

US EPA ARCHIVE DOCUMENT



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

WASTE MANAGEMENT DIVISION
RCRA ENFORCEMENT OFFICE
TSCA COMPLIANCE EVALUATION INSPECTION REPORT

Purpose: TSCA Compliance Evaluation Inspection

Facility: Chemical Waste Management, Inc.
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P.O. Box 471
Kettleman City, CA 93239

EPA ID Number: CAT 000 646 117

Dates of Inspection: February 8 – 12, 2010

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Report Date: March 12, 2010

Investigation

On February 8, 2010, a Toxic Substances Control Act (“TSCA”) Compliance Evaluation Inspection (“CEI”) was conducted by inspectors from the United States Environmental Protection Agency (“EPA”). The purpose of the inspection was to determine the compliance of the Chemical Waste Management, Inc. - Kettleman Hills Facility (herein “CWM” or “the facility”) with the Polychlorinated Biphenyls (“PCB”) regulations under 40 Code of Federal Regulations (“40 C.F.R.”) part 761¹.

EPA arrived at CWM around 8:54 am. Upon arrival, the inspectors announced their visit at the front gate. The security guard granted EPA access and the inspectors proceeded to the main building. The inspectors introduced themselves to the various CWM representatives and later adjourned to CWM’s Education Building for a facility overview and EPA inspection in-brief.

During the in-brief, the EPA inspectors presented their credentials. Christopher Rollins then presented and explained the Notice of Inspection Form [Attachment I] and a TSCA Inspection Confidentiality Notice [Attachment II] to CWM representatives.

Under TSCA, the Notice of Inspection is required to be signed prior to entry and the TSCA Confidentiality Notice outlines CWM’s right to claim PCB materials collected during or after the inspection as TSCA Confidential Business Information (“CBI”). Both EPA and the facility signed both forms and the facility was provided a copy of the two documents for their records. Jennifer Downey, Kaoru Morimoto and Christopher Rollins took photographs during the inspection and recorded the photos in CWM’s Photograph Log [Attachment VIII].

After EPA’s in-brief, CWM gave an overview of the facility including background, and operations regarding the management of PCBs on-site.

Background

CWM is a privately owned company and a subsidiary of Waste Management, located in Houston, TX [Attachment IV(c)]. Employing approximately 80 people, the CWM facility operates a TSD facility under the Resource Conservation and Recovery Act (“RCRA”), a PCB chemical waste landfill and a PCB commercial storage facility under TSCA.

CWM first received its EPA Identification Number on August 11, 1999 [Attachment IV(a)]. Historically the facility has received EPA approval to accept and dispose of PCB waste in landfill units B-14, B-16, B-18, and B-19.

¹ An EPA Region 9 RCRA inspection was also conducted at CWM at the same time and documented in a separate report.

Currently, CWM is authorized to store PCBs in unit B-18. The facility's PCB Approval for B-18 was granted in 1992 and expired on May 19, 1997. Although CWM's TSCA Approval has expired, the facility is allowed to operate under their current TSCA Approval until their renewal application is finalized by EPA.

The facility first notified EPA of its PCB activities on February 22, 1990 [Attachment IV(b)]. CWM's PCB operations consist of active PCB chemical waste landfill B-18, a PCB Storage and Flushing Building, and an on-site Laboratory. All PCB wastes are stored and or drained in the PCB Storage and Flushing Building.

The PCB Storage and Flushing Building is located on the northwest side of the facility, adjacent to the Drum Storage Unit ("DSU") [See Attachments IV(d) and IV(e)]. The DSU is where all drums are stored and processed on-site, before the waste materials are placed in landfills, treated or transported of-site for disposal elsewhere.

Site Inspection

PCB Storage and Flushing Building (2/8/10)

On February 8, 2010, EPA inspected CWM's PCB Storage and Flushing Building [Photograph P2070002]. The building is used to store liquids, containers and electrical equipment contaminated with TSCA regulated PCBs. It is also used for the draining and flushing of PCB electrical equipment.

Prior to entering the building, CWM representative, Mr. Robert Fadden informed EPA that an open drum of waste material was reported in the building [Attachment V(a): Profile CA579050 and Manifest 005575564 JJK]. Mr. Fadden then informed the inspectors that they could not enter the building until the waste drum had been closed.

