

US EPA ARCHIVE DOCUMENT



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

**FEB 25 2011**

**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 February 8 – 12, 2010, a hazardous waste compliance inspection was conducted by representatives of the United States Environmental Protection Agency ("EPA"), accompanied by representatives of the State of California Department of Toxic Substances Control ("DTSC"), at the Chemical Waste Management, Inc. (CWM) facility located in Kettleman City, California, using EPA Identification Number CAT 000 646 117 ("the facility"). EPA's investigation of CWM covered compliance with the Resource Conservation and Recovery Act (RCRA) at the facility, and included information gathered in accordance with RCRA Section 3007(a) {42 U.S.C. § 6927(a)}.

A copy of EPA's 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. 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.

Your response must include a letter signed by a duly authorized official of your facility, certifying correction of the identified areas of noncompliance. Documentation of CWM's return to compliance may consist of, among other items, photographs, manifests, and revised records. Where compliance cannot be achieved within forty-five (45) calendar days, CWM must provide the reasons for the delay, a description of each corrective action planned, and a schedule on which each corrective action will be taken. Your response to the Notice of Violation is due within forty-five (45) calendar days of your receipt of this letter. Your response shall be addressed to:

Kandice Bellamy  
Mailcode: WST-3  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

In lieu of submitting the requested response by mail, CWM may submit the response as portable document files via electronic mail to Ms. Bellamy at [bellamy.kandice@epa.gov](mailto:bellamy.kandice@epa.gov).

By copy of this letter, U.S. EPA is providing the State of California with notice of the referenced violations of Subtitle C of RCRA and the California hazardous waste program.

U.S. EPA reserves the right to take further enforcement action as it deems appropriate. Violations of Subtitle C of RCRA such as those listed in the enclosed report 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.

EPA regulations governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. EPA routinely provides copies of investigation reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe any of the information contained in the Enclosure or submitted to EPA in response this letter contains confidential business information, please identify any such information in your response and assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information over which you assert a claim meets the criteria set forth in 40 CFR § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of EPA's receipt of CWM-KHF's response to this Notice of Violation as a waiver of that claim and information may be made available to the public by the U.S. EPA without further notice (40 CFR § 2.203(a)(2)).

If you have any questions related to technical aspects of the investigation report or this letter, please contact Kandice Bellamy of my staff at (415) 972-3304 or bellamy.kandice@epa.gov. Questions or comments concerning legal matters should be directed to Letitia Moore in the Office of Regional Counsel at (415) 972-3928 or moore.letitia@epa.gov.

Sincerely,



Amy C. Miller, Manager  
RCRA Enforcement Office

Enclosure

Cc: Don Plain, DTSC (w/o encl.)  
Sue Laney, DTSC (w/o encl.)  
Charles McLaughlin, DTSC (w/o encl.)