Annual Report

2007 Accomplishments and Activities of the California Environmental Protection Agency's Department of Toxic Substances Control Enforcement and Emergency Response Program

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DTSC Improves Service to Californians As New Environmental Challenges Arise

In California each year, 2,000 pounds of hazardous waste are generated for every 15 residents, resulting in more than 2.5 million tons of hazardous waste materials, such as heavy metals, toxic chemicals, electronic waste and used oil, being produced in our state annually. Ensuring that these huge volumes of waste, which can pollute air and water and harm human health, are managed, documented, transported and disposed of properly is a responsibility of the Department of Toxic Substances Control. Indeed, DTSC is the sole state government entity charged with ensuring safe management of hazardous waste, thereby safeguarding California's residents and environment.

The Department also faces new environmental challenges even as it supports Gov. Arnold Schwarzenegger's Action Plan for the Environment that emphasizes protecting California's environment "through the enforcement of existing laws." As this inaugural DTSC annual report for 2007 shows, DTSC is moving from an organization focused on stewardship of the state's known toxic wastes and on performing ongoing monitoring and permitting of waste sites to a progressive organization also looking increasingly at toxics closer to home -- in consumer products and in neighborhoods.

For example, in fall of 2007, DTSC launched its first-ever enforcement effort on children's jewelry following the enactment California's Lead-Containing Jewelry Law. DTSC found dangerously high levels of lead in some children's jewelry being sold in the state and alerted parents through the media while also working with retailers and suppliers to remove the items from retail sale.

Earlier in the year, the Department improved its response time, coordination and communications by creating the Enforcement and Emergency Response Program. Gale Filter, a longtime California environmental prosecutor with more than 15 years of experience in environmental law, was tapped as the first deputy director of the program and now manages a growing mix of enforcement activities.

Charged with enforcing state regulations limiting toxic heavy metals such as lead and cadmium in packaging, DTSC received outstanding cooperation in 2007 from a large retailer who unknowingly was selling non-compliant shopping bags. Within a few short weeks, the retailer's supplier had developed a safer substitute bag.

DTSC also is assessing the presence of hazardous materials in the state's environmentally challenged neighborhoods to better reach out to affected residents under the Department's Environmental Justice Enforcement Program. We look forward to providing further service to state residents in 2008.

Director,
Department of Toxic Substances Control

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DTSC Mobilizes A Special Team To Address Toxics In Consumer Products Laws, Concerns

Shortly after California's Lead-Containing Jewelry Law took effect in September 2007, DTSC mobilized a Toxics in Consumer Products team, with members tapped for their wide-ranging expertise in the law, enforcement, laboratory analysis, communications and toxicology. The team's plans: Develop a strategy for efficient coordination and communications, timely product testing, document collection, database storage and organized enforcement protocol that the Department can use for many consumer goods facing new regulations governing their content.

The team launched under Leader Mike Berriesford, Supervising Criminal Investigator II. His experience in product regulation, from his days as an investigator with the State Department of Health Services, Food and Drug Branch, and a Commissioned Officer with the U.S. Consumer Product Safety Commission, added to the team's diverse mix of skills and talent. The team also includes a research scientist, MBA, toxicologist and a former district attorney.

Acting like regular shoppers, DTSC investigators bought children's jewelry in various retail establishments around the state. Items were carefully documented and cataloged, and each purchase was chronicled before shipment to the Department's Environmental Chemistry Laboratories in Berkeley and Southern California.

Members of the Toxics in Consumer Products team listen as DTSC Chemist Dinesh Chand, left, shows how samples of children's jewelry are analyzed at the Department's Environmental Chemistry Laboratory in Berkeley. The lab and its counterpart in Southern California received hundreds of pieces of jewelry to test after California's Lead- Containing Jewelry Law went into effect.

At the labs, DTSC scientists used X-ray Fluorescence (XRF) and chemical analysis to test for the presence of lead on and in the jewelry.

If ingested, lead is known to affect the intellectual development of young children. In high enough quantities, lead can even kill, which is why California legislators and Gov. Arnold Schwarzenegger enacted the new Lead-Containing Jewelry Law.

DTSC informed Californians, through the news media, when some of the tested jewelry items were found to contain lead above the 600-parts-per-

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Research Scientist II Martin Snider uses one of DTSC's X-ray Fluorescence (XRF) machines to test items for metal content at the Department's Environmental Chemistry Laboratory in Berkeley. For safety sake, DTSC personnel who use XRF equipment in their work are provided with training.

