

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

75 Hawthorne Street
San Francisco, CA 94105

<http://www.epa.gov/region9/waste/enforcement/index.html>

Purpose: TSCA Compliance Evaluation Inspection

Facility: Waste Management, Inc.
(Kettleman Hills Facility)

Location Address: 35251 Old Skyline Road
P.O. Box 471
Kettleman City, CA 93239

RCRA ID Number: CAT 000 646 117

Date of Inspection: November 29, 2012
Time In / Time Out 9:12 am / 4:58 pm

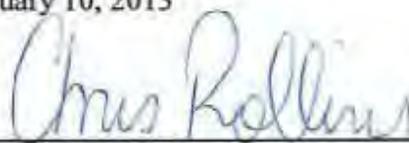
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Report Date: January 10, 2013

Report Prepared by:


Enforcement Officer

A. Introduction

On November 29, 2012 representatives of the U.S. Environmental Protection Agency (EPA) and the Department of Toxic Substances Control (DTSC) conducted an unannounced Toxic Substances Control Act (TSCA) compliance evaluation inspection (CEI) of the Waste Management, Inc. (WM-KHF or facility) facility located in Kettleman City, California. The purpose of the inspection was to determine WM-KHF's compliance with TSCA and the polychlorinated biphenyls (PCB) regulations provided in the Code of Federal Regulations (CFR), at Part 761, and the California Health and Safety Code (HSC), Division 20, Chapter 6.5; and the California Code of Regulations (CCR), Title 22, Division 4.5.

B. Facility Background

Company Web-Site	http://kettlemanhillslandfill.wm.com/index.jsp
Site History	WM-KHF is a privately owned company and subsidiary of Waste Management, Inc. located in Houston, TX. According to ReferenceUSAGOV.com the facility has been in their database for 30 years (Attachment V), and based on the WM-KHF website the facility has operated in the Kings County community for over 32 years.
Number of Employees	According to ReferenceUSAGov.com the facility has 80 employees at this location (Attachment V). However, according to the facility representative, WM-KHF has 25 employees currently.
Hours of Operation	General Hours of Operation 6:00 am to 6:00 pm (M-F)
Latitude/Longitude	36.008286 / - 119.9618 : (http://touchmap.com/latlong.html)
Facility Operations	The facility operates a hazardous waste treatment, storage and disposal facility, a PCB chemical waste landfill, an on-site laboratory, and a PCB storage facility. WM-KHF's activities are primarily regulated under the Resource Conservation and Recovery Act (RCRA) and TSCA Statutes.
PCB and Non- PCB Wastes Streams	WM-KHF manages TSCA PCB waste (≥ 50 ppm) and non-TSCA PCB waste on-site (< 50 ppm) in their Chemical Waste Landfill, on-site Laboratory, and their PCB Storage Building. Specifically, the facility manages PCB transformers, capacitors, oil, solid and marine debris, laboratory waste and other PCB containing materials from third parties as well as waste generated by WM-KHF. <u>EPA Waste Codes:</u> N/A <u>State Waste Codes:</u> CA-731 and CA-261
Facility Status	WM-KHF is considered a Chemical Waste Landfill, Commercial Storage Facility and a generator of TSCA PCB waste.

Compliance History	EPA Region 9 last conducted a TSCA PCB inspection at this facility on June 2, 2010. Violations pertaining to PCB releases inside and outside of WM-KHF's PCB Storage Building were documented. As a result, the facility paid a total penalty of \$302,100 for these TSCA PCB violations.
SIC/NAICS Codes	<u>SIC Code</u> : 4953-02 (Garbage Collection); 4953-05 (Waste Disposal-Hazardous); and 5099-05 (Importers) <u>NAICS Code</u> : 562119 (Other Waste Collection); 562211 (Hazardous Waste Treatment & Disposal); and 423990 (Other Miscellaneous Durable Goods Merchant Whlsrs)

Below is an aerial photograph of the WM-KHF's PCB Storage Building (Middle of Photo), located in Kettleman City, CA. The PCB Storage Building houses a 10,082 gallon PCB oil tank; PCB solid waste collected from the general public is also stored in the building; as well as PCB waste generated by the facility's on-site operations.



C. On-Site Inspection

The on-site inspection portion of the CEI took place at WM-KHF's PCB Storage Building located northwest of the facility's main office. Records were collected based on what was being stored in the PCB Storage Building. These records were reviewed at WM-KHF's main office.

1. WM-KHF's PCB Storage Building

There were approximately 57 containers of PCB-related waste observed in WM-KHF's PCB Storage Building at the time of the inspection. EPA observed several 5-gallon, 10-gallon, 15-gallon, 30-gallon, and 55-gallon containers of waste consisting of both PCB (≥ 50 ppm) and non-PCB regulated waste (< 50 ppm). The containers were stored on wooden pallets and in two separate rows. In addition, there was one 30-gallon container of PCB waste (Contaminated Hexane) stored in a flammable cabinet on-site, and no PCB related waste was stored outside on the facility's new containment pad.

The following table summarizes the observations made during the on-site inspection portion of the CEI for all areas inside the PCB Storage Building.