EPA complied with the facility representative's request and therefore did not enter the building to take any photographs of the open container. However, when EPA entered the building, the inspectors photographed the container in question [Photographs P2070008 - P2070011] and reviewed the drum's hazardous waste label. According to the label, the open drum contained caulk contaminated with regulated levels of PCBs (≥ 50 ppm).

During the walk through of the building, EPA observed that a total of 17 wooden pallets of PCB containers, three flammable cabinets of PCB containers, and one large 10,082-gallon tank containing PCB liquids were on-site. All of the PCB drums, containers, flammable cabinets, and the facility's 10,082-gallon PCB tank were marked with a PCB M_L label [Photograph P2070004].

EPA also observed that all entrances to the building, stationary equipment (pump, fan, and tool lockers), and all CWM's electrical equipment were marked with a PCB M_L label [Photographs P2070015 - P2070017].

In addition, EPA observed two PCB drums in the building that were not properly marked to indicate the earliest date removed from service [Photographs P2070008 and P2070013]. The two drums consisted of one 55-gallon drum generated by a third party generator [Profile: CA579050/Drum #1] and one 30-gallon drum generated by CWM [Profile: J36996/PCB*104]. CWM failed to indicate the earliest date removed from service on one of the facility's PCB waste drums (Profile: J36996/PCB*104). EPA recommended that the facility record the proper removal from service date on the drum so that a photograph documenting the facility's return to compliance could be taken.

The facility suggested checking with Mr. Jes Juarez, the Drum Storage Unit ("DSU") Lead who manages PCBs on-site first. The facility informed EPA that Mr. Juarez would be in on the following day, and the inspectors agreed to come back the following day.

EPA concluded the walk through and began collecting PCB wipe samples on the interior and exterior of the building (See the PCB Sample Collections Section). A total of ten PCB wipe samples were collected [Photographs P2070018 – P2070032 and P2080033 – P2080034 and P2080039 - P2080040]. CWM requested splits of our samples. However, based on the type of samples collected splits were not possible.

Instead, the facility agreed to collect CWM's PCB wipe samples adjacent to the areas EPA collected their samples and provide the analytical results and pictures to EPA.

1,000-Gallon Diesel Tank and Empty PCB Drum Storage Areas

After the wipe samples were collected, EPA walked around the PCB Storage and Flushing Building. EPA observed a 1,000-gallon above ground tank used for the storage of diesel fuel [Photograph P2080041]. CWM uses diesel fuel to flush and rinse out PCB containing equipment on-site. Once the equipment had been thoroughly flushed, the PCB contaminated liquids would be containerized for disposal.

EPA also observed an area on the south side of the building, used to store empty drums [Photograph P2080042], and a non-PCB Transformer in use in the back of the facility [Photograph P2080043].

After walking around the building, EPA identified areas where soil samples could be collected. A total of six soil samples were collected on-site (See the PCB Sample Collections Section). Splits of the soil samples were requested and given to the facility for their own analysis [Photographs P2080044 – P2080052].

Once the samples were collected, EPA concluded the PCB inspection for the day.

PCB Storage and Flushing Building (2/9/10)

The next day, EPA revisited the PCB Storage and Flushing Building. During EPA's second visit, the inspectors were introduced to Mr. Juarez and noted that CWM had received several additional pallets of PCB waste on-site. In two of the rows, ten pallets per row were presented and stored end-to-end. There were no column spaces between pallets and the pallets were double stacked in some areas.

The PCB Storage and Flushing Building is only 60 feet x 35 feet. Under section 7.3 of the facility's "PCB Servicing and Handling" Standard Division Practice (TSCA-300) dated March 18, 2005, CWM is allowed to store 300-55 gallon drums (double-stacked), 10,082-gallons of liquid, and 60 gallons of flammable PCBs on-site [Attachment VII(a)].

During the inspection, EPA informed the facility that the current volume of PCBs stored in the facility was potentially unsafe for workers managing the waste. When the pallets were stored end-to-end there was not enough room to get a forklift or other equipment through to each row.

