



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
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Gavin Newsom
Governor

September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9560

Ms. Kimberly Glenn
Bayside Oil II Inc.
210 Encinal Street
Santa Cruz, California 95060

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

Dear Ms. Kimberly Glenn:

2019 Facility Violations Scoring Procedure (VSP) Score: 13.89
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Bayside Oil II Inc, CAD088838222, located at 210 Encinal St., Santa Cruz, CA 95060 (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).¹

The provisional inspection violation scores for the Facility are provided in the enclosed Inspection 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.² (See 22 CCR § 66271.53, subd. (a).) The basis for the score for each Class I violation is also provided in the enclosed Inspection Violation Scoring Matrix.

¹ 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. More information regarding SB 673 is available at https://www.dtsc.ca.gov/HazardousWaste/Permit_Roundtables.cfm.

² 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 "**13.89**". 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.

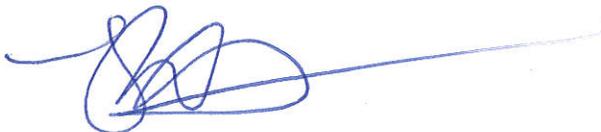
The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

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. If you have any questions regarding the dispute process, please contact VSP_Dispute_Inbox@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to be "Keith Kihara", with a long horizontal line extending to the right.

Keith Kihara, Chief
Enforcement and Emergency Response Division

Enclosure(s)

Violation Scoring Matrix
Proof of Service

Violation Scoring Matrix

Facility Name: BAYSIDE OIL II INC		10 Year Date Range: 2009-2018		Permit Effective Date: 9/15/2015		Permit Expiration Date: 9/15/2025		Date VSP Completed: 8/13/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections: 14		Total Number of Violations Scored: 18									
EPA ID: CAD088838222													
Inspection Date:	10/27/2009 CEI & 1/26/2010 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 assure that HW are destined for and delivered to an authorized HW facility and/or prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25201(a) and 22 CCR 66263.18(b)(1)	On multiple occasions, the facility stored HW for more than ten days without obtaining a permit or other authorization from DTSC, in violation of the transfer facility exemption.	Moderate	Wastes in violation included 250 pounds of non-RCRA HW solid (352), 139 gallons of Waste Flammable Liquid (D001, 214), 37 pounds of Waste Corrosive Liquids (D002, 122), 3 pounds of Waste Chloroform (D022, 551), and 141 pounds of Waste Aerosols (D001, 214). The volume and characteristics of wastes identified in violation constituted a moderate potential for harm.	Minimal	The facility transported HW on a total of 696 manifests in 2009 as Transporter 1. Seven HW manifests from 2009 were cited as being in violation from 1 to 4 days in excess of the 10 day storage exemption. The requirement functioned nearly as intended.	6	No	n/a	0	6.00
	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 perform emergency clean-up operation or other corrective action for releases.	HSC 25202(a), 22 CCR 66264.16, and HWFP, Part I, Paragraph 6(c)	The facility failed to maintain a Training Plan that satisfied applicable regulatory requirements. The facility failed to provide and/or to document that it had provided, and that its personnel actually completed, initial and annual training as required by regulation.	Minimal	Inadequate training could potentially result in staff inappropriately handling and managing HW as well as hindering emergency response actions in cases of accidental release(s). The lack of training provided presented a minimal threat to human health and safety and the environment based on the permitted hazardous wastestreams at the facility (1 to 2% RCRA wastes only).	Major	The last documented training was July 2008, so the annual training was overdue by three months. The July 2008 training included manifest training, but did not include other required training such as emergency procedure training, contingency plan implementation, and HW management implementation (inspection procedures and permit conditions). The absence of an adequate Training Plan as well as documentation of any provided or completed staff training demonstrated that the function of the requirement was rendered ineffective.	15	No	n/a	0	15.00

