



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control



**Gavin Newsom**  
Governor

Meredith Williams, Ph.D.  
Acting Director  
1001 "I" Street  
P.O. Box 806  
Sacramento, California 95812-0806

September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9584

Mr. Robert Brown III  
Agritec Int. DBA Clean Tech Environmental, Inc.  
5820 Martin Road  
Irwindale, California 91706

### NOTICE OF PROVISIONAL INSPECTION VIOLATION SCORES, 2019 FACILITY VIOLATION SCORING PROCEDURE SCORE, AND 2019 COMPLIANCE TIER ASSIGNMENT

Dear Mr. Robert Brown III:

**2019 Facility Violations Scoring Procedure (VSP) Score: 18.75**  
**2019 Compliance Tier Assignment: Acceptable**

The purpose of this letter is to provide Agritec Int. DBA Clean Tech Environmental, Inc., CAL000330453, located at 5820 Martin Rd., Irwindale, CA 91706 (hereinafter, the "Facility") with a provisional inspection violation score for each compliance inspection that was conducted during the preceding ten (10) year period beginning January 1, 2009, through December 31, 2018, the Facility's 2019 VSP Score, and compliance tier assignment pursuant to California Code of Regulations (CCR), title 22, section 66271.53, subdivision (b)(2) and section 66271.54, subdivisions (c).<sup>1</sup>

The provisional inspection violation scores for the Facility are provided in the enclosed Violation Scoring Matrix. A provisional inspection violation score is the sum of the initial score for each Class I violation that occurred during a compliance inspection, and any adjustment to the initial Class I violation score based on repeat violations.<sup>2</sup> (See 22 CCR § 66271.53, subd. (a).) The basis for the score for each Class I violation is also provided in the enclosed Violation Scoring Matrix.

<sup>1</sup> Pursuant to Senate Bill (SB) 673 (Stats. 2015, chapter 611), the Department of Toxic Substances Control (DTSC) adopted new hazardous waste permitting criteria regulations, which became effective on January 1, 2019. The full text of the hazardous waste permitting criteria regulations is available at [https://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/18-DTSC-SB-673-Reg-TEXT\\_OAL\\_20181023-revised.pdf](https://www.dtsc.ca.gov/LawsRegsPolicies/Regs/upload/18-DTSC-SB-673-Reg-TEXT_OAL_20181023-revised.pdf). More information regarding SB 673 is available at [https://www.dtsc.ca.gov/HazardousWaste/Permit\\_Roundtables.cfm](https://www.dtsc.ca.gov/HazardousWaste/Permit_Roundtables.cfm).

<sup>2</sup> For purposes of calculating a facility's inspection violation score, DTSC may also consider Class II violations that meet the definition of a Class I violation as specified in CCR, title 22, section 66260.10. (See 22 CCR § 66271.50, subd. (d)(1).)

Based on the provisional inspection violation scores for the Facility for the ten (10) year period beginning January 1, 2009, through December 31, 2018, DTSC has calculated a Facility VSP Score for the Facility of "**18.75**". A Facility VSP Score is the sum of all provisional or final inspection violation scores for each compliance inspection conducted during the preceding ten (10) years, divided by the number of compliance inspections. (See 22 CCR § 66271.54, subd. (a).)

A facility may be assigned to one of three compliance tiers based on its Facility VSP Score:

- "Acceptable." A facility that receives a Facility VSP Score of less than 20 shall be designated as having a Facility VSP Score that is "acceptable". (See 22 CCR § 66271.54, subd. (b)(1).)
- "Conditionally Acceptable." A facility that receives a Facility VSP Score equal to or greater than 20 and less than 40 shall be designated as having a Facility VSP Score that is "conditionally acceptable." Facilities that receive a final compliance tier assignment of "conditionally acceptable" are required to comply with additional requirements outlined in the regulations. (See 22 CCR § 66271.54, subd. (b)(2); 22 CCR § 66271.56.)
- "Unacceptable." A facility that receives a Facility VSP Score equal to or greater than 40 shall be designated as having a Facility VSP Score that is "unacceptable." DTSC is required to initiate permit denial, suspension, or revocation proceedings for facilities that receive a final compliance tier assignment of "unacceptable." (See 22 CCR § 66271.54, subd. (b)(3); 22 CCR § 66271.57.)

As a result of the Facility's VSP Score, DTSC has assigned the Facility to a compliance tier of "**Acceptable**". Generally, as discussed further below, a facility's compliance tier assignment becomes final after all provisional inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d).

