Department of Toxic Substances Control

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September 27, 2019

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Ms. Marianna Buoni
Clean Harbors Buttonwillow
2500 West Lokern Road
Buttonwillow, California 93206

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

Dear Ms. Marianna Buoni:

2019 Facility Violations Scoring Procedure (VSP) Score: 14.71
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Clean Harbors Buttonwillow LLC, CAD980675276, located at 2500 West Lokern Rd., Buttonwillow, CA 93206 (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).)

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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 "**14.71**". 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

Department of Toxic Substances Control

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
Inspection Date:	1/6/2009 CEI & 3/12/2009 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	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	12/8/2009 CEI & 1/12/2010 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:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	2/6/2012	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:	OAM												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	3/27/2012 CEI & 10/15/2012 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	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	4/9/2012	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:	FSD												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC	10 Year Date Range:	2009-2018	Permit Issue Date:	4/6/1996
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206	Number of Inspections:	19	Permit Expiration Date:	4/6/2006
EPA ID:	CAD980675276	Total Number of Violations Scored:	18	Date VSP Completed:	4/23/2019

Link to EnviroStor (Inspection Reports, SOVs, etc.)

Inspection Date: / Inspection Type:	2/26/2013 CEI & 3/18/2013 FRR / CEI & 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
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
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.	22 CCR 66264.73(b)(2)	The facility failed to accurately record the quantity and location of each HW in the Operating Record (locations of two Land Disposal Restricted [LDR] treated HW piles (number 12107-002, #7-12, load #2 and number 121207-002, #13-15, load #3)), as required.	Minimal	The two LDR treated HW piles were in a fenced area and covered with tarps. Information regarding volume and characteristics of the wastes in violation were not available.	Moderate	The location and quantity of two stockpiles, out of many in Waste Management Unit 34, were not recorded on the map of the unit, as part of the Operating Record. The stockpiles contained HW that had been treated and analysis results were pending. The act deviated from the requirement, but the requirement functioned to some extent.	6.00	No	n/a	0.00	6
												Provisional Inspection Violation Score:	6.00

Inspection Date: / Inspection Type:	5/15/2013 / CDI	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
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25189.2(c); HSC 25201(a); and 22 CCR 66264.31	The facility failed to maintain and operate in such a manner that would minimize the possibility of an unplanned or non-sudden release of land disposal restricted HW or HW constituents to air, soil, or surface water which could threaten human health or the environment and disposed of, or caused the disposal of, land disposal restricted HW at a point not authorized.	Moderate	The facility deposited/discharged/spilled HW around the Stabilization Treatment Unit (STU). Soil samples collected in the southwest corner of STU's driveway were found to be hazardous for zinc and chromium. The volume of HW in violation was not specified.	Moderate	The facility deposited/discharged/spilled HW around the STU while the waste was being transferred into a dump truck. The act deviated from the requirement, but functioned to some extent although not all of its important provisions were complied with.	15.00	No	n/a	0.00	15
	2	The deviation from the requirements was significant enough that it could have resulted in failure to assure early detection of releases.	HSC 25185(a)(2); HSC 25189.2(b); and HWFP section 1, Inspection and Entry No. 4.	The facility interfered / there was internal miscommunication regarding DTSC's instructions that the sampling area was not to be disturbed.	Moderate	The facility's act of removing the debris resulted in reduced sample media volume and limited DTSC's ability to determine the extent of the release.	Major	In the late afternoon on 5/14/2013, DTSC arrived onsite and instructed the facility not to disturb the sampling area. In the morning of 5/15/2013, DTSC returned to conduct sampling; however the sampling area had been cleaned by the facility. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective.	20.00	No	n/a	0.00	20
												Provisional Inspection Violation Score:	35.00

Inspection Date: / Inspection Type:	10/8/2014 / FCI	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
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
Inspection Date:	11/5/2014	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	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	11/16/2015 CEI & 12/8/2015 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:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
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:	FCI												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	10/4/2016 CEI & 10/13/2016 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:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00
Inspection Date:	12/20/2016	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	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC	10 Year Date Range:	2009-2018	Permit Issue Date:	4/6/1996
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206	Number of Inspections:	19	Permit Expiration Date:	4/6/2006
EPA ID:	CAD980675276	Total Number of Violations Scored:	18	Date VSP Completed:	4/23/2019

Link to EnviroStor (Inspection Reports, SOVs, etc.)

