



Department of Toxic Substances Control



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Secretary for
Environmental Protection

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September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9836

Mr. Jamie Skinner Moreno
Safety-Kleen Systems Inc.
2120 S Yale Street
Santa Ana, California 92704

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

Dear Mr. Jamie Skinner Moreno:

2019 Facility Violations Scoring Procedure (VSP) Score: 6.00
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide Safety-Kleen Systems Inc., CAT000613976, located at 2120 S Yale Street, Santa Ana, CA 92704 (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 "6.00". 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.

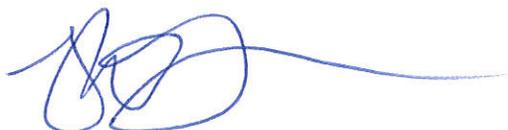
The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

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:		SAFETY-KLEEN SYSTEMS INC.		10 Year Date Range:		2009-2018		Permit Issue Date:		7/27/2019		Link to EnviroStor	
Address:		2120 SOUTH YALE STREET, SANTA ANA, CA 92704		Number of Inspections:		6		Permit Expiration Date:		7/26/2029		(Inspection Reports, SOVs,	
EPA ID:		CAT000613976		Total Number of Violations Scored:		3		Date VSP Completed:		5/23/2019		etc.)	
Inspection Date:	9/16/2009 CEI & 9/23/2009 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 I Violations	n/a	n/a	n/a	n/a	0.00	n/a	n/a	n/a	0
Provisional Inspection Violation Score:													0.00
Inspection Date:	8/16/2011 CEI & 11/1/2011 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	0.00	n/a	n/a	n/a	0
Provisional Inspection Violation Score:													0.00
Inspection Date:	8/28/2013 CEI & 10/1/2013 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	0.00	n/a	n/a	n/a	0
Provisional Inspection Violation Score:													0.00
Inspection Date:	8/20/2015 CEI & 10/19/2015 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	0.00	n/a	n/a	n/a	0
Provisional Inspection Violation Score:													0.00

Violation Scoring Matrix

Facility Name:		SAFETY-KLEEN SYSTEMS INC.		10 Year Date Range:		2009-2018		Permit Issue Date:		7/27/2019		Link to EnviroStor	
Address:		2120 SOUTH YALE STREET, SANTA ANA, CA 92704		Number of Inspections:		6		Permit Expiration Date:		7/26/2029		(Inspection Reports, SOVs,	
EPA ID:		CAT000613976		Total Number of Violations Scored:		3		Date VSP Completed:		5/23/2019		etc.)	
Inspection Date:	10/26/2016	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 have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201(a), 22 CCR 66266.130, and HWFP section Part V(1)	The facility accepted and stored HW at a facility, area, or point without a HWFP or other grant of authorization from DTSC for undrained oil filters and oil media cartridges without metal housings or components.	Minimal	The facility accepted and stored 55-gallon drums of HW (undrained used oil filters), transferred the filters from the drums into a hopper and conveyor system feeding a hydraulic crusher that compresses the filters into metal cubes, and the cubes were subsequently drained of residual oil, consolidated, and sent to a scrap metal facility for recycling. The wastestream represented a low potential for harm due to the HW characteristics of used oil. The volume of HW in violation was not specified.	Major	Oil filter back-flow valves must be manipulated to release oil, or filters must be punctured and/or crushed and fully drained at the point of generation to be exempt from HW laws and regulations. The facility accepted the undrained used oil filters under bills of lading. The drained used oil was piped from the crusher into a sump. From the sump, the oil was pumped into another storage container labeled as HW/used oil. The facility's actions deviated from the HW management requirement to such an extent that the requirement was completely ignored as the facility had no authorization to accept and store such HW.	15.00	No	n/a	0.00	15
	2	The deviation from the requirements was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	HSC 25201(a), 22 CCR 66266.130, and HWFP section Part V(1)	The facility treated (crushed) HW at a facility, area, or point without a HWFP or other grant of authorization from DTSC for undrained oil filters and oil filter media cartridges without metal housings or components.	Minimal	The facility accepted 55-gallon drums of HW (undrained used oil filters), transferred the filters from the drums into a hopper and conveyor system feeding a hydraulic crusher that compresses the filters into metal cubes, and the cubes were subsequently drained of residual oil, consolidated, and sent to a scrap metal facility for recycling. The wastestream represented a low potential for harm due to the HW characteristics of used oil. The volume of HW in violation was not specified.	Major	Treatment (crushing) of HW undrained oil filters without authorization from DTSC to conduct such treatment, deviated from the requirement to such an extent that it rendered the function of the HW management requirement ineffective.	15.00	No	n/a	0.00	15
	3	The deviation from the requirement was significant enough that it could have resulted in a failure to assure that HW are destined for and delivered to an authorized HW facility.	22 CCR 66263.20	The facility accepted for transport HW (undrained used oil filters and oil filter media cartridges) without first receiving and completing a HW manifest from the generator.	Minimal	Transportation of HW (undrained used oil filters and oil filter media cartridges) in 55-gallon drums without a HW manifest represented a low potential for harm due to the HW characteristics of used oil. The volume of HW in violation was not specified.	Moderate	The facility picked-up and transported 55-gallon drums of undrained used oil filters and oil filter media inserts to its facility without a HW manifest. However, the facility accepted the undrained used oil filters under bills of lading. Therefore, the requirement functioned to some extent, although not all of its important provisions were complied with.	6.00	No	n/a	0.00	6
Provisional Inspection Violation Score:												36.00	

Violation Scoring Matrix

Facility Name: SAFETY-KLEEN SYSTEMS INC.		10 Year Date Range: 2009-2018		Permit Issue Date: 7/27/2019		Link to EnviroStor (Inspection Reports, SOVs, etc.)							
Address: 2120 SOUTH YALE STREET, SANTA ANA, CA 92704		Number of Inspections: 6		Permit Expiration Date: 7/26/2029									
EPA ID: CAT000613976		Total Number of Violations Scored: 3		Date VSP Completed: 5/23/2019									
Inspection Date:	9/26/2017 CEI & 10/6/2017 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	0.00	n/a	n/a	n/a	0
Provisional Inspection Violation Score:												0.00	

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	9/16/2009 CEI & 9/23/2009 FRR	0.00
2	0	CEI & FRR	8/16/2011 CEI & 11/1/2011 FRR	0.00
3	0	CEI & FRR	8/28/2013 CEI & 10/1/2013 FRR	0.00
4	0	CEI & FRR	8/20/2015 CEI & 10/19/2015 FRR	0.00
5	3	CI	10/26/2016	36.00
6	0	CEI & FRR	9/26/2017 CEI & 10/6/2017 FRR	0.00
Sum of Provisional Inspection Violation Scores				36.00
*FACILITY VSP SCORE				6.00

*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 Jamie Skinner Moreno, Safety-Kleen Systems Inc., EPA ID Number CAT000613976.
2. I served Jamie Skinner Moreno, Safety-Kleen Systems Inc., by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9836, return receipt requested, in a sealed envelope addressed to:

Mr. Jamie Skinner Moreno
Safety-Kleen Systems Inc.
2120 S Yale Street
Santa Ana, California 92704

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)