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Part C 4A-1

Clean Harbors Los Angeles, LLC
CAD050806850
July 16, 2009



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

WASTE MANAGEMENT DIVISION
RCRA ENFORCEMENT OFFICE
TSCA COMPLIANCE EVALUATION INSPECTION REPORT

Purpose: TSCA Compliance Evaluation Inspection

Facility: Clean Harbors Los Angeles, LLC
5756 Alba Street
Los Angeles, CA 90058

EPA ID Number: CAD 050 806 850

Date of Inspection: July 16, 2009

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Report Date:

October 12, 2010

Introduction

On July 16, 2009, U.S. Environmental Protection Agency (“EPA”) and the Department of Toxic Substances Control (“DTSC”) representatives conducted an unannounced Toxic Substances Control Act (“TSCA”) Compliance Evaluation Inspection (“CEI”) of Clean Harbors Los Angeles, LLC (“Clean Harbors”), located at 5756 Alba Street, in Los Angeles, California. The purpose of the inspection was to determine Clean Harbors’ compliance with the Polychlorinated Biphenyls (“PCBs”) regulations under 40 Code of Federal Regulations (“C.F.R.”) parts 761, and the California Health and Safety Code (“HSC”), Division 20, Chapter 6.5; and the California Code of Regulations (“C.C.R.”), Title 22, Division 4.5.

The inspectors conducted a physical inspection of the facility and reviewed records related to the facility’s PCB waste management practices. This inspection report summarizes the events that transpired during the inspection, the observations and findings made by the EPA inspectors, and information received from the facility subsequent to the inspection.

Facility Background

Facility Name	Clean Harbors Los Angeles, LLC (“Clean Harbors”)
Established	EPA originally granted this facility location a TSCA Approval under the name Oil Process Company in 1991 [Attachment III(C)]. On February 15, 2002, the TSCA PCB Approval for the 5756 Alba Street facility location expired. However, the facility was granted authorization to continue operating as a PCB commercial storage facility of PCB waste under a State of California RCRA permit.
Number of Employees	21 Employees [Attachment II(E)]
Hours of Operation	24 - 7 (4 shifts per day)
Filed Notification of PCB Waste Activity Form	This facility location first filed a Notification of PCB Waste Activity Form on January 24, 1990 [Attachment II(B)]. Clean Harbors submitted an additional Notification of PCB Activity Form notifying EPA of its generator status on July 26, 2007 [Attachment II(A)].
Facility Processes	Clean Harbors provides environmental and hazardous waste management services in the United States. The facility specializes in decontamination, emergency response, disposal and recovery services related to hazardous waste and used oil [Attachment II(E)]. This location also stores and consolidates PCBs and PCB Equipment destined for disposal at TSCA regulated facilities.

Waste Streams	Used Oil, PCB liquids, PCB Equipment and scrap metal from the processing of Non-PCB and PCB equipment.
PCB Facility Status	PCB Commercial Storage Facility [Attachment II(B)]
Last Inspection	According to EPA's Enforcement and Compliance History Online ("ECHO") database, the state of California last inspected this facility on January 20, 2006 [Attachment II(D)]. The inspection resulted in a written informal action against the facility. EPA Region 9 last conducted a TSCA PCB inspection of the Clean Harbors facility on October 5, 2004 [Attachment II(F)]. Violations related to the facility's PCB Annual Document Log, manifest discrepancies and PCB contamination were documented in the report.

Facility Inspection

On July 16, 2009, EPA and DTSC arrived at the Clean Harbors Los Angeles, California facility at approximately 10:00 am. The inspectors announced their arrival at the front gate. The inspectors were buzzed in and granted access to enter the facility. Three EPA Region 9 inspectors (Misters Christopher Rollins, Jim Polek and Kaoru Morimoto), were present during this site visit. One inspector from DTSC (Mr. Carlos Ortega) also participated in the inspection.

The inspectors were escorted to a conference room for a facility overview and an EPA inspection in-brief. The EPA inspectors were then introduced to Mr. Steven Peterson, the General Manager for Clean Harbors.

