

US EPA ARCHIVE DOCUMENT



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

JAN 26 2010

CERTIFIED MAIL NO. 7007-2560-0001-7660-5538
RETURN RECEIPT REQUESTED
RE: CAT000646117

Notice of Violation

Mr. Paul Turek
Environmental Manager
Chemical Waste Management, Inc.
Kettleman Hills Facility
35252 Old Skyline Road
Kettleman City, CA 93239

Dear Mr. Turek:

On December 5 to 16, 2005, a hazardous waste compliance inspection was conducted by representatives of the United States Environmental Protection Agency ("EPA"), National Enforcement Investigation Center ("NEIC") accompanied by representatives of the State of California Department of Toxic Substances Control ("DTSC"), at Chemical Waste Management, (CWM-KHF) ("the facility") located in Kettleman City, California, with EPA Identification Number CAT000646117. During the course of this investigation, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended {42 U.S.C. § 6927(a)}.

A copy of the inspection report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA regulations and potential violations of the State of California authorized program under RCRA Subtitle C. In addition, the NEIC report identifies several significant areas of concern related to waste characterization and waste treatment verification. Any omissions in the report shall not be construed as a determination of compliance with any other applicable regulation.

Pursuant to Section 3008 of RCRA {42 U.S.C. § 6928}, you are required to respond to and correct the areas of noncompliance, including areas of concern, identified in the report and to submit documentation of their correction to the EPA.

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

By copy of this letter, the EPA is providing the State of California with notice that the EPA may take appropriate enforcement action if the facility does not resolve the violations within the time specified above, and the State of California does not take appropriate enforcement action. The State of California may notify the EPA of its intent to assume or decline responsibility to take such action to resolve the referenced RCRA Subtitle C violations.

The EPA reserves the right to take further enforcement action as it deems appropriate. However, your response to this letter will be considered in determining the need for further enforcement action. RCRA Subtitle C violations such as those listed in the Enclosure may be punishable by civil and criminal actions, including penalties of up to \$37,500 per day for each violation, as provided by Section 3008 of RCRA.

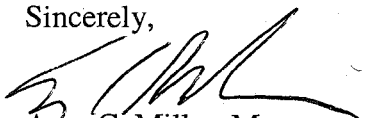
Please review the report and inform us of your intention to claim any portion of the document as CBI. The EPA routinely provides copies of inspection reports to state or tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 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 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.

Your certification of correction of the areas of noncompliance identified in this warning letter must be included in a response letter signed by a duly authorized official of your facility. Your response, due 30 calendar days from the date of your receipt of this letter, shall be addressed to:

Kandice Bellamy
RCRA Enforcement Office (WST-3)
75 Hawthorne Street
San Francisco, CA 94105

If you have any questions concerning this letter, please contact Kandice Bellamy of my staff at (415) 972-3304.

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

Enclosure

cc (w/o enclosure)

Charles McLaughlin, DTSC
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Sacramento, CA 95826

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