



Department of
Toxic Substances
Control

Violations Scoring Procedure Revisions

Listening Session

September 2021



How to Participate

Questions can be submitted two ways:

- ✓ Question & Answer (Q&A) function
- ✓ Hand raise function

❖ For those calling in, dial *9 to raise your hand and dial *6 to unmute.

Webinar Purpose

Discuss sections of the Violations Scoring Procedure regulations that may need revisions and receive input from interested stakeholders regarding the revisions and clarifications.

Webinar Agenda

Welcome and Opening Remarks, Rizgar Ghazi

Presentation - Violations Scoring Procedure Overview, Ryan Miya, Ph.D.

Presentation - Revisions Under Consideration, Gary Hammond

Question & Answer

Listening Session



Welcome and Opening Remarks

Rizgar Ghazi

Hazardous Waste Management Program Deputy Director



VSP Current Process and Impacts

Ryan Miya, Ph.D.
Senior Scientist
DTSC



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.



Violations Scoring Procedure (VSP)

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



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



What is an Inspection

- Compliance Evaluation Inspections and Financial Records Reviews
- Groundwater Audit Inspections
- Focused Compliance Inspections
- Complaint Inspections

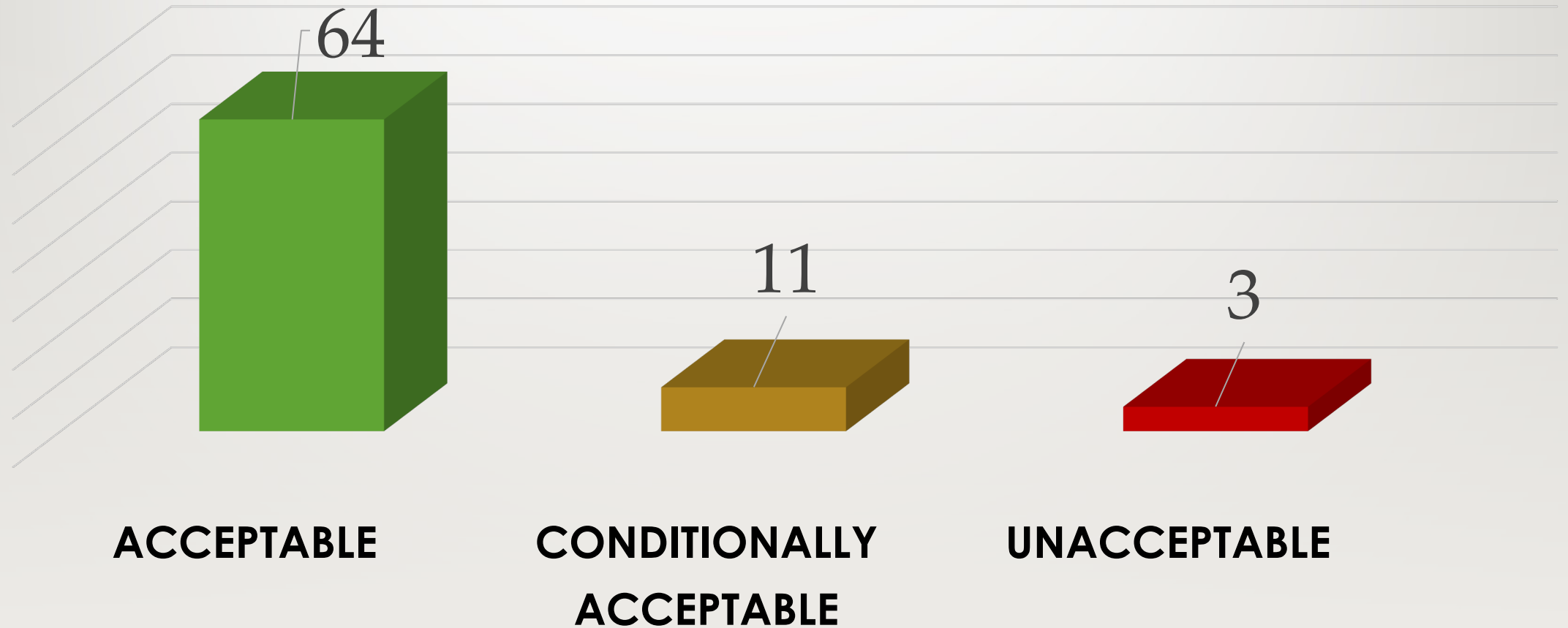


VSP Overview

Inspection Violation Score → **Facility VSP Score** → **Compliance Tiers**



2020 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

Potential VSP Regulation Changes

Gary Hammond

Senior Hazardous Substances Engineer

DTSC

VSP Regulation Changes for Consideration

- Number of Years to be Considered
- Frequency and Tier Assignment
- Scoring Divisor
- Other Changes

Scoring Number of Years to be Considered

Describes the number of years that inspection scores shall be used

Considerations:

- 3 years
- 5 years
- 10 years, but if ownership changes, score only new ownership



Scoring and Tier Assignment Frequency

- Describes the frequency at which violation scores will be calculated and issued along with the associated tier assignment
- Currently calculated annually

Considerations:

- Calculate every 2 years or 5 years
- Finalize and assign tier only after all disputes are finalized
- Tier changes each year

Scoring Divisor

Provides a standardization of comparing scores for facilities that are frequently inspected compared to sites that are rarely inspected.

Considerations:

- No Divisor – sum of all the inspection scores for 10 years
- Consider 5 years instead of 10 years – divide by 5
- Weighted divisor based on recent scores carrying more weight

Other Changes

Describes other minor changes that need to be made

- Definition of Inspection
- Scoring New Facilities
- Selection of auditors
- Due dates
- Cross reference corrections

Next Steps for Draft Changes

- Public Comment Period for these changes Open until October 29, 2021
- Revise regulations – Fall 2021
- Public Comment Period on the proposed changes – Spring 2022
 - Subject to change based on feedback received
- Submit revised regulations to the Office of Administrative Law for acceptance/implementation – Summer 2022



VSP Scoring Changes DTSC Contacts

- **Gary Hammond**, Senior Hazardous Substances Engineer

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We welcome your input.

Question & Answer and Comments

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Thank You

Thank you for joining us to discuss the VSP Scoring Changes.