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025			
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019			
Class II Violations:	3	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 25202(a), 22 CCR 66270.30(a), and HWFP, Part I, Paragraph 6, and Part II, Paragraphs 16 and 20.	The facility accepted HW Codes 135 and 223, which were not listed as HW Codes that could be accepted on the facility's HWFP. On 296 occasions during 2009, the facility accepted HW Code 135. On one occasion during 2009, the facility accepted HW Code 223.	Minimal	HW with California HW Codes 135 (Unspecified Aqueous Solution) or 133 (Aqueous Solution with 10% or more total Organic Residues) and the volume associated with the 297 total occasions in violation presented a minimal threat to human health and the environment (non-RCRA HW).	Major	Accepting HW with unpermitted HW Codes at least 297 times during 2009 demonstrated that the HW management requirement was completely ignored.	15	No	n/a	0	15.00
	4	The deviation from the requirements was significant enough that it could have resulted in a failure to assure adequate financial resources to pay for facility closure.	HSC 25202(a) and 22 CCR 66264.143(i)(5)	The facility failed to have in place a financial mechanism equal to the amount of its current closure cost estimate. The closure amount was deficient by \$25,061.43.	Moderate	While closure amount deficiencies do not pose a significant threat to human health or the environment, they may negatively impact and delay facility closure due to the absence of necessary closure funds. A moderate potential for harm was assessed due to the used oil and non-RCRA wastestreams and the 25% underfunding of the closure cost estimate.	Moderate	The violation represented a 25% deficiency from the total amount required for financial assurance for closure. The act deviated from the requirement, but the requirement functions to some extent.	15	No	n/a	0	15.00
	5	The deviation from the requirements was significant enough that it could have resulted in a failure to assure adequate financial resources in the case of releases.	22 CCR 66270.69.4(c) and 22 CCR 66264.147(a)	The facility failed to demonstrate to DTSC financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from the operation of the facility.	Moderate	The amount the facility was underfunded was significant (100%). If the facility were to have walked away, and there had been a release that resulted in third party liability claims, there would not have been a mechanism in place to pay the claim. A moderate potential for harm was assessed due to the used oil and non-RCRA wastestreams and the 100% underfunding of the liability requirement.	Major	The facility was underfunded by 100% of the liability requirement amount. The act deviated from the requirement to such an extent that the requirement was completely ignored.	20	No	n/a	0	20.00
Provisional Inspection Violation Score:												71.00	

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025			
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019			
Inspection Date:	6/8/2010 FUI & 3/5/2012 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:	FUI												
Class I 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.	22 CCR 66264.31	The facility violated the requirement of providing adequate containment by failing to conduct loading and unloading of bulk HW from trucks within a containment device or other system capable of collecting and containing leaks and spills that could reasonably be anticipated to have occurred.	Minimal	Managing and moving HW in areas that do not have secondary containment presented a threat to public health and the environment in that any HW leaks or spills would not be contained and could be released to the environment. A minimal potential for harm was assigned because used oil, used antifreeze, and oily water wastes were the permitted wastestreams which presented a minimal threat to human health and safety and the environment.	Major	The facility did not have secondary containment for the Truck Unloading and Loading Areas. The absence of any secondary containment at onsite Loading/Unloading Areas demonstrated that the function of the requirement was rendered ineffective.	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 perform emergency clean-up operation or other corrective action for releases.	HSC 25202, 22 CCR 66264.1, and HWFP, Part I, Section 6(c)	The facility's Training Plan did not include elements of HW management procedures to train facility personnel in HW acceptance criteria and how to conduct inspections of tanks. The facility also failed to provide documentation that all employees were adequately trained during initial and annual training.	Minimal	Inadequate training could potentially result in staff inappropriately handling and managing HW as well as hindering emergency response actions in cases of accidental release(s). The lack of training presented a minimal threat to human health and the environment based on the permitted hazardous wastestreams at the facility (1 to 2% RCRA wastes only).	Major	The numerous missing Training Plan components as well as lack of documentation for completed staff training for all employees (including, but not limited to, acceptable waste codes, sampling and HW profiling procedures, Contingency Plan content and implementation, and inspection procedures and documentation) demonstrated that the function of the requirement was rendered ineffective.	15	Yes	10/27/2009	25	18.75
	3	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 25202(a), 22 CCR 66264.15(b)(1)(3), 22 CCR 66264.195, and HWFP, Part I, Section 6(c)	The facility's 4/2010 and 5/2010 Inspection Schedule and Logs lacked the specificity required to ensure and confirm that each tank and its ancillary equipment and containment was separately inspected and that inspectors were aware of the types of problems to be inspected for with respect to each of the seven permitted tanks, three containment areas, and all associated components.	Minimal	Inadequate Inspection Logs presented a threat to public health and the environment due to the absence of detailed inspections and the potential for items identified as issues during the inspection not being addressed and/or remediated in a timely manner. The lack of Inspection Log specificity represented a minimal threat to human health and safety and the environment based on the permitted hazardous wastestreams at the facility (1 to 2% RCRA wastes only).	Moderate	The Inspection Logs did not specify potential issues associated with plumbing, tanks, secondary containment, sumps, drip pans, Loading and Unloading Areas, and safety equipment. No daily inspections were conducted on 4/27-4/29/2010. The 5/2010 Inspection Log identified a tank hose requiring replacement but no subsequent document identified the replacement. No time was recorded for the inspection conducted on 5/14/2010. The Inspection Log also did not identify the name of the individual conducting the inspection. The requirement functioned to some extent as inspections were completed, but did not contain all the required details.	6	No	n/a	0	6.00

