



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control



Gavin Newsom
Governor

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

September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9409

Mr. Michael Gilham
Clean Harbors Wilmington LLC
1737 East Denni Street
Wilmington, California 90744

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

Dear Mr. Michael Gilham:

2019 Facility Violations Scoring Procedure (VSP) Score: 5.00
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Clean Harbors Wilmington LLC, CAD044429835, located at 1737 East Denni St., Wilmington, CA 90744 (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 "5.00". 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: CLEAN HARBORS WILMINGTON LLC		10 Year Date Range: 2009-2018		Permit Effective Date: 9/15/2011		Permit Expiration Date: 9/15/2021		Date VSP Completed: 7/23/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 1737 EAST DENNI STREET, WILMINGTON, CA 90744		Number of Inspections: 12		Total Number of Violations Scored: 3		Initial Score		Repeat (Yes/No)		Date(s) of Previous Violation		Adjustment Factor (%)	
EPA ID: CAD044429835		Class I Justification		Citation		Violation		Potential for Harm		Potential for Harm Justification		Extent of Deviation	
Inspection Date: 4/22/2009 CEI & 5/14/2009 FRR		Inspection Type: CEI & FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Inspection Date: 10/7/2009 FRR & 10/22/2009 CEI		Inspection Type: CEI & FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Inspection Date: 10/19/2010 FRR & 10/26/2010 CEI		Inspection Type: CEI & FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Inspection Date: 8/22/2011		Inspection Type: FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Inspection Date: 10/11/2012 FRR & 1/18/2012 CEI		Inspection Type: CEI & FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Inspection Date: 10/23/2012 CEI & 3/20/2013 FRR		Inspection Type: CEI & FRR		Class I Violations: 0		n/a		n/a		No Class I Violations		n/a	
Provisional Inspection Violation Score:											0.00		
Provisional Inspection Violation Score:											0.00		
Provisional Inspection Violation Score:											0.00		
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Violation Scoring Matrix

Facility Name:		CLEAN HARBORS WILMINGTON LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2011		Link to EnviroStor	
Address:		1737 EAST DENNI STREET, WILMINGTON, CA 90744		Number of Inspections:		12		Permit Expiration Date:		9/15/2021		(Inspection Reports, SOVs,	
EPA ID:		CAD044429835		Total Number of Violations Scored:		3		Date VSP Completed:		7/23/2019		etc.)	
Inspection Date:	8/22/2013 CEI & 8/27/2013 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:	9/30/2014 CEI & 10/7/2014 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:	9/29/2015 CEI & 10/23/2015 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	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	10/25/2016 CEI & 12/20/2016 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	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	6/25/2018 CEI & 7/12/2018 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:		CLEAN HARBORS WILMINGTON LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		9/15/2011		Link to EnviroStor	
Address:		1737 EAST DENNI STREET, WILMINGTON, CA 90744		Number of Inspections:		12		Permit Expiration Date:		9/15/2021		(Inspection Reports, SOVs,	
EPA ID:		CAD044429835		Total Number of Violations Scored:		3		Date VSP Completed:		7/23/2019		etc.)	
Inspection Date:	11/28/2018 CEI & 12/4/2018 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 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 66264.177(c)	The facility stored incompatible wastes nearby without separating the wastes with a dike, berm, wall, or other device in that caustic and acidic wastes in Unit 1 Area G were stored together.	Major	Two 5-gallon containers of caustic waste and three 5-gallon containers of acidic waste were observed on a pallet on top of a 275-gallon tote of caustic HW. One Gaylord Box of acetic acid characterized as ignitable was also cited. The volume and toxic/corrosive/ignitable characteristics of the wastes in violation constituted a major potential for harm due to the potential for explosion, toxic gas release, and/or sudden adverse reactions.	Moderate	The Operation Log confirmed the profile numbers and storage locations of some of the wastes and also cross-referenced the profile numbers with manifest numbers for acidic wastes. The facility properly stored HWs in its seven other storage areas, so the HW management requirement functioned to some extent.	20	No	n/a	0	20.00
	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.	22 CCR 66270.30(a) and HSC 25202(a)	The facility violated its HWFP in that it stored HW containers larger than what was allowed in the permit (24 cubic yard roll-off bins vs. permitted 20 cubic yard roll-off bins), stored HW in excess of its allowable maximum capacity, and stored HW in impermissible containers that were not roll-off bins.	Moderate	Unit 2, permitted to store 12,120 gallons of metals, organics, inorganics, wastewater treatment sludges, and other various HWs in roll-off bins, stored approximately 19,673 gallons (62% exceedance) of HW in multiple varying containers that were not the permitted roll-off bins. The wastestreams in violation were universal wastes (fluorescent lamps and fire extinguishers) and non-RCRA solids. The wastestreams in violation and the volume of exceedance presented a moderate potential for harm.	Moderate	Unit 2, the Roll-Off Bin Storage Area, permitted to store up to three 20 cubic yard roll-off bins, was found exceeding the maximum permitted storage capacity by approximately 7,553 gallons (62%) with various HW in multiple varying containers that were not in the permitted roll-off bins. Other permitted storage areas were not cited demonstrating that the requirement functioned to some extent.	15	No	n/a	0	15.00
	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.	22 CCR 66270.30(a) and HSC 25202(a)	The facility stored HW in areas not authorized by its HWFP.	Major	The facility stored two 40 cubic-yard roll-off bins, a 5,000-gallon portable tank, one pump truck, and approximately 26,632 gallons of containerized waste in unpermitted areas. Unpermitted areas include north of Unit #4 and east of Units #3 and #4. Wastestreams in violation were Soil Debris and Arsenic Liquid Wastes (D004). The volume and characteristics of HW found in violation stored without secondary containment presented a major potential for harm.	Major	Assuming each container was full, approximately 28,880 gallons of HW were observed in areas not authorized by the facility's HWFP to store HW. The function of the requirement was rendered ineffective because some of its provisions were not complied with.	25	No	n/a	0	25.00
Provisional Inspection Violation Score:												60.00	

