



Department of
Toxic Substances
Control



CalEPA
California Environmental
Protection Agency

Webinar: Violations Scoring Procedure

OCTOBER 21, 2019

1:00 PM – 3:00 PM

6:00 PM – 8:00 PM



Accessing evening webinar 6:00 pm – 8:00 pm

- Audio: Phone only - Dial: (888) 831-8962; Passcode: 8930420
- Press *1 and state your name only (no need to mute phone)
- Presentation slides: Bluejeans or slides on website
- Join live: **<https://primetime.bluejeans.com/a2m/live-event/gqbapfpf>**
- During the Webinar, email: DTSCPublicMeeting@dtsc.ca.gov
- Slides available for download: **<https://dtsc.ca.gov/violation-scoring-procedure-webinars/>**

Violations Scoring Procedure Webinar

Today's Agenda

1. Welcome
2. Background: Senate Bill 673 and Development of the VSP
3. Scoring Process: How DTSC Calculates VSP Scores
4. Dispute Process: How a Facility Can Dispute a Provisional VSP Score
5. Permitting Process: How the VSP Score is used in Permit Decisions
6. Question and Answer Discussion Session

Senate Bill (SB) 673, Lara 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.

[Health and Safety Code Section 25200.21](#)

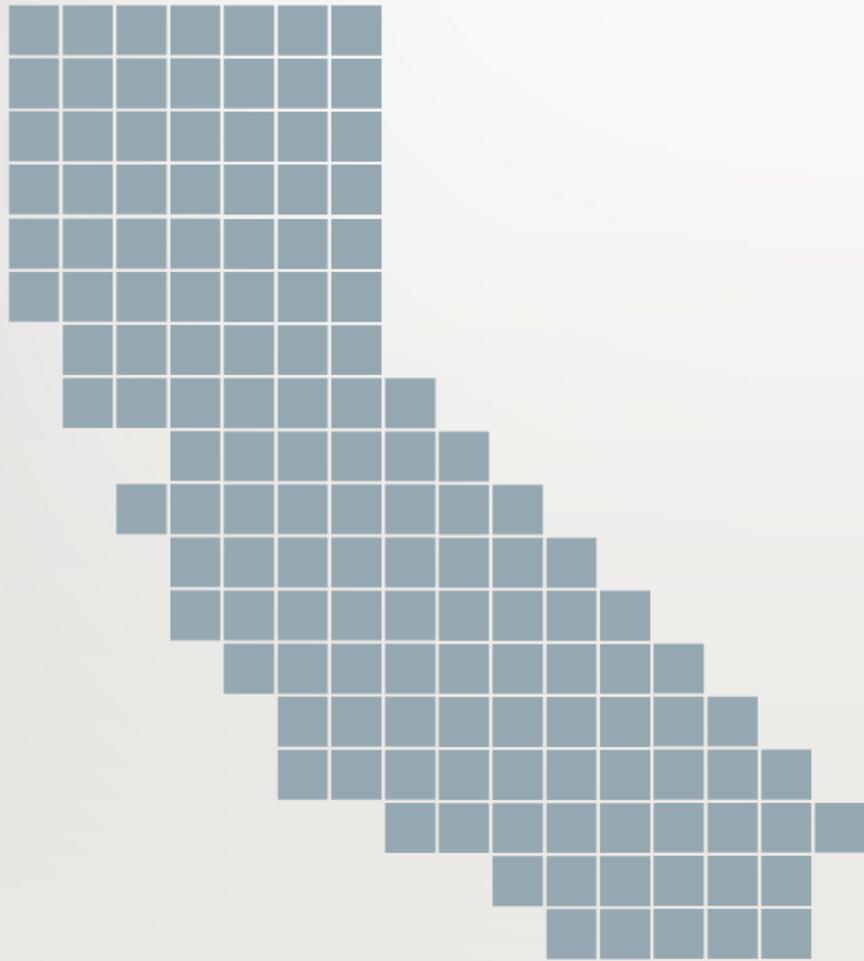
SB 673 Improvements



Violations Scoring Procedure (VSP)

- Consistent and transparent
- Systematic process for assessing a facility's compliance history
- Supports permit decisions





Thousands of
businesses and
households **generate**
hazardous waste in
California.





The **Violations Scoring Procedure** focuses on the 78 operating facilities that receive hazardous waste and treat, store, transfer, or dispose of this waste.



Important VSP terms

- Potential Harm
- Extent of Deviation
- Repeat Violation
- Inspection Violation Score
- Facility VSP Score
- Compliance Tiers

VSP Overview

- Inspection occurs
- Provisional inspection violation score
- Potential dispute
- Final inspection violation score

Inspection Violation Score

Facility VSP Score

- Ten years of inspections scores are used
- Facility VSP Score calculated
- Compliance tier assigned
- DTSC informs the facility and posts on website

- **Acceptable**
Less than 20
- **Conditionally Acceptable**
20 or greater & less than 40
- **Unacceptable**
40 or greater

Compliance Tiers

What is a Facility VSP Score?

