

# PCB Enforcement: U.S. Environmental Protection Agency and Trenton, Tennessee, Light and Water Department Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and the Trenton Light and Water Department (“TLW”) entered into a June 19th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of certain federal Polychlorinated Biphenyls (“PCBs”) regulations. See Docket No. TSCA-04-2018-2902(b).

The PCB regulations were promulgated pursuant to Section 6(e) of the Toxic Substances Control Act and are found in 40 C.F.R. Part 761.

The CAFO provides that TLW is a user of PCB Items operating in the State of Tennessee and is a “person” as defined in 40 C.F.R. § 761.3.

An EPA-authorized Toxic Substances Control Act inspector from the State of Tennessee Department of Environment and Conservation is stated to have conducted a PCB Compliance Inspection at a TLW facility on or about February 28, 2017. The inspection is stated to have determined that the PCB Storage Building had a concrete floor and walls not continuous and without curbing. Further, the CAFO states that:

. . . In lieu of curbing, TLW utilizes a universal brand stock water tank for secondary containment of leaking PCB transformers. The tank is a “PCB Container” and/or a “PCB Article Container” as those terms are defined in 40 C.F.R. § 761.3. PCB Containers and PCB Article Containers are “PCB Items” as defined 3 by 40 C.F.R. § 761..

Certain provisions of the PCB regulations are stated to require that PCB Containers and PCB Article Containers be marked with the ML PCB mark as illustrated in 40 C.F.R. § 761.45(a). The position that the mark must be placed is specified by the regulations.

The CAFO provides that the PCB Container/PCB Article Container previously described “was not marked, nor was the wall above the tank, with a ML PCB mark.” As a result, the CAFO alleges that TLW violated 40 C.F.R. §§ 761.40(a)(1) and (9) and (h).

The CAFO states that TLW neither admits nor denies the factual allegations.

A civil penalty of \$661 is assessed.

A copy of the [CAFO](#) can be downloaded here.