During the in-brief, the inspectors presented their credentials. Mr. Rollins then presented and explained the Notice of Inspection form [Attachment I(A)] and a TSCA Inspection Confidentiality Notice form [Attachment I(B)] to the Clean Harbors representatives.

Under TSCA, the Notice of Inspection form is required to be signed prior to conducting an inspection and the TSCA Confidentiality Notice form outlines Clean Harbors' right to claim PCB materials or documents collected during or after the inspection as TSCA Confidential Business Information ("CBI"). No documents were declared CBI during EPA's inspection. Both EPA and the facility signed both forms and EPA concluded its in-brief.

After the in-brief, Mr. Peterson escorted the inspectors on a tour of the facility. Mr. Rollins lead the TSCA inspection and misters Morimoto and Polek took photographs and assisted with the investigation.

Mr. Joe Christopher the Compliance Manager for Clean Harbors joined the inspection team later to answer EPA's questions regarding compliance and Mr. Edgar Militar, the Laboratory Manager answered questions regarding the facility's On-Site Laboratory.

EPA inspectors collected surface wipes, oil and soil samples after a walk-through of the facility. Twelve surface wipes were collected, four soil samples and one oil sample was collected to evaluate Clean Harbors' management of PCBs.

The following tables summarize the areas inspected and the potential violations found near or adjacent to the Container Storage Warehouse, Truck Loading Dock, On-Site Laboratory, Dirt Road (New Container Storage Warehouse), Outdoor Transformer Storage Area, Maintenance Area, and the New Containment Storage Pad Area.

Area 1: Container Storage Warehouse Area – Potential Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Outside Bay Storage Areas (CHSW-3 to CHSW-4)	N/A	PCB Wipe Samples	None	N/A
Bay 1	1 Transformer	PCB-Contaminated Oils (114 ppm)	None	N/A
Bay 1	1 Transformer w/ Drip Pan	PCB-Contaminated Oils (196 ppm)	None	N/A
Bay 1 (CHSW-5)	N/A	PCB Wipe Sample	none	N/A
Bay 2	1 Pump	In Use PCB Equipment	Approval Condition, Improperly Labeled	1A-1B
Bay 2 (CHSW-6)	N/A	PCB Wipe Sample	None	N/A

Bay 3	1 Transformer	Transformer	None	N/A
Bay 4	5-Gallon Container	Leaking Small Capacitors	Improperly Labeled	1C
Bay 4	55-Gallon Drum	PCB Debris/Soil	Improperly Labeled	1D
Bay 5	1 Transformer	PCB-Transformer (1,600 ppm)	Improperly Labeled	1E
Bay 5	1 Transformer	PCB-Contaminated Transformer (363 ppm)	None	N/A
Bay 5 (CHSW-7)	N/A	PCB Wipe Sample	None	N/A
Bay 6	1 Transformer	PCB-Contaminated Transformer (146 ppm)	None	N/A
Bay 6	1 Small Capacitor	PCB Capacitor	None	N/A
Bay 5	N/A	PCB Wipe Sample	None	N/A
Non-PCB Storage Area (CHSW-8 to CHSW-10)	N/A	PCB Wipe Samples	None	N/A

Comments: EPA observed five leaky transformers in Clean Harbors' Container Storage Warehouse. Two of the transformers were located in Bay 1. EPA documented leaky Transformer #1 [Serial # 69L9173 (Manifest 001750711 FLE)] with liquids in its containment pan. The transformer had "196 ppm" written on the top of the transformer. EPA requested

documentation related to the status of the transformer and its contents on August 26, 2009.

Clean Harbors marked a second leaky transformer [Transformer #2 (Serial # Unknown)] with a PCB concentration of “114 ppm.” The inspectors observed oil from Transformer #2 released directly onto the floor. EPA collected a PCB wipe sample of the oil on the day of the inspection (Sample CHSW-5). However, according to the analytical results, EPA only detected PCBs at 1.3 $\mu\text{g}/100\text{ cm}^2$. The action level for PCB wipe samples under TSCA is 10 $\mu\text{g}/100\text{ cm}^2$.

