedia inspection of the HPI facilities located in St. Joseph, Missouri. The facility located at 424 East Eighth Street is a brick, two story structure that is utilized by HPI to store various materials. The multimedia inspection revealed more than three hundred (300) containers of various materials located throughout the building. The container types included: supersacks; tanks (including stainless steel); metal drums; poly drums; fiber drums; plastic buckets; metal buckets; bottles; poly totes; and bagged materials. The container sizes included: 100 millimeter bottles; 10 to 55 gallon drums; 1000 to 2000 gallon tanks; 350 to 500 gallon totes; and 50 pound bags. The contents of the majority of the containers are unknown, and many of the containers have no label information. Some of the label information that was identifiable includes: acetone; ethanol; methylene chloride; flammable labels; and various pesticides, including malathion, and lindane. The physical conditions of the containers include: leaking containers; bagged materials open and mixed with liquid materials; rusted containers; and containers with no bungs or tops. It appears that in at least two areas of the building, incompatible materials are stored together.

Located immediately to the north of the 424 East Eighth Street building is a Day Care, and to the west is a city bus terminal. The roof of the HPI building is leaking, causing rainwater to mix with the containers that are open and/or in poor condition. Standing water is evident on the floor of the building, mixing with the spilled materials. The rainwater/spilled materials mixture was discharging to a floor drain near the northwest corner of the building. The discharge location of this drain is not known. The electrical power to the building remains on, as some of the interior lights were operational. An interior wall contains electrical panels that have wiring exposed, unknown materials stored nearby, and water pooled on the floor that has been mixed with the spilled materials. The garage doors along the south and west side of the building are in poor condition.

As a result of the investigation findings, and concerns that the owner would attempt the unauthorized removal and/or disposal of this material, the site was referred to the Superfund program for investigation and potential cleanup action.

B. Hazardous Substances Present:

Acetone, methylene chloride, malathion and lindane are hazardous substances as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and

Liability Act of 1980 (CERCLA), and are listed at 40 CFR 302.4. Field screening of samples collected during the multimedia inspection identified the characteristics of ignitability and corrosivity.

C. Nature of Actual or Threatened Release of Hazardous Substance:

Improper storage and disposal of RCRA characteristic hazardous materials, pesticides, and unknown/unlabeled materials resulting in the following site conditions:

Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants [300.415 (b) (2) (i)].

Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that pose a threat of release [300.415 (b) (2) (iii)].

Threat of fire or explosion [300.415 (b) (2) (vi)].

The availability of other appropriate Federal or State response mechanisms to respond to the release [300.415 (b) (2) (vii)].

III. SELECTED REMOVAL ACTION

Initial action will consist of providing site security to prevent and/or document the unauthorized movement or removal of pesticides and other hazardous materials.

Further site characterization will be conducted to inventory, sample, and segregate pesticide materials to determine which materials are hazardous waste under federal and state law.

Further site characterization will be conducted to determine the extent of environmental contamination (surface and subsurface soils, ground water and surface water).

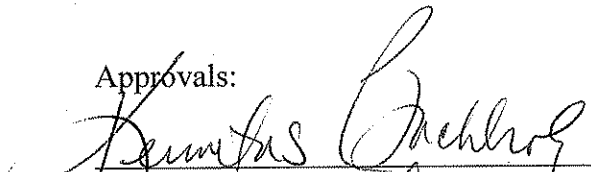
Proper shipment and off-site disposal of: hazardous waste at a RCRA permitted Subtitle C facility; and solid waste at a permitted Subtitle D facility. These facilities must comply with the CERCLA off-site rule, 40 CFR 300.440.

IV. ESTIMATED COSTS

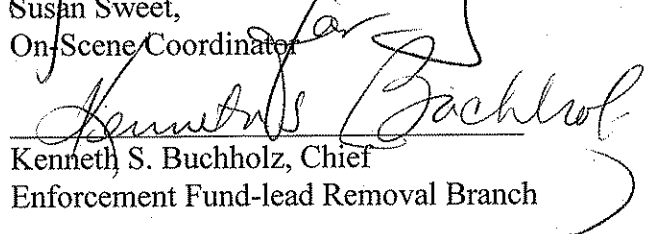
To Be Determined

This finding of imminent and substantial endangerment will be entered into the administrative record for the site or incident.

Approvals:


Susan Sweet,
On-Scene Coordinator

3/27/07
Date


Kenneth S. Buchholz, Chief
Enforcement Fund-lead Removal Branch

3/27/07
Date