

US EPA ARCHIVE DOCUMENT



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

SEP 08 2010

Certified Mail No.7007-2560-0001-7660-6023
Return Receipt Requested

In reply, refer to WST-3

TSCA Compliance Evaluation Inspection Report and Notice of Violation

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

Dear Mr. Turek:

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, authorizes civil penalties for each day that a violation of the applicable provisions of TSCA continues.

The violations of the TSCA PCB requirements are based on information gathered as part of EPA's compliance investigation, including an on-site inspection and sampling at the Facility on June 2, 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. The report includes the PCB disposal violation that EPA notified CWM about in the July 15, 2010 TSCA Notice of Violation letter. Any omissions in this report should not be construed as determination of compliance with any other applicable regulations. You are required to correct the identified areas of noncompliance regarding the management and disposal of PCBs. Noncompliance with the PCB requirements is prohibited by TSCA. 15 U.S.C. § 2614.

Your certification of correction of the areas of noncompliance identified in this notice of violation (and not previously identified in a 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 C.F.R. § 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.

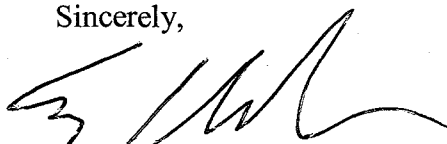
By copy of this letter, the EPA is providing the State of California with notice of the referenced violations.

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: Gale Filter (w/o enclosures)

Gale Filter
Deputy Director
Enforcement and Emergency Response Program
Department of Toxic Substances Control
Headquarters – 1001 I Street
P.O. Box 806
Sacramento, CA 95812-0806