Toxics in Consumer Products Is An Evolving Area of Interest

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million legal limit allowed for metallic material in jewelry that's made for, marketed for use by, or marketed to children in California age 6 and younger.

Indeed, testing of one children's jewelry pendant bought by DTSC out of a vending machine at a restaurant in Oakland showed a startling 368,000 parts per million of lead, or 613 times what the law allows.

The good news: Within hours of receiving notification by DTSC about jewelry that was found to have higher lead levels than what's permitted, several retailers were pulling the items. In fact, one retailer in San Francisco called to thank DTSC for alerting him to the problem, because he did not want his customers and their children to suffer any ill effects from something he sold.

The Department's actions come as doctors, researchers and the U.S. Centers for Disease Control and Prevention review research about lead exposure and its potential effects in children. Late last year, a CDC study urged doctors to be more alert to lead poisoning, and a recent Michigan State University study indicated that low levels of lead in a child's blood might be contributing to the development of attention deficit hyperactivity disorder. More research is under way.

Meantime, DTSC Director Maureen Gorsen noted that while the majority of children's jewelry tested by the Department was within the limits of the law on lead, it is wise for parents and caregivers to be alert and watchful to ensure jewelry doesn't go in children's mouths.

"We are striving to protect our most vulnerable citizens," she said.

DTSC laboratory work is detailed, with different jewelry components undergoing chemical analysis.

DTSC Deploys Emergency Response Staff To Help Homeowners Hurt By Wildfires

Department Staff Also Join Disaster Fraud Task Force In Southern California

In October 2007, destructive fires in Southern California burned some 500,000 acres of land and claimed at least 1,500 homes.

DTSC's Enforcement and Emergency Response Program personnel were on the scene in the San Diego and San Bernardino areas, joining with other state, county and local agencies to provide technical assistance to residents and deter scammers.

DTSC's specialized anti-crime team included Peace Officers Sam Richardson, Craig Black and Tom Donohue as well as Hazardous Substances Scientists Shohreh Shahriary and Khaled Ramadan. The team was diverse, and all members shared a commitment to safeguarding the property and environment.

Supervising Criminal Investigator Richardson became a peace officer in 2002 when he came on board DTSC's Office of Criminal Investigation after working at the California Division of Occupational Safety and Health (Cal/OSHA).

Black, a criminal investigator, has been a peace officer since 2006 when he came to work at the Department's Office of Criminal Investigation. He previously worked at the Los Angeles County Sanitation Districts.

DTSC staff in the Southern California fire region stopped for a minute for this picture during their post-fire work. From left to right, Criminal Investigator Tom Donohue, Hazardous Substances Scientist Shohreh Shahriary, Hazardous Substances Scientist Khaled Ramadan (wearing a borrowed police jacket) and Criminal Investigator Craig Black.

Criminal Investigator Donohue joined the Department's Office of Criminal Investigation seven years ago, while Shahriary has been with DTSC since 2001 and holds a master's of science degree in environmental sciences and engineering.

Ramadan, who, like Shahriary, is a Hazardous Substances Scientist in the Department's Enforcement and Emergency Response Program, has

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Fires in the San Diego and San Bernardino areas last year left destruction and potentially dangerous materials in their wake. Officials from the Department came in to aid residents and provide information about proper handling of hazardous materials.

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been at DTSC since 1994. He holds a bachelor of science degree in geology and has done post-graduate studies in hydrogeology.

Other members of the Disaster Fraud Task Force included the California Department of Insurance Fraud and Investigations Division, the state Office of Emergency Services, the state Attorney General's Office as well as the San Diego and San Bernardino County Sheriff's Departments and the San Diego Police Department and federal officials from the Department of Homeland Security and the National Insurance Crime Bureau.

Groups within the task force were assigned to designated areas within the fire zone. There, they distributed information from DTSC to residents about proper handling of potentially hazardous materials as well as information about preventing identity theft and finding assistance centers.

DTSC officials ensured that certified hazardous material handlers were used in the cleanup. They and other task force members also served as the eyes and ears in the devastated areas by watching for unauthorized people and making sure they were escorted out.

Did You Know?

DTSC was instrumental in helping San Diego and San Bernardino counties secure reimbursement of some $45 million in fire cleanup money from the Federal Emergency Management Agency after the 2007 Southern California wildfires.