### **Provisional Inspection Violation Score Disputes and Compliance Tier Assignment Challenges**

An owner or operator of a facility may dispute a provisional inspection score pursuant to CCR, title 22, section 66271.53, subdivision (c) by filing a Provisional Inspection Violation Score Dispute Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>) within sixty (60) calendar days of this notice. All of the following information must be enclosed with the Dispute Document cover letter:

- A statement that describes in detail the factual and legal basis of the dispute and the relief sought;
- Any claimed erroneous facts, assumptions, approaches, or conclusions of law made by DTSC;

- A statement describing in detail any efforts already made by the owner or operator to resolve the dispute with DTSC; and
- Any photographs, documents, or any other material that supports the owner's or operator's position regarding the disputed provisional inspection violation score.

The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

DTSC will issue a written decision, granting or denying, in whole or in part, the relief sought by the owner or operator of a facility disputing a provisional inspection violation score. A provisional inspection violation score will become the final inspection violation score consistent with DTSC's written decision. A provisional inspection violation score will also become the final inspection violation score if the owner or operator of a facility does not file a Dispute Document within sixty (60) calendar days of this notice.

A facility's compliance tier assignment becomes final after all inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d). Final compliance tier assignments of "acceptable" or "conditionally acceptable" are not subject to additional administrative dispute resolution. (See 22 CCR § 66271.54, subds. (e), (f).) However, owners or operators of facilities assigned to a final compliance tier of "unacceptable" may further administratively challenge their final compliance tier assignment under California Code of Regulations, title 22, section 66271.57.

Issuance of this provisional inspection violation score, Facility 2019 VSP Score, and compliance tier assignment do not constitute an enforcement action. If you have any questions regarding this notice, please contact [VSP\\_Info@dtsc.ca.gov](mailto:VSP_Info@dtsc.ca.gov). If you have any questions regarding the dispute process, please contact [VSP\\_Dispute\\_Inbox@dtsc.ca.gov](mailto:VSP_Dispute_Inbox@dtsc.ca.gov).

Sincerely,



Keith Kihara, Chief  
Enforcement and Emergency Response Division

Enclosure(s)

Violation Scoring Matrix  
Proof of Service

### Violation Scoring Matrix

Facility Name:		AGRITEC INT DBA CLEANTECH ENVIRONMENTAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		2/2/2015		Link to EnviroStor	
Address:		5820 MARTIN RD, IRWINDALE, CA 91706		Number of Inspections:		4		Permit Expiration Date:		2/1/2025		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAL000330453		Total Number of Violations Scored:		8		Date VSP Completed:		7/30/2019			
Inspection Date:	10/27/2011	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI / Transporter												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	9/13/2013	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.00
Class II Violations:	1	The deviation from the requirement was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25250.13	The facility failed to install secondary containment for the used oil tanker trailer container stored in excess of 24 hours.	Minimal	One tanker truck of used oil was found in violation. No leaks or releases were noted during the time of the inspection. Minimal threat was assigned due to the wastestream at issue.	Major	During the inspection walkthrough of the facility's truck yard, DTSC inspectors observed a truck that was used to store used oil generated as a result of used oil filter crushing. Based on the Operating Log, the facility stored used oil longer than the 24 hours allowed without installing secondary containment for the truck that was used to store the used oil. The HW management requirement was completely ignored.	15	No	n/a	0	0.00
Provisional Inspection Violation Score:													0.00