Observation	Photograph
<p>1. EPA observed a black 55-gallon metal container with PCB waste generated by WM-KHF. The container had an Out of Service Date (OSD) of 10/9/11, more than one year prior to EPA's inspection. During the inspection, WM-KHF provided documentation confirming that the OSD indicated on the container was recorded incorrectly. It should have read 10/9/12.</p>	 <p data-bbox="987 1373 1284 1409">No. 1 (PB290098.JPG)</p>

Observation	Photograph
<p>2. EPA observed a black 55-gallon container marked with the words "PCB Pump". The container was properly marked with a PCB M_L label, to indicate that it was contaminated with PCBs, but not a hazardous waste label. The pump was owned by WM-KHF and was a spare used to clean-up liquid PCBs from spills and leaky equipment. The pump was not a waste and therefore not required to be marked with a hazardous waste label in accordance with California's labeling requirements.</p>	 <p>No. 2 (PB290100.JPG)</p>
<p>3. The EPA inspector observed a black 55-gallon container of PCBs generated by a third party, whose hazardous waste label was faded and marked improperly with an accumulation date of 01/00/00. During the inspection, WM-KHF provided documentation confirming that the OSD indicated on the container was recorded incorrectly by the generator. It should have read 9/18/12.</p>	 <p>No. 3 (PB290104.JPG)</p>
<p>4. The inspector observed a black 55-gallon container of PCB waste, generated by a third party, without an accumulation start date or OSD on the PCB or hazardous waste labels. During the inspection, WM-KHF demonstrated that they recorded the OSD on the top of the container that read 10/20/12.</p>	 <p>No. 4 (PB290104.JPG)</p>

Observation	Photograph
<p>5. EPA observed a black 30-gallon container of hexane contaminated with PCBs and generated by WM-KHF's on-site lab. The container had two separate accumulation start dates on its hazardous waste labels, one of which was incorrectly recorded (6/11/12 and 5/17/22). During the inspection, WM-KHF provided documentation confirming that two separate batches of hexane contaminated with PCBs were placed in the same drum and the earliest accumulation date should have read 5/17/12.</p>	 <p data-bbox="974 787 1282 829">No. 5 (PB290108.JPG)</p>

D. Record Review

Record	Year(s)	Observation(s)
Manifests	2012	Reviewed
Certificates of Disposal or Destruction		Not Reviewed
PCB Annual Report		Not Reviewed
Inspection checklists		Not Reviewed
Leachate Tank Verification Tags (LTVT)	2012	Reviewed

Comments: During the inspection, WM-KHF provided documentation that the facility had not violated TSCA's PCB one-year storage or marking requirements for waste they generated and stored in the PCB Storage Building. However, EPA did observe that OSD's were recorded by the facility in a few different ways and in different locations on the containers.

PCB Sampling Results

PCB Wipe Samples

During EPA's inspection, a total of eleven PCB wipe samples were collected on-site [Table 1 and Attachment VI]. Eight of the wipe samples were collected inside the PCB Storage Building and three wip samples were collected outside the PCB Storage Building on the new constructed containment pad. None of the wipe samples collected exceeded the threshold for improper PCB contamination ($\geq 10 \mu\text{g}/100 \text{ cm}^2$).

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Table 1: EPA's PCB Wipe Sample Results (In $\mu\text{g}/100\text{ cm}^2$)

Sample Numbers	Aroclor 1016	Aroclor 1221	Aroclor 1232	Aroclor 1242	Aroclor 1248	Aroclor 1254	Aroclor 1260	Aroclor 1262	Aroclor 1268	Total PCBs
CW112912SW-1	ND	ND	ND	ND	ND	ND	0.4	ND	ND	0.4
CW112912SW -2	ND	ND	ND	ND	ND	ND	0.5	ND	ND	0.5
CW112912SW -3	ND	ND								
CW112912SW -4	ND	ND	ND	ND	ND	ND	0.3	ND	ND	0.3
CW112912SW -5	ND	ND	ND	ND	ND	ND	0.9	ND	ND	0.9
CW112912SW -6	ND	ND	ND	ND	ND	ND	1.1	ND	ND	1.1
CW112912SW -7	ND	ND	ND	ND	ND	ND	0.2	ND	ND	0.2
CW112912SW -8	ND	ND								
CW112912SW -9	ND	ND								
CW112912SW -10	ND	ND								
CW112912SW -11	ND	ND								

* PCBs in use $\geq 10\ \mu\text{g}/100\text{ cm}^2$ violate TSCA's PCB use provisions.

PCB Soil Samples

During EPA's inspection, a total of six PCB soil samples were collected around the exterior of WM-KHF's PCB Storage Building [Table 2 and Attachment VI]. Based on the analytical data, no PCBs were detected above 1 ppm outside the PCB Storage Building. Therefore these samples were not subject to regulation under TSCA.

Table 2: CWM PCB Soil Sample Results (In mg/kg (ppm))

Sample Numbers	Aroclor 1016	Aroclor 1221	Aroclor 1232	Aroclor 1242	Aroclor 1248	Aroclor 1254	Aroclor 1260	Aroclor 1262	Aroclor 1268	Total PCBs
CW112912SS-1	ND	ND								
CW112912SS -2	ND	ND	ND	ND	ND	ND	0.027	ND	ND	0.027
CW112912SS -3	ND	ND	ND	ND	ND	ND	0.038	ND	ND	0.038
CW112912SS -4	ND	ND	ND	ND	ND	ND	0.066	ND	ND	0.066
CW112912SS -5	ND	ND	ND	ND	ND	ND	0.180	ND	ND	0.180
CW112912SS -6	ND	ND	ND	ND	ND	ND	0.760	ND	ND	0.760

* PCBs in soil $< 1\text{ ppm}$ are not regulated under TSCA.

E. Area of Concern

EPA observed that OSD's were recorded by the facility in a few different ways and in different locations on containers in the PCB Storage Building. EPA recommends that WM-KHF be more consistent regarding where and how they record the OSDs on PCB containers in-order to decrease the potential for confusion by inspectors or workers.

F. Potential Violations

No potential TSCA PCB violations were documented during EPA's November 29, 2012 inspection. This inspection report should not be construed as a determination by the EPA of WM-KHF's compliance with any other applicable regulation.