



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control



Gavin Newsom
Governor

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

September 27, 2019

Certified Mail No.: 7018-0680-0000-9827-9935

Mr. Jeff Cast
The Dow Chemical Company
901 Loveridge Road
Pittsburg, California 94565

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

Dear Mr. Jeff Cast:

2019 Facility Violations Scoring Procedure (VSP) Score: 2.50
2019 Compliance Tier Assignment: Acceptable

The purpose of this letter is to provide The Dow Chemical CO, CAD076528678, located at 901 Loveridge Rd., Pittsburg, CA 94565 (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 "2.50". 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.

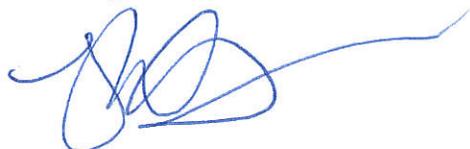
The owner or operator of a facility may request a one-time extension of up to sixty (60) calendar days to submit a Provisional Inspection Violation Score Dispute Extension Document (template available at <https://dtsc.ca.gov/violations-scoring-procedure/>).

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: | | THE DOW CHEMICAL CO | | 10 Year Date Range: | | 2009-2018 | | Permit Effective Date: | | 4/28/03; 10/31/18; 12/13/07 | | Link to EnviroStor | |
|--|--|---------------------------------------|----------|------------------------------------|--------------------|----------------------------------|---------------------|-----------------------------------|---------------|-----------------------------|-------------------------------|----------------------------|----------------|
| Address: | | 901 LOVERIDGE RD, PITTSBURG, CA 94565 | | Number of Inspections: | | 14 | | Permit Expiration Date: | | 4/27/13; 10/30/28; 12/12/17 | | (Inspection Reports, SOVs, | |
| EPA ID: | | CAD076528678 | | Total Number of Violations Scored: | | 2 | | Date VSP Completed: | | 4/30/2019 | | etc.) | |
| Inspection Date: | 5/13/2009 | 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: | 5/28/2009 CEI & 6/8/2009 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 | n/a | n/a | n/a | 0.00 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 0.00 |
| Inspection Date: | 4/28/2010 | 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: | 1/27/2011 CEI & 2/18/2011 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 | n/a | n/a | n/a | 0.00 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 0.00 |
| Inspection Date: | 4/5/2011 | 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 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 0.00 |
| Inspection Date: | 11/2/2011 | 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 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 0.00 |
| Inspection Date: | 6/17/2014 CEI & 6/17/2014 FCI & 9/8/2014 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 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 0.00 |
| Inspection Date: | 4/27/2015 FCI & 7/9/2015 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: | 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 |

