

US EPA ARCHIVE DOCUMENT



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

September 13, 2010

Certified Mail No. 7007 2560 0001 7660 6047

BY FAX AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Paul Turek
Chemical Waste Management, Inc.
35251 Old Skyline Road
P.O. Box 471
Kettleman City, Ca 93239

RE: Extension of Period to Achieve Compliance Under the CERCLA Off-Site Rule

Dear Mr. Turek:

This letter notifies you that the U.S. Environmental Protection Agency, Region IX (EPA), is extending by forty-five (45) days the period of time for Chemical Waste Management Inc. (CWM) to demonstrate current compliance with the Toxic Substances Control Act (TSCA), for purposes of approval under the Off-Site Rule, 40 C.F.R. § 300.440, at its Kettleman Hills Facility.

On July 15, 2010, EPA issued two letters to CWM: a 60-day Notice of Unacceptability, and a Notice of Violation (NOV). The violation at issue in the letters relates to PCBs detected in soil under the concrete area adjacent to the PCB Storage Building. Both letters directed CWM to correct the identified area of noncompliance. The NOV recommended that CWM address the cleanup in accordance with 40 C.F.R. § 761.61(a), which requires EPA to approve a work plan prior to initiating cleanup.

EPA received CWM's work plan on August 25, 2010, and is currently reviewing the plan. In light of the fact that CWM cannot clean up the PCB spill until EPA has approved the work plan, EPA is extending the period of time for CWM to demonstrate current compliance for purposes of approval under the Off-Site Rule. The extension will provide sufficient time for EPA to review the plan in the next fourteen (14) days, and for CWM to implement it, estimated at thirty (30) days.

Pursuant to this letter, the determination of unacceptability will become effective in forty-five (45) days, on October 28, 2010, unless EPA informs you in writing that you have provided information sufficient to show current compliance with applicable requirements of TSCA.

If you have questions concerning the off-site rule, please contact Kandice Bellamy, Region 9 CERCLA Off-Site Rule Coordinator, at (415) 972-3304. Legal questions should be directed to Rebecca Sugerman, Assistant Regional Counsel, at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal flourish extending to the right.

Jeff Scott, Director
Waste Management Division

cc: Jane Diamond, Region 9 Superfund Division Director
Gale Filter, Department of Toxic Substances Control
Andrew Kenefick, Senior Legal Counsel, Chemical Waste Management, Inc.