**CAL3-DEPT OF TOXIC SERVICES**

**Moderator: Patrick Barclay**

**October 21, 2019**

**3:00 pm CT**

Coordinator: Good afternoon. Thank you all for standing by. I’d like to inform all participants that your lines have been placed on a listen-only mode until the question and answer session of today’s call. Today’s call is also being recorded. If anyone has any objections to that, they may disconnect at this time. I’d like to now turn the call over to Ms. Patrice Bowen. Thank you, ma’am, and you may begin.

Patrice Bowen: Hello, everyone. This is Patrice Bowen and I work for the Department of Toxic Substances Control. We’d like to welcome you to the Violations Scoring Procedure webinar, and we appreciate you joining us today.

Now, for those of you who have already connected to these webinars, the slide we’re currently displaying on the screen has all of the information for this afternoon’s discussion. Also, as you join the audio portion of our webinar through the phone line, please make sure your state your name only.

There’s no need to provide any additional information. After that, your phone will be automatically placed on mute. After our presentation portion of this webinar, we’ll invite the participants to join the question queue by pressing \*1 on their phones.

Once we open the question and answer portion of the webinar, the phone operator will state your name and unmute your phone line, so that everyone participating in today’s discussion can hear you.

We certainly realize that the phone may be challenging for some of you, but we have provided two ways to share your questions and answers. One, you can use the Q&A box in the Blue Jeans application, and also you can also mail us at DTSCPublicMeeting@DTSC.ca.gov.

We’ll do our very best to respond to every question. But there will also be a question and answer session today that will follow this webinar. Again, we appreciate your patience. We’re trying to make this webinar as accessible to you as possible.

(Unintelligible) application of the webinar, we have links to presentation slides on our website as a downloadable PDF, which you can use to follow along. I’ll repeat this information again regarding the meeting accessibility, but please feel free to contact us at any time using the email provided. The email address is DTSCPublicMeeting@DTSC.ca.gov.

We’ll wait just a few minutes more to allow additional people to join our webinar. Thank you again for your patience. We’re looking forward to our discussion with you.

Very good. Thank you so much for joining us. We’re ready to get started. Again, my name is Patrice Bowen. I serve as the Chief for the Office of Environmental Equity at the Department of Toxic Substances Control, which we’ll refer to as DTSC throughout the webinar.

I’ll be serving as your facilitator today, and supporting me will be members of our DTSC executive team, as well as members of our DTSC webinar team, and we’re also being assisted by our phone operator. Thank you all for joining us at the table.

Now, before I introduce our acting director, Dr. Meredith Williams, to provide her welcoming remarks, I’d like to note the DTSC leadership members who are also participating in the question and answer portion. Joining us at the table is Mr. Rizgar Ghazi, who serves as our Acting Deputy Director for our Hazardous Waste Management program.

Also joining us is our Deputy Director for the Office of Environmental Equity, Ms. Ana Mascarenas, to in her capacity, we’ll also be providing responses to questions regarding DTSC’s environmental justice, public participation, and travel affairs program. And we thank you all, and now let’s get started.

Dr. Meredith Williams: Thank you, Patrice, and welcome to all who are joining us on this webinar today. This really marks continued engagement for many of you who have been involved with the (unintelligible) violations scoring procedures regulations since SB Senate Bill 673 passed back in 2015.

This webinar is really the culmination of that engagement of our development of the regulations and our work this year to apply those regulations, to evaluate the compliance of facilities around the state, and to identify facilities that need closer scrutiny and-or more serious action.

So, we thank you for being part of the process to date, and I expect that this engagement will continue. The violations scoring procedure really does provide additional transparency into how DTSC makes its decisions and what the basis is for - or assessment of compliance.

Later in the webinar, you’ll find out how to access all the details behind our scoring. The procedure, as we applied it, provides a view of ten years of compliance history of the different facilities over the - across the state, looking at the major violations that were incurred by those facilities.

We think that we’ve worked very hard to ensure consistency in the scoring and, as I said, transparency, and you’ll see that reflected throughout the discussion today.

We understand its complex process. There will be a number of questions and we’ll be happy to answer those throughout the discussion. And without further ado, I’d really like to turn this over and get things moving, thank you.

Patrice Bowen: Thank you, Dr. Meredith. So, we’re now going to move to a discussion from our DTSC subject matter experts. Joining us today are senior scientists (unintelligible) (Avelia Rodriguez) and our senior engineer, Dr. (Ryan Mendiga), who will be providing an overview and background on the violations scoring procedure.

(Avelia) and (Ryan) will be leading us through a discussion regarding the background of Senate Bill 673 and the development of the SPC. They’ll also share with us a scoring process and how DTSC calculates the VSC scores.

Additionally, they’ll share the dispute process, how a facility can dispute a provincial VSC score, and then finally, a discussion on the permitting process and how the VSC scores you in the permits decision. (Avelia) and (Ryan), thank you.

