



CALIFORNIA CUPA FORUM

"An Association of Certified Unified Program Agencies"

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May 1, 2013

TO: ALL UNIFIED PROGRAM AGENCIES

FROM: BILL JONES, ENFORCEMENT ISSUE COORDINATOR

COSTCO WHOLESALE CORP. INJUNCTIVE PROVISIONS

This is to summarize the injunctive provisions of the Costco Wholesale Corp., statewide judgment dated June 1, 2012. The purpose of this communicate is to provide Unified Program Agencies a document that would summarize injunctive provisions to compare with any future potential violations.

In addition, it is important that clear direction be provided on what to do if future violations occur and where this information should be sent. For those jurisdictions that have had active involvement by a local prosecutor, this is the obvious point of contact to send subsequent non-compliance information. If your jurisdiction does not have active prosecutorial involvement, you are requested to provide the information to the Alameda County District Attorney's Office, ATTN: Deputy DA Ken Mifsud, Phone: (510) 777-2232, (ken.mifsud@acgov.org) with a copy to me.

What follows is a summary of the injunction provisions. For more detailed information, you are directed to the final court document referenced below.

COSTCO' INJUNCTIVE PROVISIONS (ref. Alameda Superior Court Case No. HG12632446, Stipulation for Entry of Final Judgment and Permanent Injunction), final 6-1-12, injunction through 6-1-17

Costco shall comply with:

California Health and Safety Code (Division 20):

Chapter 6.5 Hazardous Waste Control, Sections 25100, et.seq.; and
Chapter 6.95 Hazardous Materials Release Response Plans and Inventory, Sections 25500 et. seq.

Division 104:

Part 14 (Section 117600-118360): Medical Waste

All Appropriate Sections of Applicable Regulations Governing Chapters 6.5 and 6.95.

Additional Specific Injunctive Provisions:

4.1.a. Costco shall lawfully dispose, or cause the disposal of, at a point authorized or permitted by the DTSC, each hazardous waste it generates from (i) its tire centers; (ii) the use of cleaning and maintenance products at its Facilities; and (iii) nicotine replacement therapies

(subject to paragraph 4.2 herof) at a landfill or transfer station authorized to receive such hazardous waste.

4.1.b. Costco shall determine, at each Facility, whether each item returned by a customer to that facility is a waste and if so, is a "hazardous waste".

4.1.c. Costco shall determine, at each Facility, whether each waste generated at that facility as a result of a spill, container breakage r other means rendereing the product not usable for its intended purpose, is a "hazardous waste".

4.1.d. Costco shall lawfully manage and timely dispose of all accumulated hazardous waste from each Facility at least one time during every ninety (90) day period (unless a longer interval is allowed for by law, in which case Costco shall provide notice as specified herein).

4.1.e. Costco shall not knowingly cause to be deposited, without the permission of the owner, any hazardous substance upon the land of another.

4.1.f. Costco shall timely cause to be prepared and filed with the DTSC a hazardous waste manifest for all hazardous waste that is transpoted, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof and shall timely notify the DTSC by filing an exception report concerning the treatment, storage, or diposal facility's failure to return any executed manifest.

4.1.g. Costco shall transport, transfer custody of, or cause to be transported, each hazardous waste using a transporter that is properly licensed and registered to do so.

4.1.h. Costco shall contact the transporter and/or the owner or operator of the designated facility which was to receive any hazardous waste to determine the status of the hazardous waste in the event of non-receipt of a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter.

4.1.i. Costco shall maintain a program for the lawful storage, handling and accumulation of hazardous waste, and or the lawful segregation of hazardous-waste items that are in leaking containers.

4.1.j. Costco shall maintain properly designated and designed hazardous waste storage areas, which include the segregation of hazardous wastes, and shall conduct weekly inspections of hazardous waste storage areas, at each Facility.

4.1.k. Costco shall, at each Facility, continuously implement, maintain, and submit to the respective administering agency, a complete hazardous materials business plan as applicable. Each hazardous materials business plan shall include procedures for emergency reponse to a release or threatened release of hazardous materials. Such plan shall aslo include an employee training program.

4.1.l. Costco shall comply with all employee training obligations pertaining to the handling of hazardous waste, including, but not limited to, the requirement to maintain for a period of three (3) years, all training documentation for each employee involved in hazardous waste hadnling at any Facility.

4.1.m. Costco shall properly manage, mark, and store universal waste.

4.1.n. Costco shall keep a record with the information of each shipment of universal waste received at any Facility. Such records may be stored electronically.

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4.1.o. Costco shall comply with the California Medical Waste Management Act.

If you have any questions, please feel free to call me at 323-890-4042 or email me at bill.jones@fire.lacounty.gov.

WJ:lc

c. Enforcement Steering Committee
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