

US EPA ARCHIVE DOCUMENT



RCRA and TSCA Compliance History of Chemical Waste Management, Kettleman Hills



The Chemical Waste Management (CWM) hazardous waste



storage, treatment, and disposal facility is located in Kettleman Hills, CA. CWM's primary operations include the treatment and land disposal of hazardous wastes and polychlorinated biphenyls (PCB) wastes.

What is EPA's and DTSC's Inspection and Enforcement Authority

US EPA's and DTSC's authority to inspect and enforce storage, treatment, and disposal facilities comes from the Resource Conservation and Recovery Act (RCRA) and State Hazardous Waste Control Law (HWCL) which cover hazardous waste and the Toxic Substances Control Act (TSCA) which covers PCBs. US EPA and DTSC inspectors look for compliance with the requirements of the RCRA/HWCL permit and TSCA Approval, and US EPA's and DTSC's hazardous waste and PCB regulations. These regulations control operations at hazardous waste storage, treatment, and disposal facilities, such as CWM.

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What Do US EPA and DTSC inspectors Do During an Inspection?

The primary purpose of an inspection is to ensure that the facility is operated in a safe manner, in compliance with the regulations and permit requirements specific to the facility. Ultimately, the facility's operations must be protective of both human health and the environment. In order to accomplish this, US EPA and DTSC inspectors:



ü Review facility operations

- operation of treatment systems
- integrity of storage tanks
- landfill/pond operations
- proper storage of wastes

ü Review facility records

- hazardous waste shipping records
- internal inspection records
- personnel training records

ü Check for proper implementation of plans

- emergency response plan
- waste analysis plan
- training plan

ü Review the wastes managed at the facility

- amount of waste received
- type of waste received
- how the waste treated/disposed



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How Do US EPA and DTSC Enforce the Law

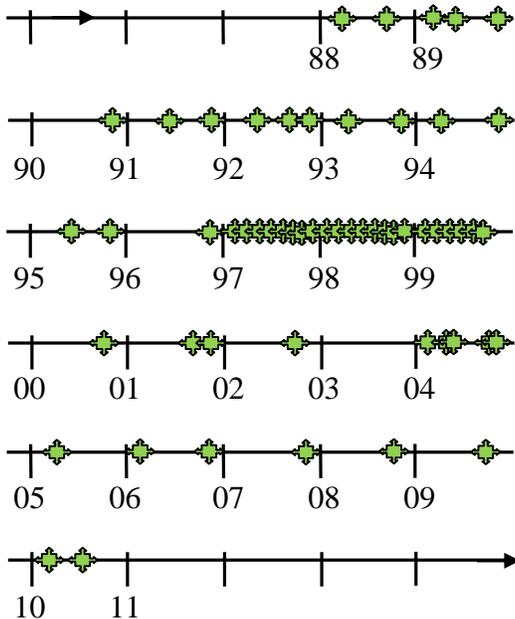
US EPA and DTSC may take an enforcement action if non-compliance is found at a hazardous waste facility. These actions typically result in a monetary fine and require the facility to perform compliance tasks.

Inspection History

RCRA Section 3007 includes provisions for mandatory inspections of every storage, treatment, and disposal facility for which a permit is required, such as CWM, no less than every 2 years.



US EPA and DTSC conducted many compliance evaluation inspections at the CWM facility since the 1980s on a much more frequent basis, many times more than once a year, as shown in the timeline below:



Recent History of Violations

RCRA/HWCL and TSCA violations which resulted in enforcement actions with monetary fines:

RCRA/HWCL

- During the joint US EPA and DTSC inspection in 2010, the inspectors documented many violations of the permit and hazardous waste regulations:
 - Failure to make hazardous waste determinations for land disposal;
 - Impermissible land disposal of prohibited waste;
 - Failure to comply with the hazardous waste permit;
 - Failure to close containers of hazardous waste; and,
 - Failure to maintain and operate the facility to minimize releases.

A 2011 settlement between US EPA and CWM required CWM to pay a \$400,000 fine and spend an estimated \$600,000 to comply with environmental laws. A 2011 settlement between DTSC and CWM required CWM to pay a \$46,000 fine for failing to report releases of hazardous waste.

TSCA

- In 2010, US EPA inspectors documented violations of the permit and TSCA PCB regulations:
 - Failure to indicate removal from service date on PCB containers;
 - Failure to properly complete manifests;
 - Continued use of a PCB contaminated building; and,
 - Improper disposal of PCBs.

A 2010 settlement between US EPA and CWM required CWM to pay a \$300,000 fine.

- From 2000 – 2003, CWM failed to monitor instruments monthly for the presence of liquids. A 2005 settlement between US EPA and CWM required CWM to pay a \$10,000 fine and spend \$37,500 to purchase environmental equipment for Kings County Environmental Health Services.