(Avelia Rodriguez): Thank you, Patrice. This is (Avelia Rodriguez), and I am a senior hazardous engineer with the Department of Toxic Substances Control. VSP was adopted in response to Senate Bill 673, that was authored by (Ricardo Lara), and signed into law in 2015.

This law directs the department to adopt regulations to establish or revise the standards used for determining whether to issue a hazardous waste facility permit. The regulations may include criteria for the denial or suspension of a permit. Next slide.

Senate Bill 673 listed areas of improvement the department should consider when adopting these regulations. In January 1 of 2019, the department adopted regulations that adopt five of the seven elements: compliance history, health risk assessment, training, financial assurance, and community involvement.

The department continues to work on additional protections for the state of California, and this includes a second regulation package, which will address community vulnerability, community impacts, and minimum setback distances for sensitive receptors. Next slide.

The violations scoring procedure was developed to provide consistent and transparent method of assessing facilities. It is a systematic process to address and describe the compliance history of our hazardous waste facilities, and as such will support permit decisions going forward. Next slide.

To give you (unintelligible) of hazardous waste in California, there are thousands of businesses and households that generate hazardous waste in California. In any given year, there may be more than 50,000 of these generators, and they vary from everyone, everyday homes all the way up to large chemical companies.

And (unintelligible) itself varies, from fluorescent tubes and batteries all the way up to thousands of tons of refinery waste and cleanup soils. Next. The violation scoring procedure focuses on the 78 operating facilities. These are the facilities that receive waste from all the generators I just described, and they either treat, store, transfer, or dispose of this waste.

At the very end of this presentation, Dr. (Ryan Mendiga) will go over an interactive map that will show you, on an interactive format, each of these 78 facilities that were scored for the violations scoring procedure. Next. And now, I will hand over the mic to my colleague, Dr. (Ryan Mendiga).

Dr. (Ryan Mendiga): Thank you, (Avelia). My name is Dr. (Ryan Mendiga). I’m a senior scientist in the environmental enforcement division, and so today, I’m going to be talking about a very general overview of the VSP terms. And in doing so, I would also hope to inform you of how we came up with the VSP scores.

And again, this is a general overview, so we’re not going to get into facility-specific discussions, but as we (unintelligible), it will allow me to describe exactly how we got from the inspection score to the facilities scores. And so, the terms I’m going to be talking about are potential harm, extensive deviation, repeat violation, and section violation score, facility VSP score, and compliance tiers.

This slide is simply an overview of the VSP process that starts with the inspection. Indeed, we generate a violation inspection score, then we move to the facility VSP score, and then, based on the score, it’s assigned a compliance tier.

So, I wanted to begin the discussion in general, talking about what is a facility VSP score? So, it’s a score calculated for every hazardous waste facility in California that currently holds a DTSC permit. It’s not a score for every facility DTSC has inspected.

This is also a score that’s updated on an annual basis, so it’s not a number that actually stays the same throughout time. And it’s an additional tool to better support the permit decision making process, and so it’s just one of the criteria DTSC will be using to evaluate a facility’s suitability for permit approval or denial.

And it’s also calculated by assessing each class one violation cited by DTSC over the previous ten calendar years, as mentioned previously, or any class two violation that rises to the level of a class one violation. So, it’s not a scoring procedure that evaluates every single valuation cited, and it’s also not a scoring procedure that takes into account other agency violations, like the federal EPA or the (unintelligible).

So now, we’re moving to slide number 13, potential harm. Each class one violation was essentially evaluated for potential harm. What was - what is potential harm? It’s basically how much the hazardous waste involved with a violation presents a threat to public health and safety or the environment.

And so, there’s a lot of different things that are considered when evaluating potential harm, and some of these criteria involve things like the characteristics of the substances that are involved, the amount of the substance involved, the extent to which (unintelligible) is threatened, the extent to which animal life is threatened, and the extent to which the environment is threatened, and also the extent to which potable water sources are threatened.

And so, what we did was, for each class one violation, we evaluated the elements to then make an assessment of the potential harm associated with this violation. And potential harm is categorized as either minimal, moderate, or major.

So, moving now to slide number 14, the next term is called extent of deviation. So again, for each class one violation, (unintelligible) violation was evaluated to determine what was the extent of deviation, and what is that? It’s the extent to which the facilities actions deviated from the requirements identified in statute or regulation.

And so, again, much like potential harm, there’s minimal, moderate, or major. But something that’s a minimal extent of deviation would be something that functions nearly as an intended, whereas a moderate extent of deviation is something that functions to some extent, and then a major deviation is a situation in which the requirement was completely ignored and none of its provisions were complied with.

So moving ahead then to slide number 15, we have (unintelligible) for every single class one violation, we assigned a potential for harm and we assigned an extent of deviation.

So in this case, as an example, for potential harm, if there was a major potential harm assigned for a class one violation, with a moderate extent of deviation, you can see that that corresponds to an initial score of 20.

And so, this is taken right from the regulations and how to come up with the initial score based on the criteria of potential harm and extent of deviation. Moving ahead, sorry, to slide number 16, once the initial scores for each class one violation are calculated, we assess whether or not that violation falls under the category of a repeat violation.

