



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

JUL 08 2010

CERTIFIED MAIL - FIRST CLASS MAIL 7007-2560-0001-7660-5804  
RETURN RECEIPT REQUESTED

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

RE: Resolution of April 8, 2010 Off-Site Rule Notice letter

Dear Mr. Turek:

EPA has completed its review of Chemical Waste Management Inc.'s (CWM) submittals regarding compliance at its Kettleman Hills facility. Based on those submittals, and EPA's confirmation sampling, EPA has determined that CWM has addressed the violations and releases identified in EPA's April 8, 2010 Off-Site Rule Notice letter. Therefore, CWM's Kettleman Hills Facility continues to be acceptable to receive CERCLA wastes in accordance with 40 C.F.R. § 300.440.

Based on new information submitted to EPA on June 29, however, CWM has detected additional PCB contamination beneath a concrete pad adjacent to the PCB Building. After additional EPA samples taken on June 2 detected PCBs at  $24 \mu\text{g}/100 \text{ cm}^2$  on the surface of the concrete pad, CWM removed this section and took samples from the ground below the pad. Preliminary results from four samples taken by CWM below the concrete pad indicated PCBs at levels of 2.1, 64, 74 and 440 ppm.

While we have determined that CWM has addressed the specific violations and releases in our letter of April 8, 2010, we are expressly reserving our right to issue a new notice under the Off-site Rule based upon this newly discovered release. We are currently reviewing the data to determine whether this information justifies the issuance of a new notice under the Off-site Rule and will notify you shortly if we determine a new notice is warranted. In the interim, CWM should take all necessary steps to fully investigate and address the newly discovered contamination, consistent with State and federal requirements.

If you have questions concerning the Off-site Rule, please contact Kandice Bellamy, Region 9 CERCLA Off-Site Rule Coordinator, at (415) 972-3304. Legal

questions should be directed to Rebecca Sugerman, Assistant Regional Counsel, at (415) 972-3893.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Scott", with a long horizontal stroke extending to the right.

Jeff Scott, Director  
Waste Management Division

cc: Jane Diamond  
Region 9 Superfund Division Director

Don Plain, DTSC  
1101 I Street  
P.O. Box 806  
Sacramento, CA 95812