FEMA's reimbursement for ash and debris removal from residential properties depended on whether the ash posed a public health threat. DTSC staff developed a sampling and analysis plan, which received approval from the U.S. EPA. Result: Ash samples were analyzed and shown to pose an immediate health threat.

Also, cleanup of fire ash and debris on residential properties in San Diego and San Bernardino counties couldn't begin until someone identified and properly removed all hazardous materials from the properties. So DTSC's Emergency Response staff promptly went to work.

With the U.S. Environmental Protection Agency's Emergency Response Program, DTSC set up a process to survey each property, identify hazardous materials onsite and oversee their removal. Result: All 2,700 properties were cleared of hazardous materials in less than a month.

Haulers Nabbed Taking Hazardous Material From Lake Tahoe's Angora Fire Area

DTSC's Enforcement And Emergency Response Investigators Set Up Sting

The devastating Angora fire in the Lake Tahoe region in late June 2007 destroyed more than 240 homes and burned some 3,100 acres of land.

Embers in the Angora fire region were still cooling when investigators from DTSC's Enforcement and Emergency Response Program arrived to help safeguard residents, workers and other government personnel from hazardous materials that were exposed and made potentially volatile amid the rubble. DTSC ensured that certified contractors analyzed the metals content of the remaining ash at homesites and oversaw the safe removal of household hazardous materials.

DTSC's Office of Criminal Investigation also coordinated a sting in the aftermath of the fire with the El Dorado County District Attorney's Office and the El Dorado County Sheriff's Department.

Officials anticipated unscrupulous activity by scam artists who would try to exploit the misery of fire victims and illegally transport and dispose of hazardous waste.

Sure enough, eight people were detained and five arrested for illegal transportation of asbestos. They were unlicensed and yet had taken bags of asbestos, which were clearly labeled and warned of potential cancer and lung disease from the material, for transport.

Amid the destruction near Lake Tahoe in summer 2007, DTSC investigators found some people trying to capitalize on the hardships of others.

By early 2008, several detainees had pleaded guilty and two others were headed to court, facing felony charges.

DTSC Seeks Gains In Environmental Justice

Department Reaching Out To Community Groups To Better Serve Challenged Neighborhoods In The State

DTSC's Environmental Justice Policy is clear that the Department "is committed to ensuring that all of the state's population, without regard to color, national origin or income, is equally protected from adverse human or environmental effects."

With this in mind, top officials in DTSC's Enforcement and Emergency Response Program attended workshops in 2007 to hear personally from residents in need. And DTSC staff wound up not only hearing, but seeing, what residents worry about every day in their neighborhoods.

Felipe Aguirre, who's now mayor of Maywood, a community of 28,000 in southern Los Angeles County, showed DTSC officials his town on a bus tour in mid-summer. He was joined by the nonprofit Pacoima Beautiful organization that provided a tour of Pacoima, Calif., a district in the San Fernando Valley that's close to the Los Angeles aqueduct. Possible sites of contamination were pointed out and will be scrutinized further by DTSC.

Meantime, DTSC is in the final cleanup at Jordan High School in Los Angeles after years of study and activity. A wall separating the school from the adjacent S&W Atlas Iron and Metal Co. was deteriorating, and DTSC found elevated levels of heavy metals on the school football field.

Above, a deteriorating wall separatting Jordan High School in Los Angeles and a metals company was removed to make way for a new, sturdier wall. Right, areas near the Los Angeles Aqueduct were on the Pacoima tour.

The field was excavated, resulting in the removal of 2,000 tons of soil and waste piles. In 2008, a permanent cover will go over the field. And the old wall is being replaced by a sturdier structure.

Romic Saga: Enforcement Order Addresses Unsafe Operations At East Palo Alto Site

After years of citations at Romic Environmental Technologies Corp., DTSC issued a new enforcement order in 2007: Stop handling, storing and treating hazardous bulk liquids in large containers with more than 85-gallon capacities and stop storing the liquids in tanks of any kind. Also, begin closing all waste management units.

The stipulation and order which forced Romic to cease operations at its 14-acre site that has operated as a hazardous material treatment area for 50 years came as the Department charged Romic with unsafe operations that resulted in a 4,000-gallon chemical release in June 2006 and reckless disregard for the risk of serious injury to an employee in March 2006. The order also alleged that Romic violated a civil judgment brought by DTSC in April 2005.