Essentially, what that is, it’s the same violation cited within three prior years or the last three inspections, whichever time period is longer. So, if there is a repeat violation that occurs for the second time, (unintelligible) 25 percent is made, and likewise, for a third time, 50 percent, and likewise for the (unintelligible) percent.

And then fifth time, it’s still 100 percent. But this happens again for every single violation. So the next slide, number 17, talks about what the inspection violation score - the inspection violation score has been the sum of all the class one violations for each DTSC inspection.

And this is illustrated in the chart on slide number 18. (Unintelligible) in which there was an inspection conducted, and there are three class one violations cited. And so, you can see that for the first violation, it was assigned a category of minimal for potential harm and extended deviation and moderate, which corresponds to an initial score of six.

And since it wasn’t repeated, there’s no adjustment for repeat violations with the final score of six. However, for the second class one violation, you can see that, with the moderate potential for harm and a moderate extent of deviation, the initial score is 12, and it’s also classified as a repeat violation, bumping the score up for that violation of 15.

And so on and so forth for each of the class one violations. So, the inspection violation score is actually the sum of all of those class one violation scores added together, so in this case, the inspection score is 41.

Moving ahead to slide number 19, the final inspection score - the inspection score becomes final when one of two things happen. Either the facility does not file a dispute document within 60 days, or (unintelligible) DTSC issues a written decision granting or denying the dispute.

Either way, that’s what causes an inspection violation score to become final. Next, my colleague (unintelligible) will next talk a little bit about the dispute process.

(Avelia Rodriguez): Hi, this is (Avelia) again. The inspection violations score, as (Ryan) explained, is calculated by using the matrix, and it does not become final immediately. (Unintelligible) chooses to dispute an inspection violation score, (unintelligible) a procedure that is outlined in the regulations.

Next slide. The dispute resolution procedure is important to ensure accuracy and allows for due process, due to the severity of the consequences of the facility VSP scores. The dispute procedure has a requirement that a facility needs to respond to the inspection violation score within 60 days, and send in a dispute document to the department.

The dispute document forms are currently available online on the VSP webpage. (Unintelligible) dispute document includes a basis of the dispute and supporting material. A facility may request an extension, and the department must approve or deny it. Again, these forms are also available on the webpage.

DTSC will (unintelligible) part of the dispute, and the dispute is closed when a written decision is sent to the facility. Next slide. (Ryan) will explain what the facility VSP score is.

Dr. (Ryan Mendiga): Thank you, (Avelia). So, again, referring back to our general overview, we’ve talked about what the inspection violation score is, and now what we’re going to talk about, what the facility VSP score is.

Alright, so moving to slide number 23, the facility VSP score is simply the sum of the inspection violation scores for each compliance inspection conducted during the preceding ten-year period, divided by the number of compliance inspections.

So, on slide number 24, we have an example. (Unintelligible) a facility in which there were six inspections, DTSC inspections, conducted between the years of 2009 through 2018, and you can see that there’s inspection violation scores for each inspection.

So, the sum total of all those inspection scores is 90. You then divide that 90 by the (unintelligible), which is six, and then that corresponds to a 2019 facility VSP score of 15. So now, my colleague (Avelia) will talk about what the number - what the numeric facility VSP score means in terms of compliance tiers.

(Avelia Rodriguez): Thank you, (Ryan). The compliance tiers allow for DTSC to sort facilities into groupings. DTSC will assign an acceptable compliance tier for facilities with a VSP score of less than 20. Facilities with conditionally acceptable tiers are those that have received a facility VSP score of 20 or greater and less than 40.

And facilities that receive a VSP score of greater than 40 are assigned an unacceptable tier. Next slide. For the 2019 facility VSP, the compliance tier results are shown on this graph. Of the facilities, 64 received acceptable, nine were assigned conditionally acceptable, and five received a compliance tier of unacceptable.

So, what does that mean? The next few slides will show you how each of these groupings will be required to complete facility actions that will address their specific tier. The facility has received an acceptance compliance tier (unintelligible) permitting consequences under VSP.

However, I do want to bring your attention. That zero means that a facility was not cited for a class one hazardous waste violation. As (Ryan) explained earlier, class two and minor violations are not included, and neither are any violations cited by any other environmental agency, such as the EPA, the water board, or the air board.

Slide 28, please. For those facilities that are assigned a compliance tier of conditionally acceptable, audits are required. (Unintelligible) a list of third-party auditors, and a facility may only retain their services after they receive DTSC approval.

The audit reports are to be submitted within two years, and within 30 days of the completed audit reports, the facilities are required to submit a compliance implementation plan, which outlines how they will correct all the compliance issues that were identified in the reports.

Once those compliance implementation plans are approved, they become enforceable documents, and the facility must comply with actions needed to correct these findings. In addition, DTSC may impose additional permit requirements.

