Department of Toxic Substances Control

Jared Blumenfeld
Secretary for
Environmental Protection

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

Gavin Newsom
Governor

September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9362

Mr. Max Raffi
David H Fell and Company Inc
6009 Bandini Blvd.
Los Angeles, California 90040

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

Dear Mr. Max Raffi:

2019 Facility Violations Scoring Procedure (VSP) Score: 4.00
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide David H Fell and Company Inc., CAL000110141, located at 6009 Bandini Blvd., Los Angeles, CA 90040 (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).)

Printed on Recycled Paper

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 "**4.00**". 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:	DAVID H FELL AND COMPANY INC			10 Year Date Range:		2009-2018		Permit Effective Date:		2/18/2009			Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	6009 BANDINI BOULEVARD, LOS ANGELES, CA 90040			Number of Inspections:		5		Permit Expiration Date:		2/17/2019			
EPA ID:	CAL000110141			Total Number of Violations Scored:		1		Date VSP Completed:		5/17/2019			
Inspection Date:	1/29/2009 CEI & 2/5/2009 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:	6/27/2011 CEI & 8/10/2011 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:	11/26/2012 CEI & 5/10/2013 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:	12/1/2015 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	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 prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.112	On or before 12/1/2015, the facility failed to follow its approved Closure Plan when it dismantled and relocated Gas Furnace # 22 without prior approval from DTSC. The Gas Furnace was relocated outside the Melt Room adjacent to Storage S-7.	Moderate	The types of waste found onsite were metal sweeps, scraps, slag, spent acids, contaminated crucibles, and spent air filters. The waste codes associated with Gas Furnace #22 were: D008 (lead), D011 (silver); and CA waste codes 171, 172, 591. This steel unit had a capacity of 1500 pounds. Moderate potential for harm due to the wastestreams in violation.	Major	The facility dismantled and relocated Gas Furnace #20 without prior approval from DTSC in accordance with its HWFP. The facility was aware of this requirement, yet completely ignored it with respect to Gas Furnace #22. The requirement was completely ignored and none of its provisions were complied with.	20	No	n/a	0	20.00
												Provisional Inspection Violation Score:	20.00
Inspection Date:	6/28/2018 CEI & 7/11/2018 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:	DAVID H FELL AND COMPANY INC	10 Year Date Range:	2009-2018	Permit Effective Date:	2/18/2009	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	6009 BANDINI BOULEVARD, LOS ANGELES, CA 90040	Number of Inspections:	5	Permit Expiration Date:	2/17/2019	
EPA ID:	CAL000110141	Total Number of Violations Scored:	1	Date VSP Completed:	5/17/2019	

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	1/29/2009 CEI & 2/5/2009 FRR	0.00
2	0	CEI & FRR	6/27/2011 CEI & 8/10/2011 FRR	0.00
3	0	CEI & FRR	11/26/2012 CEI & 5/10/2013 FRR	0.00
4	1	CEI & FRR	12/1/2015 CEI & 12/8/2015 FRR	20.00
5	0	CEI & FRR	6/28/2018 CEI & 7/11/2018 FRR	0.00
Sum of Provisional Inspection Violation Scores				20.00
*FACILITY VSP SCORE				4.00

*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 Max Raffi, David H Fell and Company Inc., EPA ID Number CAL000110141.

2. I served Max Raffi, David H Fell and Company Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9362, return receipt requested, in a sealed envelope addressed to:

   Mr. Max Raffi
   David H Fell and Company Inc
   6009 Bandini Blvd.
   Los Angeles, California 90040

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)