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025			
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019			
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.	HSC 25202(a), 22 CCR 66264.195(a) and (b), and HWFP, Part I, Section 6(c)	The facility failed to inspect tank overfill controls at least once daily to ensure the same are in good working order and to also specify numerous additional tank system features requiring daily inspection. The facility's 4/2010 and 5/2010 Inspection Logs indicated that the facility failed to inspect its tank system on five separate days.	Minimal	Failure to inspect tank overfill controls at least once daily and complete daily inspections of the facility's tank system daily presented a threat to public health and the environment due to the potential of not detecting and/or remediating release(s) from the tank system in a timely manner. The lack of tank overfill control inspections presented a minimal threat to human health and the environment based on the permitted hazardous wastestreams at the facility (1 to 2% RCRA wastes only).	Moderate	Failure to inspect the tank system on five separate days in 4/2010 and 5/2010, demonstrated that the requirement functioned to some extent, although not all of its important provisions were complied with.	6	No	n/a	0	6.00	
5	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 25202(a), 22 CCR 66264.15(b) and (d), and HWFP, Part I, Section 6(c)	The facility failed to complete adequate entries in its Inspection Log. The facility's 4/2010 and 5/2010 Inspection Logs did not adequately explain observations of, and repairs to, equipment indicated therein as defective, and at least two entries did not specify the date and nature of any repairs or remedial actions in response to the problems detected.	Minimal	Failure to complete adequate Inspection Log entries at least once daily presented a threat to public health and safety and the environment due to the potential of not documenting and/or remediating release(s) from the tank system in a timely manner. The failure to complete adequate Inspection Log entries presented a minimal threat to human health and safety and the environment based on the permitted hazardous wastestreams at the facility (1 to 2% RCRA wastes only).	Moderate	On 4/30/2010, and for three weeks in 5/2010, there was a notation of "containment #2 leak at discharge valve above valve," but no documentation that this issue was repaired. In 5/2010, there was also a notation "tank #7 needing to be replaced due to a kink," there was no indication that the hose was ever replaced. The requirement functioned to some extent, as other inspection requirements were satisfied.	6	No	n/a	0	6.00	
6	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 25202(a), 22 CCR 66264.13(b) and (c), and HWFP, Part I, Section 6(c)	The facility's Waste Analysis Plan lacked documentation of any procedures and sampling methods that were used to inspect and, if necessary, analyze each movement of HW waste oily water at the facility. The Waste Analysis Plan also contained inadequate methods for determining the constituents (percentage used oil and percentage antifreeze) in used antifreeze received at the facility. The facility also did not adhere to the protocol indicated in its plan, in that it did not record the visual observations of incoming antifreeze that it allegedly performed and it did no content testing of incoming antifreeze.	Minimal	The wastestreams cited in violation were used antifreeze, used oil, and oily water, which presented a minimal threat to human health and safety and the environment.	Major	Required pH testing of incoming used antifreeze was not completed in accordance with Table 5 in the HWFP and a visual check of the used antifreeze wastestream was also not documented in accordance with the Waste Analysis Plan. The "Waste In and Out of Facility" records did not include any testing results of antifreeze received at the facility. The HW management requirement was completely ignored and none of its provisions were complied with.	15	No	n/a	0	15.00	