(Unintelligible) that the actions that the facility completes must be (unintelligible). The very last tier is unacceptable, and for these facilities, which we identified five, DTSC will initiate adverse permit actions, such as permit denial, suspension, or revocation.

However, before DTSC can proceed, a facility is allowed to challenge an unacceptable tier, and a public meeting will take place where DTSC will share with the public its findings. A facility will be able to show their findings, and the public will be asked to comment and provide their concerns and their comments regarding the (unintelligible) suspension or revocation of the facility.

DTSC will issue a decision on the compliance assignment. Now, (unintelligible) tier stands. DTSC will continue with adverse permit denial, revocation, and suspension.

However, if during the public comment period DTSC makes a finding of overriding (unintelligible), DTSC must also ensure that there is no potential for harm and that the improvements are permit and implementable.

However, if the facility is issued a permit, DTSC is mandated to impose additional restrictions, such as a five-year limit to their permit, compliance and mitigation measures to address any known harm to health and the environment.

That is the permitting requirements that are triggered by each of the compliance tiers. Next, (Ryan) will go over where you can go for additional information on the violation scoring procedure.

Dr. (Ryan Mendiga): Thank you, (Avelia). So, as the slide says, there’s a lot of different places where we can get some additional information. If you have any questions regarding the violation scoring procedure itself, you can submit those questions to VSP\_Info@DTSC.ca.gov, and then you can submit dispute-related inquiries via email to VSP\_Dispute\_Inbox@DTSC.ca.gov.

And then, there’s also a great resource on our webpage. It’s our violation scoring procedure webpage, and what I’m going to do now is I’m going to go there.

If you go to our main website, there is a violation scoring procedure website that we have, and the way that you get to this location is, on our main website, you scroll over the hazardous waste icon, and then there are a number of sub-menu items.

And you go to the very right-hand bottom corner to the violation scoring procedure link that takes you to this page. And so then, on this violation scoring procedure website - I’m sorry, webpage within our website, there’s a number of other additional pieces of information that’s very helpful.

There’s information about where to get this webinar, there’s a fact sheet for the VSP process, there’s the regulations themselves, and then there’s also an example scoring matrix that’s actually blank. And then, on the webpage itself, there’s also all of the 2019 facility VSP scores and compliance tier assignments for each of those facilities that we scored.

You can search by facility name, or you can go through each of these individual facilities. And then, if you note on the left-hand side of the page, the facility name is actually highlighted in blue. (Unintelligible) blue texts are actually links to the actual VSP matrix that was utilized to come up with the facility score.

And so, that’s very useful as well. And then, another very useful link is you go to the (unintelligible) side of the page under VSP links, and there’s a link on the right that says map of operating permitted facilities, and you click on that.

And it takes you to a viewer that is an interactive viewer, where it has the state of California, and it also has the blue dots represent the facilities, the 78 permitted facilities, and the colors on the map (unintelligible) to (unintelligible) screen.

And what the map colors are (unintelligible) tool developed by the California Office Environmental Health Hazard Assessment. (Unintelligible) screen identifies communities by census tract that are disproportionately burdened by and vulnerable to multiple sources of pollution.

This is (unintelligible) because what you can do is you can actually zoom into particular sub-areas of the map, and then what you can do is you can choose a specific location. And sometimes when you click on it, it gives you a menu like this.

But oftentimes, when you click on it, it actually gives you a map like this, that tells you the - which facility it is, what the EPA - EP ID number is, what the address is, and then there’s a link within each of these sub-menus that, if you click on here, it takes you to the Envirostore public website, (unintelligible) information about who the inspector is.

And then also, the actual inspection reports that are used, that were used to evaluate the scores are also available for download and for viewing as well. And then, of course also on this page, there’s also the permitting page and other sub-departments within DTSC. But it’s very informative, so there’s a lot of information that can be obtained from this map.

And so, I just wanted to briefly show you, in general, what’s available to you, moving forward, by - starting at this violation scoring procedure page. So, we’ll return back to the presentation, and I believe we’re going to start now with the beginning of the question and answer portion of the meeting. Thank you.

Patrice Bowen: Thank you, (Avelia). Thank you, Dr. (Mendiga). So, we’re ready to begin our question and answer portion of the webinar. At this time, we ask that you have your questions prepared. We will be responding to those questions that were presented during the presentation by (Ryan) and by (Avelia).

Operator? We’re ready to begin our question and answer session. Can you please describe, for our participants, how to be placed into the queue for questions?

Coordinator: To be placed into the queue for questions, please press \*, followed by 1, and record only your name (unintelligible). Your name is necessary to introduce your question. Again, that is \*, followed by 1. One moment for any questions.

Patrice Bowen: Thank you, operator. (Unintelligible) We’re ready to begin the questions. Operator, please?

Coordinator: At this time, we have no questions over the phone line.

Patrice Bowen: And we will start with questions that have come through our email box. Again, that address is DTSCPublicMeeting@DTSC.ca.gov. Dr. (Mendiga), would you begin, please?

