



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
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September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9249

Mr. Paul Johnson
Kinsbursky Brothers Supply Inc.
1314 North Anaheim Blvd.
Anaheim, California 92801

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

Dear Mr. Paul Johnson:

2019 Facility Violations Scoring Procedure (VSP) Score: 4.17
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Kinsbursky Brothers Supply INC, CAD088504881, located at 1314 N Anaheim Blvd., Anaheim, CA 92801 (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 "4.17". 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,

A handwritten signature in blue ink, appearing to be 'K. Kihara', with a long horizontal flourish extending to the right.

Keith Kihara, Chief
Enforcement and Emergency Response Division

Enclosure(s)

Violation Scoring Matrix
Proof of Service

Violation Scoring Matrix

Facility Name:		KINSBURSKY BROTHERS SUPPLY INC.		10 Year Date Range:		2009-2018		Permit Effective Date:		6/15/2011		Link to EnviroStor	
Address:		1314 N ANAHEIM BOULEVARD, ANAHEIM, CA 92801		Number of Inspections:		6		Permit Expiration Date:		6/14/2021		(Inspection Reports, SOVs, etc.)	
EPA ID:		CAD088504881		Total Number of Violations Scored:		1		Date VSP Completed:		5/17/2019			
Inspection Date:	2/17/2010 CEI & 3/1/2010 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
Provisional Inspection Violation Score:													0.00
Inspection Date:	9/29/2011 CEI & 3/12/2012 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	n/a	n/a	n/a	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	5/24/2012	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:	CI												
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:	11/26/2013 CEI & 12/13/2013 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

Violation Scoring Matrix

Facility Name:		KINSBURSKY BROTHERS SUPPLY INC.		10 Year Date Range:		2009-2018		Permit Effective Date:		6/15/2011		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		1314 N ANAHEIM BOULEVARD, ANAHEIM, CA 92801		Number of Inspections:		6		Permit Expiration Date:		6/14/2021			
EPA ID:		CAD088504881		Total Number of Violations Scored:		1		Date VSP Completed:		5/17/2019			
Inspection Date:	11/23/2015 CEI & 12/30/2015 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:	1	The deviation from the requirements was significant enough that it could result in failure to assure the HW are destined for and delivered to authorized HW facility and/or perform emergency clean-up operation or other corrective action for releases.	HSC 25163(a)(1), and HWFP, Part III- General Conditions, (2)(a) Effect of Permit, page 6, Facility Permit, Attachment A, revised 5/20/2013	The facility transferred custody of at least 107 manifested shipments of HW (lead plates) to a transporter who did not hold a valid HW Transporter Registration issued by DTSC.	Major	The facility illegally transferred custody of HW to an unregistered transporter at least 107 times, which involved hundreds of thousands of pounds of lead and spent batteries. Transporting HW via an unregistered transporter increased the potential for harm to human health and the environment in the event that a spill or mismanagement were to occur during transport.	Major	The facility illegally transferred custody of HW to a transporter that was not registered with DTSC at least 107 times from 2012 - 2015. The facility's act deviated from the HW management requirements to such an extent that the requirement was completely ignored and none of its provisions were complied with.	25	No	n/a	0	25.00
Provisional Inspection Violation Score:													25.00
Inspection Date:	11/8/2017 CEI & 11/21/2017 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:	1	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: KINSBURSKY BROTHERS SUPPLY INC.	10 Year Date Range: 2009-2018	Permit Effective Date: 6/15/2011	Link to EnviroStor
Address: 1314 N ANAHEIM BOULEVARD, ANAHEIM, CA 92801	Number of Inspections: 6	Permit Expiration Date: 6/14/2021	(Inspection Reports, SOVs,
EPA ID: CAD088504881	Total Number of Violations Scored: 1	Date VSP Completed: 5/17/2019	etc.)

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	2/17/2010 CEI & 3/1/2010 FRR	0.00
2	0	CEI & FRR	9/29/2011 CEI & 3/12/2012 FRR	0.00
3	0	CI	5/24/2012	0.00
4	0	CEI & FRR	11/26/2013 CEI & 12/13/2013 FRR	0.00
5	1	CEI & FRR	11/23/2015 CEI & 12/30/2015 FRR	25.00
6	0	CEI & FRR	11/8/2017 CEI & 11/21/2017 FRR	0.00
Sum of Provisional Inspection Violation Scores				25.00
*FACILITY VSP SCORE				4.17

*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 Paul Johnson, Kinsbursky Brothers Supply Inc., EPA ID Number CAD088504881.
2. I served Paul Johnson, Kinsbursky Brothers Supply Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9249, return receipt requested, in a sealed envelope addressed to:

Mr. Paul Johnson
Kinsbursky Brothers Supply Inc.
1314 North Anaheim Blvd.
Anaheim, California 92801

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)