



**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.: 7018-0680-0000-9827-9812

Ms. Jessica Zebre  
Safety-Kleen of California Inc  
6880 Smith Ave  
Newark, California 94560

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

Dear Ms. Jessica Zebre:

**2019 Facility Violations Scoring Procedure (VSP) Score: 17.36**  
**2019 Compliance Tier Assignment: Acceptable**

The purpose of this letter is to provide Safety-Kleen of California Inc, CAD980887418, located at 6880 Smith Ave., Newark, CA 94560 (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).<sup>1</sup>

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.<sup>2</sup> (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.

<sup>1</sup> 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](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](https://www.dtsc.ca.gov/HazardousWaste/Permit_Roundtables.cfm).

<sup>2</sup> 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 "**17.36**". 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](mailto:VSP_Info@dtsc.ca.gov). If you have any questions regarding the dispute process, please contact [VSP\\_Dispute\\_Inbox@dtsc.ca.gov](mailto: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: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range: 2009-2018		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections: 16		Total Number of Violations Scored: 22									
Inspection Date:	6/23/2009 CEI & 6/11/2009 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:	1	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 25201(a)	The facility, a hauler of HW, stored HW in excess of the ten days allowed under the transfer facility exemption without a permit or other grant of authorization from DTSC.	Moderate	Twelve HW manifests for 2009 documented that the facility had stored HW in excess of the ten days allowed. RCRA and non-RCRA wastes included waste oil, used antifreeze, gasoline, oily water, and waste combustible liquid (oil, methylene chloride). This represented 3,280 gallons of non-RCRA wastes, 900 pounds of non-RCRA oily debris (solid), and 130 gallons and 100 pounds of RCRA wastes. The wastestreams and volume in violation presented a moderate threat to human health and the environment.	Minimal	Twelve manifests out of the total number of manifests from 2009 were held in excess of 10 days. The act deviated from the requirement, but the requirement functioned nearly as intended as less than 1% of the total manifests were cited in violation from 2009.	6	No	n/a	0	6.00
<b>Provisional Inspection Violation Score:</b>												6.00	
Inspection Date:	2/22/2010 CEI & 2/24/2010 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:	1	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.193(f)	The facility failed to provide secondary containment for ancillary equipment outside the tanks secondary containment area (Tank Farm).	Moderate	Three sumps outside of the secondary containment had standing liquid that "appeared to be oily water," with cracks and gaps observed on the concrete padding, as well as a leaking valve and pump. The sumps were not part of the permitted secondary containment system. Inadequate secondary containment for the ancillary equipment increased the potential for a release that could have caused harm to human health and the environment.	Moderate	The ancillary equipment was not included within secondary containment, but other permitted areas were not cited in violation. Therefore, the act deviated from the requirement, but the requirement functioned to some extent, although not all of its important provisions were complied with.	15	No	n/a	0	15.00
	2	The deviation from the requirements was significant enough that it could result in the failure to assure early detection of releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.15(b)	The facility failed to record inspections of the Wastewater Treatment System and Loading /Unloading Area in the Inspection Log.	Moderate	The daily Inspection Log lacked a record of inspections for the Wastewater Treatment System and Loading/Unloading Area. Because these areas were not inspected and recorded, the cracks and need for repairs were not addressed in a timely manner. Inadequate repair of cracks resulted in an increased potential for harm to human health and the environment.	Moderate	The inspection report stated that the facility compliance manager, "mentioned that the Inspection Log needs to be revised to include the inspection of the Wastewater Treatment System and Loading/Unloading Area." Other areas of the facility were inspected and had documentation of the daily inspection demonstrating the requirement functioned to some extent, although not all of its important provisions were complied with.	15	No	n/a	0	15.00
	3	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.193(b)(2)	The facility failed to keep the Secondary Containment Area for Loading/Unloading free of cracks and gaps.	Moderate	At least three cracks and gaps were observed in the waste Loading/Unloading Area and associated pumps and pipes in the containment area. In addition, some cracks and gaps were observed on the concrete pad south side of the Tank Farm Area near a sump. Cracks and gaps in secondary containment increased potential for downward migration of release(s) resulting in an increased threat to public health and the environment.	Moderate	Secondary containment in other areas were not in violation, demonstrating that the requirement functioned to some extent, although not all of its important provisions were complied with.	15	No	n/a	0	15.00
<b>Provisional Inspection Violation Score:</b>												45.00	

