

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUN 04 2010

Certified Mail No. 7000 0520 0021 6108 1810
Return Receipt Requested

In reply, refer to ORC-3

Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act

Andrew M. Kenefick
Senior Legal Counsel, Western Group
Waste Management
801 Second Avenue, Suite 614
Seattle, WA 98104

Dear Mr. Kenefick:

As you know, the U. S. Environmental Protection Agency, Region IX (EPA), is engaged in a compliance evaluation of the Chemical Waste Management, Inc. ("CWM"), Kettleman Hills Facility ("KHF" or the "Facility"), located in Kettleman City, California, EPA Identification Number CAT 000 646 117. EPA is investigating compliance with the Resource Conservation and Recovery Act ("RCRA") hazardous waste management requirements, 42 U.S.C. §§ 6921 - 6939e, their implementing regulations, and state regulations adopted pursuant to the RCRA authorized California hazardous waste management program, at the Facility. EPA is seeking more information concerning operations at the Facility.

Under the provisions of Section 3007(a) of RCRA, 42 U.S.C. 6927(a), EPA may require persons subject to RCRA to furnish information necessary for EPA to administer the Act. Pursuant to EPA's authority set forth in Section 3007(a), CWM is hereby requested to submit the documentation requested in Attachment I to this letter using the instructions included in Attachment II. Please also complete and submit the certification included as Attachment III to this letter.

Section 3008 of RCRA, 42 U.S.C. 6928, authorizes the initiation of a civil enforcement proceeding for failure to respond fully to the information request set out in this letter. RCRA Section 3008 also authorizes criminal prosecution for knowingly making a false statement or omitting material information.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. §§3502(3), 3507, and 3512. See also 5 C.F.R. §§ 1320.3(c), 1320.5, and

meaning of 44 U.S.C. §§3502(3), 3507, and 3512. See, also, 5 C.F.R. §§ 1320.3(c), 1320.5, and 1320.6(a). Furthermore, this request is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. §3518(c)(1); 5 C.F.R. § 1320.4.

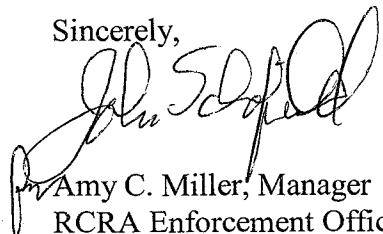
EPA regulations governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 CFR 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Accordingly, EPA may make information available to the public without further notice.

Your response to the Request for Information is due within thirty (30) calendar days of the date of this letter. Please send the response by certified mail, return receipt requested, addressed to.

Letitia D. Moore
Office of Regional Counsel (ORC-3)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Thank you for your prompt attention to this matter. If you have any questions, please contact Assistant Regional Counsel Letitia Moore at (415) 972-3928 or moore.letitia@epa.gov.

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

Attachments

cc: Don Plain (DTSC) (w/ att.)

ATTACHMENT I

Pursuant to the EPA's authority under Section 3007(a) of RCRA, CWM is requested to submit to the EPA the following information within thirty (30) calendar days from the date of this letter:

1. Describe how leachate generated at the Facility is managed, including collection, storage, treatment, disposal and sampling. Please be sure that your response identifies the units at the Facility in which any treatment of leachate occurs, any permit condition or approval that authorizes onsite treatment of the leachate, and any procedures in place to prevent impermissible dilution of leachate. Your response should also address the management of rainwater and stormwater collected in secondary containment areas for the leachate collection tanks.
2. For each leachate collection system associated with the P-9, P-14, P-16, B-18 & B19 units at the Facility, identify each occasion since January 1, 2005, when leachate was sampled, describe the sampling event (location, procedure, analytical method, and constituents), provide the date of each sampling event, and identify the laboratory used.
3. For each sampling event identified in response to Question No. 2 above, list the date, location, and analytical results for any leachate sampling event that had sample results showing an exceedance of the universal treatment standards (UTS) for any constituent. For example, analytical results provided to the Regional Water Quality Control Board (RWQCB) over the past five years show that leachate from P-9 exceeded the UTS for chloroform and leachate from B-19 exceeded the UTS for tetrachloroethene, trichloroethene, 2-butanone, acetone-4, phenol, and 1,4-dioxane. Please be sure that your response addresses each incident where sample results show that the UTS for any constituent is exceeded.
4. For each sampling event identified in response to Question No. 2 above, provide copies of the sampling reports.
5. For each sampling event identified in response to Question No. 3 above, describe how the leachate was subsequently managed, including any treatment, sampling, storage and disposal. Where such leachate was disposed of onsite, please describe how you determined, prior to disposal, that the leachate no longer exceeded the UTS for any constituent. For example, please describe how leachate from P-9 that exceeded the UTS for chloroform was managed, including how you determined, prior to any onsite disposal, that the leachate no longer exceeded the UTS for chloroform. Similarly, please describe how leachate from B-19 that exceeded the UTS for tetrachloroethene, trichloroethene, 2-butanone, acetone-4, phenol, and 1,4-dioxane was managed, including how you determined, prior to any onsite disposal, that the leachate no longer exceeded the UTS for any constituent.
6. For each surface impoundment at the Facility, describe the types of wastes placed in the surface impoundment and identify all generators whose wastes have been disposed of in the surface

impoundment. In addition, please identify any wastes disposed of in P-16 that contain 1,1-dichloroethene, 1,1-dichloroethane, chloroform, trichloroethene, and tetrachloroethene, and, for each such waste, provide the waste code, customer name, waste profile, volume of waste and date of disposal of the waste.

7. For each leachate collection system associated with the P-9, P-14, P-16, B-18 & B19 units at the Facility, describe all procedures used by CWM since January 1, 2005 for completing waste profiles for leachate generated at the Facility, and identify the person(s) responsible for completing such waste profiles.
8. For any leachate generated at the Facility and disposed of offsite as either solid or hazardous waste since January 1, 2005, provide copies of all disposal documents, including manifests, shipping papers, contracts, and invoices for disposal and transportation.
9. Describe CWM's practice and frequency for sampling liquid and sampling sludge from the surface impoundments at the Facility, and provide a copy of all analytical results for samples of either liquid or sludge completed since January 1, 2005.
10. Provide copies of all waste profiles completed in the last ten (10) years for any leachate generated at the Facility. Your response should include copies of any supporting documentation used to complete the profiles.
11. For split samples taken of treated wastes from the generator with waste profile number EB2554 during EPA inspections in 2005 and 2010, please provide the raw data for Method 6010 on TCLP extracts corresponding to instrument analyses performed by the KHF laboratory on January 22 and 29, 2010 and February 5, 2010; and for the TCLP extracts corresponding to the April 29, 2005 Received Load Failed STE; May 2, 2005 Received Load Passed STE, May 5, 2005 Received Load Passed STE, and May 9, 2005 Received Load Passed STE. Your response should include the corresponding instrument calibration, instrument sequence log, summary final data report, TCLP extraction summary showing pH measurements, and any information needed to link the laboratory sample identifier on the instrument raw data to the received load date.

ATTACHMENT II

INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each specific request for information in this letter. Identify each answer with the number of the request to which it addresses.
3. In preparing your response, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In responding to each request, identify all contributing sources of information.
5. If you are unable to answer a request in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any request, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any request, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the request to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is the one to which this request for information is addressed.

ATTACHMENT III

CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE