Department of Toxic Substances Control

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September 27, 2019

Certified Mail No.: 7018-0680-0000-9828-0054

Mr. Charlie Martin
Pacific Scientific Energetic Materials Company
3601 Union Road
Hollister, California 95023

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

Dear Mr. Charlie Martin:

**2019 Facility Violations Scoring Procedure (VSP) Score: 0**
**2019 Compliance Tier Assignment: Acceptable**

The purpose of this letter is to provide Pacific Scientific and Environmental Services, CAD009220898, located at 3601 Union Rd., Hollister, CA 95023 (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 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 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 "**0**". 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: | PACIFIC SCIENTIFIC ENERGETIC MATERIALS CO | 10 Year Date Range: | 2009-2018 | Permit Effective Date: | 5/12/2006 |
| Address: | 3601 UNION RD HOLLISTER , CA 95023 | Number of Inspections: | 5 | Permit Expiration Date: | 5/11/2016 |
| EPA ID: | CAD009220898 | Total Number of Violations Scored: | 0 | Date VSP Completed: | 1/23/2019 |

Link to EnviroStor (Inspection Reports, SOVs, etc.)

| Inspection Date: | 4/20/11 CEI & 6/1/11 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: | 9/28/12 CEI & 12/11/2012 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: | 1/12/2015 CEI & 1/22/2015 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: | 12/13/2016 CEI & 1/6/2017 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 |

| Inspection Date: | 12/18/2018 CEI & 1/14/2019 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: | PACIFIC SCIENTIFIC ENERGETIC MATERIALS CO | 10 Year Date Range: | 2009-2018 | Permit Effective Date: | 5/12/2006 | Link to EnviroStor (Inspection Reports, SOVs, etc.) |
| Address: | 3601 UNION RD HOLLISTER , CA 95023 | Number of Inspections: | 5 | Permit Expiration Date: | 5/11/2016 | |
| EPA ID: | CAD009220898 | Total Number of Violations Scored: | 0 | Date VSP Completed: | 1/23/2019 | |

| 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 | 4/20/11 CEI & 6/1/11 FRR | 0.00 |
| 2 | 0 | CEI & FRR | 9/28/12 CEI & 12/11/2012 FRR | 0.00 |
| 3 | 0 | CEI & FRR | 1/12/2015 CEI & 1/22/2015 FRR | 0.00 |
| 4 | 0 | CEI & FRR | 12/13/2016 CEI & 1/6/2017 FRR | 0.00 |
| 5 | 0 | CEI & FRR | 12/18/2018 CEI & 1/14/2019 FRR | 0.00 |
| Sum of Provisional Inspection Violation Scores | | | | 0.00 |
| *FACILITY VSP SCORE | | | | 0.00 |

***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
**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 Charlie Martin, Pacific Scientific Energetic Materials Company, EPA ID Number CAD009220898.

2. I served Charlie Martin, Pacific Scientific Energetic Materials Company, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9828-0054, return receipt requested, in a sealed envelope addressed to:

Mr. Charlie Martin
Pacific Scientific Energetic Materials Company
3601 Union Road
Hollister, California 95023

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)