



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

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

OFFICE OF
COMPLIANCE AND ENFORCEMENT

FEB 28 2018

Reply To: OCE-101

Mr. Eric Spencer
Ecolube Recovery, LLC
40 Lake Bellevue Drive, Suite 100
Bellevue, Washington 98005

Re: Tank 12 PCB Waste Management and Invitation to Meet with EPA

Dear Mr. Spencer:

The U.S. Environmental Protection Agency (EPA) believes that the transport and disposal of polychlorinated biphenyl (PCB) waste from Tank 12 by Ecolube Recovery, LLC d.b.a. American Petroleum Environmental Services (Ecolube) fails to comply with all applicable requirements in the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601 *et seq.*, and its implementing regulations for PCBs at 40 Code of Federal Regulations (C.F.R.) Part 761.

As recently as November 22, 2017, Ecolube transferred PCB waste stored in Tank 12 to Clean Harbors for disposal. As you know, EPA received information that the contents of Tank 12 were combined with used oil that originated from the Burly Seal facility in Utah with PCBs at concentrations exceeding 500 parts per million (ppm). Pursuant to the PCB regulations at 40 C.F.R. § 761.60(g)(2)(ii), if PCBs at a concentration of 500 ppm or greater are added to a container, then the total container contents must be considered as having 500 ppm or greater PCBs for purposes of TSCA compliance. Until Tank 12 undergoes complete decontamination consistent with the regulatory requirements at 40 C.F.R. § 761.79, substances added to the tank are considered to exceed PCB concentration of 500 ppm for TSCA regulatory purposes.

Enclosed, please find the applicable TSCA regulatory requirements for proper handling of PCB waste. Before engaging in any further waste management activities (e.g., storage, transport, disposal, and/or decontamination) associated with PCB waste in Tank 12, we invite you to meet with EPA to discuss the steps Ecolube must take to comply with the applicable TSCA requirements and a timeline for completing the steps. Please contact Meghan Dunn at (206) 553-8561 or dunn.meghan@epa.gov **within seven days of your receipt of this letter** to schedule a meeting. EPA also reserves the right to pursue a civil penalty action associated with any generation, transport, storage, and disposal violations associated with the PCB waste in Tank 12. If Ecolube fails to timely complete its compliance obligations under TSCA, or fails to engage in constructive dialogue about how it will return to compliance, EPA will pursue other enforcement options.

Sincerely,

A handwritten signature in blue ink that reads "Edward J. Kowalski".

Edward J. Kowalski
Director

Enclosure

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cc: Ms. Nina DeConcini
Oregon Department of Environmental Quality

Enclosure

Toxic Substances Control Act (TSCA) Requirements for Polychlorinated Biphenyl (PCB) Waste

The TSCA regulations at 40 C.F.R. Part 761, subparts D and K include the following steps for proper handling and disposal of PCB waste:

1. Submit EPA Form 7710-53 to the address below to notify EPA prior to engaging in PCB activities and to receive an identification number from EPA pursuant to 40 C.F.R. § 761.205(a)(2). EPA Form 7710-53 and instructions may be found on EPA's website at <https://www.epa.gov/pcbs/notifications-polychlorinated-biphenyl-pcb-activities>.

Document Control Officer (5305P)
Office of Solid Waste
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

2. Prepare a manifest pursuant to 40 C.F.R. § 761.207(a) that accompanies any PCB waste shipment for transport and disposal, and label the used oil from Tank 12 as "PCB waste."
3. Dispose of the PCB waste in an incinerator pursuant to 40 C.F.R. § 761.60(a).

The applicability of the above requirements must be based on the original source concentration of at least 500 ppm, regardless of the current or as-found concentrations of PCBs.

After PCB waste has been properly manifested, transported, and disposed of in accordance with 40 C.F.R. Part 761, subparts D and K, a facility must complete decontamination procedures to remove residual PCBs. The facility must also handle the PCB contaminated liquids, sludge, and equipment consistent with TSCA regulations. The TSCA regulations at 40 C.F.R. Part 761, subparts D and K include the following steps for proper handling and disposal of PCB waste:

1. Completely empty and decontaminate Tank 12 in accordance with 40 C.F.R. § 761.79.
2. Properly manifest for transport any decontamination waste or residue resulting from decontamination procedures in accordance with 40 C.F.R. § 761.207(a).
3. Dispose of the PCB waste in an incinerator pursuant to 40 C.F.R. § 761.60(a).

Again, the applicability of the above requirements must be based on the original source concentration of at least 500 ppm, regardless of the current or as-found concentrations of PCBs.

Records must be maintained consistent with recordkeeping provisions at 40 C.F.R. Part 761, subpart K. Please note that if the waste in Tank 12 is considered hazardous waste, it must also be manifested, transported, labeled and otherwise handled in compliance with the Oregon authorized hazardous waste program. See Oregon Administrative Rules (OAR) 340-100-0001 *et seq.*