



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

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.: 7018-0680-0000-9828-1525

Ms. Susan Richard
Lighting Resources LLC
805 Francis Street
Ontario, California 91761

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

Dear Ms. Susan Richard:

2019 Facility Violations Scoring Procedure (VSP) Score: 5.40
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Lighting Resources LLC, CAR000156125, located at 805 Francis St., Ontario, CA 91761 (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 "5.40". 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.

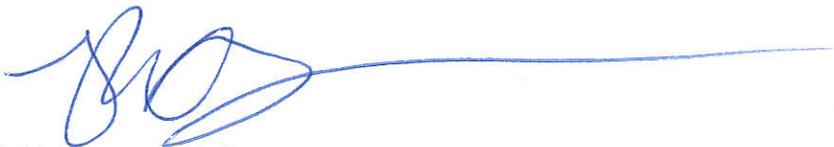
The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

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:		LIGHTING RESOURCES LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		3/23/2007		Link to EnviroStor	
Address:		805 FRANCIS ST, ONTARIO, CA 91761		Number of Inspections:		5		Permit Expiration Date:		3/23/2017		(Inspection Reports, SOVs,	
EPA ID:		CAR000156125		Total Number of Violations Scored:		2		Date VSP Completed:		5/14/2019		etc.)	
Inspection Date:	5/14/2009 CEI & 6/3/2009 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 1 Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	0	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	6/22/2012 CEI & 11/26/2012 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 1 Violations	n/a	n/a	n/a	n/a	0	n/a	n/a	0	0.00
Provisional Inspection Violation Score:													0.00
Inspection Date:	9/4/2013	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:	CI												
Class I Violations:	1	The deviation from the requirements was significant enough that it could result in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66265.31 and HWFP Part V #7	The facility failed to maintain and operate the lamp processor in a manner to minimize the possibility of release into the air of mercury containing hazardous phosphor powder from the Machine Auger Housing and associated Torit Filtration and Sweco Separator equipment. A large amount of phosphor powder was observed released onto the equipment from the leaking and poorly maintained machine, consequently elevating the levels of mercury in the surrounding air.	Major	Inhalation of mercury is toxic and can result in damage to the lungs, kidneys, and nervous system. During the inspection, six readings were taken with a mercury vapor analyzer. Mercury vapor levels ranged from 0.136 milligram per cubic meter (mg/m3) to 0.513 mg/m3. The facility mercury monitoring records from 1/1/2013 to 7/26/2013, during operations, showed a range of mercury vapor levels from 0.026mg/m3 to 0.034 mg/m3.	Major	A large amount of phosphor powder was observed released onto the equipment from the leaking machine, consequently elevating the levels of mercury in the surrounding air. The facility failed to maintain the lamp processor in good condition, as evidenced by the mercury vapor levels. The act deviated from the requirement to operate the facility in such a manner to minimize the possibility of release to such an extent that the requirement was completely ignored.	25	No	n/a	0	25.00
Provisional Inspection Violation Score:													25.00
Inspection Date:	11/13/2014 CEI & 1/13/2015 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 significant enough that it could result in a failure to assure that HW are destined for and delivered to an authorized HW facility and/or prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25201(a) and 22 CCR 66263.18(b)(1)	The facility stored in-transit HW on site in excess of the 10 days allowed under the transfer facility exemption without a permit or other grant of authorization from DTSC, as a container was held on site for 13 days.	Minimal	One fiberboard drum containing 7 pounds of mercury thermometers (Federal Waste Code D009 and California Waste Code 725) was found in violation.	Minimal	Manifest 002462364FLE documented that the container of HW was held in possession by the facility for 13 days (2/24/2012 to 3/9/2012), exceeding the 10-day exemption by three days. The requirement functioned nearly as intended, but not as well as if all provisions had been met.	2	No	n/a	0	2.00
Provisional Inspection Violation Score:													2.00

Violation Scoring Matrix

Facility Name: LIGHTING RESOURCES LLC		10 Year Date Range:		2009-2018		Permit Effective Date:		3/23/2007		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 805 FRANCIS ST, ONTARIO, CA 91761		Number of Inspections:		5		Permit Expiration Date:		3/23/2017					
EPA ID: CAR000156125		Total Number of Violations Scored:		2		Date VSP Completed:		5/14/2019					
Inspection Date:	1/19/2017 CEI & 2/8/2017 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 1 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:	LIGHTING RESOURCES LLC	10 Year Date Range:	2009-2018	Permit Effective Date:	3/23/2007	Link to EnviroStor (Inspection Reports, SOVs, etc.)
Address:	805 FRANCIS ST, ONTARIO, CA 91761	Number of Inspections:	5	Permit Expiration Date:	3/23/2017	
EPA ID:	CAR000156125	Total Number of Violations Scored:	2	Date VSP Completed:	5/14/2019	

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	5/14/2009 CEI & 6/3/2009 FRR	0.00
2	0	CEI & FRR	6/22/2012 CEI & 11/26/2012 FRR	0.00
3	1	CI	9/4/2013	25.00
4	1	CEI & FRR	11/13/2014 CEI & 1/13/2015 FRR	2.00
5	0	CEI & FRR	1/19/2017 CEI & 2/8/2017 FRR	0.00
Sum of Provisional Inspection Violation Scores				27.00
*FACILITY VSP SCORE				5.40

*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
 GAR = Groundwater Audit Report</p> | <p>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 Susan Richard, Lighting Resources LLC, EPA ID Number CAR000156125.
2. I served Susan Richard, Lighting Resources LLC, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9828-1525, return receipt requested, in a sealed envelope addressed to:

Ms. Susan Richard
Lighting Resources LLC
805 Francis Street
Ontario, California 91761

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)