Dr. (Ryan Mendiga): Yes. One of the questions that was received are why are FRR inspections, or financial record review inspections combined with other inspections when a different branch is inspection? This is an excellent question, and the way that we handled it is, for these facilities, we have compliance evaluation inspections that are typically scheduled.

And those are essentially the driver for a financial records review to take place. And so, we group together inspections based on what was the driving force behind them.

So, if there was a compliance evaluation inspection, which was then the driver for us to evaluate whether or not a financial records review was necessary, that was grouped together as a single inspection instead of two separate ones, because one caused the other to happen.

Likewise, if there was a follow up inspection that was still related to an initial compliance evaluation inspection, that was grouped together as well. So, it wasn’t counted as two separate, but instead as one, one inspection. That’s an excellent question, though.

The other - there’s a few other questions that was received. What time during the year are the scores calculated? Essentially, by September 30 of every year, the scores are calculated, as it was this year. And then they’re posted onto the website.

So, another question was, for an inspection in the middle of the year and a score - a - it’s a PIV score, but I’m not sure what that is. A score is provided that is based on the previous years from the date of inspection. So, what happens is an inspection is conducted, and for all of those inspections, a score is calculated for each individual inspection.

And so - and then for the facility scores, all of those individual inspection scores are added together and divided by the total number of inspections. So, even if there are more than one inspection that occurs at a facility, it’s still calculated the same way.

The only carryover that occurs is, in the facility VSP scores that are conducted, that are calculated for the previous ten years. And so, it says - another question received was the fact sheet states that the - okay, the preliminary inspection violation scores, that’s what PIV stands for.

The fact sheet states that he preliminary inspection violation scores are in a rolling ten-year period. Does that mean violation in June ten years ago, 2009, are looked - are not looked after June 2019?

So, I think the answer to this question is yes. So, as it rolls over to next year, the 2020 inspection - the 2020 facility VSP score is going to reflect the - all the inspections that took place between 2010 and 2019. So, the inspection that occurred in 2008 would fall off. Yes, and 2009 as well, I think. Do you have other questions?

Patrice Bowen: Yes.

Dr. (Ryan Mendiga): Okay. Okay, another question was do class two violations count toward our facility VSP scores? And so, there’s a very strict definition that’s in regulation regarding what a class one violation is, and so the only scores that were calculated and contributed to the facility VSP scores and the inspection scores are class one violations and class two violations that rose to the level of a class one violation.

And so, the class one violation definition, there’s basically lots of different criteria that are used. But the class one violation is a deviation from the requirements that represents a significant threat to people in the environment or is significant enough that it could result in a facility’s failure to make sure that hazardous waste ends up where it’s required to go, or prevent hazardous waste releases from the environment, or ensure early detection of the releases or assure there’s enough money available to take care of the releases, or assure there is enough money to pay for the facility closure, or it results in a failure to perform cleanup or corrective action for releases, or it’s a long lasting and repeated class two violation, committed by an unresponsive violator.

All of the violations that were scored in the facility VSP score rose to that criteria that I just mentioned. And so, that’s the bar that we use to evaluate whether or not a score was evaluated and scored in the VSP scoring procedure.

(Avelia Rodriguez): This is (Avelia) again. I have two questions regarding the 60 days, and what triggers the 60 days? So, here are the two questions. What is the start date of the 60 days? Now, the answer is all our letters informing the facilities of their provisional inspection violation scores were sent with proof of service, meaning they were sent certified mail.

So, the date you received the inspection scores is the date the 60 days are triggered, not the date we emailed it or the date it was sent via - or the letter - the date the letter was dated. So, the letter was dated September 27, but you received it via email on October 7 or 8, what’s important is the date you received the certified mail.

The next question, which is related, is the 60 days from the date of the proof of service, and the answer is yes. And does the dispute need to be postmarked by December 3 or 60 days, or received by DTSC within the 60 days?

The question here is I’m not sure what was postmarked on December 3. But it’s the day the proof of service, plus 60 days, or before 60 days, and I hope that answers those questions.

Patrice Bowen: Thank you, (Avelia). Operator, we’d like to return to the question queue. Can you tell us if there’s any calls in the queue?

Coordinator: There is one. Our next question comes from (unintelligible). Ma’am, your line is now open.

Woman 1: I was wondering whether the score reflects an improving inspection record with time, so if a (unintelligible)?

Patrice Bowen: Operator, can you ask our caller to repeat the question? Thank you.

Woman 1: I’m wondering whether the score reflects an improving inspection record with time. So, if a facility has multiple violations eight to ten years ago, but hasn’t had violations since, is there a way to see that in the violation score itself?

Dr. (Ryan Mendiga): Yes, this is (Ryan Mendiga). I will answer that question. So, over time, as the scores are reassessed on an annual basis, if there are inspections that had a number of violations, more so in the past than more recently, they will drop off each year.

And then, the scores should decrease as such, in that way, because you’re removing those scores that are older and you’re then adding the scores that are newer. So if you have more recent inspections that have low scores or zero scores, that is likely to help your scores in subsequent years.