Inspection Date:	5/15/2017	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:	OAM												
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in the failure to assure early detection of HW or constituents to the environment.	HSC 25202(a); 3/7/1996 HWFP section Part V.C.3a and Table V-1; and 22 CCR 66264.97(b)(1)(B).	The facility failed to comply with a condition of its HSFP, in that the facility failed to collect the required quarterly background samples from point of compliance (POC) wells MW-145U, MW-160U, and MW-161RU. In addition, the facility did not have a sufficient number of monitoring points installed at appropriate locations and depths that pass through the POC.	Moderate	Because these three POC wells had gone dry for the upper perched zone, WMU 35 (active landfill) had one remaining POC well (MW-158U), and WMU 33 (closed landfill) had no POC wells. Insufficient groundwater samples and sampling locations could result in delayed detection of potential HW releases to the environment. WMU 35 accepted all waste allowed to be accepted under the facility's HWFP, resulting in the assignment of a moderate potential for harm.	Major	Insufficient groundwater monitoring at POC locations required a permit modification and installation of additional POC monitoring wells. As of the first quarter of 2017, five quarterly groundwater sampling events were missed for both MW-145U and MW-160U (Quarter 1 2016 - Quarter 1 2017), and seven quarterly events were missed for MW-161RU. The function of the requirement was rendered ineffective because none of its provisions were complied with.	20.00	No	n/a	0.00	20
	2	The deviation from the requirements was significant enough that it could have resulted in the failure to assure early detection of HW or constituents to the environment.	22 CCR 66264.97(e)(4)	The facility failed to provide a reliable indication of water quality at Point of Compliance Well MW-152RL.	Minimal	The Water Purging and Sampling Log from the first quarter 2017 sampling event, did not provide any record of depth of water measurements after the initial measurement. The facility did not indicate how a reliable indication of water quality could be determined when the water column height was less than the sump height; therefore the accuracy of the sampling data was in question. A minimal potential for harm was assigned due to the inconsistent sampling procedures cited at only one monitoring well.	Moderate	Insufficient groundwater monitoring required a permit modification and installation and/or replacement of monitoring wells. Groundwater was purged and sampled from water below the well screen and was not representative of the aquifer in the first quarter 2017 groundwater sampling event. With only one well out of compliance for one sampling event, the requirement functioned to some extent.	6.00	No	n/a	0.00	6
	3	The deviation from the requirements was significant enough that it could have resulted in the failure to assure early detection of HW or constituents to the environment.	22 CCR 66264.97(e)(4)	The facility failed to implement consistent sampling procedures at Wells MW-143U and MW-148I that would provide a reliable indication of water quality at background monitoring points.	Minimal	By failing to implement the proper procedures, groundwater sampling results could have been potentially altered by the following: having a clogged filter, introduction of contaminants, dilution of preservative, exposing the samples to heat and light, and cross contamination of the samples. A minimal potential for harm was assigned due to the inconsistent sampling procedures cited at only two monitoring wells.	Moderate	Inconsistent groundwater sampling procedures call into question the reliability and representativeness of the data collected. Five instances were described: transfer of volatile organic compounds (VOC) sampled from container to container, potential cross-contamination during filtering, overfilling of vials containing acid preservative, placement of samples on truck tailgate, and gloves not changed between sampling of wells. The requirement functioned to some extent.	6.00	No	n/a	0.00	6
	4	The deviation from the requirements was significant enough that it could have resulted in the failure to assure early detection of HW or constituents to the environment.	22 CCR 66264.97(e)(4)	The facility failed to implement consistent sampling procedures at well MW-PRL that would provide a reliable indication of water quality at a background monitoring point.	Minimal	By not implementing the proper procedures, groundwater sampling results could have been potentially altered by the following: having a clogged filter, introduction of contaminants, dilution of preservative, exposing the samples to heat and light, and cross contamination of the samples. A minimal potential for harm was assigned due to the inconsistent sampling procedures cited at only one monitoring well.	Minimal	Inconsistent groundwater sampling procedures at one well call into question the reliability of the data collected. Three instances were described: agitated and aerated VOC sample collected, overfilling of vial containing acid preservative, and placement of sample on truck tailgate. The requirement functioned nearly as intended as the inconsistent sampling procedures were cited at only one monitoring well.	2.00	No	n/a	0.00	2