### Violation Scoring Matrix

Facility Name:		SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range:		2009-2018		Permit Effective Date:		1/5/2005		Link to EnviroStor (Inspection Reports, SOVs, etc.)	
Address:		6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections:		16		Permit Expiration Date:		1/5/2015			
EPA ID:		CAD980887418		Total Number of Violations Scored:		22		Date VSP Completed:		3/21/2019			
Inspection Date:	10/28/2010 CEI & 10/26/2010 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:	1	The deviation from the requirements was significant enough that it could result in the failure to assure early detection of releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.15 and 22 CCR 66264.195	The facility failed to include/record in its daily Inspection Log inspections of the newly installed Tank System (New Tank Farm System started operation on 05/05/2010) northeast of the facility and the tank's secondary containment area for the tank farm.	Minimal	No inspections were documented in the daily and weekly Inspection Logs for 2010. The wastestreams in violation were non-RCRA HW. No inspections of the new tank farm system increased the potential for a release that could have impacted public health and the environment. A minimal potential for harm was assigned due to wastestream in violation.	Moderate	Inspections were conducted at the facility with the exception of the newly installed Tank System. The act deviated from the requirement, but the requirement functioned to some extent as other permitted areas were not cited in violation.	6	Yes	2/22/2010	25	7.50
	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 25250.7(a)	The facility contaminated used oil with HW other than minimal amounts of vehicle fuel.	Moderate	The facility consolidated drummed used oil, waste antifreeze, and brake fluid received at the facility in a tanker truck in order to transfer them to Tank #502. According to consolidated manifests (Inspection Report Attachment J), 18 instances were documented in 2010, encompassing approximately 5,500 pounds of waste. The deviation could have made it difficult to track the other wastes added to the tank or any other potential contamination that could arise. The volume and characteristics of the waste in violation represented a moderate threat to human health and the environment.	Major	The requirement not to comingle used oil, waste antifreeze, and brake fluid was not adhered to by the facility. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	20	No	n/a	0	20.00
<b>Provisional Inspection Violation Score:</b>													27.50
Inspection Date:	3/29/2011	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:	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
<b>Provisional Inspection Violation Score:</b>													0.00
Inspection Date:	5/29/2011	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:	FCI												
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
<b>Provisional Inspection Violation Score:</b>													0.00
Inspection Date:	12/13/2011	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:	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
<b>Provisional Inspection Violation Score:</b>													0.00

### Violation Scoring Matrix

Facility Name: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range:		2009-2018		Permit Effective Date:		1/5/2005		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections:		16		Permit Expiration Date:		1/5/2015					
EPA ID: CAD980887418		Total Number of Violations Scored:		22		Date VSP Completed:		3/21/2019					
Inspection Date:	12/13/2011	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
Class II Violations:	1	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.193(c)(2)	The facility failed to install a Secondary Containment System for the base of the Loading/Unloading Area that was free of cracks and gaps.	Moderate	At least four cracks and gaps were observed during the inspection. The facility was permitted to handle non-RCRA HW. The Loading/Unloading Area was subject to a higher risk for spills because of handling and movement of HW in this area. Cracks and gaps in secondary containment increased potential for downward migration of release(s) resulting in an increased threat to public health and the environment.	Moderate	Secondary containment in other areas were not cited demonstrating the act deviated from the requirement, but the requirement functioned to some extent.	15	Yes	2/22/2010	25	18.75
Provisional Inspection Violation Score:													18.75
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:	FCI												
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:	6/25/2013 CEI & 10/24/2013 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
Inspection Date:	9/26/2013	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:	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
Class II Violations:	1	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.31	The facility failed to minimize the release of HW and/or HW constituents to the air which could threaten human health or the environment. An incorrect liquid level gauge resulted in an excess of 1,500 gallons of fuel flowing into the tank's vapor header bypassing the overfill safety outlets and inundating the vapor recovery system. Attempts to correct this resulted in the tank's roof collapsing and spilling 100 gallons into containment.	Moderate	1,500 gallons of fuel flowed into the tanks vapor header. Attempts to correct this resulted in the tank's roof collapsing and spilling 100 gallons into containment. Offensive odors were also detected off-site. Volume and wastestream in violation presented a moderate potential for harm to public health and the environment.	Major	The facility did not comply with the HW management requirement as there was a release to the air. The act deviated from the requirement to such an extent that the requirement was completely ignored and none of its provisions were complied with.	20	No	n/a	0	20.00
Class II Violations:	2	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.193(c)(2)	The facility failed to maintain the secondary containment structure at Tank-800 so that it was sufficiently impervious to spills. The impervious coating intended to seal the concrete in the Containment Area appeared to not have been applied.	Moderate	According to its HWFP, the facility was required to apply impervious coating to the Containment Area. The waste that spilled into this area was mainly fuel. The lack of an impervious coating applied to the secondary containment likely contributed to cracks and chipping, which resulted in an decreased potential to prevent downward migration of spilled wastes.	Moderate	The impervious coating intended to seal the concrete in the Containment Area appeared to not have been applied. A minor crack or chipping was also noted. The requirement functioned to some extent, as the facility had secondary containment, but lacked the requisite coating.	15	No	n/a	0	15.00
Provisional Inspection Violation Score:													35.00