Violation Scoring Matrix

Facility Name:	CLEAN HARBORS WILMINGTON LLC	10 Year Date Range:	2009-2018	Permit Effective Date:	9/15/2011	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	1737 EAST DENNI STREET, WILMINGTON, CA 90744	Number of Inspections:	12	Permit Expiration Date:	9/15/2021	
EPA ID:	CAD044429835	Total Number of Violations Scored:	3	Date VSP Completed:	7/23/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	0	CEI & FRR	4/22/2009 CEI & 5/14/2009 FRR	0.00
2	0	CEI & FRR	10/7/2009 FRR & 10/22/2009 CEI	0.00
3	0	CEI & FRR	10/19/2010 FRR & 10/26/2010 CEI	0.00
4	0	FRR	8/22/2011	0.00
5	0	CEI & FRR	10/11/2012 FRR & 1/18/2012 CEI	0.00
6	0	CEI & FRR	10/23/2012 CEI & 3/20/2013 FRR	0.00
7	0	CEI & FRR	8/22/2013 CEI & 8/27/2013 FRR	0.00
8	0	CEI & FRR	9/30/2014 CEI & 10/7/2014 FRR	0.00
9	0	CEI & FRR	9/29/2015 CEI & 10/23/2015 FRR	0.00
10	0	CEI & FRR	10/25/2016 CEI & 12/20/2016 FRR	0.00
11	0	CEI & FRR	6/25/2018 CEI & 7/12/2018 FRR	0.00
12	3	CEI & FRR	11/28/2018 CEI & 12/4/2018 FRR	60.00
Sum of Provisional Inspection Violation Scores				60.00
*FACILITY VSP SCORE				5.00

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

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| <p>CCR = California Code of Regulations
 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</p> | <p>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</p> |
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PROOF OF SERVICE

1. I served the NOTICE OF PROVISIONAL INSPECTION VIOLATION SCORES, 2019 FACILITY VIOLATION SCORING PROCEDURE SCORE, AND 2019 COMPLIANCE TIER ASSIGNMENT on Michael Gilham, Clean Harbors Wilmington LLC., EPA ID Number CAD044429835.
2. I served Michael Gilham, Clean Harbors Wilmington LLC., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9409, return receipt requested, in a sealed envelope addressed to:

Mr. Michael Gilham
Clean Harbors Wilmington LLC
1737 East Denni Street
Wilmington, California 90744

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)