Department of Toxic Substances Control

September 27, 2019

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

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).

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. (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

#### Address: 7000 EAST AVE, LIVERMORE, CA 94550

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### Class I Violations

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#### Class I Violations

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#### Violation Details

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 (6264.51(b)), and Closure Requirements in Attachment A of Building 419 Interim Status Document (5/14/1983)**
   - **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.**
   - **NOMINAL**
   - **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.**
   - **Section 25560(b)(1) and (3)**
   - **The facility failed to ensure that all transporters were included on manifests associated with HW shipments from Building 419.**
   - **MIXED**

2. **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.**

   - **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.**
   - **MIXED**

### Inspection Details

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#### Inspection Details

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### Score Details

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#### Adjusted Score Details

| Class I Violation | 0 | 0 | 0 |
## Violation Scoring Matrix

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<th>Inspection Type(s)</th>
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**Sum of Provisional Inspection Violation Scores**: 81.00

**Facility VSP Score**: 6.20

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

**FACILITY VSP SCORE** = 81.00/13 = 6.20

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**Abbreviations**

- CDR = Case Development Inspection
- CEI = Compliance Evaluation Inspection
- CI = Complaint Investigation
- DTSC = Department of Toxic Substances Control
- EPA ID = Environmental Protection Agency Identification
- FCID = Financial Records Review
- FSI = Facility Self Inspection
- GAR = Groundwater Audit Report
- GME = Groundwater Monitoring Evaluation
- HSIC = Health and Safety Code
- HW = Hazardous Waste
- HFWP = Hazardous Waste Facility Permit
- NFIR = Non-Financial Record Review
- RCRA = Resource Conservation and Recovery Act
- SDV = Summary of Violations
- VSP = Violations Scoring Procedure

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**Facility Name**: LAURENCE LIVERMORE NATIONAL LABORATORY

**Address**: 7000 EAST AVE, LIVERMORE, CA 94550

**EPA ID**: CA390012564

**10 Year Date Range**: 2009-2018

**Permit Effective Date**: 11/19/1999

**Permit Expiration Date**: 11/19/2009

**Date VSP Completed**: 2/12/2019
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)