### Violation Scoring Matrix

Facility Name:		AGRITEC INT DBA CLEANTECH ENVIRONMENTAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		2/2/2015		Link to EnviroStor	
Address:		5820 MARTIN RD, IRWINDALE, CA 91706		Number of Inspections:		4		Permit Expiration Date:		2/1/2025		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAL000330453		Total Number of Violations Scored:		8		Date VSP Completed:		7/30/2019			
Inspection Date:	10/19/2015 CEI & 1/21/2016 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation and/or assure early detection of such releases and/or assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201(a) and HWFP dated 2/2/2015, Part V-Special Conditions, page 22 #5	The facility stored HW in an unauthorized location without a permit or grant of authorization from DTSC. One pump truck containing 2,386 gallons of waste antifreeze was stored near the facility's office.	Minimal	2,386 gallons of antifreeze was cited in violation. The volume and characteristic of this substance constituted a minimal potential for harm to public health and safety and the environment.	Major	The location in which the HW was observed was not an authorized storage location. The waste had been stored there for at least 13 days from 10/6/2015 to the inspection date (10/19/2015). The requirement was completely ignored and none of its provisions were complied with.	15	No	n/a	0	15.00
	2	The deviation from the requirements was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation and/or assure early detection of such releases.	HSC 25201(a) and HWFP dated 2/2/2015, part IV-Unit #1-Physical Description	The facility stored HW in an unauthorized unit as two 15 cubic yard roll off bins containing waste solid debris were observed. Only one roll off bin was permitted.	Minimal	Up to 15 cubic yards of HW solid debris was cited in violation (one bin was full and another was half-full). The characteristics of the solid HW in violation were not provided resulting in a minimal potential for harm.	Moderate	Two roll-off bins were observed in an area only permitted to store one roll-off bin, which could have potentially resulted in an exceedance of permitted unit capacity by 21,120 gallons, although the specific volume in the roll off bins was not available. The requirement functioned to some extent, as the area was permitted to store HW liquid and solid in containers, though the facility stored HW in an unauthorized unit.	6	No	n/a	0	6.00
	3	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201(a)	The facility stored HW in excess of the time allowed by the storage transfer exemption, when it stored HW for a period in excess of ten days.	Minimal	The permitted wastestreams at the facility is primarily used oil and non-RCRA wastestreams. The volume and the specific characteristics of the HW in violation were not provided. Therefore, a minimal potential for harm was assigned.	Minimal	Manifests in violation were prior to 2/2/2015, according the HW Tracking System database. However, the number of manifests found in violation and/or the duration of time in violation was not provided. Therefore, a minimal extent of deviation was assigned.	2	No	n/a	0	2.00

### Violation Scoring Matrix

Facility Name:		AGRITEC INT DBA CLEANTECH ENVIRONMENTAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		2/2/2015		<a href="#">Link to EnviroStor</a> (Inspection Reports, SOVs, etc.)	
Address:		5820 MARTIN RD, IRWINDALE, CA 91706		Number of Inspections:		4		Permit Expiration Date:		2/1/2025			
EPA ID:		CAL000330453		Total Number of Violations Scored:		8		Date VSP Completed:		7/30/2019			
4	The deviation from the requirements was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation and/or assure early detection of such releases.	22 CCR 66264.176 and HWFP, dated 2/2/2015, page 22, Part V-Special Conditions #5 and #6	The facility illegally stored ignitable wastes for transfer within 50 feet of the facility's property line as there were 16 containers of ignitable wastes stored within 50 feet of the property line within the Drum Storage Area.	Major	16 containers (volume not specified) of ignitable wastes (wastestream(s) in violation not specified), labeled as "flammable gas/liquid" and stored within 50 feet of the property line presented a major potential for harm to public health and safety and the environment.	Major	16 containers stored in an unauthorized area demonstrated that the function of the HW management requirement was rendered ineffective because some of its important provisions were not complied with, resulting in a major extent of deviation.	25	No	n/a	0	25.00	
	5	The deviation from the requirements was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25189(a)	Between 7/8/2016 and 7/21/2016, the facility made a false statement or representation in an application, label, manifest, record, report, or other document filed, maintained, or used for purposes of compliance on manifests for used oil.	Minimal	Statements made by generators were accurate on receipt dates of used oil and non-RCRA wastestreams "pick-up" and were not a driver's mistake or clerical error as claimed by the facility on manifest correction letters. The potential for harm was minimal due to the characteristics of the wastestreams in violation.	Moderate	On the consolidated manifests and receipts, an exact total volume of HW was not entered on the manifests daily to match the cumulative amount collected which was provided on the receipts. The number of receipts/manifests impacted by this violation was not specified, but the submittal of manifest correction letters demonstrated the requirement functioned to some extent resulting in a moderate extent of deviation.	6	No	n/a	0	6.00
<b>Provisional Inspection Violation Score:</b>											54.00		

