



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.: 7018-0680-0000-9827-9294

Mr. Peter Eckert
Heraeus Metal Processing LLC
15524 Carmenita Road
Santa Fe Springs, California 90670

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

Dear Mr. Peter Eckert:

2019 Facility Violations Scoring Procedure (VSP) Score: 9.75
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Heraeus Metal Processing LLC, CAD060398229, located at 15524 Carmenita Rd., Santa Fe Springs, CA 90670 (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 "9.75". A Facility VSP Score is the sum of all provisional or final inspection violation scores for each compliance inspection conducted during the preceding ten (10) years, divided by the number of compliance inspections. (See 22 CCR § 66271.54, subd. (a).)

A facility may be assigned to one of three compliance tiers based on its Facility VSP Score:

- "Acceptable." A facility that receives a Facility VSP Score of less than 20 shall be designated as having a Facility VSP Score that is "acceptable". (See 22 CCR § 66271.54, subd. (b)(1).)
- "Conditionally Acceptable." A facility that receives a Facility VSP Score equal to or greater than 20 and less than 40 shall be designated as having a Facility VSP Score that is "conditionally acceptable." Facilities that receive a final compliance tier assignment of "conditionally acceptable" are required to comply with additional requirements outlined in the regulations. (See 22 CCR § 66271.54, subd. (b)(2); 22 CCR § 66271.56.)
- "Unacceptable." A facility that receives a Facility VSP Score equal to or greater than 40 shall be designated as having a Facility VSP Score that is "unacceptable." DTSC is required to initiate permit denial, suspension, or revocation proceedings for facilities that receive a final compliance tier assignment of "unacceptable." (See 22 CCR § 66271.54, subd. (b)(3); 22 CCR § 66271.57.)

As a result of the Facility's VSP Score, DTSC has assigned the Facility to a compliance tier of "Acceptable". Generally, as discussed further below, a facility's compliance tier assignment becomes final after all provisional inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d).

Provisional Inspection Violation Score Disputes and Compliance Tier Assignment Challenges

An owner or operator of a facility may dispute a provisional inspection score pursuant to CCR, title 22, section 66271.53, subdivision (c) by filing a Provisional Inspection Violation Score Dispute Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>) within sixty (60) calendar days of this notice. All of the following information must be enclosed with the Dispute Document cover letter:

- A statement that describes in detail the factual and legal basis of the dispute and the relief sought;
- Any claimed erroneous facts, assumptions, approaches, or conclusions of law made by DTSC;

- A statement describing in detail any efforts already made by the owner or operator to resolve the dispute with DTSC; and
- Any photographs, documents, or any other material that supports the owner's or operator's position regarding the disputed provisional inspection violation score.

The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

DTSC will issue a written decision, granting or denying, in whole or in part, the relief sought by the owner or operator of a facility disputing a provisional inspection violation score. A provisional inspection violation score will become the final inspection violation score consistent with DTSC's written decision. A provisional inspection violation score will also become the final inspection violation score if the owner or operator of a facility does not file a Dispute Document within sixty (60) calendar days of this notice.

A facility's compliance tier assignment becomes final after all inspection violation scores upon which the Facility VSP Score is based become final pursuant to CCR, title 22, section 66271.53, subdivision (d). Final compliance tier assignments of "acceptable" or "conditionally acceptable" are not subject to additional administrative dispute resolution. (See 22 CCR § 66271.54, subds. (e), (f).) However, owners or operators of facilities assigned to a final compliance tier of "unacceptable" may further administratively challenge their final compliance tier assignment under California Code of Regulations, title 22, section 66271.57.

Issuance of this provisional inspection violation score, Facility 2019 VSP Score, and compliance tier assignment do not constitute an enforcement action. If you have any questions regarding this notice, please contact VSP_Info@dtsc.ca.gov. If you have any questions regarding the dispute process, please contact VSP_Dispute_Inbox@dtsc.ca.gov.

Sincerely,



Keith Kihara, Chief
Enforcement and Emergency Response Division

Enclosure(s)

