



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

JUN 07 2010

CERTIFIED MAIL - FIRST CLASS MAIL
RETURN RECEIPT REQUESTED

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

RE: 30-Day Extension to Achieve Compliance Under the CERCLA Off-Site Rule

Dear Mr. Turek:

This letter is to notify you that the U.S. Environmental Protection Agency, Region IX (EPA), is extending by thirty (30) days the period of time for Chemical Waste Management Inc. (CWM) to demonstrate current compliance with the Toxic Substances Control Act (TSCA), for purposes of approval under the Off-Site Rule, 40 CFR § 300.440, at its Kettleman Hills Facility. The extension of time is necessary for EPA to review the results of confirmation sampling conducted by EPA at the facility last week, as well as to review confirmation data from over 550 samples taken by CWM over the last two months.

EPA's April 8, 2010 Off-Site Rule 60-Day Notice Letter advised CWM to take certain steps to return to compliance. The notice letter states that inside the PCB Building, CWM could either (a) cleanup in accordance with TSCA PCB disposal approval or (b) meet the decontaminations standards under section 40 C.F.R. § 761.79. The letter also states that in the outside PCB Draining Area CWM could either (a) characterize the extent of contamination, and if greater than 50 ppm is found in soil, further cleanup would be necessary or (b) clean entire area to less than 1 ppm and keep records.

In its May 10, 2010 submittal, CWM documented that inside the PCB Building it met the decontamination standards under 40 C.F.R. § 761.79. CWM described decontamination of the surfaces within the PCB Building and confirmation sampling verifying that the surfaces were decontaminated to meet the regulatory standards. In addition, CWM's submittal states that CWM also completed a thorough cleaning and re-sealing of the PCB Building to ensure that no surfaces exceed the 10 µg/100 cm² decontamination standard. EPA is satisfied that CWM has addressed any relevant violations related to TSCA within the PCB Building.

The May 10, 2010 submittal states that for the outside PCB draining area, CWM cleaned the entire area to below 1ppm. On April 14th, CWM excavated soil to a depth of 10 to 12 inches and disposed of soils from the areas where EPA or CWM detected PCB concentrations above 1 ppm during February 2010 sampling. In addition CWM further characterized soils around the PCB Building to determine whether any PCB contamination had migrated beyond the areas identified by EPA. As a result of this further characterization, CWM identified and remediated other areas by excavating all areas with soils exceeding 1 ppm PCBs.

In general, EPA is satisfied with the steps CWM has taken to address potential releases outside the PCB Building. EPA is extending the period of time for CWM to demonstrate compliance, however, in order to review the significant amount of analytical data from CWM's confirmation sampling, as well as to review the analytical results from confirmation sampling conducted by EPA at the facility on June 2.

Pursuant to this letter, the determination of unacceptability will become effective July 7, 2010, unless EPA informs you in writing that you have provided information sufficient to show current compliance with applicable requirements of TSCA. 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,



Jeff Scott, Director
Waste Management Division

cc: Jane Diamond
Region 9 Superfund Division Director

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