This aerial photo shows the dark brown track of contamination made when a 4,000-gallon chemical plume escaped from Romic's East Palo Alto facility in 2006. DTSC investigators determined that incompatible wastes in a tanker truck reacted, causing hazardous waste to spray a distance of three-quarters of a mile.

"Our Department has found that specific areas of Romic's operations pose an unacceptable risk to public health and the environment," said DTSC Director Maureen Gorsen, who noted that the Department "has constantly monitored the facility's operations and ultimately found they could not be operated safely."

Romic has been recycling hazardous materials like paint byproducts and solvents in East Palo Alto since 1964. But waste management practices dating to the 1950s already had caused contamination of the soil and groundwater, primarily with volatile organic compounds, according to the U.S. Environmental Protection Agency.

DTSC's order requires Romic to do soil sampling and check groundwater for any potential contamination tied to the facility's operations. In addition, DTSC told Romic to prepare to clean up the site so it can be returned to productive economic use. The company projects a $7.2 million cleanup.

Plans for new uses for the Romic site are being proposed and studied.

2007 Brings Change To DTSC Enforcement

Gale Filter: First Deputy Director For Enforcement And Emergency Response

In April 2007, Gale Filter joined DTSC as the first deputy director of the new Enforcement and Emergency Response Program. A longtime environmental prosecutor, he is a former deputy director at the California District Attorneys Association.

"A top priority of mine at the Department of Toxic Substances Control has been to put increased focus on enforcement to better protect public safety and the environment from threats of releases of toxic substances," DTSC Director Maureen Gorsen said. "Bringing Gale's wealth of experience in prosecution and environmental enforcement is a tangible step to reach this goal."

Filter oversees the four primary elements of the DTSC enforcement program:

- Monitoring and ensuring businesses are in compliance with state laws and regulations involving hazardous materials
- Supporting environmental enforcement task forces around the state
- Conducting criminal investigations
- Mobilizing emergency response staff.

Did You Know?

DTSC is the only organization within CalEPA whose criminal investigators have police authority and can carry weapons.

A security camera recorded the explosion of a 55-gallon drum containing hazardous material at a Playa Del Rey Home Depot.

DTSC Investigatory Work Helps Lead To Big Home Depot Penalty

The circumstances at a Home Depot store in Playa Del Rey where employees and shoppers were evacuated in May 2004 were clear: There was an explosion, followed by a fire, in a supply area.

But when DTSC investigators joined other investigators to look closer at the incident, the story grew larger, with allegations that the big retailer improperly handled hazardous waste and hazardous materials in stores across the state.

In the end, the California Attorney General's Office and several district attorneys levied a $9.9 million penalty on The Home Depot USA, corporate parent for the Playa del Rey store.

As part of the 2007 decision, The Home Depot also must spend money and resources to improve employee training on the handling of hazardous materials. Further, The Home Depot must redouble efforts to contract only with waste haulers certified by DTSC.

DTSC Core Work: Helping In Emergencies In California 24 Hours a Day, 7 Days A Week

Who Gets The Call? DTSC Emergency Response

When hazardous substances are dumped in California in the dead of night by scofflaws and later discovered, who gets the call? Certainly, local law enforcement officials are first. But typically, they're not trained to handle hazardous material, so they have to call experts – like the hazardous substances scientists at the Department of Toxic Substances Control.

When a train derails in California and a smelly, harmful chemical spills near a neighborhood, who gets the call? Local authorities are the first on the scene. But they seek experts such as the hazardous substances scientists at DTSC to help diagnose and stabilize the situation and mobilize cleanup so no one is hurt.

Day in and day out, staff of the Department's 24-hour Emergency Response Program are on duty for state residents, police and health officials. They're trained and ready to help expedite work on toxic materials that are suddenly and unexpectedly spilled or newly discovered at illegal dump sites in the state or that just "mysteriously" appear in some of the strangest places.

For example, would you believe an abandoned cardboard box containing hazardous mercury being found by a restaurant on a Friday afternoon? It happened in a picturesque Sierra foothills town outside Sacramento in 2007. Knowing that mercury is one of the most toxic substances on Earth, DTSC officials were quickly on the case, and no one was hurt.