EPA observed a third leaky transformer in Bay 6. Clean Harbors wrote a “146 ppm” on the top of Transformer #3 [Serial # 66G6886 (Manifest 002688414 FLE)]. This transformer was stored in a containment unit and absorbent material (saw dust) was placed in the unit. A small plastic bag of debris was also documented in the containment unit. The other two leaky transformers were stored in the non-PCB (< 50 ppm) storage area of the warehouse.

A total of eight surface wipes (CHSW-3 to CHSW-10) were collected inside the Container Storage Warehouse. None of the wipe samples exceeded the threshold for unrestricted use under TSCA (10 $\mu\text{g}/100\text{ cm}^2$).

One of the eight PCB surface wipes collected inside the building included a wipe of the surface of Clean Harbors’ electrical pump. Oils appeared present on the surface of the cart that contained the pump. The analytical data showed PCBs present in the oil at 9.9 $\mu\text{g}/100\text{ cm}^2$, and therefore no action was taken by EPA on this matter.

Area 2: Truck Loading Dock – No Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Truck Loading Area (CHSW-1 to CHSW-2)	N/A	PCB Wipe Samples	None	N/A

Comments: EPA collected two PCB wipe samples from Clean Harbors Truck Loading Dock (CHSW-1 and CHSW-2). Based on the analytical results, the samples were non-detect for the presence of PCBs.

Area 3: Clean Harbors' Laboratory – Potential Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Near Hood #1	30-Gallon Container	PCB Liquids	No Removal from Service Date	3A-3B
Temporary Storage Area	35-Gallon Poly Container	PCB Lab Packs	Improperly Labeled	3C-3D
Temporary Storage Area	2 35-Gallon Poly Containers	PCB Lab Packs	No Removal from Service Date	3C-3D
Temporary Storage Area	N/A	PCB Lab Packs	Improperly Labeled	3E-3F

Comments: EPA observed a container used for the storage of PCB containing lab vials in the facility's On-Site laboratory. The container did not indicate when the PCBs were first removed from service.

The inspectors also observed one 35-gallon poly container that was not properly marked with a PCB M_L label and two containers that did not indicate the earliest removal from service dates for the PCBs generated in the lab. In addition, temporary storage areas are required to be marked with the PCB M_L label under TSCA. Clean Harbors did not properly mark their temporary PCB storage areas.

The facility returned to compliance with the marking violations and by indicating the removal from service dates in their laboratory on July 30, 2009.

Area 4: Dirt Road (Near Container Storage Warehouse) – No Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Dirt Road (CHSY-1 to CHSY-4)	N/A	Soil Samples	None	N/A

Comments: None.

Area 5: Outdoor Transformer Storage and Maintenance Area – No Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Non-PCB Storage Area (CHOS-1)	N/A	Transformer Oil	None	N/A

Comments: None.

Area 6: New Containment Storage Pad Area – No Violations

Location	Container Type	Waste Type	Potential Violation	Photo
Outdoor Storage and Maintenance Area (CHSW-11 to CHSW-12)	N/A	PCB Wipe Samples	None	N/A

Comments: None

Record Review – Potential Violations

Record	Year(s)	Potential Violations
Manifests	2008	EPA observed manifest violations related to the facility not including the removal from service dates on each outgoing manifest.
Notification of PCB Activity Form		Clean Harbors filed a Notification of PCB Activity Form as a generator and commercial storer of PCB waste on July 26, 2007.
PCB Annual Report	2008	Clean Harbors submitted its 2008 PCB Annual Report on July 14, 2009.
Contingency Plan		N/A
Training Plan		N/A
Wastewater Treatment Plan		N/A
Waste Analysis Plan and Results		N/A

Comments: A Notification of PCB Activity form (EPA Form 7710-53) was first filed for the 5756 Alba Street location on January 24, 1990. The form notifies EPA of the facility’s status as a PCB commercial storage facility. Clean Harbors has a state issued permit that includes the storage of PCBs on-site. Under the facility’s permit, a total of 8,745 gallons (159 55-Gallon drums) of PCBs can be stored on-site at any one time. It does not appear that Clean Harbors has exceeded its storage capacity limits under TSCA.

