

US EPA ARCHIVE DOCUMENT



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

75 Hawthorne Street
San Francisco, CA 94105

JUL 23 2010

Certified Mail No. 7007 2560 0001 7660 5859
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 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 forty-five (45) calendar days of the date of this letter, except for questions 1 and 2, which are due within fifteen (15) calendar days of the date of this letter. Please send the responses 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 fifteen (15) calendar days from the date of this letter.

1. A copy of the Facility's current standard operating procedure for performing EPA Method 6010C for analysis of metals in Toxicity Characteristic Leaching Procedure (TCLP) extracts.
2. A copy of the most recent revised standard operating procedure for conducting analysis of mercury in TCLP extracts at the Facility laboratory.

Pursuant to the EPA's authority under Section 3007(a) of RCRA, CWM is requested to submit to the EPA the following information within forty-five (45) calendar days from the date of this letter.

3. Copies of Stabilization Treatment Evaluation (STE) data packages and associated waste profiles for all waste streams disposed of onsite that were treated and passed post-treatment verification at the Facility from January 1, 2005, through the date of this Request for Information. This request does not include waste streams that only underwent fingerprint testing during that time period. Each data package should include all necessary information to correlate reported STE data to corresponding laboratory sample labels, instrument output for laboratory methods, and laboratory documentation including finalized and bench data reports. Each analytical run should include all information to document data equivalent to an EPA Contract Laboratory (CLP) Level IV data package.
4. For every reported analyte in data packages submitted in response to item #3 above, where data was generated by method 6010, identify explicitly whether the analyte was corrected using Multicomponent Spectral Fitting (MSF) or Inter-Element Correction (IEC) interference correction. If IEC was used, provide the IEC correction factor.
5. Provide a spreadsheet with the following information corresponding to or most relevant to each analytical run included in data packages submitted in response to item #3 above:
 - a) instrument linear range determination date;
 - b) method detection limit determination date;
 - c) for method 6010 only, calibration date for applied MSF and IEC interference correction;
 - d) relevant SOP titles, revision numbers, and date which prescribed how samples were prepared and analyzed (including how the raw data were converted to reported data);
 - e) Facility prepared laboratory quality assurance program documents (title, revision and date) which prescribe laboratory quality assurance policies, requirements, and procedures;
 - f) software program name and date used to specify user selected parameters which evaluate or process raw instrument data (for example "Scratch Method 10, updated June 10, 2006");
 - g) for Method 6010 analyses only, date and time MSF and IEC calibration verification was performed to support data quality;

- h) fortification level of matrix components used for matrix matching samples and calibration standards (for example, "2000 mg/L calcium");
 - i) label to indicate nature of internal standard calibration (for example, "No Internal Standard" or "100 ppm Yttrium"); and
 - j) calibration type (linear, linear forced through zero, or non-linear).
6. Submit a copy of every document referenced in the spreadsheet submitted in response to item #5 above, including instrument linear range determinations, method detection limit determinations, MSF and IEC calibrations, SOPs, quality assurance documents, and print outs of software program modules that include quality control acceptance criteria, wavelength(s) used for reporting data, calibration parameters and interference correction parameters. Include MSF and IEC calibration verification raw data if not already included in requested data packages for every analytical run.
7. For data packages submitted in response to item #3 above, provide description and documentation of any Facility laboratory corrective action taken, including, but not limited to, a copy of corrective action logbook entry, description or failure or finding for quality control failures or method non-compliance findings, corrections or annotations to data reports in response to quality control failures or method non-compliance findings, and any evaluation of the effect of the quality control failure or method non-compliance finding on data accuracy.
8. For analyses performed prior to May 27, 2010, describe the circumstances under which CWM would have performed the method of standard additions (MSA), consistent with EPA Method 6010.
9. Identify all instances where CWM has extracted or excavated waste from any hazardous waste landfill unit at the Facility since January 1, 2005, including the date of each extraction/excavation, waste profile number, and generator name; explain the reason for the extraction/excavation and provide all supporting documentation; describe how the extracted/excavated waste was handled/treated, including the final disposition of the waste; and, if the wastes were tested after such extraction/excavation, provide all analytical results/reports from such testing.

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