

US EPA ARCHIVE DOCUMENT



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

APRIL 8, 2010

**Notice of Toxic Substances Control Act Violations**

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

**Re: Kettleman Hills Facility, Kettleman City, CA  
EPA Identification Number CAT 000 646 117**

Dear Mr. Kenefick:

The United States Environmental Protection Agency ("EPA") has identified violations of the Toxic Substances Control Act ("TSCA") at the Chemical Waste Management ("CWM") Kettleman Hills facility located in Kettleman City, California, with EPA Identification Number CAT 000 646 117 (the "Facility"). This letter lists the specific areas of noncompliance and sets out a schedule for CWM to demonstrate current compliance with the TSCA polychlorinated biphenyls ("PCBs") requirements. Please note that Section 16 of TSCA, 15 U.S.C. § 2615, authorize civil penalties for each day that a violation of the applicable provisions of TSCA continues.

The violations of the TSCA PCB requirements described below are based on information gathered as part of EPA's compliance investigation, including on-site inspection and sampling at the Facility on February 8 – 12, 2010. A copy of the inspection report created by EPA as part of its investigation of the Facility is enclosed for your information and response. The report describes conditions at the Facility during the time of the inspection and identifies areas of noncompliance with TSCA regulations and potential violations of the State of California related requirements. Any omissions in this report should not be construed as determination of compliance with any other applicable regulation.

Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, you are required to correct the identified areas of noncompliance regarding the management and disposal of PCBs. The violations are:

1. Failure to decontaminate structures prior to continued use, in violation of 40 CFR §761.30(u)(1);
2. Improper disposal of PCBs, in violation of 40 CFR §§ 761.50(b)(1) and 60(a);
3. Failure to properly manifest PCBs and PCB Items, as required by 40 CFR § 761.207(a);
4. Failure to resubmit Notification of PCB Activity Form No. 7710-53 to EPA, as required by 40 CFR § 761.205(f); and
5. Failure to indicate removal from service dates, as required by 40 CFR § 761.65(c)(8).

Your certification of correction of the areas of noncompliance identified in this notice of violation must be included in a response letter signed by a duly authorized official of CWM. Your response should also address compliance with the PCB remediation waste requirements at 40 CFR § 761.61, and any other areas or activities of concern identified in the enclosed report. Your response is due within thirty (30) calendar days from the date of your receipt of this letter and shall be addressed to:

Christopher Rollins  
Mailcode: WST-3  
RCRA Enforcement Office  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105  
rollins.christopher@epa.gov

Documentation of your return to compliance may consist of, among other things, photographs, manifests, and revised records. Where compliance cannot be achieved within thirty (30) calendar days, you must provide to the EPA the reasons for the delay, a description of each corrective action planned, and a schedule of when each corrective action will be taken.

By copy of this letter, the EPA is providing the State of California with notice of the referenced violations.

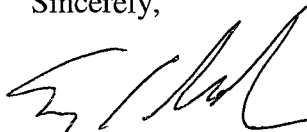
#### Confidential Business Information

The EPA routinely provides copies of inspection reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality

claim within fourteen (14) calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

If you have questions related to the enclosed inspection report or this letter, please contact Letitia Moore of our Office of Regional Counsel at (415) 972-3928.

Sincerely,



Amy C. Miller, Manager  
RCRA Enforcement Office

Enclosures

cc: Paul Turek (w/ enclosures)  
Environmental Manager  
Chemical Waste Management, Inc.  
35251 Old Skyline Road  
P.O. Box 471  
Kettleman City, CA 93239

Charles McLaughlin (w/o enclosures)  
Branch Chief  
State Regulatory Programs Division  
California Department of Toxic Substance Control  
8800 Cal Center Drive  
Sacramento, CA 95826-3200