When a railroad car derailed in Sacramento County in 2007, a hazardous material was dumped by a busy road and a housing community. DTSC was contacted to expedite the cleanup.

Here are details of this and other assorted emergency situations in 2007 where DTSC helped safeguard California residents and the environment.

Where Did This Come From?

It was an obvious question when a box was discovered by a sidewalk in Auburn near a busy restaurant. It was an even more intriguing mystery after mercury was determined to be in the box and was found spilled onto the restaurant's asphalt

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When San Bernardino authorities found abandoned toxic waste from an illegal drug operation at a Barstow area riverbed, they called DTSC for help. The Department worked to assess the materials, which were contaminated with deadly cyanide, and saw to it that the waste and contaminated soil were removed.

DTSC Knows Time Is Precious And Materials Are Dangerous

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parking lot and a path leading to a nearby trash bin. The Placer County Environmental Health Services Department closed the restaurant and parking lot and started cleanup operations.

At the same time, the Placer County department called DTSC's Emergency Response Program personnel and asked if they could come and assess the situation and the effectiveness of the cleanup, which included the interior of the restaurant.

Using a highly sensitive mercury vapor analyzer, DTSC staff determined that the cleanup – inside and out -- was successful. The restaurant was allowed to reopen, and law enforcement officials never found the culprit who left the box there.

The cost to DTSC for this emergency: $11,398.

Get This Out of Here

On May 3, 2007, a day before the mercury emergency, a train car carrying diammonium phosphate, a fertilizer, derailed in Sacramento County, dumping the chemical substance near a residential area and adjacent to a busy street.

The Sacramento County Environmental Management Department contacted DTSC's Emergency Response Program for help in removing the fertilizer, which is hazardous if inhaled and/or if it comes into contact with skin.

Focused on getting as quick a cleanup as possible, DTSC contacted the railroad company and informed officials that if they didn't initiate cleanup operations, the Department would begin cleanup immediately. Based on this information, the company promptly responded, covered the spilled fertilizer, restricted access to the area and began removal.

Did You Know?

Since 1995, DTSC has been the lead state organization for handling emergency cleanup work at illegal drug manufacturing labs. The tally over the past 12 years: More than 16,000 illegal drug labs and dumped drug lab waste sites were cleaned up.

In 2007 alone, DTSC handled 352 drug lab-related calls. Contaminants at clandestine drug labs include highly volatile organic solvents and semi-volatile organic compounds, highly corrosive acids and bases, and large amounts of hazardous byproducts.

Appointed Head Of Imperial County CUPA, Department Educates And Then Enforces

California has 84 Certified Unified Program Agencies within its borders, and each is responsible for the consistent and coordinated application of administrative requirements, permits, inspections and enforcement activities of various environmental and emergency response programs within the state.

The California Environmental Protection Agency certifies each Unified Program periodically to ensure each can still perform its work adequately.

But in two California counties — Imperial and Trinity — CalEPA has chosen to install DTSC as head of the CUPAs after years of delays in getting local organizations to step up.

So far, so good, particularly in Imperial County. DTSC staff spent the first year and a half planning, meeting government and industry officials and educating businesses in California's easternmost county about regulations and laws that they may — or may not — be aware of. By mid 2007, the Department was checking back on businesses to see if they had questions and to ensure they were in compliance.

The 4,600-square-mile Imperial County, which is on the border with Mexico, has diverse businesses ranging from agriculture and cattle feedlots to pesticide and cement facilities.

Left, Roger Vintze, who is a DTSC Supervising Hazardous Substances Scientist I and head of the Imperial County CUPA, confers with Gale Filter, right, who is Deputy Director of DTSC's Enforcement and Emergency Response Program.

The New River at the Mexican border in Calexico, Calif., flows into the city's downtown and on through Imperial Valley farm fields before pouring into the Salton Sea in the northern part of Imperial County.

Did You Know?

DTSC's Calexico office is the only CalEPA facility on the Mexico border.

DTSC Levies Penalties Worth $2.85 Million

During 2007, the Department levied fines in 57 regulatory cases, bringing in a total of $2,854,899.

Six major cases resulted in the bulk of the money. These major cases are detailed below:

The West Contra Costa County Sanitary Landfill was found to have problems with the leachate collection and treatment system. Both are supposed to prevent hazardous liquids from entering the adjacent San Francisco Bay.