### Violation Scoring Matrix

Facility Name: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range:		2009-2018		Permit Effective Date:		1/5/2005		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections:		16		Permit Expiration Date:		1/5/2015					
EPA ID: CAD980887418		Total Number of Violations Scored:		22		Date VSP Completed:		3/21/2019					
Inspection Date:	1/13/2014	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:	FCI												
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
<b>Provisional Inspection Violation Score:</b>													0.00
Inspection Date:	5/8/2014 CEI & 6/12/2014 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
<b>Provisional Inspection Violation Score:</b>													0.00
Inspection Date:	6/25/2015 CEI & 9/15/2015 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
Class II Violations:	1	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25250.1(d)	The facility failed to contain used oil from releasing outside of the Secondary Containment System in the Rail Car Loading Area.	Minimal	DTSC observed a release of used oil to the ground between the rail cars and the gate at Rail Car Station #2. Since the approximate volume released and the duration of time the release had occurred were not specified, a minimal designation for potential for harm was assigned.	Major	Staining on the ground between the rail cars and the gate at Rail Car Station #2 was observed and documented during the inspection. Waste oil was released to the ground during the transfer from rail cars to the facility's above ground storage tanks. The requirement to manage used oil in accordance with the requirements in 40 CFR Part 279 was not met. In addition, the release of used oil to the ground demonstrated that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	15	No	n/a	0	15.00
	2	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.193(e)(1)(C)	The facility failed to keep the Secondary Containment Area free of cracks or gaps in the Loading/Unloading Area and in the permitted wastewater treatment plant area.	Minimal	Failure to adequately maintain secondary containment free of cracks and gaps could have caused potential downward migration of release(s) through the containment and into the environment. While some secondary containment staining was observed in the vicinity of the cracks, both the number and approximate extent of secondary containment cracks were not specified in the areas cited in violation. The wastestream in violation presented a minimal potential threat to human health and the environment.	Moderate	The facility stated that it planned to put in new concrete on the pad in a couple of weeks and finish filling in the cracks and apply a new epoxy in the Secondary Containment Area for the truck Loading/Unloading Area. Other permitted secondary containment areas were not cited in violation demonstrating that the requirement functioned to some extent.	6	Yes	9/26/2013	25	7.50
	3	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	HSC 25202(a) and HWFP Part V(1)(d)	The facility failed to provide documentation that internal tank inspections had ever been performed for HW storage and treatment tanks T-501A through T-501J, T-502, T-506A through T-506F, T-507, T-509, T-651A, T-651B, T-800, X-453, X-454, and X-510.	Minimal	Proper tank inspection is necessary to ensure that the tanks are in good condition in order to prevent a potential release. The amount and characteristics of the HW in violation were not specified for the 25 tanks, though the facility managed primarily used oil and non-RCRA HW. Since the at-issue wastestreams were not provided, a minimal designation for potential for harm was assigned.	Major	25 tanks were not inspected and cited in violation. The large number of tanks cited without adequate inspection documentation demonstrated that the function of the HW management requirement was rendered ineffective because some of its provisions were not complied with.	15	No	n/a	0	15.00