Violation Scoring Matrix

Facility Name: BAYSIDE OIL II INC		10 Year Date Range: 2009-2018		Permit Effective Date: 9/15/2015		Permit Expiration Date: 9/15/2025		Date VSP Completed: 8/13/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)		
Address: 210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections: 14		Permit Expiration Date: 9/15/2025		Permit Expiration Date: 9/15/2025		Date VSP Completed: 8/13/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)		
EPA ID: CAD088838222		Total Number of Violations Scored: 18		Permit Expiration Date: 9/15/2025		Permit Expiration Date: 9/15/2025		Date VSP Completed: 8/13/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)		
7	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, and/or 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 25202(a), 22 CCR 66264.73(b)(1-3), and HWFP, Part I, Section 6(c)	For the month of 3/2010, the facility's Operation Record "Waste In and Out of Facility" did not accurately track all manifests and wastes that the facility received. The forms the facility used to document waste movement in and out of the facility, when compared to corresponding manifests, revealed that the facility incorrectly described the waste, for example, indicating that a particular manifest pertained to "dirty oil" on one document and on another describing the same manifest as pertaining to "antifreeze."	Minimal	Because the facility Operating Record did not accurately track all manifests and wastes that the facility received, there was an increased risk that the wastes could have been mishandled and not processed correctly. The wastestreams cited in violation were used antifreeze, used oil, and oily water which presented a minimal threat to human health and safety and the environment.	Moderate	Ninety-three (93) manifests were cited in violation during the month of 3/2010. The requirement functioned to some extent as some of the manifest entries included the recorded volume received and the waste was listed as one of the three permitted waste codes.	6	No	n/a	0	6.00
8	The deviation from the requirements was significant enough that it could have resulted in a failure to perform emergency cleanup operation or other corrective action for releases.	HSC 25202(a), 22 CCR 66264.52(f), and HWFP, Part I, Section 6(c)	The facility failed to have a Contingency Plan that included an Evacuation Plan with evacuation routes in case an emergency evacuation is necessary and a description of the signals used to begin the evacuation.	Minimal	Failure to provide an Evacuation Plan with evacuation routes presented a threat to facility personnel and resulted in staff being inadequately trained in the event of an accidental HW release that required emergency facility evacuation. The permitted wastestreams were used antifreeze, used oil, and oily water and presented a minimal threat to human health and safety and the environment.	Moderate	The Evacuation Plan did not contain information on what types of emergencies would start an evacuation and what type of signals to use. No evacuation route was noted in the Contingency Plan. A copy of a map from the old Contingency Plan did have evacuation routes. A copy of a map with evacuation routes in the old plan was obtained, along with a copy of the new map with truck routes out of the facility, but not evacuation routes. The available Contingency Plan information (and the presence of other required elements) demonstrated the requirement functioned to some extent.	6	No	n/a	0	6.00

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025		(Inspection Reports, SOVs,	
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019		etc.)	
	9	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 25202(a), 22 CCR 66264.191, 22 CCR 66264.193(c)(1-3), and HWFP, Part II, Special Condition 11	The facility failed to conduct a tank reassessment within the required time period. The facility's tanks were initially assessed in 1997. The HWFP specifies that tanks must be reassessed every 5 years. The facility did not reassess its tanks within the time period required, and did not provide DTSC with an updated tank assessment until 3/22/2013.	Minimal	Six tanks under the HWFP, four tanks permitted to store used oil, one permitted to store oily water, and another to store used antifreeze were at issue in this violation. Wastestreams presented a minimal potential threat to human health and safety and the environment.	Major	An initial tank assessment and certification was completed in 1997 and an updated tank assessment was due in 2002. Six tanks total, which was all of the facility's permitted tanks, were found in violation (for VSP purposes, the applicable violation period was from 1/1/2009 through 3/22/2013, a period of over four years). The function of the HW management requirement was rendered ineffective because some of its provisions were not compiled with.	15	No	n/a	0	15.00
	10	The deviation from the requirements was significant enough that it could have resulted in a failure to assure adequate financial resources to pay for facility closure.	HSC 25202(a) and 22 CCR 66264.143(i)(5)	The facility did not have in place financial assurance mechanisms at least equal to the facility's closure cost estimate	Moderate	While closure amount deficiencies do not pose a significant threat to human health and safety and the environment, they may negatively impact and delay facility closure due to the absence of necessary closure funds. A moderate potential for harm was assessed due to the used oil and non-RCRA wastestreams combined with the 24% underfunding of the closure cost estimate.	Moderate	The violation represented a 24% deficiency from the total amount required for financial assurance for closure. Closure financial assurance was deficient by \$24,810.10. The act deviated from the requirement, but the requirement functioned to some extent.	15	Yes	1/26/2010	25	18.75
Provisional Inspection Violation Score:												112.50	

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025			
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019			
Inspection Date:	6/25/2014 CEI & 4/9/2015 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 assure adequate financial resources to pay for facility closure.	22 CCR 66264.143(i)(5)	The facility failed to maintain financial assurance adequate to cover the complete cost of closure. The facility was deficient in the amount of \$4,122.17.	Minimal	While closure amount deficiencies do not pose a significant threat to human health and safety or the environment, they may negatively impact and delay facility closure due to the absence of necessary closure funds. A minimal potential for harm was assessed due to the used oil and non-RCRA wastestreams and the 3.7% underfunding of the closure cost estimate.	Minimal	Approximately 3.7% deficiency represented a minimal extent of deviation as the requirement functioned nearly as intended.	2	Yes	1/26/2010 and 3/5/2012	50	3.00
Provisional Inspection Violation Score:													3.00
Inspection Date:	9/16/2014	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	12/3/2014	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	3/25/2015	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	6/2/2015 CEI	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												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	9/21/2015	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	1/14/2016	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00