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
	5	The deviation from the requirements was significant enough that it could have resulted in the failure to assure early detection of HW or constituents to the environment.	22 CCR 66264.97(e)(4)	The facility failed to implement consistent sampling procedures that would provide a reliable indication of water quality at all monitoring points and background monitoring points.	Minimal	Aeration of samples rendered the sample quality highly questionable due to potential volatilization of VOCs and/or changes in geochemistry. A minimal potential for harm was assigned due to the inconsistent sampling procedures cited at only two monitoring wells.	Moderate	Inconsistent groundwater sampling procedures call into question the reliability of the data collected. DTSC observed that during purging of wells MW-102RL and MW-149RI, groundwater was highly agitated and aerated rendering the sample quality as highly questionable due to potential volatilization of VOCs and/or changes in geochemistry. The requirement functioned to some extent as the inconsistent sampling procedures were cited at two wells.	6.00	No	n/a	0.00	6
												Provisional Inspection Violation Score:	40.00
Inspection Date:	5/17/2017	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	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
Inspection Date:	10/18/2017 FCI & 11/2/2017 CDI	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 & CDI												
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66264.177(c); and HWFP Part III Section A.10.	The facility failed to segregate containers containing incompatible waste from other waste or other incompatible material stored in other containers nearby, by means of a dike, berm, wall, or other device.	Moderate	Storage of incompatible wastes without separation had the potential to result in explosion, undesirable violent chemical reactions, heat, and/or release of HW. At least two drums of acid (pH 3.83 and 5.35) were stored next to at least two drums containing bases (pH 13.49 and 12.73) and were held onsite for more than 24 hours. The characteristics and amount of the substances involved presented a moderate threat to public health and safety or the environment.	Major	"Fingerprint Tests" for the unsegregated waste streams showed drums of acidic waste with pH of 3.83 (Drum 60993119) and 5.35 (Drum 60668134) were unsegregated from drums of caustic HW with pH of 13.49 (Drum 61151556) and 12.73 (Drum 61180123). The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective.	20.00	No	n/a	0.00	20
	2	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66264.31; 22 CCR 66270.30(a); and HWFP Part II Section I.1.	The facility failed to maintain and operate in a manner that would minimize the possibility of fire, explosion, or any sudden or non-sudden release of HW or HW constituents to air, soil, or surface water, which could threaten human health or the environment.	Major	The following HW streams were improperly managed by the facility: dry HW containing fine particles (less than 100 microns) with low levels of mercury, up to 1,530 PPM lead, up to 55.4 PPM soluble chromium, cadmium, and up to 7,950 PPM zinc, corrosive with a pH of 12.61; non-RCRA HW liquid (CA waste code 223); and liquids with 1,130 PPM diesel and 1,810 PPM motor oil. The characteristics and amount of the substances involved presented a major threat to public health and safety or the environment.	Major	Six instances were observed: solids tracked in the HW bulk loading bays, liquids in the bulk liquid unloading area, solids spilled from the skip hoist operations, liquids tracked out of the truck wash tanks, solids from the auger shredder tower operations, and solids from the baghouse. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective.	25.00	No	n/a	0.00	25
	3	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66264.194(b); 22 CCR 66270.30(a); and HWFP Part III Section C.5.	The facility failed to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems, including, at a minimum, maintenance of freeboard space to prevent overtopping by wave or wind action.	Moderate	Baghouse waste hazardous for lead, zinc, and cadmium was discovered mounded above the top of concrete tank/walls of the bay tanks and spilling into two adjacent bays. The wastestreams and the fact that the waste had spilled into the adjacent bays one on each side of the tank created a moderate potential for harm. Estimated volume of HW in violation was not provided.	Moderate	The facility failed to operate bulk unloading bays to prevent overtopping into two adjacent bay tanks. Although the waste went into adjacent bays, the overflow was contained in the permitted bays. The requirement functioned to some extent, although not all of its important provisions were complied with.	15.00	No	n/a	0.00	15
	4	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66264.193(b)(2) & (c)(4); and HWFP Part III Sections C.3 & C.5.	Secondary containment for the Bulk Liquid Unloading Station failed to detect and collect a release of accumulated liquids until the collected material could be removed, and the secondary containment for the Bulk Liquid Unloading Station was not operated in a manner that drained and removed liquids resulting from spills or leaks within a timely manner to prevent overflow of the containment during the unloading process.	Minimal	Non-RCRA liquid HW (CA waste code 223; unspecified oil containing waste) was observed in a trench to be overflowing with liquid waste and the trench appeared to be clogged with sludge, causing it to not drain properly. A minimal potential for harm was assigned due to the wastestreams cited in violation.	Moderate	Spilled liquid waste overflowing from a trench, clogged with sludge, was not contained within the berm, and was spilling onto the sloped driveway. The facility explained that transporters often fail to back the trucks up far enough and the waste goes partly in the bay and partly in the trench; however, the drain was not cleared of sludge. The requirement functioned to some extent, although not all of its important provisions were complied with.	6.00	No	n/a	0.00	6