Violation Scoring Matrix

| Facility Name: | | THE DOW CHEMICAL CO | | 10 Year Date Range: | | 2009-2018 | | Permit Effective Date: | | 4/28/03; 10/31/18; 12/13/07 | | Link to EnviroStor | |
|--|--|--|-------------|--|--------------------|---|---------------------|--|---------------|-----------------------------|-------------------------------|----------------------------|----------------|
| Address: | | 901 LOVERIDGE RD, PITTSBURG, CA 94565 | | Number of Inspections: | | 14 | | Permit Expiration Date: | | 4/27/13; 10/30/28; 12/12/17 | | (Inspection Reports, SOVs, | |
| EPA ID: | | CAD076528678 | | Total Number of Violations Scored: | | 2 | | Date VSP Completed: | | 4/30/2019 | | etc.) | |
| Inspection Date: | 10/13/2015 CEI & 11/9/2015 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 was significant enough that it could have resulted in a failure to assure HW are destined for and delivered to an authorized HW facility. | HSC 25189.5 | The facility disposed of a HW at a facility which did not have a permit or other grant of authorization from DTSC. | Minimal | The F002 (methylene chloride) listed HW residuals, after being processed through the facility's Manufacturing Services Halogen Acid Furnace (MS HAF) Unit, had very low levels of methylene chloride at the point in which it was sent for disposal. The characteristics of the substance involved presented a minimal threat. | Major | The facility disposed of a RCRA listed HW (F002) residuals to a Publicly Owned Treatment Works (POTW). The F002 waste was fed into the MS HAF, and after being processed, the residuals (brine) were sent to the POTW for disposal. Based on the Derived-from Rule, the residuals still carried the F002 designation. The HW management requirement was completely ignored and none of its provisions were complied with as the facility did not have authorization from DTSC to conduct disposal of this wastestream. | 15 | No | n/a | 0 | 15.00 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 15.00 |
| Inspection Date: | 6/21/2016 | 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: | FCI/GAR | | | | | | | | | | | | |
| 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: | 11/8/2016 | 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: | FCI | | | | | | | | | | | | |
| Class I Violations: | 1 | The deviation from the requirements was significant enough that it could have resulted in a failure to prevent releases of HW or constituents to the environment during the active period of facility operation. | HSC 25201 | The facility illegally disposed of HW to the ground. | Moderate | A puddle approximately 3 feet wide and 12 feet long was observed, sampled, and found to be hazardous for nickel (34 milligrams per liter; the regulatory threshold is 20). Nickel-impacted liquid released to the ground in the contractor's yard constituted a release to the environment. Nickel is toxic to human health and the environment. The facility cleaned the contaminated area the same day it was discovered. | Major | A red liquid was observed dripping from a scrap metal bin in the contractor's yard onto the ground. The function of the requirement was rendered ineffective because some of its provisions were not complied with. | 20 | No | n/a | 0 | 20.00 |
| Provisional Inspection Violation Score: | | | | | | | | | | | | | 20.00 |
| Inspection Date: | 1/17/2018 CEI & 1/17/2018 FCI & 3/2/2018 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: | 4/10/2018 | 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/GAR | | | | | | | | | | | | |
| 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: THE DOW CHEMICAL CO | | 10 Year Date Range: 2009-2018 | | Permit Effective Date: 4/28/03; 10/31/18; 12/13/07 | | Link to EnviroStor | | | | | | |
| Address: 901 LOVERIDGE RD, PITTSBURG, CA 94565 | | Number of Inspections: 14 | | Permit Expiration Date: 4/27/13; 10/30/28; 12/12/17 | | (Inspection Reports, SOVs, | | | | | | |
| EPA ID: CAD076528678 | | Total Number of Violations Scored: 2 | | Date VSP Completed: 4/30/2019 | | etc.) | | | | | | |
| Inspection Date: 11/28/2018 | 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 | |

| FACILITY VIOLATIONS SCORING PROCEDURE SCORE | | | | |
|---|-----------------------------|--------------------|--|--|
| Inspection Number | Number of Violations Scored | Inspection Type(s) | Inspection Date(s) | Provisional Inspection Violation Score |
| 1 | 0 | FCI | 5/13/2009 | 0.00 |
| 2 | 0 | CEI & FRR | 5/28/2009 CEI & 6/8/2009 FRR | 0.00 |
| 3 | 0 | FCI | 4/28/2010 | 0.00 |
| 4 | 0 | CEI & FRR | 1/27/2011 CEI & 2/18/2011 FRR | 0.00 |
| 5 | 0 | FCI | 4/5/2011 | 0.00 |
| 6 | 0 | FCI | 11/2/2011 | 0.00 |
| 7 | 0 | CEI & FRR | 6/17/2014 CEI & 6/17/2014 FCI & 9/8/2014 FRR | 0.00 |
| 8 | 0 | FCI | 4/27/2015 FCI & 7/9/2015 FRR | 0.00 |
| 9 | 1 | CEI & FRR | 10/13/2015 CEI & 11/9/2015 FRR | 15.00 |
| 10 | 0 | FCI/GAR | 6/21/2016 | 0.00 |
| 11 | 1 | FCI | 11/8/2016 | 20.00 |
| 12 | 0 | CEI & FRR | 1/17/2018 CEI & 1/17/2018 FCI & 3/2/2018 FRR | 0.00 |
| 13 | 0 | FCI/GAR | 4/10/2018 | 0.00 |
| 14 | 0 | FCI | 11/28/2018 | 0.00 |
| Sum of Provisional Inspection Violation Scores | | | | 35.00 |
| *FACILITY VSP SCORE | | | | 2.50 |

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

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|--|---|
| <ul style="list-style-type: none"> 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 | <ul style="list-style-type: none"> 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 Jeff Cast, The Dow Chemical Company, EPA ID Number CAD076528678.
2. I served Jeff Cast, The Dow Chemical Company, by mailing a copy of the aforementioned document via Certified Mail, Receipt No. 7018-0680-0000-9827-9935, return receipt requested, in a sealed envelope addressed to:

Mr. Jeff Cast
The Dow Chemical Company
901 Loveridge Road
Pittsburg, California 94565

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)