Department of Toxic Substances Control

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September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9461

Mr. Richard Sylvia
Chevron USA Inc Richmond Refinery
841 Chevron Way
Richmond, California 94901

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

Dear Mr. Richard Sylvia:

2019 Facility Violations Scoring Procedure (VSP) Score: 3.75
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Chevron USA Inc Richmond Refinery, CAD009114919, located at 841 Chevron Way, Richmond, CA 94901 (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.

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[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).)

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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 "**3.75**". 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. If you have any questions regarding the dispute process, please contact 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:	CHEVRON USA INC RICHMOND REFINERY			10 Year Date Range:		2009-2018	Permit Effective Date:		6/23/2017			Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:	841 CHEVRON WAY, RICHMOND, CA 94801			Number of Inspections:		8	Permit Expiration Date:		6/23/2027				
EPA ID:	CAD009114919			Total Number of Violations Scored:		2	Date VSP Completed:		5/2/2019				
Inspection Date:	5/19/2009 CEI & 7/9/2009 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:	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:	2/16/2011 CEI & 8/30/2011 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:	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:	8/8/2012	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	0	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 perform emergency clean-up operation or other corrective action for releases.	22 CCR 66264.56(j)	The facility failed to submit a written report on the incident of a fire to DTSC within 15 days after the incident.	Minimal	The failure to provide an assessment of the immediacy and magnitude of any potential threat to human health and/or the environment prevented DTSC from adequately evaluating the potential harm from the fire.	Major	DTSC specifically instructed the facility on 8/7/2012 to submit an incident report as required by regulation relaying how the fire impacted the two DTSC permits/ permitted areas. As of 9/9/2012, DTSC did not receive the requested report. The act deviated from the requirement to such an extent that the requirement was completely ignored.	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 perform emergency clean-up operation or other corrective action for releases.	HSC 25202(a) and 3/7/2003 Hazardous Waste Facility Post-Closure Permit Part VI Corrective Action #2 & 10/11/2006 HWFP Part VI Corrective Action #2	The facility failed to notify DTSC in writing within 10 days of a fire incident, which was an immediate or potential threat to human health or the environment, summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment.	Minimal	Failure to provide an assessment of the immediacy and magnitude of any potential threat to human health and/or the environment prevented DTSC from adequately evaluating the potential harm from the fire.	Major	Notification to DTSC was not provided in writing within 10 days as required by the permit. The act deviated from the requirement to such an extent that the requirement was completely ignored.	15	No	n/a	0	15.00
												Provisional Inspection Violation Score:	30.00

Violation Scoring Matrix

Facility Name:	CHEVRON USA INC RICHMOND REFINERY			10 Year Date Range:		2009-2018		Permit Effective Date:		6/23/2017			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	841 CHEVRON WAY, RICHMOND, CA 94801			Number of Inspections:		8		Permit Expiration Date:		6/23/2027			
EPA ID:	CAD009114919			Total Number of Violations Scored:		2		Date VSP Completed:		5/2/2019			
Inspection Date:	9/26/2012 CEI & 11/27/2012 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:	CEI & FRR												
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:	4/3/2014	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/GAR												
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:	5/13/2014 CEI & 8/4/2014 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:	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:	3/3/2016	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:	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:	3/21/2017 CEI & 4/5/2017 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:	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:	CHEVRON USA INC RICHMOND REFINERY	10 Year Date Range:	2009-2018	Permit Effective Date:	6/23/2017	Link to EnviroStor
Address:	841 CHEVRON WAY, RICHMOND, CA 94801	Number of Inspections:	8	Permit Expiration Date:	6/23/2027	(Inspection Reports, SOVs,
EPA ID:	CAD009114919	Total Number of Violations Scored:	2	Date VSP Completed:	5/2/2019	etc.)

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	0	CEI & FRR	5/19/2009 CEI & 7/9/2009 FRR	0.00
2	0	CEI & FRR	2/16/2011 CEI & 8/30/2011 FRR	0.00
3	2	CI	8/8/2012	30.00
4	0	CEI & FRR	9/26/2012 CEI & 11/27/2012 FRR	0.00
5	0	FCI/GAR	4/3/2014	0.00
6	0	CEI & FRR	5/13/2014 CEI & 8/4/2014 FRR	0.00
7	0	CI	3/3/2016	0.00
8	0	CEI & FRR	3/21/2017 CEI & 4/5/2017 FRR	0.00
Sum of Provisional Inspection Violation Scores				30.00
*FACILITY VSP SCORE				3.75

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

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

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 Richard Sylvia, Chevron USA Inc Richmond Refinery, EPA ID Number CAD009114919.

2. I served Richard Sylvia, Chevron USA Inc Richmond Refinery, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9461, return receipt requested, in a sealed envelope addressed to:

   Mr. Richard Sylvia
   Chevron USA Inc Richmond Refinery
   841 Chevron Way
   Richmond, California 94901

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)