The facility also failed to include the removal from service dates on each of its outgoing manifest in 2008. On eleven occasions, EPA documented Clean Harbors shipping off waste from its Los Angeles location, without a removal from service date. Without including the removal from service dates on the manifest an inspector can’t determine how long the waste was in storage prior to disposal. Clean Harbors needs to ensure that its PCBs are being managed properly, by listing the removal from service date on each manifest.

Clean Harbors is also a generator of PCB waste. The facility drains oils from transformers and ships the waste off for incineration. On July 26, 2007, Clean Harbors resubmitted a Notification of PCB Activity form in order to include PCB generator as one type of activities the facility was engaged in under TSCA.

Potential Violations of TSCA PCB Requirements

1. Failure to Mark PCBs and PCB Items [40 C.F.R. § 761.40(a)(1)].

Requirements:

TSCA requirement 40 C.F.R. § 761.40(a)(1) states each [PCB Containers] in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in § 761.45(a): The mark illustrated in Figure 1 is referred to as M_L throughout this subpart.

Findings:

During the inspection, EPA observed a 30-gallon and a 35-gallon container of PCB waste not properly marked with a PCB M_L label as required under TSCA. Clean Harbors' documented its return to compliance on July 30, 2009 by marking each container with a PCB M_L label.

2. Failure to Mark PCBs and PCB Items [40 C.F.R. § 761.40(a)(2)].

Requirements:

TSCA requirement 40 C.F.R. § 761.40(a)(2) states each [PCB Transformer] in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in § 761.45(a): The mark illustrated in Figure 1 is referred to as M_L throughout this subpart.

Findings:

EPA observed one unlabeled PCB Transformer (1,600 ppm) in Bay 5 of Clean Harbors' Container Storage Warehouse [Serial # 6688430 (Manifest 002684147)]. Clean Harbors did not generate the PCB waste originally. However, the facility was responsible for the management of the PCB transformer once the waste was received and accepted. As such, Clean Harbor's violated TSCA by not properly marking the PCB container with a M_L label.

3. Failure to Mark PCBs and PCB Items [40 C.F.R. § 761.40(a)(10)].

Requirements:

TSCA requirement 40 C.F.R. § 761.40(a)(10) states each [PCB storage area] in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in § 761.45(a): The mark illustrated in Figure 1 is referred to as M_L throughout this subpart.

Findings:

On the day of EPA's inspection, Clean Harbors failed to mark their temporary storage area in the facility's On-Site laboratory. The facility documented their return to compliance on July 30, 2009 by marking the temporary storage area with a PCB M_L label.

4. Failure to Indicate the Removal from Service Date on PCB Containers [40 C.F.R. § 761.65(c)(8)].

Requirements:

TSCA requirement 40 C.F.R. § 761.65(c)(8) states that PCB Items shall be dated on the item when they are removed from service for disposal. The storage shall be managed so that the PCB Items can be located by this date. Storage containers provided in paragraph (c)(7) of this section, shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

Findings:

During EPA's inspection, the inspectors observed two 30-gallon and two 35-gallon containers of PCB lab waste without notations indicating the dates the PCB waste was removed from service on the containers. Clean Harbors returned to compliance on July 29, 2009, when the facility began marking the removal from service date on each container.

5. Violation of a TSCA PCB Approval Condition [40 C.F.R. § 761.65(d)(4)(iv)].

Requirements:

TSCA requirement 40 C.F.R. § 761.65(d)(4) states the written approval, issued by EPA shall include, but not be limited to, the following:

- i) The determination that the applicant has satisfied the requirements set forth in paragraph (d)(2) of this section, and a brief statement setting forth the basis for the determination.
- ii) Incorporation of the closure plan submitted by the facility owner or operator and approved by EPA.
- iii) A condition imposing a maximum storage capacity which the facility shall not exceed during its PCB waste storage operations. The maximum storage capacity imposed under this condition shall not be greater than the estimated maximum inventory of PCB waste included in the owner's or operator's application for final approval.
- iv) Such other conditions as deemed necessary by EPA to ensure that the operations of the PCB storage facility will not pose an unreasonable risk of injury to health or the environment.