Patrice Bowen: Thank you, Dr. (Mendiga). Operator, are there any additional questions?

Coordinator: There are no additional questions at this time.

Patrice Bowen: Thank you, operator. We’ll be returning to our DTSC meeting queue for additional questions. Again, please submit your questions to DTSCPublicMeeting@DTSC.ca.gov. Thank you for your patience. We have a few more questions coming in, and we will get to those momentarily, thank you.

Dr. (Ryan Mendiga): So we received a question that - it says why are you including violations that have not been appealed and not yet resolved? So, this was definitely - this was a great question, too, and this is definitely a challenge that we took on as a VSP scoring team.

But what we did was we had to go with the latest information that was available. So, if we had a situation where there was an inspection that occurred, SOB was written and there were violations cited, but there wasn’t any corresponding orders or settlement documentation, we could only go with the information that was available at the time of the scoring.

And so - but we did not include any violations in the scoring that were rescinded or removed as a result of settlement negotiations. But the only way that we could identify whether or not that occurred was based on any subsequent settlement documentation that could have been available.

So if there had not been a settlement document that had been resolved with respect to some of those violations, we had to - we felt as though they had to be scored. And so, this is also consistent with what information the facilities would have as well, with regards to those violations.

Patrice Bowen: Thank you, Dr. (Mendiga). We have a few more questions that are coming in through our question box. Again, to submit a question, send those questions to DTSPublicMeeting@DTSC.ca.gov.

(Avelia Rodriguez): This is (Avelia) again. I received a follow up clarification question on the postmark or receive by date. The question is, so does it need to be postmarked or received within the 60 days, and the answer is yes. (Unintelligible) Proof of service. Whenever they signed for the letter. That’s why we sent (unintelligible).

Patrice Bowen: Thank you, (Avelia). Would you repeat that question and the response again, please?

(Avelia Rodriguez): Okay. The question is, so does it need to be postmarked or received within the 60 days? (Unintelligible) question that could be interpreted here. One is the date the 60 days start is the day they signed for the proof of service. Now, on our end, the receiving dispute document should be postmarked within the 60 days, yes. Does that clarify it? Thank you.

Dr. (Ryan Mendiga): So, I received - this is (Ryan Mendiga), once again. I received a question about - it’s related to the one I just answered, actually. How did you determine whether a violation is a class one violation, if the parties negotiate a settlement of the violation and the settlement does not state the level of the violation?

So what we had to do in those cases is we had to go back to the inspection report and the SOVs, where we could identify, if possible, whether or not it was a class one or class two violation. Envirostore also has some of this information as well, which we referred to as often as we could.

But obviously, the documentation, like the inspection reports and the SOVs, were dictating in that particular case. And then, a follow up with respect to that question was is it possible that the violation was downgraded during the settlement negotiations?

If that happens, we had to - we only could score based on the documentation that was available. If there was a downgrade of a violation, oftentimes - sometimes it’s not, and it’s not carried forward to settlement negotiation in those cases.

But in the cases where it still might have been changed to a different classification, we could only go with the documentation that was available. And so in this case, it would be what the classification was presented in Envirostore and-or the SOV documents that were currently available.

Patrice Bowen: Thank you, Dr. (Mendiga).

Rizgar Ghazi: Good afternoon. This is Rizgar Ghazi. I’m the acting deputy director for the Hazardous Risk Management Program. I’m going to read one of the questions and then respond to that question.

The question is how does DTSC deal with class one violations that were contested at the time of issuance? Does DTSC assume all violations were legitimately cited?

Also, oftentimes there were factual disagreements leading to the citation. The response to that, the first two parts where it says how did DTSC deal with class one violations that were contested and were all those violations legitimately cited, the answer to those - both of those questions is yes.

All those class one violations will be - were evaluated and considered part of the score. However, that said, DTSC did not score violations that have been cancelled by the department or retracted, or withdrawn successfully to a challenge in administrative or judicial proceedings, or through a settlement negotiation. Thank you.

Patrice Bowen: Thank you. We do have another question that’s come in, and it’ll be answered by our deputy director for the Office of Environmental Equity, Ms. Ana Mascarenas. Ana?

Ana Mascarenas: Good afternoon. This is Ana Mascarenas. The question that came in was will this recording and PowerPoint be made publicly available? The answer is yes. We do have the PowerPoint available online right now. However, after the webinar, we will update it and also provide a transcript and an audio and video recording of this webinar.

Patrice Bowen: Thank you, Ana. Operator, do we have any additional questions that has come in through our mailbox?

Coordinator: We do not have any additional questions on the phone line at this time.

Patrice Bowen: Thank you, operator.

Coordinator: I see one coming in right now, sorry.

Patrice Bowen: Thank you, we’ll wait for you. Thank you.

Coordinator: Just one moment.

Patrice Bowen: Again, for our participants, we have two ways of sending your questions. One is by pressing 1 on your phone, stating your name, and you’ll be placed into our question and answer box. The second one is by emailing us at DTSCPublicMeeting@DTSC.ca.gov. Thank you, operator. We’re ready.