- A score calculated for every operating hazardous waste facility in California that currently holds a DTSC permit
- Updated annually
- An additional tool to better support the permit decision-making process
- Calculated by assessing each Class I violation cited by DTSC over the previous 10 calendar years, or any Class II violation that rises to the level of a Class I violation

Potential Harm

How much the hazardous wastes involved with a violation present a threat to public health and safety or the environment.

The potential harm was categorized as either minimal, moderate, or major.

CCR Title 22 Section 66271.51 (b)

Extent of Deviation

The extent to which the facility's action deviates from the requirements identified in applicable statute or regulation.

The Extent of Deviation was categorized as either minimal, moderate, or major.

CCR Title 22 Section 66271.51 (c)

Scoring Matrix

Extent of Deviation	Potential Harm		
	Major	Moderate	Minimal
Major	25	20	15
Moderate	20	15	6
Minimal	15	6	2

CCR Title 22 Section 66271.51 (d)

Repeat Violation

The same violation cited within the prior 3 years or the last 3 inspections, whichever time period is longer.

An upward adjustment of 25%, 50%, and 100% for the second, third, and fourth or more repeat instances was calculated as applicable.

CCR Title 22 Section 66271.52

Inspection Violation Score

The Inspection Violation Score is the sum of the scores for all Class I violations for each DTSC inspection.

CCR Title 22 Section 66271.53

Inspection Violation Score Example

Class I Violation	Potential Harm	Extent of Deviation	Initial Score	Repeat Multiplier	Final Score
1	Minimal	Moderate	6	N/A	6
2	Moderate	Moderate	12	25%	15
3	Major	Moderate	20	N/A	20
Inspection Score					41

Final Inspection Violation Score

An Inspection Violation Score becomes final when:

1. The facility does not file a dispute document within 60 days of DTSC sending the Inspection Violation Score,
or
2. DTSC issues a written decision granting or denying the dispute sought by the facility.



Inspection Violation Score



Dispute Process for the Facility

- Facility has 60 days to send a Dispute Document
- Dispute Document forms are available online
- Contents of the Dispute Document includes the basis of dispute and supporting material
- Facility may request an extension and the department must approve or deny it
- DTSC will resolve all or part of the dispute
- Dispute is closed when a written decision is sent to the facility

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Compliance Tiers

Facility VSP Score

The sum of the Inspection Violation Score for each Compliance Inspection conducted during the preceding ten (10) year period, divided by the number of Compliance Inspections.

CCR Title 22 Section 66271.54

Facility VSP Score Example

Inspection Date	Inspection Violations Score	# of DTSC Inspections	2019 Facility VSP Score
02/24/2010	41	6	15 (90 ÷ 6 = 15)
03/07/2012	0		
01/22/2014	24		
04/30/2015	10		
02/10/2017	0		
02/17/2018	15		
TOTAL	90		

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Compliance Tiers

2019 Compliance Tier Results



Acceptable Compliance Tier

No Additional Requirements

A facility assigned to the Acceptable compliance tier has no additional permitting consequences under VSP.

What “0” Means

A “0” Facility VSP score means the facility was not cited for a Class I hazardous waste violation in the past 10 years.

Conditionally Acceptable Compliance Tier

Auditor

- Facility submits list of third-party auditors
- After DTSC approval, facility retains services

Audit Report

- Facility submits two completed audit reports
- Compliance Implementation Plan submitted with each report
- Approved Compliance Implementation Plan is enforceable

Actions

- Facility must comply with actions needed to correct findings
- DTSC may impose additional permit requirements

Unacceptable Compliance Tier

Denial

- DTSC initiates permit denial, suspension, or revocation

Challenge

- A facility may challenge an “unacceptable” tier
- A public meeting will take place during a challenge
- DTSC will issue decision on tier assignment

Permit Decision

- If tier stands, DTSC continues the denial
- If DTSC makes a finding of overriding considerations, DTSC may issue the permit and impose restrictions

More Information

- DTSC VSP webpage at <https://dtsc.ca.gov/violations-scoring-procedure/>

Questions & Answers

- Press *1 and state your name to ask a question
- Use the BlueJeans app Question & Answer box
- During the webinar, email:
DTSCPublicMeeting@dtsc.ca.gov

Thank You

- More Information and Downloadable Slides:
<https://dtsc.ca.gov/violation-scoring-procedure-webinars/>
- Submit general inquiries regarding Violations Scoring Procedure via email to **VSP_Info@dtsc.ca.gov**
- Submit dispute related inquiries via email to **VSP_Dispute_Inbox@dtsc.ca.gov**
- Regulatory Assistance Office: (800)728-6942 or (800)72-TOXIC