The EPA inspector inquired about how PCBs are managed if a PCB pallet is needed from Row 1 [Attachment IV(f)] in back of the building. According to the facility, the PCBs in the first two rows are relocated and stored outside of the facility until the appropriate PCBs are identified. Later the PCBs are returned to the building for storage.

The EPA inspectors noted this fact and proceeded to the PCB flammable cabinets. Mr. Juarez was asked specific questions related to the removal from service dates listed on PCB waste stored in the cabinets. According to the facility, the removal from service date is not placed on the drums generated by CWM. Instead the facility lists the date the PCB drums are received in the PCB Storage and Flushing Building.

EPA informed the facility that the removal from service date is the date the on-site laboratory first identified PCBs as waste for each container. The facility stated that they would include this date on the containers for waste generated on-site.

The facility returned to compliance on February 10, 2010, when the CWM took a photograph of the PCB container marked with the proper removal from service date (10/2/09). The inspector finished recording his notes and concluded the building visit.

After exiting the PCB Storage and Flushing Building, the inspectors informed Mr. Fadden that the inspectors wanted to collect two additional PCB wipe samples at the DSU Building adjacent to the building. EPA collected the two wipe samples on the entrance ramp to the DSU Building (See the PCB Sample Collections Section).

CWM used one forklift to transport pallets of PCBs between the DSU and PCB Storage and Flushing Buildings. In the event of a spill or release, PCBs could be easily

transported to other areas of the facility because the facility doesn't have a dedicated forklift for each area.

Due to the type of samples collected, no split samples were provided to the facility. However, CWM did collect PCB wipe samples adjacent to EPA's wipe sample locations [Photographs P2080053 – P2080063].

After the PCB wipe samples were collected EPA proceeded on to other parts of the facility.

On-site PCB Laboratory

On February 9, 2010, EPA inspected the on-site PCB Laboratory. Upon arrival at the on-site PCB Laboratory, the inspector noted that the laboratory and temporary storage areas were all marked with a PCB M_L label [Photographs P2090094 - P2090097]. EPA also checked the date listed on the temporary storage container in the lab and confirmed that the PCBs were stored on-site for less than 30 days.

Closing Conference

On February 12, 2010, EPA held a closing conference with CWM representatives. During the closing conference, EPA inspectors briefed CWM on the TSCA violations observed on-site and mentioned the open drum violation under the California requirements. The EPA inspector also informed the facility that additional violations may be identified based on the results of the PCB sampling and further review of TSCA related information and records.

Two Receipt for Samples and Document forms [Attachment III] were presented and signed by both EPA and CWM. A list of documents EPA requested during the inspection and all wipe and soil samples EPA collected were also recorded on the documents. Copies of the forms were given to the facility representative and EPA concluded its inspection visit around 1:30 pm.

Records Review:

PCB Annual Report

During EPA's inspection, a copy of CWM's 2008 PCB Annual Reports was requested for review. The facility provided a copy of the report that was dated July 2, 2009, and a revision dated July 15, 2009. The PCB Annual Report was timely submitted to EPA Region 9.

Notification of PCB Waste Activity Form

CWM originally filed a Notification of PCB Waste Activity Form with EPA headquarters on February 22, 1990. Based on EPA's February 24, 2009 version of the PCB Waste Handler Database, the facility's PCB activities consisted of storer and disposer of PCB related waste [Attachment IV(b)]. However, the facility also generates PCB waste from its on-site laboratory, and therefore should be classified as a generator of PCB waste.

Manifests, Exception Reports and Certificates of Disposal/Destruction

The inspectors reviewed a random selection of off-site manifests generated by the facility. Based on EPA's review, CWM failed to include the removal from service dates on some of their PCB manifests. EPA documented seven manifests in 2009 and one in 2008 that did not properly list the out of service dates on each manifest [See Table 1(a) Below and Attachment VI(c)].

