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Title 22@ Social Security

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Division 4.5@ Environmental Health Standards for the Management of Hazardous Waste

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Chapter 21@ Procedures for Hazardous Waste Permit Decisions

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Article 3@ Violations Scoring Procedure for Hazardous Waste Facility Operations

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Section 66271.54@ Facility Violations Scoring Procedure (Vsp) Score and Compliance Tiers

66271.54 Facility Violations Scoring Procedure (Vsp) Score and Compliance Tiers

(a)

Facility VSP Score Calculation. Except as provided in paragraphs (1) and (2), the Facility VSP Score consists of the sum of the provisional or final inspection violation scores for each compliance inspection conducted during the preceding ten (10) year period, divided by the number of such inspections. (1) For compliance inspections conducted after the effective date of this article, no provisional inspection violation score may be included in the Facility VSP Score unless the provisional inspection violation score was sent to the owner or operator in accordance with section 66271.53(b)(1). (2) The score for any Class I violation that has been cancelled, retracted, withdrawn, or successfully challenged in an administrative or judicial proceeding may not be included in the Facility VSP Score.

(1)

For compliance inspections conducted after the effective date of this article, no provisional inspection violation score may be included in the Facility VSP Score unless the provisional inspection violation score was sent to the owner or operator in accordance with section 66271.53(b)(1).

(2)

The score for any Class I violation that has been cancelled, retracted, withdrawn, or

successfully challenged in an administrative or judicial proceeding may not be included in the Facility VSP Score.

(b)

Compliance Tier Assignment. The Department shall assign a facility to a compliance tier based on the Facility VSP Score as follows: (1) "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. (2) "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. (3) "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.

(1)

"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.

(2)

"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.

(3)

"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.

(c)

The Department shall annually calculate a Facility VSP Score for all hazardous waste facilities subject to this article and assign a compliance tier to each facility. On or before September 30 of each calendar year, the Department shall provide

written notice to the owner or operator of the Facility VSP Score through December 31 of the prior calendar year and the assigned compliance tier for each facility. On or before December 31 of each calendar year, the Department shall post to the Department's website the Facility VSP Score and assigned compliance tier for each facility subject to this article.

(d)

The Department shall include all provisional or final inspection violation scores used to calculate a Facility VSP Score in the notice to the owner or operator. The owner or operator may dispute any provisional inspection violation score used to calculate a Facility VSP Score in accordance with section 66271.53(c). If an owner or operator files a timely Dispute Document pursuant to section 66271.53(c) disputing a provisional inspection violation score and the dispute resolution official issues a written decision that results in a change to the Facility VSP Score, the Department shall post a revised Facility VSP Score on the Department's website within ninety (90) days from the issuance of the written decision of the dispute resolution official.

(e)

The compliance tier assignment for a facility that is assigned to an "acceptable" or "conditionally acceptable" compliance tier based on its Facility VSP Score is final when all inspection violation scores on which the Facility VSP Score is based are also final pursuant to section 66271.53(d). A final compliance tier assignment of "acceptable" or "conditionally acceptable" is not subject to additional administrative dispute resolution.

(f)

The compliance tier assignment for a facility that is assigned to an "unacceptable" compliance tier based on its Facility VSP Score becomes final in accordance with

section 66271.57. The owner or operator of a facility assigned to a compliance tier of "unacceptable" may also dispute its compliance tier assignment pursuant to section 66271.57.