### Violation Scoring Matrix

Facility Name: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range: 2009-2018		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections: 16		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
EPA ID: CAD980887418		Total Number of Violations Scored: 22		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
4	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation.	22 CCR 66264.1032(a) and 22 CCR 66264.1033(b)	The facility failed to effectively reduce the total organic emissions from the Tank Farm from 3/27/2015 to 4/15/2015, from 4/29/2015 to 6/2/2015, and on 6/17/2015.	Minimal	The facility failed to reduce total organic emissions when it used an inadequate vapor recovery control device, which could potentially result in an increased threat to human health as well as unauthorized releases to the environment. The facility primarily managed used oil and non-RCRA HW. However, since the approximate volume of the wastes found in violation were not provided, a minimal designation for potential for harm was assigned.	Moderate	The concentration readings at the outlet of the last canister of the Carbon Abatement System for the 401 Waterfall Blower in the Tank Farm was not reduced by 95 weight percent on the referenced dates. On 3/29/2015, the reading at the outlet of last canister was 537, higher than the reading at the inlet into the first canister. Periodic compliance and adequate vapor emission reduction on some of the dates demonstrated that the requirement functioned to some extent, although not all of its important provisions were complied with.	6	No	n/a	0	6.00	
	5	The deviation from the requirements was significant enough that it could result in the failure to prevent releases of HW or constituents to the environment during the active period of facility operation and/or perform emergency clean-up operation or other corrective action for releases.	22 CCR 66264.16	The facility failed to ensure employees complete the required training program.	Minimal	If training is not provided and adequately documented, it could result in improper management of HW that could lead to potential releases of HW to the environment. The facility primarily managed used oil and non-RCRA HW, which presented a minimal potential for harm.	Moderate	No employee had taken the HAZWOPER 8-hour Refresher in the past two years. However, other trainings were provided to employees demonstrating the HW management requirement functioned to some extent.	6	No	n/a	0	6.00
<b>Provisional Inspection Violation Score:</b>											49.50		
Inspection Date:	4/12/2016 CEI & 5/2/2016 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												
<b>Class I Violations:</b>	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
<b>Class II Violations:</b>	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, as well as perform emergency clean-up operation or other corrective action for releases.	22 CCR 66264.16(c)	The facility failed to conduct an annual review of the initial training specified in the Training Plan.	Minimal	If training is not provided and adequately documented, it could result in releases of HW and potentially harm the public, employees, and the environment due to HW mismanagement and/or inadequate emergency or spill response in case of accidental release(s). The facility managed primarily used oil and non-RCRA HW, which presented a minimal potential for harm.	Moderate	Records provided by the facility showed that its employees did not complete the training required. In addition, while the facility's Training Plan indicated safe work practices and hazard communication would be provided as refresher training, it was not identified as a course provided. Furthermore, the Training Plan listed a centralized waste profiler and shift supervisors, but did not specify the training requirements for these positions. Some of the training plan requirements were met demonstrating the requirements functioned to some extent.	6	Yes	6/25/2015	25	7.50
<b>Provisional Inspection Violation Score:</b>											7.50		

### Violation Scoring Matrix

Facility Name: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range: 2009-2018		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections: 16		Total Number of Violations Scored: 22									
EPA ID: CAD980887418													
Inspection Date:	3/14/2017 CEI, 10/11/2017 addendum, 3/15/2019 NFRR	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/addendum & NFRR												
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.	HSC 25201(a); HSC 25202(a); 22 CCR 66270.30(a); and HWFP Part III.2B.	The facility stored HW in a unit not authorized to store HW.	Minimal	The facility transferred 980 gallons of non-RCRA HW liquids to "the pit" on 1/17/2017. Waste contained oily water / sludge and California HW Code 223 (unspecified oil containing waste). The volume and wastestream cited in violation presented a minimal threat to human health and the environment.	Major	The pit was a concrete sump designed to contain storm water. The facility used the pit to allow solids to settle and separate from the liquids. This pit was not a unit authorized under permit to accept HW. The operator stated "they started using the pit to separate solids from oily water about 6 to 8 months ago." The requirement was completely ignored and none of its provisions were complied with.	15	No	n/a	0	15.00
	2	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 66264.31	The facility failed to maintain and operate the facility in a manner to minimize the possibility of a release of HW or a HW constituent.	Minimal	DTSC observed used oil on the ground and spilling out from buckets near the facility's pump transfer station. Multiple instances of this occurrence were noted. The volume of waste in violation was not provided and wastestream cited in violation presented a minimal threat to human health and the environment.	Major	Multiple instances of waste oil released to the ground (leaking hoses, leaking transfer pumps, leaking sample ports, and spillage from buckets) demonstrated that the act deviated from the requirement to such an extent that the function of the HW management requirement was rendered ineffective because some of its provisions were not complied with.	15	No	n/a	0	15.00
Class I Violation:	3	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, and/or assure that HW are destined for and delivered to an authorized HW facility.	HSC 25202(a); 22 CCR 66270.30(a); Part III, Section 1 (a) of the HWFP; and Section XI of the Part B Permit Application	The facility deviated from the Closure Plan in that they did not collect rinsate samples of tanks T-704A, T-704B, or the DAF Unit; and did not analyze wipe samples for total petroleum hydrocarbons or metals for tanks T-704A, T-704B, or the DAF Unit.	Minimal	Inadequate Closure Plan implementation resulted in unauthorized disposal as well as exposures of HW and/or HW constituents to the public, employees, and the environment. The wastestream cited was wastewater and the facility managed primarily used oil and non-RCRA HW, which presented a minimal potential for harm.	Moderate	The facility did not adequately implement the procedures required in the Closure Plan for the Wastewater Treatment Plant in that it did not collect rinsate samples of tanks T-704A, T-704B, or the DAF unit and did not analyze wipe samples for total petroleum hydrocarbons or metals for tanks T-704A, T-704B, or the DAF unit. The facility only had wipe samples analyzed for volatile organic compounds. Some of the required samples were collected and analyzed, demonstrating the requirement functioned to some extent.	6	No	n/a	0	6.00
<b>Provisional Inspection Violation Score:</b>												<b>36.00</b>	

