

US EPA ARCHIVE DOCUMENT



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

JUN 26 2007

Notice of Noncompliance
Certified Mail No.: 7006 0810 0005 3977 1183

Mr. Paul Turek
Environmental Manager
Chemical Waste Management, Inc.
Kettleman Hills Facility
35251 Old Skyline Road
Kettleman City, CA 93239

Re: Notice of Noncompliance for Violations of the Toxic Substances Control Act

Dear Mr. Turek:

This letter is a Notice of Noncompliance ("NON") issued by the U.S. Environmental Protection Agency ("EPA") to Chemical Waste Management, Inc. ("CWM"), located in Kettleman City, California. This NON is based on information in EPA's possession indicating that CWM has violated the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601 et. seq., and its Approval to Operate a Chemical Waste Landfill for PCB Disposal ("Approval") regarding the sampling and analysis of polychlorinated biphenyls ("PCBs").

Under 40 C.F.R. § 761.75(c)(3)(ii) of TSCA, a chemical waste landfill used for the disposal of PCBs shall meet all of the technical requirements and any other requirements that the Regional Administrator finds necessary to ensure human health and the environment are adequately protected. In addition, under Section D of CWM's May 19, 1992 and Section E of its December 3, 1990 Approvals, the facility must adhere to all guidelines specified in its Operation Plan as a conditional part of the Approval. As such, the facility is required to sample and analyze PCBs in accordance with the methods and protocols identified in CWM's Operation Plan, including its Waste Analysis Plan.

On August 22-23, 2005, the National Enforcement Investigations Center ("NEIC") conducted an investigation of CWM's on-site laboratory (See Enclosure). Based on the evidence collected during the investigation, EPA has determined that CWM failed to properly prepare its equipment and leachate samples for PCB sampling and analysis as required under its Approval.

Specifically, CWM failed to meet the acceptance criteria for its Aroclor calibration curves, establish acceptable detection limits for PCBs, develop adequate

acceptance criteria for surrogate recoveries and evaluate daily check standards as required.

Within thirty (30) days of receipt of this NON, please provide EPA with evidence that CWM has taken steps to address the violation(s) cited in this NON. Relevant information would include the results and raw data from a recent initial and continuing calibration runs and sample analysis. In addition, EPA will provide two PCB Proficiency Test samples for you to analyze to ensure compliance with CWM's sampling methods and analytical procedures. This documentation should be submitted to:

Christopher Rollins
U.S. EPA, Region 9
CED- 4
75 Hawthorne Street
San Francisco, CA 94105

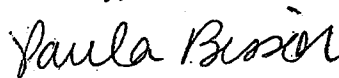
This NON is issued by the EPA in lieu of further action at this time. Within thirty (30) days of receipt of this NON, the requested documentation should be submitted to certify that CWM properly addressed the violation(s) cited in the NON. Failure to submit the requested documentation may cause the EPA to take further enforcement action as provided in TSCA, including possible imposition of civil penalties.

We would also like to extend to you the opportunity to advise the EPA of any information you believe that the EPA should consider with respect to this NON. Relevant information might include any exculpatory information, evidence of reliance on compliance assistance provided by the EPA or State agencies, or misidentification of the proper party.

Please be advised that you may assert a confidential business information (CBI) claim covering any or all of the information that is submitted in response to this letter. Every CBI claim should be made in accordance with the criteria as listed in 40 C.F.R. § 2.208. If a CBI claim is not received accompanying the requested materials, they may be made available to the public without future notice.

If you have any questions, please contact Christopher Rollins at (415) 947-4166. Thank you for your prompt attention to this matter.

Sincerely,



Paula Bisson, Manager
Toxics Office
Communities and Ecosystems Division

Enclosure