### Violation Scoring Matrix

Facility Name:		AGRITEC INT DBA CLEANTECH ENVIRONMENTAL INC		10 Year Date Range:		2009-2018		Permit Effective Date:		2/2/2015		Link to EnviroStor	
Address:		5820 MARTIN RD, IRWINDALE, CA 91706		Number of Inspections:		4		Permit Expiration Date:		2/1/2025		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAL000330453		Total Number of Violations Scored:		8		Date VSP Completed:		7/30/2019			
Inspection Date:	7/8/2016	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CI												
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201(a) and 22 CCR 66266.130	The facility treated HW without a HWFP or other grant of authorization from DTSC. The facility accepted at least five 55 gallon drums that contained undrained used oil filters containing HW used oil. The filters were placed in a unit that treated the filters by crushing and cubing them and also captured the used oil. The Crusher/Cuber Unit was not authorized in the facility's HWFP for the treatment of HW. DTSC staff randomly sampled unprocessed used oil filters from six 55 gallon drums that had been received and stored at the facility prior to processing. Approximately 17 of the 34 filters that were examined contained free flowing oil, which is a HW.	Minimal	At least five 55-gallon drums of undrained used oil filters containing HW used oil were found in violation. The potential for harm was assigned a minimal designation due to the wastestream (used oil).	Major	The Crusher/Cuber Unit was not identified or approved in the existing permit for treatment of HW. Approximately 17 of the 34 filters that were examined contained free-flowing used oil, a HW. As a result, the function of the HW management requirement was rendered ineffective because some of its provisions were not complied with.	15	No	n/a	0	15.00
	2	The deviation from the requirements was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	22 CCR 66260.200 and 22 CCR 66262.11	The facility failed to conduct a HW determination. The facility failed to determine that undrained used oil filters were a HW.	Minimal	Used oil filters presented a minimal threat to human health and safety and the environment. The potential for harm was assigned a minimal designation due to the wastestream (used oil filters).	Moderate	Used oil filters was the hazardous wastestream cited in this violation for lack of a HW determination. However, the facility managed many other wastestreams that were not cited in violation. Therefore, the requirement functioned to some extent, although not all of its important provisions were complied with.	6	No	n/a	0	6.00
<b>Provisional Inspection Violation Score:</b>													<b>21.00</b>

## Violation Scoring Matrix

Facility Name: AGRITEC INT DBA CLEANTECH ENVIRONMENTAL INC	10 Year Date Range: 2009-2018	Permit Effective Date: 2/2/2015	<a href="#">Link to EnviroStor</a> (Inspection Reports, SOVs, etc.)
Address: 5820 MARTIN RD, IRWINDALE, CA 91706	Number of Inspections: 4	Permit Expiration Date: 2/1/2025	
EPA ID: CAL000330453	Total Number of Violations Scored: 8	Date VSP Completed: 7/30/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	0	CEI / Transporter	10/27/2011	0.00
2	1	CI	9/13/2013	0.00
3	5	CEI & FRR	10/19/2015 CEI & 1/21/2016 FRR	54.00
4	2	CI	7/8/2016	21.00
Sum of Provisional Inspection Violation Scores				75.00
<b>*FACILITY VSP SCORE</b>				<b>18.75</b>

\*FACILITY VSP SCORE = Sum of Provisional Inspection Violation Scores/Total Number of Inspections conducted in 10 year (calendar) timeframe

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|---|--|
| <p>CCR = California Code of Regulations<br/>                 CDI = Case Development Inspection<br/>                 CEI = Compliance Evaluation Inspection<br/>                 CI = Complaint Investigation<br/>                 DTSC = Department of Toxic Substances Control<br/>                 EPA ID = Environmental Protection Agency Identification<br/>                 FCI = Focused Compliance Inspection<br/>                 FRR = Financial Records Review<br/>                 FSD = Facility Self Disclosure<br/>                 FUI = Follow-Up Inspection</p> | <p>GAR = Groundwater Audit Report<br/>                 GME = Groundwater Monitoring Evaluation<br/>                 HSC = Health and Safety Code<br/>                 HW = Hazardous Waste<br/>                 HWFP = Hazardous Waste Facility Permit<br/>                 n/a = Not Applicable<br/>                 NFRR = Non-Financial Record Review<br/>                 RCRA = Resource Conservation and Recovery Act<br/>                 SOV = Summary of Violations<br/>                 VSP = Violations Scoring Procedure</p> |
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## PROOF OF SERVICE

1. I served the NOTICE OF PROVISIONAL INSPECTION VIOLATION SCORES, 2019 FACILITY VIOLATION SCORING PROCEDURE SCORE, AND 2019 COMPLIANCE TIER ASSIGNMENT on Robert Brown III, Agritec Int. DBA Clean Tech Environmental, Inc., EPA ID Number CAL000330453.
2. I served Robert Brown III, Agritec Int. DBA Clean Tech Environmental, Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9584, return receipt requested, in a sealed envelope addressed to:

Mr. Robert Brown III  
Agritec Int. DBA Clean Tech Environmental, Inc.  
5820 Martin Road  
Irwindale, California 91706

3. My name, business address, and telephone number are:

Alan Korematsu  
Department of Toxic Substances Control  
HWMP, 11<sup>th</sup> Floor  
1001 I Street  
Sacramento, CA 95812-0806  
(916) 323-3706

I declare under penalty of perjury that the foregoing is true and correct and that this declaration of Proof of Service is executed on October 4, 2019 at Sacramento, California.

  
\_\_\_\_\_  
(Signature)