Table 1(a): CWM PCB Manifests Missing Removal from Service Dates

	Manifest Numbers	Generator's Name	Shipping Date	PCB Item(s)
1)	003886703 JJK	CWM	05/16/09	Large Caps & Ballasts
2)	003886745 JJK	CWM	09/01/09	Large Caps & Ballasts
3)	003886679 JJK	CWM	04/16/09	Water and Oil Mixture
4)	003886653 JJK	CWM	01/21/09	Large Caps & Ballasts
5)	003886668 JJK	CWM	03/16/09	PCB Liquids
6)	003886721 JJK	CWM	07/28/09	Large Caps & Ballasts
7)	003886516 JJK	CWM	05/23/08	Large Caps & Ballasts
8)	003886789 JJK	CWM	11/12/09	Large Caps & Ballasts

EPA also documented four shipments of waste where CWM did not provide the continuation sheets for the PCB shipments requested [See Table 1(b) and Attachment VI(c)]. In some cases, an "Off-Site Shipment Compliance Checklist" sheet accompanied the alleged PCB manifest, which also referenced the shipment as containing PCBs.

Table 1(b): CWM PCB Shipments Missing Continuation Sheets

	Manifest Numbers	Generator's Name	Shipping Date	PCB Item(s)
1)	003886747 JJK	CWM	09/11/09	Unknown
2)	003886745 JJK	CWM	09/11/09	Large Caps & Ballasts
3)	003886679 JJK	CWM	04/10/09	Water and Oil Mixture
4)	003886789 JJK	CWM	11/12/09	Large Caps & Ballasts

In addition, EPA documented two PCB shipments where CWM manifested waste off-site in pounds instead of in kilograms [See Table 1(c) and Attachment VI(c)]. On occasion, the facility also listed the wrong California waste codes (751 and 612) for PCB waste generated instead of waste codes 261 and 731 [See Table 1(d) Below and Attachment VI(c)].

Table 1(c): CWM PCB Shipments Manifested in Pounds

	Manifest Numbers	Generator's Name	Shipping Date	PCB Item(s)
1)	003886516 JJK	CWM	05/23/08	Large Caps & Ballasts
2)	003886718 JJK	CWM	07/08/09	PCB Lab Debris
3)	003886679 JJK	CWM	04/10/09	Water and Oil Mixture

Table 1(d): CWM PCB Manifests with Inaccurate California Waste Codes

	Manifest Numbers	Generator's Name	Shipping Date	PCB Item(s)
1)	003886703 JJK	CWM	05/06/09	Large Caps & Ballasts
2)	003886686 JJK	CWM	04/08/09	Large Caps & Ballasts
3)	003886653 JJK	CWM	01/21/09	Large Caps & Ballasts
4)	003886789 JJK	CWM	11/12/09	Large Caps & Ballasts

Moreover, on February 26, 2009, Veolia Environmental Services submitted a One-Year Exception Report to EPA Region 9 related to a shipment of PCB waste that was not disposed of on time [Attachment V(f): Manifest 003886637 JJK]. Based on the information submitted, CWM held on to a shipment of PCB waste for more than 9 months before sending the waste off for disposal, resulting in a one-year storage violation.

PCB Spill/Release Release Reports

During the inspection, EPA collected four PCB Spill/Release Reports from CWM. Based on the reports, CWM documented four PCB spills and releases to the environment, once in 2007 and three times in 2009 [Attachment VII(a)].

In accordance with Condition L of CWM's TSCA Approval [See Attachment VII(c)], dated May 19, 1992, "...the monthly report shall include a description of any event which is not normal to operation of the PCB landfill facility (e.g. accidents, spills, leaks uncontrolled discharges, entry on-site of animals or unauthorized persons, erosions, earth quake damage, excessive rain episodes, fire, explosions, etc.)." EPA documented that two of the PCB related spills that occurred on-site [Profiles CA574183 dated 5/06/09 and CA304308 dated 1/12/09] were reported to EPA. EPA has no documentation of CWM reporting the other two spills [Profiles CA299185 dated 11/3/07 and CA304308 dated 2/3/09].

PCB Sample Collections

During EPA's inspection, a total of twelve PCB wipe samples were collected on-site [Attachments IV(g), IV(h), and VI(a)]. Eight of the wipe samples were collected inside the PCB Storage and Flushing Building. The remaining four wipies samples were collected outside the PCB Storage and Flushing Building and on a ramp in the DSU area.