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
	5	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66270.30(a); 22 CCR 66264.195(a) and (b); 22 CCR 66264.15; and HWFP Part II Section E.	The facility failed to properly identify and log problems and deficiencies with the condition of areas located within the Stabilization Treatment Unit (STU) and HW tank systems within the STU.	Major	The following HWs were observed in violation: dry HW containing fine particles (less than 100 microns) with low levels of mercury, up to 1,530 PPM lead, up to 55.4 PPM soluble chromium, cadmium, and up to 7,950 PPM zinc, corrosive with a pH of 12.61; non-RCRA HW liquid (CA waste code 223); and liquids with 1,130 PPM diesel and 1,810 PPM motor oil.	Major	At least five areas were observed to have damage and spills/releases that were not noted in the Inspection Logs: secondary containment berm and ramp around the STU, secondary containment for the dirty water tank, bulk bay tank walls and vertical concrete supports, spills in the truck wash and auger shredder areas, and releases in the bulk unloading bays, truck wash bays, bulk liquid unloading area, skip hoist, and auger shredder chamber. Multiple instances in different areas onsite rendered the requirement ineffective because some of its provisions are not complied with.	25.00	No	n/a	0.00	25
												Provisional Inspection Violation Score:	91.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC	10 Year Date Range:	2009-2018	Permit Issue Date:	4/6/1996
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206	Number of Inspections:	19	Permit Expiration Date:	4/6/2006
EPA ID:	CAD980675276	Total Number of Violations Scored:	18	Date VSP Completed:	4/23/2019

Link to EnviroStor (Inspection Reports, SOVs, etc.)

