



Jared Blumenfeld
Secretary for
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Department of Toxic Substances Control

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Gavin Newsom
Governor

September 27, 2019

Certified Mail No.: 7018-0680-0000-9828-1532

Mr. Phillip Pellette
Lawrence Livermore National Laboratory
7000 East Avenue
Livermore, California 94550

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

Dear Mr. Phillip Pellette:

2019 Facility Violations Scoring Procedure (VSP) Score: 6.20
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Lawrence Livermore National Laboratory, CA2890012584, located at 7000 East Ave., Livermore, CA 94550 (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 "6.20". 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:		LAWRENCE LIVERMORE NATIONAL LABORATORY		10 Year Date Range:		2009-2018		Permit Effective Date:		11/19/1999		Link to EnviroStor	
Address:		7000 EAST AVE, LIVERMORE, CA 94550		Number of Inspections:		5		Permit Expiration Date:		11/19/2009		(Inspection Reports, SOVs, etc.)	
EPA ID:		CA2890012584		Total Number of Violations Scored:		2		Date VSP Completed:		2/12/2019			
Inspection Date:	4/29/2009	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												
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:	6/21/2010	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												
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:	4/28/2011	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												
Class I Violations:	1	The deviation from the requirements was significant enough that it could result in the failure to perform emergency clean-up operation or other corrective action for releases.	22 CCR 66264.51(b), and Closure Requirements in Attachment A of Building 419 Interim Status Document (5/16/1983)	The facility failed to implement provisions of its contingency plan for an unplanned release of storm water into the storm drain at the Building 419 Closure Site Area.	Minimal	Approximately 2,600 gallons of storm water carrying waste constituents from the Building 419 Closure Area flowed into the storm drain in 6/2011. Facility collected and analyzed samples of the storm water runoff and HW constituents including arsenic, lead, zinc, cyanide, and beta radioactivity were found in the runoff at levels exceeding laboratory detection limits, but not HW thresholds.	Moderate	DTSC was notified by the facility about the incident (requirement functioned to some extent). Changes to the Emergency Coordinator list were forthcoming due to staffing changes.	6	No	n/a	0.00	6.00
	2	The deviation from the requirements was significant enough that it could result in the failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25160(b)(1) and (3)	The facility failed to ensure that all transporters were included on manifests associated with HW shipments from Building 419.	Major	Mixed (hazardous and radioactive) demolition debris was generated from Building 419. About 70 intermodal type containers (i.e. Sea-Van) of this debris were shipped offsite between 12/2010 and 01/2011. The HW was documented as F001, F002 and F005, and low-level radiation waste on manifests. The amount and characteristics of the waste at issue present a major threat to public health and safety or the environment.	Major	In approximately 30, but no more than 80 instances, HW generated from Building 419 demolition debris was transported by rail to Utah (transporter 2), but the rail company is not noted on the HW manifests. In 2011, according to the HW Tracking System, the facility generated HW and produced 85 HW manifests (under this EPA ID number). The function of the requirement is rendered ineffective because some of its provisions were not complied with.	25	No	n/a	0.00	25.00
Provisional Inspection Violation Score:													31.00
Inspection Date:	11/30/2011	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												
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:	4/29/2013	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												
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:	LAWRENCE LIVERMORE NATIONAL LABORATORY	10 Year Date Range:	2009-2018	Permit Effective Date:	11/19/1999	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	7000 EAST AVE, LIVERMORE, CA 94550	Number of Inspections:	5	Permit Expiration Date:	11/19/2009	
EPA ID:	CA2890012584	Total Number of Violations Scored:	2	Date VSP Completed:	2/12/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	0	CEI	4/29/2009	0.00
2	0	CEI	6/21/2010	0.00
3	2	CEI	4/28/2011	31.00
4	0	CEI	11/30/2011	0.00
5	0	CEI	4/29/2013	0.00
Sum of Provisional Inspection Violation Scores				31.00
*FACILITY VSP SCORE				6.20

*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 Phillip Pellete, Lawrence Livermore National Laboratory, EPA ID Number CA2890012584.
2. I served Phillip Pellette, Lawrence Livermore National Laboratory, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9828-1532, return receipt requested, in a sealed envelope addressed to:

Mr. Phillip Pellette
Lawrence Livermore National Laboratory
7000 East Avenue
Livermore, California 94550

3. My name, business address, and telephone number are:

Alan Korematsu
Department of Toxic Substances Control
HWMP, 11th Floor
1001 I Street
Sacramento, California 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)