In September 2007, DTSC and Republic Services, which is the parent company for the sanitary landfill, reached a consent agreement for a $725,000 penalty, and agreed to repair problems and apply for a new permit.

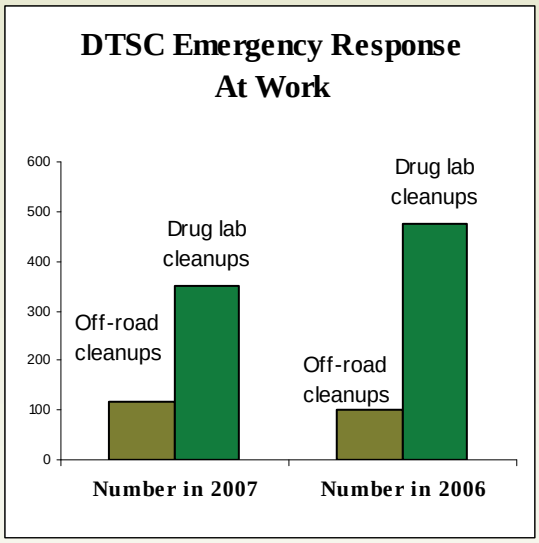
ExxonMobil entered a consent order in January 2007 to resolve the discharge of selenium-contaminated wastewater from the company's Torrance refinery.

ExxonMobil has installed a selenium removal treatment unit and agreed to a $625,000 fine.

Joslyn Sunbank Co. LLC in San Luis Obispo County was cited for illegal treatment of wastes, structural weaknesses in equipment and storage of incompatible wastes together.

Enforcement Activity By The Numbers

In 2007, Number Of:	
Regulatory Inspection Activity	503
Criminal Investigations	143
Federal, State, County Task Forces Actively Supported	46
Tons Of Hazardous Waste That Was Kept From Being Disposed Of Illegally During Sting Operations	20.8



In March 2007, a final judgment and permanent injunction pursuant to a stipulation was entered in Superior Court in the county. The penalty amount was $495,000.

Heraeus Metal Processing Inc. of Santa Fe Springs was cited for replacing hazardous waste tanks without DTSC approval and other violations. Fines totaled $140,979.

DeMenno Kerdoon Environmental of Compton improperly stored more than 1,000 drums of hazardous waste in unpermitted areas. Penalty amount: $120,000.

Quemetco Inc. of the City of Industry was cited for storing hazardous waste lead slag in unauthorized areas, specifically rail cars, and failing to maintain its batch house building. Fines totaled $70,000.

DTSC Core Work: Ensuring Compliance With California's Environmental Regulations

Every workday, hazardous substances scientists at the Department, along with their supervisors, monitor how well industry in California is complying with state laws and regulations regarding hazardous wastes. Facilities included in the Department's oversight are wide-ranging — from refineries and landfills to electronic waste operations. As with any business, situations can change from year to year, which keeps DTSC officials on alert and necessitates regular inspections schedules.

Here's a look at compliance levels involving hazardous waste in the state:

Used Oil Facilities

In 2007, the Department had a 50% checkup rate on this group of hazardous waste handlers:

Number of Used Oil Facilities Registered in the State in 2007	Annual Average Number of Used Oil Facilities Registered from 2005-2007	Percentage of Facilities With `Compliance Monitoring Actions' In 2007	Percentage of Compliance-Checked Facilities Cited With Violations in 2007
36	33	50%	**61%**

Refineries

The number of refinery facilities in the state in 2007 remained steady at 27, with few violations:

Number of Refinery Facilities in the State in 2007	Annual Average Number of `Compliance Monitoring Actions' Undertaken 2005-2007	Number of Refinery Facilities Cited With Violations in 2007	Percentage of Compliance-Checked Refinery Facilities Cited with Violations in 2007
27	19	**2**	17%

Universal Waste Operations

California added 17 universal waste facilities in 2007, and DTSC boosted its monitoring:

Number of Universal Waste Facilities in 2007	Number of Universal Waste Facilities in 2006	Number of Facilities Cited With Violations in 2007	Percentage of Compliance-Checked Facilities Cited with Violations in 2007
134	117	51	**66%**

Hazardous Waste Transporters

Number of Transporter Facilities Licensed in 2007	Number With `Compliance Monitoring Action' in 2007	Number of Facilities Cited With Violations in 2007	Percentage of Compliance-Checked Facilities Cited with Violations in 2007
850	60	30	**50%**