### Violation Scoring Matrix

Facility Name: SAFETY-KLEEN OF CALIFORNIA INC		10 Year Date Range: 2009-2018		Permit Effective Date: 1/5/2005		Permit Expiration Date: 1/5/2015		Date VSP Completed: 3/21/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)			
Address: 6880 SMITH AVE, NEWARK, CA 94560		Number of Inspections: 16		Total Number of Violations Scored: 22									
EPA ID: CAD980887418													
Inspection Date:	6/19/2018 CEI, 7/11/2018 FRR, 3/15/2019 NFRR	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 & NFRR												
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.	HSC 25201(a); HSC 25202(a); 22 CCR 66270.30(a); and HWFP Part III.2(b).	The facility transferred and stored HW without authorization in an unpermitted area.	Minimal	Tracking Logs showed the facility transferred 2,800 gallons of non-RCRA wastewater to a bin received via manifest 006286494 SKS (California Waste Code 134: aqueous solution with less than 10% total organic residues) and transferred 600 gallons of non-RCRA wastewater to a bin received via manifest 011856051 FLE (California Waste Code 222: oil/water separation sludge). The wastestreams and volume cited in violation presented a minimal threat to public health and the environment.	Major	The facility's HWFP states "The Permittee is permitted to treat, store and transfer HW in accordance with the conditions of this Permit. Any treatment or storage of HW not specifically authorized in this Permit is strictly prohibited." The HW management requirement was completely ignored and none of its provisions were complied with, as the facility was not authorized to conduct the at issue activities.	15	No	n/a	0	15.00
	2	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.	HSC 25201(a); HSC 25202(a); 22 CCR 66270.30(a); and HWFP Part III.2(b).	The facility treated HW without authorization in an unpermitted area when the facility added a solidifying agent to treat HW.	Minimal	Three roll-off bins were observed between the two drum storage pads used to store solids generated from the Dissolved Air Floatation (DAF) Unit. The solids from the DAF Unit were consolidated in a Hopper Unit between the drum storage pads. The facility managed primarily used oil and non-RCRA HW, which presented a minimal potential for harm.	Major	The facility's HWFP states "The Permittee is permitted to treat, store and transfer HW in accordance with the conditions of this Permit. Any treatment or storage of HW not specifically authorized in this Permit is strictly prohibited." The HW management requirement was completely ignored and none of its provisions were complied with, as the facility was not authorized to conduct this type of treatment.	15	No	n/a	0	15.00
	3	The deviation from the requirements was significant enough that it could result in a failure to assure adequate financial resources to pay for facility closure.	22 CCR 66270.42	The facility installed a temporary Filtration Unit and Tanks FA-1245 and TA-1246 in the Wastewater Treatment Plant without a HWFP modification.	Minimal	Additional Filtration Unit and Wastewater Treatment Tanks were not accounted for in the Closure Plan. As a result, the closure cost estimate underestimated the amount of funds required in the financial assurance mechanism. The wastestream processed through the additional components cited (items added to the wastewater treatment system) represented a minimal threat to public health and the environment.	Major	This unit was not included as a part of the 2014 permit modification to the Wastewater Treatment Plant. The act deviated from the requirement to such an extent that the function of the requirement was rendered ineffective because some of its provisions were not complied with.	15	No	n/a	0	15.00
Class II Violations:	4	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.	HSC 25202(a); 22 CCR 66264.175(b)(1); 22 CCR 66264.15(a); 22 CCR 66270.30(a); and HWFP, Section IV(B)(IV 13)(a)(1)(a)	The facility did not inspect the concrete base of the secondary containment for damage, cracks, and erosion. In addition, the facility failed to maintain secondary containment with sealant.	Minimal	DTSC observed that the secondary containment coating of one of the drum consolidation pads was severely deteriorated. Non-RCRA HW liquids were stored in this area. The facility primarily managed used oil and non-RCRA HW, which presented a minimal potential for harm.	Moderate	While a large portion of one of the drum consolidation pad's secondary containment was not covered by the sealant, other secondary containment areas inspected at the facility were not cited in violation, demonstrating that the requirement functioned to some extent.	6	Yes	6/25/2015	25	7.50
<b>Provisional Inspection Violation Score:</b>												52.50	

