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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 66271.52@ Adjustment to the Initial Score for Repeat Class I Violations

66271.52 Adjustment to the Initial Score for Repeat Class I Violations

(a)

The Department shall adjust the initial score for each Class I violation to reflect repeat violations.

(b)

The Department shall make an adjustment for a repeat violation only if the owner or operator has been given at least one Summary of Violations at the same facility within the prior three (3) years or last three (3) inspections, whichever time period is longer, and such Summary of Violations has not been cancelled, retracted, withdrawn, or successfully challenged in an administrative or judicial proceeding. The adjustment for a repeat violation based on issuance of a Summary of Violations shall occur regardless whether the owner or operator corrected a violation after receipt of the Summary of Violations.

(c)

The Department shall adjust each initial Class I violation score based on the number of repeat violations. The Department shall make the adjustment based on the following matrix:

Adjustment Factor for Repeat Violations	Circumstance
Upward Adjustment of 25 percent	Second instance
Upward Adjustment of 50 percent	Third instance
Upward Adjustment of 100 percent	Fourth or more instance