

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105
APR 05 2011

CERTIFIED MAIL NO. 7007-2560-0001-7660-8065
RETURN RECEIPT REQUESTED

Transmittal of Information and Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act

Matthew Mullin
Compliance and Quality Control Manager
Western Environmental Inc.
62-150 Gene Welmas Drive
Mecca, CA 92254

Dear Mr. Mullin:

On November 29, 2010, a hazardous waste compliance inspection was conducted by representatives of the United States Environmental Protection Agency at Western Environmental Inc. ("the Facility"), and Waste Reduction Technologies Inc., both located at 62-150 Gene Welmas Drive, Mecca, CA, with EPA Identification Number CAR 000 157 206. During the course of this investigation, information was gathered in accordance with Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), as amended {42 U.S.C. § 6927(a)}.

On February 9, 2011, samples were collected at your facility. A copy of our analysis results for those samples is enclosed for your information and response. Total metals analysis for the samples collected from the treated dirt stockpile is still pending, and will be forwarded promptly after we receive them. We can also provide the results in both Adobe .pdf and Microsoft .xls formats. For a copy of those results please e-mail Barry Cofer of my staff at cofer.barry@epa.gov.

The further purpose of this letter is to direct you or another duly authorized representative of Western Environmental Inc. to respond in writing to this request for information resulting from a hazardous waste compliance inspection and sampling conducted at your facility by a United States Environmental Protection Agency inspection team ("EPA").

Under the provisions of Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA") {42 U.S.C. § 6927(a)}, the EPA may require persons subject to RCRA to furnish

information necessary for the EPA to administer the Act. Pursuant to the EPA's authority set forth in Section 3007(a), you are required to submit the following information to the EPA:

1. Polychlorinated biphenyls (PCBs) were detected in some of the samples. Please provide your acceptance criteria and/or screening levels for PCBs in both soil and oil.
2. Do your acceptance criteria and/or screening levels for PCBs in both soil and oil determine the PCB levels of the material(s) that contaminated the oil or soils? For example, if soil is contaminated with 20 ppm PCBs, do you determine or collect information on whether the material that contaminated the soil contained more or less than 50 ppm prior to the contamination? If no, please state so. If yes, please provide a brief description of how you make that determination.
3. Please identify the sources or potential sources of the PCB-contaminated soil sampled on February 9, 2011.
4. Samples taken by EPA were split into roughly equal portions with one portion provided to Western Environmental Inc. Has Western Environmental Inc. analyzed the split samples? If yes, please provide a copy of your analysis results.
5. Please provide a copy of your current Permit to Operate granted by the Cabazon Band of Mission Indians.
6. Please provide a copy of your current "Final Operations Plan" as referenced in the permit.
7. Please provide a brief description of the thermal desorption unit(s) currently in use at the facility, including the operating temperature range.
8. Also enclosed are copies of uniform hazardous waste manifests 003961674 JJK and 003961675 JJK. Please provide the total quantity of wastes received on each manifest (manifests were signed on February 8, 2011), and a copy of the associated waste profile.

Section 3008 of RCRA {42 U.S.C. § 6928}, authorizes the initiation of a civil enforcement proceeding for failure to respond fully to the information request set out in this letter. Section 3008 also authorizes criminal prosecution for knowingly making a false statement or omitting material information.

EPA regulations governing confidentiality of business information are set forth in 40 C.F.R. Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R. § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within 14 calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(3), 3507, 3512, and 3518(c)(1) {5 C.F.R. §§ 1320.3(c), 1320.4, and 1320.6(a)}. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons {44 U.S.C. § 3502(4), (11); 5 C.F.R. §§ 1320.4 and 1320.6(a)}.

Your response to this request must be made by letter, signed by a duly authorized official, and submitted to the EPA within 14 calendar days from the date of your receipt of this letter. Please address the submittal to Barry Cofer at cofer.barry@epa.gov or

Barry Cofer
Mail code: WST-3
RCRA Enforcement Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

You may have been provided during the inspection with a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Information Sheet. If not, please see <http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf>. The Information Sheet is designed to provide information on compliance assistance and inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibilities to respond to this letter within the allowed time nor does it create any new rights or defenses under the law.

If you have any questions regarding this letter, please contact Barry Cofer at of my staff at cofer.barry@epa.gov or (415) 972-3303. Your cooperation in this matter is appreciated.

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

Enclosures

cc w/out enclosures:

David Roosevelt

Chairman

Cabazon Band of Mission Indians