On February 8, 2010, Mr. Rollins collected wipe samples near CWM's 10,082-gallon PCB tank drain valve caps, PCB pump, closed-system sump, ramp and at other locations on-site [Photographs P2070018 – P2070032]. According to the data provided, EPA documented PCBs exceeding 50 ppm (equivalent to 10 µg/100 cm²), the TSCA regulatory threshold for continued use of structures contaminated with PCBs (See Table 2 Below).

Specifically, EPA documented PCBs at 30 µg/100 cm² (CWSW-2) and 35 µg/100 cm² (CWSW-3) directly below the two drain valve caps for the facility's 10,082-gallon PCB tank [See Table 2 and Attachment IV(g)]. According to CWM representative, Mr. Juarez the facility has never cleaned up a PCB spill in the building in the last five years. CWM also reported that there has never been a PCB spill on-site to their knowledge.

EPA also collected two PCB wipe samples near the DSU Building and six PCB soil samples on the exterior of the PCB Storage and Flushing Building [Attachments IV(h) and IV(i)]. Based on the analytical data, PCBs were detected above 1 ppm outside the PCB Storage and Flushing Building.

According to CWM representatives, large PCB equipment is often times drained on metal containment trays at the side of the facility. During EPA's inspection PCBs ranging from 4.7 to 15 ppm were detected in the soil around the PCB Storage and Flushing Building [See Table 3 and Attachment VI(b)].

Table 2: CWM PCB Wipe Sample Results (In µg/100 cm²)

Sample Numbers	Aroclor 1016	Aroclor 1221	Aroclor 1232	Aroclor 1242	Aroclor 1248	Aroclor 1254	Aroclor 1260	Aroclor 1262
CWSW-1	ND	ND	ND	ND	ND	ND	3.3	ND
CWSW -2	ND	ND	ND	ND	ND	ND	30	ND
CWSW -3	ND	ND	ND	ND	ND	ND	35	ND
CWSW -4	ND	ND	ND	ND	ND	ND	1.7	ND
CWSW -5	ND	ND	ND	ND	ND	ND	0.9	ND
CWSW -6	ND	ND	ND	ND	ND	ND	4.3	ND
CWSW -7	ND	ND	ND	ND	ND	ND	ND	ND
CWSW -8	ND	ND	ND	ND	ND	ND	2.1	ND
CWSW -9	ND	ND	ND	ND	ND	ND	1.8	ND
CWSW -10	ND	ND	ND	ND	ND	ND	0.8	ND
CWSW -11	ND	ND	ND	ND	ND	ND	0.5	ND
CWSW -12	ND	ND	ND	ND	ND	ND	0.4	ND

* PCBs in use ≥ 10 µg/100 cm² violate TSCA's PCB use provisions.

Table 3: CWM PCB Soil Sample Results (In ppm)

Sample Numbers	Aroclor 1016	Aroclor 1221	Aroclor 1232	Aroclor 1242	Aroclor 1248	Aroclor 1254	Aroclor 1260	Aroclor 1262
CWYS -1	ND	ND	ND	ND	ND	ND	15	ND
CWYS -2	ND	ND	ND	ND	ND	ND	0.19	ND
CWYS -3	ND	ND	ND	ND	ND	ND	0.71	ND
CWYS -4	ND	ND	ND	ND	ND	ND	4.7	ND

CWYS -5	ND	ND	ND	ND	ND	ND	0.57	ND
CWYS -6	ND	ND	ND	ND	ND	ND	0.6	ND

* PCBs \geq 1 ppm violates TSCA's PCB disposal provisions

CWM's PCB Chemical Waste Landfill Approval

EPA reviewed CWM's PCB chemical waste landfill Approval under TSCA. According to the Approval, CWM is authorized to store 300 55-gallon PCB drums, 60-gallons of flammable PCBs, and a 10,082-gallon tank of liquid PCBs on-site. Based on EPA's review, the PCB drum capacity calculations for the number of 55-gallon drums that can be stored in the PCB Storage and Flushing Building is inaccurate.

CWM's "PCB Flushing/Storage Unit Capacity Calculation" document, dated June 26, 1997, does not subtract the drum footprint of the 300 55-gallon drums and other items stored in the building from the total. As such, the calculations should be revised because the calculations are misleading and storage may prove unsafe for the size of the building.