Inspection Date: / Inspection Type:	2/27/2018 CEI & 3/15/2018 FRR / CEI & 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
Class I Violations:	1	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.31	The facility failed to maintain and operate in a manner that would minimize the possibility of a release of HW or HW constituents to air, soil, or surface water which could threaten human health or the environment.	Moderate	Treated waste piles were staged on top of Landfills 34 and 35 and were found in violation as the piles were not adequately covered. DTSC soil sample results demonstrated that the waste was hazardous due to exhibiting the characteristics of toxicity for lead (5.17 PPM leachable STLC) and zinc (9,230 PPM total and 344 PPM leachable STLC). The volume and characteristics of the substances involved presented a moderate threat to public health and safety or the environment.	Moderate	DTSC observed treated waste piles staged on top of Landfills 34 and 35 that were not adequately covered. DTSC observed holes in the plastic tarp covering the waste piles and treated waste appeared to have the potential to be tracked by trucks off the top of both landfills. The requirement functioned to some extent, although not all of its important provisions were complied with.	15.00	Yes	10/18/2017	25.00	18.75
												Provisional Inspection Violation Score:	18.75

Inspection Date: / Inspection Type:	6/13/2018 / FCI	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
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
												Provisional Inspection Violation Score:	0.00

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC	10 Year Date Range:	2009-2018	Permit Issue Date:	4/6/1996
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206	Number of Inspections:	19	Permit Expiration Date:	4/6/2006
EPA ID:	CAD980675276	Total Number of Violations Scored:	18	Date VSP Completed:	4/23/2019

Link to EnviroStor (Inspection Reports, SOVs, etc.)

Inspection Date:	11/14/2018	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:	1	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a); 22 CCR 66270.30(a); 22 CCR 66264.31; and HWFP Part II Section I.1 and Section 5.3.1 of the Operation Plan.	The facility failed to maintain and operate the facility in a manner that would minimize the possibility of any sudden or non-sudden release of HW or HW constituents to air, soil, or surface water which could threaten human health or the environment.	Moderate	Up to 230 cubic yards of toxic HW (lead, zinc, arsenic) could have been stored within the HW bulk unloading bays. X-ray Fluorescence (XRF) measurements by DTSC demonstrated that the observed releases contained HW constituents outside of the permitted unit's secondary containment. The facility managed floor sweepings as non-RCRA and RCRA HW. Volume of HW in violation was not specified.	Major	The facility's operation of the HW bulk unloading bays led to ongoing releases to the secondary containment area, and the operation of the auger shredder led to ongoing releases to its secondary containment area, as well as to adjacent soil areas and roadways around the STU. Dry, dusty material was tracked out from the permitted HW bulk unloading bays into the secondary containment area. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	20.00	Yes	10/18/2017 and 2/27/2018	50.00	30
	2	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.196(b)(2) & (b)(6)(C)	The facility failed to comply with tank system requirements applicable to its auger shredder tank system, because the tank released HW into the secondary containment area.	Moderate	The operation of the facility's Auger Shredder Tank System resulted in ongoing releases to the secondary containment system. Because these releases were not being minimized, the potential impact on employees and the environment was significantly increased. XRF results confirmed releases of HW to soil areas and roadway.	Major	The facility used its Auger Shredder Tank which leaked and released HW, resulting in HW dust accumulating on the exterior of the tank system, within the secondary containment area, as well as in soil areas and the roadway. The Auger Shredder Tank System was unfit to transfer, store, and treat HW. It required evaluation to specifically identify where releases occurred and repairs were needed to prevent such releases from reoccurring. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	20.00	No	n/a	0.00	20
	3	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a) and HWFP Section II.R.e	The facility failed to securely cover or containerize three piles of treated HW stored at the top of Waste Management Unit 34.	Moderate	Three piles (approximately 10 cubic yards each) of treated solid HW with varying potential for toxic and corrosive characteristics were inadequately contained. Waste piles that were not properly contained could have resulted in the unauthorized release or disposal of HW and potential harm to human health and the environment.	Moderate	DTSC observed rips and tears in the plastic tarps covering three treated HW piles staged on top of Landfill 34. Some of the material met Land Disposal Restriction standards and some did not. The requirement functioned to some extent, although not all of its important provisions were complied with.	15.00	Yes	2/27/2018	25.00	18.75