### Violation Scoring Matrix

Facility Name:	SAFETY-KLEEN OF CALIFORNIA INC	10 Year Date Range:	2009-2018	Permit Effective Date:	1/5/2005	<a href="#">Link to EnviroStor (Inspection Reports, SOVs, etc.)</a>
Address:	6880 SMITH AVE, NEWARK, CA 94560	Number of Inspections:	16	Permit Expiration Date:	1/5/2015	
EPA ID:	CAD980887418	Total Number of Violations Scored:	22	Date VSP Completed:	3/21/2019	

FACILITY VIOLATIONS SCORING PROCEDURE SCORE				
Inspection Number	Number of Violations Scored	Inspection Type(s)	Inspection Date(s)	Provisional Inspection Violation Score
1	1	CEI & FRR	6/23/2009 CEI & 6/11/2009 FRR	6.00
2	3	CEI & FRR	2/22/2010 CEI & 2/24/2010 FRR	45.00
3	2	CEI & FRR	10/28/2010 CEI & 10/26/2010 FRR	27.50
4	0	CI	3/29/2011	0.00
5	0	FCI	5/29/2011	0.00
6	0	CI	12/13/2011	0.00
7	1	CEI	12/13/2011	18.75
8	0	FCI	5/24/2012	0.00
9	0	CEI & FRR	6/25/2013 CEI & 10/24/2013 FRR	0.00
10	2	CI	9/26/2013	35.00
11	0	FCI	1/13/2014	0.00
12	0	CEI & FRR	5/8/2014 CEI & 6/12/2014 FRR	0.00
13	5	CEI & FRR	6/25/2015 CEI & 9/15/2015 FRR	49.50
14	1	CEI & FRR	4/12/2016 CEI & 5/2/2016 FRR	7.50
15	3	CEI/addendum & NFRR	3/14/2017 CEI, 10/11/2017 addendum, 3/15/2019 NFRR	36.00
16	4	CEI, FRR & NFRR	6/19/2018 CEI, 7/11/2018 FRR, 3/15/2019 NFRR	52.50
<b>Sum of Provisional Inspection Violation Scores</b>				<b>277.75</b>
<b>*FACILITY VSP SCORE</b>				<b>17.36</b>

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

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|---|---|
| CCR = California Code of Regulations                    | GAR = Groundwater Audit Report                |
| CDI = Case Development Inspection                       | GME = Groundwater Monitoring Evaluation       |
| CEI = Compliance Evaluation Inspection                  | HSC = Health and Safety Code                  |
| CI = Complaint Investigation                            | HW = Hazardous Waste                          |
| DTSC = Department of Toxic Substances Control           | HWFP = Hazardous Waste Facility Permit        |
| EPA ID = Environmental Protection Agency Identification | n/a = Not Applicable                          |
| FCI = Focused Compliance Inspection                     | NFRR = Non-Financial Record Review            |
| FRR = Financial Records Review                          | RCRA = Resource Conservation and Recovery Act |
| FSD = Facility Self Disclosure                          | SOV = Summary of Violations                   |
| FUI = Follow-Up Inspection                              | 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 Jessica Zebre, Safety-Kleen of California Inc., EPA ID Number CAD980887418.
2. I served Jessica Zebre, Safety-Kleen of California Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9812, return receipt requested, in a sealed envelope addressed to:

Ms. Jessica Zebre  
Safety-Kleen of California Inc  
6880 Smith Ave  
Newark, California 94560

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

Alan Korematsu  
Department of Toxic Substances Control  
HWMP, 11<sup>th</sup> 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)