Findings:

Under Condition B(3) of Clean Harbors' September 10, 1991, Commercial Storage Approval, all equipment used for handling PCBs and PCB Items that comes in direct contact with PCBs should be marked with the PCB M_L label [40 C.F.R. § 761.45(a)].

During EPA's inspection, the facility did not label the pump used in draining PCB liquids from transformers on-site. On September 3, 2009, the facility returned to compliance by marking the pump with a PCB M_L label.

6. Failure to Include the Removal from Service Dates on PCB Manifests [40 C.F.R. § 761.207(a)].

Requirements:

TSCA requirement 40 C.F.R. § 761.207(a) states a generator who relinquishes control over PCB wastes by transporting, or offering for transport by his own vehicle or by a vehicle owned by another person, PCB waste for commercial off-site storage or off-site disposal shall prepare a manifest on EPA Form 8700-22, and if necessary, a continuation sheet. The generator shall specify:


- (1) For each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.
- (2) For each PCB Article Container or PCB Container, the unique identifying number, type of PCB waste (e.g., soil debris, small capacitors), earliest date of removal from service for disposal, and weight in kilograms of the PCB waste contained.
- (3) For each PCB Article not in a PCB Container or PCB Article Container, the serial number if available, or other identification if there is no serial number, the date of removal from service for disposal, and weight in kilograms of the PCB waste in each PCB Article.

Findings:


According to the Clean Harbors' manifests in EPA's possession, Clean Harbors shipped eleven shipments of PCB waste off for disposal without listing the removal from service date on each manifest, a violation under TSCA.

Photo Log


Area 1

Area: Containment Storage Warehouse		
Location: Bay 2		
Photo: 1A	Date: 7/16/09	
Area of Concern: 40 C.F.R. § 761.40 and 40 C.F.R. § 761.65(d)(4)(iv)		
Description: Clean Harbors stored a pump in Bay 2 used to drain PCB equipment on-site. The pump was not marked with a PCB M _L label and oil was observed in the metal pan holding the unit. EPA recommends marking the pump.		

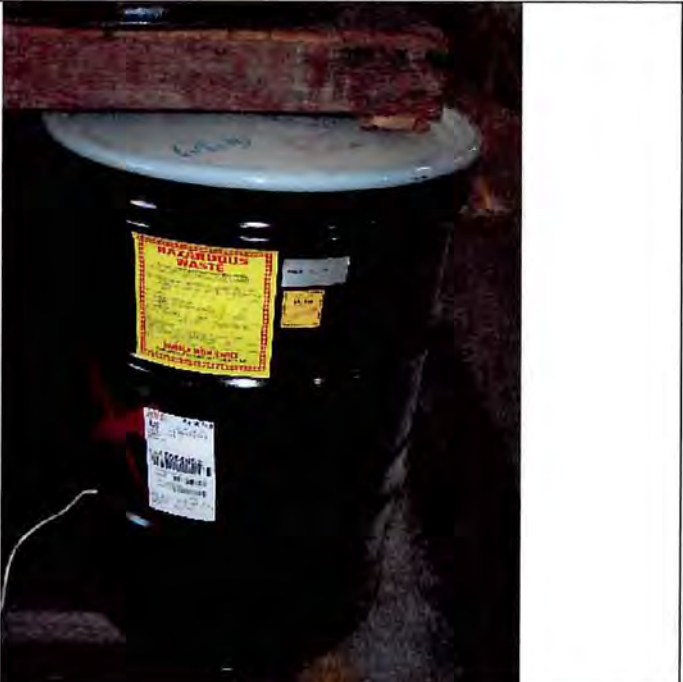
Area 1

Area: Containment Storage Warehouse		
Location: Bay 2		
Photo: 1B	Date: 7/16/09	
Return To Compliance: September 3, 2009		
Description: Clean Harbors returned to compliance by marking their cart for their PCB containing equipment with a PCB M _L label.		