Violation Scoring Matrix

Facility Name:		BAYSIDE OIL II INC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2015		Link to EnviroStor	
Address:		210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections:		14		Permit Expiration Date:		9/15/2025		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAD088838222		Total Number of Violations Scored:		18		Date VSP Completed:		8/13/2019			
Inspection Date:	5/19/2016	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:	CEI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	6/21/2017	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	11/8/2017	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	5/22/2018	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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Class II 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 66263.18(b)(1)	On multiple occasions, the facility stored HW for more than ten days without obtaining a permit or other authorization from DTSC, in violation of the transfer facility exemption.	Minimal	Wastes in violation included 155 gallons of Waste Flammable Liquid (331, 214, D001, D008--potential sources of ignition were not noted in the inspection report), 100 pounds of non-RCRA HW Solid (352), and 300 pounds of Oily debris (331). The volume and characteristics of the wastestreams in violation presented a minimal threat to human health and the environment.	Minimal	On five separate manifests (out of a total of 704 from 9/1/2017 and 10/27/2017), the facility stored HW for longer than 10 days. During these five separate instances, the facility stored HW up to 8 days longer than the 10 day exemption period. The requirement functioned nearly as intended.	2	No	n/a	0	2.00
	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.	22 CCR 66264.191 and HWFP, Part B, Section IV	The facility did not provide a tank reassessment within the required period. The previous tank assessment was signed by a Certified Engineer on 3/20/2013.	Minimal	Six tanks authorized under the HWFP were not assessed within the required time period: four tanks stored used oil, one stored oily water, and another stored used antifreeze. Wastestreams presented a minimal potential threat to human health and safety and the environment.	Moderate	On the date of DTSC's inspection, the six tanks had been out of compliance for 85 days. The previous tank certification demonstrated the requirement functioned to some extent.	6	No	n/a	0	6.00
	Provisional Inspection Violation Score:												

Violation Scoring Matrix

Facility Name: BAYSIDE OIL II INC		10 Year Date Range: 2009-2018		Permit Effective Date: 9/15/2015		Link to EnviroStor (Inspection Reports, SOVs, etc.)						
Address: 210 ENCINAL STREET, SANTA CRUZ, CA 95060		Number of Inspections: 14		Permit Expiration Date: 9/15/2025								
EPA ID: CAD088838222		Total Number of Violations Scored: 18		Date VSP Completed: 8/13/2019								
Inspection Date: 11/28/2018	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	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:												0.00

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	5	CEI & FRR	10/27/2009 CEI & 1/26/2010 FRR	71.00
2	10	FUI	6/8/2010 FUI & 3/5/2012 FRR	112.50
3	1	CEI & FRR	6/25/2014 CEI & 4/9/2015 FRR	3.00
4	0	FCI	9/16/2014	0.00
5	0	FCI	12/3/2014	0.00
6	0	FCI	3/25/2015	0.00
7	0	CEI	6/2/2015 CEI	0.00
8	0	FCI	9/21/2015	0.00
9	0	FCI	1/14/2016	0.00
10	0	CEI	5/19/2016	0.00
11	0	FCI	6/21/2017	0.00
12	0	FCI	11/8/2017	0.00
13	2	FCI	5/22/2018	8.00
14	0	CEI / Transporter	11/28/2018	0.00
Sum of Provisional Inspection Violation Scores				194.50
*FACILITY VSP SCORE				13.89

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

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| CCR = California Code of Regulations
CDI = Case Development Inspection
CEI = Compliance Evaluation Inspection
CI = Complaint Investigation
DTSC = Department of Toxic Substances Control
EPA ID = Environmental Protection Agency Identification
FCI = Focused Compliance Inspection
FRR = Financial Records Review
FSD = Facility Self Disclosure
FUI = Follow-Up Inspection | GAR = Groundwater Audit Report
GME = Groundwater Monitoring Evaluation
HSC = Health and Safety Code
HW = Hazardous Waste
HWFP = Hazardous Waste Facility Permit
n/a = Not Applicable
NFRR = Non-Financial Record Review
RCRA = Resource Conservation and Recovery Act
SOV = Summary of Violations
VSP = Violations Scoring Procedure |
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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 Kimberly Glenn, Bayside Oil II Inc. EPA ID Number CAD088838222.
2. I served Kimberly Glenn, Bayside Oil II Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9560, return receipt requested, in a sealed envelope addressed to:

Ms. Kimberly Glenn
Bayside Oil II Inc
210 Encinal Street
Santa Cruz, California 95060

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

Alan Korematsu
Department of Toxic Substances Control
HWMP, 11th 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)