Potential Violations of the TSCA PCB Requirements

1. Continued Use Violation [40 C.F.R. § 761.30(u)(1)].

Requirements:

TSCA requirement 40 C.F.R. § 761.30(u)(1), states that any person may use equipment, structures, other non-liquid or liquid materials that were contaminated with PCBs during manufacture, use, servicing, or because of spills from, or proximity to, PCBs \geq 50 ppm, including those not otherwise authorized for use under this part provided:

- i) The materials were decontaminated in accordance with:
 - A) A TSCA PCB disposal approval issued under subpart D of this part;
 - B) Section §761.79; or
 - C) Applicable EPA PCB spill cleanup policies (e.g., TSCA, RCRA, CERCLA, EPA regional) in effect at the time of the decontamination;or
- ii) If not previously decontaminated, the materials now meet an applicable decontamination standard in §761.79(b).

Findings:

EPA documented the release of PCBs below both drain valve caps of the CWM's 10,082-gallon PCB tank. Based on the analytical results of the PCB wipe samples collected directly below each drain valve cap, EPA documented PCBs on-site in excess of the 10 $\mu\text{g}/100\text{ cm}^2$ threshold (equivalent to 50 ppm). The facility has not previously decontaminated the building to meet the decontamination standards under TSCA. As such, CWM's is in violation of TSCA's requirement to decontaminate structures contaminated with PCBs prior to continued use.

2. Improper Disposal of PCBs [40 C.F.R. § 761.50(b)(1) and 761.60(a)].

Requirements:

TSCA requirement 40 C.F.R. § 761.50(b)(1), states that any person removing PCB liquids from use (i.e., not PCB remediation waste) must dispose of them in accordance with § 761.60(a), or decontaminate them in accordance with § 761.79.

Findings:

CWM improperly disposed of liquid PCBs when it allowed PCBs to be released into the environment. On February 8, 2010, EPA collected two PCB soil samples that resulted in TSCA regulated levels of PCBs. According to the analytical data, PCBs were detected in the soil between 4.7 and 15 ppm on-site. In addition, Liquid PCBs in excess of 50 ppm was released in the storage building near CWM's 10,082-gallon PCB Tank.

In order to return to compliance with TSCA, CWM needs to determine the extent of PCB contamination in the PCB Storage and Flushing Building and decontaminate the PCBs immediately. In addition the facility must also

characterize the extent of contamination outside the building and develop a plan to remediate the PCBs found in accordance with TSCA.

3. Failure to Indicate the Removal from Service Date [40 C.F.R. § 761.65(c)(8)].

Requirements:

TSCA requirement 40 C.F.R. § 761.65(c)(8), states that PCB Items shall be dated on the item when they are removed from service for disposal. The storage shall be managed so that the PCB Items can be located by this date. Storage containers provided in paragraph (c)(7) of this section, shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

Findings:

CWM failed to indicate the removal from service date on a container of PCB waste generated by the facility's on-site laboratory [Profile: J36996/ PCB*104], a violation under TSCA. CWM collected its "PCB Flam Locker Record" for the day, and found that the removal from service date should have read October 2, 2009. The facility returned to compliance on February 10, 2010, when it recorded the removal from service date on the container.

4. Failure to File a Notification of PCB Activity Form [40 C.F.R. § 761.205(f)].

Requirements:

TSCA requirement 40 C.F.R. § 761.205(f), states when a facility has previously notified EPA of its PCB waste handling activities using EPA Form 7710-553 and those activities change, the facility must resubmit EPA Form 7710-53 to reflect those changes no later than 30 days from when a change is made. Examples of when a PCB waste handler must renotify the Agency include, but are not limited to the following: the company changes location of the facility; or the company had notified solely as engaging in a certain type of PCB waste handling activity and now wishes to engage in another PCB waste activity (e.g., previously only commercially stored PCB waste and now wishes to transport PCB waste).

Findings:

CWM failed to notify EPA of its new PCB activities regarding the generation of PCBs on-site, a violation under TSCA. In order to return to compliance with TSCA, CWM must submit an updated Notification of PCB Activity Form (Form 7710-53) to EPA Headquarters notifying the Agency of its PCB generator activities via certified mail. The facility must also send a copy of the certified mail submittal to EPA Region 9 as proof that the facility has returned to compliance under TSCA.