Area 1

<p>Area: Containment Storage Warehouse</p>	
<p>Location: Bay 4</p>	
<p>Photo: 1C Date: 7/16/09</p>	
<p>Potential Violations: 40 C.F.R. § 761.45(a)</p>	
<p>Description: EPA documented one-5 gallon container of PCB capacitors marked with a small PCB M_S label instead of the PCB M_L label. The container was located in Bay 4 of Clean Harbors' Containment Storage Warehouse.</p>	

Area 1

<p>Area: Containment Storage Warehouse</p>	
<p>Location: Bay 4</p>	
<p>Photo: 1D Date: 7/16/09</p>	
<p>Potential Violations: 40 C.F.R. § 761.45(a)</p>	
<p>Description: EPA also documented one-55 gallon drum of PCB debris and soil in Bay 4 marked with a small PCB label (M_S). TSCA requires that a container of this size be marked with an appropriate sized PCB label (M_L).</p>	

Area 1

Area: Containment Storage Warehouse	
Location: Bay 5	
Photo: 1E	Date: 7/16/09
Potential Violations: 40 C.F.R. § 761.40(a)(2)	
Description: EPA documented a PCB Transformer at 1,600 ppm without a PCB (M ₁) label (on the left) on it. Inspectors also observed a PCB label peeling off a transformer in the center of this photograph.	



Area 3

Area: On-Site Laboratory	
Location: Near Hood #1	
Photo: 3A	Date: 7/16/09
Potential Violations: 40 C.F.R. § 761.65(c)(8)	
Description: Clean Harbors accumulated PCBs in a temporary storage area in their on-site laboratory. The container was not dated to indicate when the first drops of PCBs were placed in the container.	



Area 3

Area: On-Site Laboratory	
Location: Near Hood #1	
Photo: 3B	Date: 7/30/09
Return to Compliance: July 29, 2009	
Description: Clean Harbors return to compliance by marking the container (hazardous waste label) with a temporary storage date for the facility's PCB waste.	



Area 3

Area: On-Site Laboratory	
Location: Temporary Storage Area	
Photo: 3C	Date: 7/16/09
Potential Violations: 40 C.F.R. § 761.40(a) and 40 C.F.R. § 761.65(c)(8)	
Description: Clean Harbors generated two 35-gallon drums of PCB lab waste in their on-site laboratory. One drum was not marked with a PCB M _L label. Both were not dated with the date placed into temporary storage.	



Area 3

Area: On-Site Laboratory	
Location: Temporary Storage Area	
Photo: 3D	Date: 7/30/09
Return To Compliance: July 30, 2009	
Description: During EPA's inspection, Clean Harbors returned to compliance by labeling the 35-gallon drum of PCB liquids on the right, and placing storage dates on the drums.	




Area 3

Area: ON-Site Laboratory	
Location: Temporary Storage Area	
Photo: 3E	Date: 7/16/09
Potential Violations: 40 C.F.R. § 761.40(a)(10)	
Description: Clean Harbors failed to mark their temporary storage area with a PCB label as required by law. During the inspection, Clean Harbors stored two 35-gallon poly containers in the temporary area.	



Area 3

Area: On-Site Laboratory	
Location: Temporary Storage Area	
Photo: 3F	Date: 7/30/09
Return to Compliance: July 30, 2009	
Description: Clean Harbors returned to compliance by marking their temporary PCB storage area in the facility's on-site laboratory.	

A photograph showing two white 55-gallon drums in a storage area. The drums are labeled with yellow 'PCB' labels and hazard diamonds. The background wall has a sign that reads 'PCB STORAGE AREA'. The setting appears to be an indoor facility, possibly a laboratory or storage room.