

US EPA ARCHIVE DOCUMENT



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

Certified Mail No. 7000 0520 0021 6107 3600
Return Receipt Requested

In reply, refer to WST-3

July 15, 2010

Notice of Toxic Substances Control Act Violation

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

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

Dear Mr. Turek:

The United States Environmental Protection Agency ("EPA") has determined that Chemical Waste Management, Inc. ("CWM"), violated the Toxic Substances Control Act ("TSCA") polychlorinated biphenyls ("PCBs") requirements at its Kettleman Hills facility located in Kettleman City, California, EPA Identification Number CAT 000 646 117 (the "Facility"). This letter sets out a schedule for CWM to demonstrate current compliance with the TSCA 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.

Based on information submitted by CWM, EPA determined that CWM improperly disposed of PCBs in violation of 40 CFR § 761.50(a) and TSCA Section 15(1)(C), 15 U.S.C. § 2614(1)(C). On June 29, 2010, CWM submitted to EPA preliminary sampling information documenting the spill or discharge of PCBs to soils under the concrete area adjacent to the PCB Storage Building at the Facility. CWM submitted final sample results on July 14, 2010, showing PCBs in soil at concentrations of 2.1, 64, 74 and 440 parts per million ("ppm"). Given that CWM handles PCBs at concentrations ≥ 50 ppm at the PCB Storage Building, any spill or discharge of PCBs around the PCB Storage Building constitutes the disposal of PCBs. See 40 CFR § 761.50(a)(4). Disposal of PCBs to soil is not authorized by TSCA. See 40 CFR

§ 761.60. Therefore, CWM's disposal of PCBs in the soils under the concrete area adjacent to the PCB Storage Building violates 40 CFR § 761.50(a) and TSCA Section 15(1)(C), 15 U.S.C. § 2614(1)(C).

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. 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. In order to return to compliance, CWM must characterize the extent of PCB contamination and properly remediate all PCB contamination. As discussed previously, EPA strongly recommends that CWM address the cleanup in accordance with 40 C.F.R. §761.61(a), and consult with EPA prior to taking further action.

Documentation of your return to compliance is due within thirty (30) calendar days from the date of your receipt of this letter and shall be addressed to:

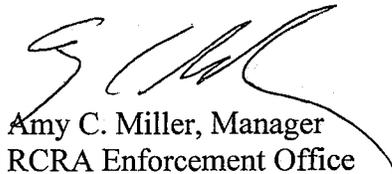
Christopher Rollins
Mailcode: WST-3
RCRA Enforcement Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

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 violation.

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

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

cc: Andrew Kenefick, Senior Legal Counsel, Chemical Waste Management, Inc.
Gale Filter, California Department of Toxic Substances Control