Department of Toxic Substances Control

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September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9393

Ms. Janet Crane
Crane's Waste Oil Inc
16095 Highway 178
Weldon, California 93283

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

Dear Ms. Janet Crane:

2019 Facility Violations Scoring Procedure (VSP) Score: 14.25
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Crane's Waste Oil INC, CAD980813950, located at 16095 Highway 178, Weldon, CA 93283 (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 "**14.25**". 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:	CRANE'S WASTE OIL INC.	10 Year Date Range:	2009-2018	Permit Effective Date:	9/30/2009
Address:	16095 HIGHWAY 178, WELDON, CA 93283	Number of Inspections:	4	Permit Expiration Date:	9/29/2019
EPA ID:	CAD980813950	Total Number of Violations Scored:	5	Date VSP Completed:	6/20/2019

Link to EnviroStor (Inspection Reports, SOVs etc.)

Inspection Date: / Inspection Type:	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
3/17/2010 FRR & 3/26/2010 CEI / 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
8/27/2014 CEI & 10/17/2014 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 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 66264.52(d) and (e)	The facility failed to keep its Contingency Plan up to date. The facility failed to update the contact information of all persons qualified to act as an emergency coordinator, failed to include a list of all emergency equipment at the facility, and failed to include the location and physical description of all emergency equipment and its physical capabilities.	Minimal	An incomplete Contingency Plan has the potential to impact public health and the environment in the case of accidental release of HW by impacting effective and timely emergency clean-up operations. The wastestream in violation was waste oil.	Moderate	The facility had a Contingency Plan. However, not all of the required elements were included or up to date. The act deviated from the requirement, but the requirement functioned to some extent.	6	No	n/a	0	6.00
2	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 66264.15(a) and (d)	The facility failed to inspect emergency equipment for malfunctions and deterioration. The facility also failed to make a notation of any observations made and repairs or remediation actions performed in its inspection log when such events occurred.	Minimal	Incomplete emergency equipment inspection has the potential to impact public health in the case of accidental release of HW by impacting effective and timely emergency clean-up operations. The wastestream in violation was waste oil.	Moderate	The facility failed to inspect the emergency equipment (e.g. fire extinguisher and eye wash) for malfunctions and deterioration. The facility also failed to note when the fire extinguisher was last inspected/charged last on 4/2013 and the eye wash was deteriorated with no water or any other liquid to be used in an emergency. A random number of 2014 inspection logs were reviewed. The requirement functioned to some extent because other areas were inspected.	6	n/a	n/a	0	6.00
3	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 66264.33	The facility failed to test and maintain its fire protection equipment and decontamination equipment as necessary to assure proper operation in an emergency. The fire extinguisher placed at Tank Farm Area was last charged on April 2013 and the eye wash at Tank Farm Area was "totally deteriorated and did not have water or any other washing liquid" to be used during an emergency. The Tank Farm Area did not have running water at the time of the inspection.	Minimal	Incomplete emergency equipment maintenance has the potential to impact public health and the environment in the case of accidental release of HW by potentially impacting effective and timely emergency clean-up operations. The wastestream in violation was waste oil.	Major	The emergency fire protection and decontamination equipment at issue in this violation were nonfunctional. The function of the requirement was rendered ineffective because some of its provisions were not complied with.	15	n/a	n/a	0	15.00
4	The deviation of 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.	HSC 25189(a)	The facility made a false representations in its Inspection Logs provided to DTSC by falsely stating that its fire extinguisher and eyewash station were properly inspected.	Minimal	Inaccurate inspection documentation has the potential to impact public health and the environment in the case of accidental release of HW by impacting effective and timely emergency clean-up operations. The wastestream in violation was waste oil.	Major	During record review, the inspector noted that the Inspection Logs were marked with the word "yes" for inspection of the fire extinguisher and eye wash as if they were properly operational. However, neither piece of equipment was operational. The requirement was rendered ineffective as its provisions were not complied with.	15	n/a	n/a	0	15.00
											Provisional Inspection Violation Score:	42.00

Violation Scoring Matrix

Facility Name:	CRANE'S WASTE OIL INC.	10 Year Date Range:	2009-2018	Permit Effective Date:	9/30/2009
Address:	16095 HIGHWAY 178, WELDON, CA 93283	Number of Inspections:	4	Permit Expiration Date:	9/29/2019
EPA ID:	CAD980813950	Total Number of Violations Scored:	5	Date VSP Completed:	6/20/2019

Link to EnviroStor (Inspection Reports, SOVs etc.)

Inspection Date: / Inspection Type:	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
5/16/2017 / 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: / Inspection Type:	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
11/14/2017 / CI												
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.	HSC 25201(a)	The facility stored HW used oil in a tanker truck overnight at an unauthorized location. For approximately 2 years, the facility had illegally stored its tanker truck in an unauthorized location approximately 330 feet from the nearest residence, 270 feet from a pre-school and 470 feet from an elementary school.	Minimal	The waste stream in violation was used oil and the characteristics of this HW present a minimal threat to public health and safety or the environment.	Major	Unauthorized storage of HW less than 500 feet from a residence or school for persons under 21 years of age is prohibited by statute. The facility failed to comply with the statute for a period in excess of two years. The act deviated from the requirement to such an extent that the requirement was completely ignored and none of its provisions were complied with.	15	No	n/a	0	15.00
											Provisional Inspection Violation Score:	15.00

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	3/17/2010 FRR & 3/26/2010 CEI	0.00
2	4	CEI & FRR	8/27/2014 CEI & 10/17/2014 FRR	42.00
3	0	CEI	5/16/2017	0.00
4	1	CI	11/14/2017	15.00
Sum of Provisional Inspection Violation Scores				57.00
*FACILITY VSP SCORE				14.25

***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 Janet Crane, Crane's Waste Oil Inc., EPA ID Number CAD980813950.

2. I served Janet Crane, Crane's Waste Oil Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9393, return receipt requested, in a sealed envelope addressed to:

   Ms. Janet Crane
   Crane's Waste Oil Inc
   16095 Highway 178
   Weldon, California 93283

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)