



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

FEB 15 2017

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-101

Mr. Michael P Mazza
President and Registered Agent
American Petroleum Environmental Services, Inc.
11535 North Force Avenue
Portland, Oregon 97217

Re: Contents of Tank 12

Dear Mr. Mazza:

American Petroleum Environmental Services (APES) has provided information to Region 10 of the United States Environmental Protection Agency (EPA) that it intends to transport the contents of Tank 12 at the 11535 Force Avenue facility in Portland, Oregon offsite for incineration.

The EPA is encouraged that APES is sending the contents of Tank 12 offsite for incineration. However, given past concerns raised about the regulatory status of oil and water contained in Tank 12, EPA wants to remind you of your responsibility to comply with all applicable requirements for transport and disposal.

As you know, the EPA was provided with information that the contents of Tank 12 were combined with used oil that originated from a source, identified as the Burly Seals facility in Utah, with polychlorinated biphenyls (PCBs) at concentrations exceeding 500 parts per million (ppm).

Federal regulations expressly prohibit the dilution of PCBs in a manner that avoids concentration-based requirements for storage, manifesting, record keeping and disposal at 40 Code of Federal Regulations (C.F.R.) Part 761. Additionally, tanks that have managed PCBs must be decontaminated to the standards of 40 C.F.R. § 761.79 before continued use to store uncontaminated used oils. If a tank is not decontaminated in compliance with 40 C.F.R. § 761.79 the new contents of the tank will be considered to have come into contact with PCBs at the original source concentration and will be subject to storage, recordkeeping and disposal requirements in 40 C.F.R. § 761.

The contents of the tank must be properly manifested for shipping and disposal in accordance with applicable requirements at 40 C.F.R. § 761, subpart K. The applicability of these requirements must be based on the original source concentration as measured by the sum of Aroclor mixtures, regardless of the current or as-found concentrations of PCBs.

Additionally, the EPA understands that recent sampling conducted by the Oregon Department of Environmental Quality (ODEQ) indicated that the oil exhibits the toxicity characteristic for benzene.

Accordingly, there may be hazardous waste requirements that apply such as uniform hazardous waste manifest requirements.

The contents of the tank must also be disposed of in accordance with applicable regulations. As noted above, used oil and water containing or diluted from a source of PCBs exceeding 500 ppm, regardless of the current as-found concentration of PCBs, must be incinerated in compliance with 40 C.F.R. § 761.70. Additionally, if the material is hazardous waste, it must be handled in compliance with the Oregon authorized hazardous waste program.

The EPA appreciates that APES is taking steps to dispose of the contents of Tank 12. In addition to the specific provisions discussed above, you must comply with all applicable federal and state requirements before commencing transportation and disposal.

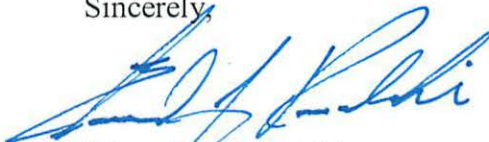
EPA requests the following information be sent to the address below in accordance with the timeframes outlined:

1. A notice to ODEQ and the EPA, 48 hours prior to starting any transfer of contents from Tank 12 from the Force Avenue facility.
2. A copy of the manifest retained by APES pursuant to 40 C.F.R. § 1.308(a)(iii). This copy is to be provided within 48 hours of each corresponding shipment.
3. A letter to the EPA providing notice of when the removal of all contents of Tank 12 has been completed. This letter must be sent to the EPA within five days of completing the removal of Tank 12 contents.
4. Documentation of any decontamination activities performed on Tank 12. For each decontamination under 40 C.F.R. § 761, provide documents that demonstrate compliance with the applicable sections of 40 C.F.R. § 761.79, including how all decontamination wastes were disposed of. This documentation must be provided to the EPA within 30 days following the conclusion of the decontamination.
5. A copy of all certificates of disposal received from the incinerator for the contents of Tank 12. All certificates must be provided within 45 days of the contents of Tank 12 being incinerated.

The information requested above should be sent to:

Katie McClintock, OCE-101
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

Sincerely,



Edward J. Kowalski
Director

cc: Ms. Nina Deconcini
Oregon Department of Environmental Quality