Coordinator: Our next question comes from Mr. (David Astey). Sir, your line is now open.

(David Astey): Thank you. Thank you for taking my question. I just had just a quick question. I was - I recognize this seminar has to deal with the scoring procedure, but are there any additional plans to modify the financial assurance requirements with regard to scoring or the regulation itself?

The reason I ask is I know a while back, the department chose to, I think wisely, make an adjustment for the tangible net worth. I believe you guys doubled it, as a function of taking into account the cost of living increase through the years. Is there any additional plans for modifications along those lines?

Rizgar Ghazi: This is Rizgar Ghazi with the Hazardous Risk Management Program. Not at this time.

(David Astey): Okay. Thank you, Rizgar.

Patrice Bowen: Thank you again for your question. We’re going to return to our question queue, and we have a few more questions that have come in. Dr. (Mendiga), please.

Dr. (Ryan Mendiga): Yes, thank you. This is (Ryan Mendiga), from the enforcement division. A question that came in is, if violations are covered by a consent (unintelligible) with no admission or fault, should these be scored?

And the simple answer to that question is yes, they are scored independent of whether or not admissions language was included or not in the consent decree or any settlement documentation.

Rizgar Ghazi: This is Rizgar Ghazi. I’m going to read another question. What information will you provide to explain how you scored a particular violation, especially violations that occurred and were resolved years ago? Presumably, some of those records may not be available anymore.

The response to that question is the violations scoring matrix that’s provided provides documentation for each class one violations. In most cases, in almost all cases, we do have documentation for that particular class one violation. Thank you.

Patrice Bowen: Thank you, Rizgar. Operator, returning to our question queue, are there any questions in the queue?

Coordinator: We do not have any questions (unintelligible) at this time.

Patrice Bowen: Thank you, operator. We’ll wait a few more minutes for more questions to come in. Again, to reach us through the DTSC email, please send your emails to DTSCPublicMeeting@DTSC.ca.gov. Thank you. Thank you, everyone. We appreciate the questions and we appreciate the discussion.

So, it looks as if we’ve moved to the end of our webinar for this afternoon. So, we thank you so much. Before we conclude, we want to see again if there’s any other questions that we can answer for you.

Again, by pressing \*1 on your phone, it allows you to be placed into the question queue, and then also by emailing us at DTSCPublicMeeting@DTSC.ca.gov.

We’re going to allow a few more minutes for more questions to come in before we conclude today’s webinar. Thank you. Thank you for your patience. We have a question that’s just coming in.

Dr. (Ryan Mendiga): This is (Ryan Mendiga). Just once again, as a reminder, if you have general questions even after the webinar is completed, you’re more than welcome to submit those questions to the team via the VSP\_Info@DTSC.ca.gov email inbox, and then the dispute-related inquiries will be best received at the VSP\_Dispute\_Inbox@DTSC.ca.gov.

So, even if we’re - if the webinar is completed, you’re more than welcome to still continue to submit any questions, any and all questions you have related to the VSP to those locations.

Patrice Bowen: Thank you, Dr. (Mendiga).

Rizgar Ghazi: This is Rizgar Ghazi. I’m going to read another question. Does DTSC have policies in place to ensure consistency and execution of inspections? Are you grouping or non-grouping of findings? Yes, we do. The policies can be found on the same VSP webpage that’s available there. Thank you.

Patrice Bowen: Thank you, Rizgar. Operator, we’d like to return back to the questions queue. Have any questions come in?

Coordinator: We do have one question come in from a (Maria Escarano). Ma’am, your line is now open.

(Maria Escarano): Good afternoon, everyone. Can you hear me?

Patrice Bowen: We can, thank you.

(Maria Escarano): Thank you. I would like to ask if any of you guys are aware of the comparable VSP scores that was an independent study conducted by Earth Justice in collaboration with Clean Air Coalition of Avocado Heights North Whittier, and why is there such a huge discrepancy between the score that you put out for (unintelligible) versus the score that they put out for (unintelligible) in the City of Industry?

Rizgar Ghazi: Thank you for the question. This is Rizgar Ghazi again. We did review the Earth Justice letter, and there are some - definitely there’s differences in the way the department has scored the facilities versus what Earth Justice - the way the Earth Justice has scored it.

There’s some - definitely some differences, including the way Earth Justice looked at the extended deviation, potential harm, including looking at violations that’s outside DTSC’s purview, and in addition to that, the Earth Justice looked at class two violations.

That said, we are continuing to review the letter from Earth Justice and we’ll provide a response sometime in the future.

Dr. Meredith Williams: This is Meredith Williams, and Rizgar, may I ask you to jump in on this answer? Just to return to the previous question about consistency in our inspections, I did want to highlight a few things that we’ve done in our inspection program.

For instance, we cross-train all of our inspectors. They - we rotate the inspectors from different - across different facilities, so that they get exposed to different things, and so that we don’t have one inspector going time - back over and over again, to the same facility, and perhaps propagating the same blind spots and some things like that.