Violation Scoring Matrix
Proof of Service

Violation Scoring Matrix

Facility Name:		HERAEUS METAL PROCESSING LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2011		Link to EnviroStor	
Address:		15524 CARMENITA ROAD, SANTA FE SPRINGS, CA 90670		Number of Inspections:		7		Permit Expiration Date:		10/31/2021		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAD060398229		Total Number of Violations Scored:		6		Date VSP Completed:		7/23/2019			
Inspection Date:	3/10/2009 FRR & 6/2/2009 CEI	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.	HWFP, Part III.1	The facility stored HW containers in the HW Storage Area (HWSA)- S1 in excess of its storage capacity. Capacity was limited to 92 fifty-five gallon drums. During the inspection, DTSC observed approximately 96 55-gallon drums, 5 bulk bags, and about 3 5-gallon containers.	Moderate	Waste Stream A (Spent Catalyst) and Waste Stream B (Precious Metal Waste Solids) were stored in this Unit before going to the tray furnaces. Waste Stream C (Waste Solutions) was stored in this Unit before going to the refining kettles. The facility stored approximately 1,335 gallons of HW in excess of the permitted storage capacity. A moderate extent of deviation was assigned due to the characteristics of the wastestreams and volume in violation.	Moderate	The facility stored approximately 1,335 gallons of HW in excess of the permitted storage capacity of permitted Unit HWSA S-1 (about 25% exceedance). Given that the other two permitted storage areas were not cited in violation, the requirement functioned to some extent, although not all of its important provisions were complied with.	15	No	n/a	0	15.00
Provisional Inspection Violation Score:													15.00
Inspection Date:	4/26/2010 CEI & 4/28/2010 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	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 assure that HW were destined for and delivered to an authorized HW facility.	22 CCR 66264.73(b)	The facility failed to record the quantity at each location for the HW received.	Minimal	The wastestreams in violation were precious metals containing solids and corrosive liquids. Because the quantities of HW were not properly documented in the Operating Record, there was a potential for the wastes to be processed improperly. A minimal potential for harm was assessed due to the characteristics of the wastestreams found in violation.	Moderate	The quantities of HW in tanks were not properly documented in the Operation Record. Other portions of the Operating Record requirements were not cited in violation, demonstrating the requirement functioned to some extent.	6	n/a	n/a	0	6.00

Violation Scoring Matrix

Facility Name:		HERAEUS METAL PROCESSING LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		10/31/2011		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		15524 CARMENITA ROAD, SANTA FE SPRINGS, CA 90670		Number of Inspections:		7		Permit Expiration Date:		10/31/2021			
EPA ID:		CAD060398229		Total Number of Violations Scored:		6		Date VSP Completed:		7/23/2019			
2	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 and/or assure early detection of such releases.	22 CCR 66264.15(d)	The facility failed to document in its Inspection Record the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions taken.	Moderate	As a precious metals refiner and recycler, the facility is permitted to accept ignitable, corrosive, and reactive wastes along with arsenic, barium, cadmium, chromium, selenium, silver, and benzene RCRA wastes. Alkaline and aqueous solutions with metals, metal sludges and dusts, as well as spent catalysts are also permitted wastestreams. The potential for harm to public health and safety and the environment from potential releases of these wastestreams was moderate.	Moderate	During the walk-through inspection, the high level alarm for Tank K-42 (permitted capacity of 300 gallons) had been set off, but no records were observed in the Inspection Log. In addition, there were no records for the failure of the waste acid (hydrochloric acid, HCL) tank high level alarm. Tanks K-13, K-31, and K-21 were also reported in the Operating Record as being out of service periodically in 2010, and then returning to service without any notes to document when the tank was repaired. The completed Inspection Logs demonstrated the requirement functioned to some extent.	15	No	n/a	0	15.00	
Provisional Inspection Violation Score:												21.00	

Violation Scoring Matrix

Facility Name: HERAEUS METAL PROCESSING LLC		10 Year Date Range: 2009-2018		Permit Effective Date: 10/31/2011		Permit Expiration Date: 10/31/2021		Date VSP Completed: 7/23/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)																	
Address: 15524 CARMENITA ROAD, SANTA FE SPRINGS, CA 90670		Number of Inspections: 7		Total Number of Violations Scored: 6		Initial Score		Repeat (Yes/No)		Date(s) of Previous Violation		Adjustment Factor (%)		Adjusted Score													
EPA ID: CAD060398229		Inspection Date: 6/29/2011 CEI & 11/16/2011 FRR		Inspection Type: CEI & FRR		Class I Justification		Citation		Violation		Potential for Harm		Potential for Harm Justification		Extent of Deviation		Extent of Deviation Justification									
Class I Violations:		1		The deviation from the requirement 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 66262.20(a)		The facility failed to ship sixteen 55-gallon drums (8 of reforming catalysts and 8 of reform catalysts) under a HW manifest. The facility took grab samples for metal analysis of the drums, which revealed the presence of molybdenum and nickel above the Total Threshold Limit Concentration (TTLC).		Minimal		The DTSC laboratory results found up to 44,000 mg/kg molybdenum and 13,000 mg/kg of nickel in the at-issue drums. Harmful health effects from molybdenum include liver damage, headache, fatigue, and muscle and joint pain. Harmful health effects from nickel include chronic bronchitis, reduced lung function, and cancer of the lung and nasal sinus. The volume and toxicity of the wastes in violation represented a minimal potential for harm.		Moderate		The wastes in violation were received under bills of lading, re-drummed, and ultimately sent without HW manifests to Heraeus in Belgium and Stillwater Mining Co. in Montana for further treatment. The bills of lading provided some of the required information, and no other HW from 2010-2011 were cited in violation demonstrating that the requirement functioned to some extent, although not all of its important provisions were complied with.		6		n/a		n/a		0		6.00	
Provisional Inspection Violation Score:													6.00														
Inspection Date: 5/21/2012 CEI & 7/23/2012 FRR		Inspection Type: 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		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 and/or assure early detection of such releases.		22 CCR 66264.15(d)		The facility failed to document in its Inspection Record a notation of the observations made, and the date and nature of any repairs or other remedial actions taken. For example, Work Order 67050 showed the inlet line for PS-302 was leaking on 4/4/2012, but the Inspection Log did not note this observation. The Inspection Record also did not record the date in which the remedial action was taken.		Moderate		As a precious metals refiner and recycler, the facility is permitted to accept ignitable, corrosive, and reactive wastes along with arsenic, barium, cadmium, chromium, selenium, silver, and benzene RCRA wastes. Alkaline and aqueous solutions with metals, metal sludges and dusts, as well as spent catalysts are also permitted wastestreams. The potential harm to public health and safety and the environment from potential releases of these wastestreams is moderate.		Moderate		On both 11/24/2011 at 16:00 and 11/25/2011 at 19:25, pump integrity for Treatment Tanks EQ601-604, RE605, 606, 607, 623, 624 had a work order assigned (WO#36307). However, another page on 11/25/2011 at 19:00, indicated no problem was observed regarding the pump integrity. In addition, between 2/29/2012 and 3/9/2012, Tank PS302 was leaking as documented on the Inspection Logs. However, while there was no work order assigned and no remedial action taken according to available documents, by 09:20 on 3/10/2012, the log documented no problem for the tank system. The requirement functioned to some extent, as other provisions of the inspection record requirement were met.		15		Yes		4/26/2010		25		18.75	
		2		The deviation from the requirement 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		The facility failed to record the transfer, treatment and storage for the HW received in that the quantities for HW tanks (PS301-PS304) were not recorded in the facility's operating records.		Minimal		The Unit in violation stored corrosive waste water with metals. This Unit pumped waste water from the process areas to the waste water treatment system. PS301 through PS303 had operating capacities of 4,000 gallons each and PS304 had a permitted capacity of 1,500 gallons. The potential for harm was designated as minimal due to the possible wastestreams and volume of HW in violation.		Moderate		When the operating records related to these tanks / lift station were requested, DTSC only received a pump record from the lift stations to the wastewater treatment. There were no records of the tank content quantity, and no feeding information to the lift stations. The requirement functioned to some extent, although not all of its important provisions were complied with.		6		Yes		4/26/2010		25		7.50	
Provisional Inspection Violation Score:													26.25														