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC			10 Year Date Range:		2009-2018		Permit Issue Date:		4/6/1996		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206			Number of Inspections:		19		Permit Expiration Date:		4/6/2006			
EPA ID:	CAD980675276			Total Number of Violations Scored:		18		Date VSP Completed:		4/23/2019			
	4	The deviation from the requirements was significant enough that it could have resulted in failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25189.2(c)	The facility illegally disposed of, or caused the illegal disposal of, HW in unauthorized locations at its facility, including the illegal disposal of HW to soil and roadway locations surrounding the STU.	Moderate	The HW bulk unloading bays had the capacity to store up to 230 cubic yards of toxic HW (lead, zinc, arsenic). XRF measurements by DTSC demonstrated that the observed disposal contained HW constituents outside of the permitted unit's secondary containment. The facility managed floor sweepings as non-RCRA and RCRA HW. The volume of waste in violation was not specified.	Major	The facility's operation of the HW bulk unloading bays led to ongoing disposal to an adjacent secondary containment area, and the operation of the auger shredder led to ongoing releases to its secondary containment area, as well as disposal to adjacent soil areas and roadways around the STU. Dry, dusty material was tracked out from the permitted HW bulk unloading bays into the secondary containment area. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	20.00	No	n/a	0.00	20
												Provisional Inspection Violation Score:	88.75

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS BUTTONWILLOW LLC	10 Year Date Range:	2009-2018	Permit Issue Date:	4/6/1996	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	2500 WEST LOKERN RD, BUTTONWILLOW, CA 93206	Number of Inspections:	19	Permit Expiration Date:	4/6/2006	
EPA ID:	CAD980675276	Total Number of Violations Scored:	18	Date VSP Completed:	4/23/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Number of Inspections	Number of Class I Violations	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	0	CEI & FRR	1/6/2009 CEI & 3/12/2009 FRR	0.00
2	0	CEI & FRR	12/8/2009 CEI & 1/12/2010 FRR	0.00
3	0	OAM	2/6/2012	0.00
4	0	CEI & FRR	3/27/2012 CEI & 10/15/2012 FRR	0.00
5	0	FSD	4/9/2012	0.00
6	1	CEI & FRR	2/26/2013 CEI & 3/18/2013 FRR	6.00
7	2	CDI	5/15/2013	35.00
8	0	FCI	10/8/2014	0.00
9	0	FCI	11/5/2014	0.00
10	0	CEI & FRR	11/16/2015 CEI & 12/8/2015 FRR	0.00
11	0	FCI	5/19/2016	0.00
12	0	CEI & FRR	10/4/2016 CEI & 10/13/2016 FRR	0.00
13	0	FCI	12/20/2016	0.00
14	5	OAM	5/15/2017	40.00
15	0	FCI	5/17/2017	0.00
16	5	FCI & CDI	10/18/2017 FCI & 11/2/2017 CDI	91.00
17	1	CEI & FRR	2/27/2018 CEI & 3/15/2018 FRR	18.75
18	0	FCI	6/13/2018	0.00
19	4	FCI	11/14/2018	88.75
Sum of Provisional Inspection Violation Scores				279.50
*FACILITY VSP SCORE				14.71

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

CA = California
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
LDR = Land Disposal Restricted
n/a = Not Applicable
NFRR = Non-Financial Record Review
POC = Point of Compliance
PPM = Parts Per Million
RCRA = Resource Conservation and Recovery Act
STLC = Soluble Threshold Limit Concentration
STU = Stabilization and Treatment Unit
SOV = Summary of Violations
VSP = Violations Scoring Procedure
VOC = Volatile Organic Compound
VSP = Violation Scoring Procedure
XRF = X-ray Fluorescence

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 Marianna Buoni, Clean Harbors Buttonwillow., EPA ID Number CAD980675276.

2. I served Marianna Buoni, Clean Harbors Buttonwillow LLC, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9454, return receipt requested, in a sealed envelope addressed to:

   Ms. Marianna Buoni
   Clean Harbors Buttonwillow
   2500 West Lokern Road
   Buttonwillow, California 93206

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)