So, we do have some consistency measures we’ve taken, in terms of how we train our staff and how we deploy them and plan for those inspections.

Rizgar Ghazi: Thank you, Meredith. You’re very correct. We do have a program where the same inspectors (unintelligible), and we rotate the inspectors in and out. In fact, we rotate inspectors from different offices and different regional offices (unintelligible).

That way, we develop a consistent way of inspecting these facilities. In addition to that, we do have trainings that staff get on an annual basis, and this is not only DTFC’s training. We partner up with the (unintelligible) on these trainings, permit programs and our legal office participates in these trainings.

So, we have a consistent way to make sure the inspections are done similarly. In addition to that, we - these violations are - when we look at these violations, it gets peer-reviewed not only about the inspector. It gets peer-reviewed by the senior staff and senior management, so that we make sure that we are consistent in how we apply the regulation of policies. Thank you.

Dr. Meredith Williams: And I’ll take it back just to say that we have learned a great deal in implementing the violation scoring procedure, in that we have found opportunities for us to do an even better job on our inspections, to make sure that we’re documenting them consistently, so that they get - can be scored consistently in the future.

And so, the violation scoring procedure had some ancillary benefits in terms of our operations within the department, to supporting consistency and efficiencies in our enforcement program, so that that program can align with our permits, how they’re written and how we want to execute them and provide adequate oversight.

Rizgar Ghazi: Dr. Meredith, I just want to add one more thing. So, I apologize, because I’m not good on being put on the spot. But the enforcement program has put in these practices in place, and recent (unintelligible) enforcement improvements.

They have done what’s called a Lean Six Sigma program to - a way of making sure that these inspections are done consistently and documented every time, the same way, so that way, each inspector doesn’t have their own ideas of how to document (unintelligible).

So, we have processes put in place that requires the inspector to follow and to get a fair assessment of the inspection. In addition to that, there’s a Lean Six Sigma that was done for how we prepared these reports and special reports, so that they were consistent and repeatable every time that goes out there. Thank you.

Patrice Bowen: Thank you, Rizgar. Thank you, Dr. Williams. Operator, we’d like to return back to the question queue. Are there any additional questions that have come in?

Coordinator: There are no additional questions on the phone lines at this time.

Patrice Bowen: Thank you, operator. And again, for those of you that wish to submit a question, please use our email address at DTSCPublicMeeting@DTSC.ca.gov. Again, we’re going to wait just a few minutes to allow for more questions to come in. Thank you, again, for your patience.

Thank you all so very much. It appears that we don’t have any additional questions that are coming in. We encourage you, for those of you that are on the line, if you’d like to submit a question, please press 1 on your phone to be placed into the question queue. Again, you can reach us by emailing us at DTSCPublicMeeting@DTSC.ca.gov.

Coordinator: And to ask a question over the phone, it’s actually \*, followed by 1, and record your name when prompted. Again, that is \*, followed by 1, and record your name when prompted. Again, your name is necessary to introduce your question.

Patrice Bowen: Thank you, operator. We’re ready for the call.

Coordinator: There are no questions on the phone lines at this time.

Patrice Bowen: Thank you, operator. It looks like we’ve reached the end of our webinar. We’d like to thank you all so very much for your questions and for participating in our violations soring procedure webinar. Before we conclude, we would like again to invite back our acting deputy director, Ms. - Dr. Meredith Williams, who would share some closing remarks.

Dr. Meredith Williams: Thank you, Patrice, and I want to thank all of our staff who prepared the information that you received today. We hope that you found it helpful. We do want to be available to you, so please stay in touch with us, if you have questions that weren’t addressed today, and if you feel that more information is needed.

The VSP is one of the tools we have in our toolbox for managing our permitting program, and ensuring good compliance with those permits, and adequate enforcement of those permit conditions. And I do want to stress that it is but one tool in the toolbox.

We have other ways of making our permit decisions, that we are working very hard to make sure that what we do in VSP is compatible with the rest of the program.

Again, with that emphasis on consistency and transparency, and we hope it will continue to get feedback from all of our stakeholders as they become familiar with the methodology and have any further questions that we can address.

Thank you very much for your participation in today’s webinar, and please, again, be in touch if you have further questions.

Patrice Bowen: Thank you, Dr. Meredith. Again, on behalf of our entire DTSC team, our executive leader, Dr. (Meredith Williams, and our Chief Deputy Director, (Francesca Negri), we thank you all for your participation today. Thank you for joining us at the table. Your involvement and your feedback is very important to us. In closing, we’d like to remind you that if you’d like to submit a question following the webinar, please submit those questions and comments to DTSCPublicMeeting@DTSC.ca.gov.

Additionally, we’d like to share with you that we will be conducting a webinar this afternoon, beginning at 6:00 to 8:00 pm. Again, if you would like to participate in that webinar, please follow the instructions that are on our VSP webpage. For that information, please, again, contact us at DTSCPublicMeeting@DTSC.ca.gov. Thank you all very much and have a great afternoon.

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