Violation Scoring Matrix

Facility Name: HERAEUS METAL PROCESSING LLC		10 Year Date Range: 2009-2018		Permit Effective Date: 10/31/2011		Link to EnviroStor (Inspection Reports, SOVs, etc.)							
Address: 15524 CARMENITA ROAD, SANTA FE SPRINGS, CA 90670		Number of Inspections: 7		Permit Expiration Date: 10/31/2021									
EPA ID: CAD060398229		Total Number of Violations Scored: 6		Date VSP Completed: 7/23/2019									
Inspection Date:	6/25/2013 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
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:	6/29/2015 CEI & 8/5/2015 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:	1/10/2017 CEI & 1/25/2017 FRR	Class I Justification	Citation	Violation	Potential for Harm	Potential for Harm Justification	Extent of Deviation	Extent of Deviation Justification	Initial Score	Repeat (Yes/No)	Date(s) of Previous Violation	Adjustment Factor (%)	Adjusted Score
Inspection Type:	CEI & FRR												
Class I Violations:	0	n/a	n/a	No Class I Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	1	CEI & FRR	3/10/2009 FRR & 6/2/2009 CEI	15.00
2	2	CEI & FRR	4/26/2010 CEI & 4/28/2010 FRR	21.00
3	1	CEI & FRR	6/29/2011 CEI & 11/16/2011 FRR	6.00
4	2	CEI & FRR	5/21/2012 CEI & 7/23/2012 FRR	26.25
5	0	CEI & FRR	6/25/2013 CEI & FRR	0.00
6	0	CEI & FRR	6/29/2015 CEI & 8/5/2015 FRR	0.00
7	0	CEI & FRR	1/10/2017 CEI & 1/25/2017 FRR	0.00
Sum of Provisional Inspection Violation Scores				68.25
* FACILITY VSP SCORE				9.75

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

- CCR = California Code of Regulations
- CDI = Case Development Inspection
- CEI = Compliance Evaluation Inspection
- CI = Complaint Investigation
- DTSC = Department of Toxic Substances Control
- EPA ID = Environmental Protection Agency Identification
- FCI = Focused Compliance Inspection
- FRR = Financial Records Review
- FSD = Facility Self Disclosure
- FUI = Follow-Up Inspection
- GAR = Groundwater Audit Report
- GME = Groundwater Monitoring Evaluation
- HSC = Health and Safety Code
- HW = Hazardous Waste
- HWFP = Hazardous Waste Facility Permit
- mg/kg = Milligrams per Kilogram
- 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 Peter Eckert, Heraeus Metal Processing LLC., EPA ID Number CAD060398229.
2. I served Peter Eckert, Heraeus Metal Processing LLC., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9294, return receipt requested, in a sealed envelope addressed to:

Mr. Peter Eckert
Heraeus Metal Processing LLC
15524 Carmenita Road
Santa Fe Springs, California 90670

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)