5. Failure to Properly Manifest PCBs and PCB Items [40 C.F.R. § 761.207(a)].

Requirements:

TSCA requirement 40 C.F.R. § 761.207(a), states a generator who relinquishes control over PCB wastes by transporting, or offering for transport by his own vehicle or by a vehicle owned by another person, PCB waste for commercial off-site storage or off-site disposal shall prepare a manifest on EPA Form 8700-22, and if necessary, a continuation sheet. The generator shall specify:

- (1) For each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.
- (2) For each PCB Article Container or PCB Container, the unique identifying number, type of PCB waste (e.g., soil debris, small capacitors), earliest date of removal from service for disposal, and weight in kilograms of the PCB waste contained.
- (3) For each PCB Article not in a PCB Container or PCB Article Container, the serial number if available, or other identification if there is no serial number, the date of removal from service for disposal, and weight in kilograms of the PCB waste in each PCB Article.

Findings:

EPA documented eight CWM manifests that did not include the removal from service dates on each manifest [See Table 1(a) and Attachment VI(c)]. The facility also failed to specify the weight of the PCBs on three manifests in kilograms [See Table 1(c) and Attachment VI(c)], both violations under TSCA.

CWM should ensure that for the future each manifest is properly filled out in compliance with all applicable laws and regulations prior to manifesting waste off for disposal.

Potential Violations Under California Only Requirements

1. Failure to close hazardous waste containers [22 CCR § 66265.173].

Requirements:

As stated under 22 CCR § 66265.173 of California law, a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

Findings:

EPA observed one open 55-gallon drum of PCB containing caulk in CWM's PCB Storage and Flushing Building [Attachment V(a): Profile CA579050 and Manifest 005575564 JJK]. The facility returned to compliance during the inspection.

Areas of Concern Under TSCA's PCB Waste Requirements

1. During the inspection, EPA noted that CWM's approved PCB storage capacity appears to be too large for the physical space available in the PCB Storage and Flushing Building [60 feet by 35 feet]. Based on CWM's TSCA Approval, the facility can store 300-55 gallon drums, 10,082-gallons of liquid and 60-gallons of flammable PCBs. EPA reviewed CWM's "PCB Flushing/Storage Unit Capacity Calculations," and based on EPA's review the calculations appeared incorrect.

Specifically, the calculations don't take into account the displacement of the drums and other items stored in the building. The PCB capacity calculations, as calculated may not be protective of the workers in the area.

2. In addition, EPA is concerned that CWM's Financial Assurance Mechanism for PCBs stored on-site, may not be adequate. CWM should consider having a separate Financial Assurance Mechanism for its PCB waste.
3. EPA collected CWM's PCB Building Drum Inventory Logbook for February 8, 2010. According to the logbook, four PCB Items [Profile CA298007/Drums 1, 5, 6, and 7] were received at the PCB Storage and Flushing Building on March 6, 2009. By the date of EPA's inspection, the four PCB Items were still reportedly on-site. EPA is concerned that the four PCB Items were not properly disposed of within the one-year time frame as required under TSCA. Please provide EPA with documentation pertaining to the disposition of the PCB Items in question, including but not limited to manifests and certificates of disposal.
4. According to Remedial Work Order Number W017204U2-1, CWM removed liquids from the floor sump in the PCB Storage and Flushing Building on January 22, 2010. EPA is concerned about the source of those liquids and how the liquids were managed and disposed? Please provide EPA with all analytical data, manifests, and records pertaining to the disposal of the liquids and whether the liquids from the sump contain PCBs.

In addition, EPA is concerned that the PCB residue remaining in the sump may be more concentrated since liquids in the sump were allowed to evaporate and the sump not properly decontaminated.

Areas of Concern Under California Only Requirements

1. During EPA's records review, the inspector documented that CWM manifested PCB related waste off-site for disposal under California waste codes 751 and 612 [See Table 1(d) Above]. PCBs are normally identified under waste codes 261 and

731 in the state of California. EPA is concerned that PCBs may have been improperly identified on shipments in the past prior to disposal.

