



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105  
**MAR 14 2011**

Notice of Noncompliance  
Certified Mail No.: 7000 0520 0021 6109 9297

Mr. Steven Peterson  
General Manager  
Clean Harbors Los Angeles, LLC  
5756 Alba Street  
Los Angeles, CA 90058

Re: Notice of Noncompliance for Violations of the Toxic Substances Control Act

Dear Mr. Peterson:

This letter is a Notice of Noncompliance ("NON") issued by the U.S. Environmental Protection Agency ("EPA") to Clean Harbors Los Angeles, LLC ("Clean Harbors") located at 5756 Alba Street in Los Angeles, California. This NON is based on information collected during EPA's July 16, 2009 inspection, indicating that Clean Harbors has violated the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2601 et. seq., and the regulations regarding marking, manifesting and management of polychlorinated biphenyls ("PCBs"), promulgated under TSCA at 40 C.F.R. part 761.

Under 40 C.F.R. § 761.40(a)(1), (a)(2) and (a)(10) of TSCA, PCB Items and PCB storage areas shall be marked with the proper PCB M<sub>L</sub> label to notify individuals not familiar with PCBs of their presence. At the time of EPA's inspection, Clean Harbors failed to mark two PCB containers, one PCB transformer, and one PCB storage area with a PCB M<sub>L</sub> label as required by law. The facility returned to compliance on July 30, 2009.

In accordance with 40 C.F.R. § 761.65(c)(8), PCB Items shall be dated on the item when they are first removed from service for the purposes of disposal. On the date of EPA's inspection, Clean Harbors failed to list the removal from service date on four PCB containers, a violation under TSCA. Clean Harbors returned to compliance regarding this violation on July 29, 2009.

Pursuant to 40 C.F.R. § 761.65(d)(4)(iv) of TSCA, EPA may include additional conditions into a TSCA PCB Approval to ensure that the operations of the PCB storage facility will not pose an unreasonable risk of injury to human health or the environment. According to Condition B(3) of Clean Harbors' TSCA PCB Approval, all equipment that comes in direct contact with PCBs or PCB items shall be marked with a PCB M<sub>L</sub> label. During the inspection, Clean Harbors failed to label their PCB pump on-site. The facility returned to compliance on September 3, 2009.

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Moreover, under 40 C.F.R. § 761.207(a), a generator who relinquishes control over PCB waste shall prepare a manifest on EPA Form 8700-22 and specify the earliest date of removal from service for disposal. Clean Harbors failed to specify the earliest date of removal from service on eleven of its outgoing 2008 manifests, a violation under TSCA.

Within thirty (30) days of receipt of this NON, please provide EPA with evidence that Clean Harbors has taken steps to address the violation(s) cited in this NON. Relevant information would include a written statement from Clean Harbors indicating how the facility has changed its operational procedures to ensure that removal from service dates are included on each outgoing manifest. This documentation should be submitted to:

Christopher Rollins  
U.S. EPA, Region 9  
WST- 3  
75 Hawthorne Street  
San Francisco, CA 94105  
E-mail: [rollins.christopher@epa.gov](mailto:rollins.christopher@epa.gov)

This NON is issued by the EPA in lieu of further action at this time. Within thirty (30) days of receipt of this NON, the requested documentation should be submitted to certify that Clean Harbors has properly addressed the violation(s) cited in the NON. Failure to submit the requested documentation may cause the EPA to take further enforcement action as provided under TSCA, including possible imposition of civil penalties.

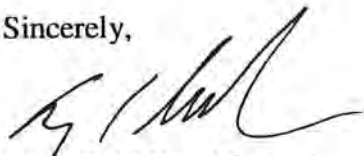
We would also like to extend to you the opportunity to advise the EPA of any information you believe that the EPA should consider with respect to this NON. Relevant information might include any exculpatory information, evidence of reliance on compliance assistance provided by the EPA or State agencies, or misidentification of the proper party.

Please be advised that you may assert a confidential business information ("CBI") claim covering any or all of the information that is submitted in response to this letter. Every CBI claim should be made in accordance with the criteria as listed in 40 C.F.R. § 2.208. If a CBI claim is not received accompanying the requested materials, they may be made available to the public without future notice.

In lieu of submitting the requested response by certified mail, Clean Harbors may submit the response as portable document file(s) via electronic mail.

If you have any questions, please contact Christopher Rollins at (415) 947-4166. Thank you for your prompt attention to this matter.

Sincerely,



Amy C. Miller, Manager  
RCRA Enforcement Office

Enclosures