



# CALIFORNIA CUPA FORUM

"An Association of Certified Unified Program Agencies"

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November 21, 2014

TO: ALL UNIFIED PROGRAM AGENCIES

FROM: BILL JONES, ENFORCEMENT ISSUE COORDINATOR<sup>SENT VIA EMAIL</sup>

## THE TJX COMPANIES, INC., INJUNCTIVE PROVISIONS

This is to summarize the injunctive provisions of the TJX Companies, Inc. (Marshalls, T.J. Maxx, and HomeGoods), statewide judgment dated September 10, 2014. The purpose of this communique is to provide Unified Program Agencies a document that outlines injunctive provisions to compare with any future potential violations.

This is also to provide clear direction on what to do if future violations occur and where this information should be sent. For those jurisdictions that have active involvement by a local prosecutor, this is the 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 Deputy District Attorney Dije Ndreu at [NdreuD@comonterey.ca.us](mailto:NdreuD@comonterey.ca.us), Emily Hickok at [hickoked@monterey.ca.us](mailto:hickoked@monterey.ca.us) or Ken Mifsud at [Ken.Mifsud@acgov.org](mailto:Ken.Mifsud@acgov.org).

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

### **The TJX Companies, Inc., Injunction Provisions (ref. Case No. M129210, Stipulation for Entry of Final Judgment and Permanent Injunction dated 9/10/14).**

The TJX Companies, Inc. (Marshalls, T.J. Maxx, and HomeGoods) shall comply with:

#### California Health and Safety Code:

Chapters 6.5 (Sections 25100-25258.2): Hazardous Waste Control Law

Chapter 6.95 (Sections 25500-25519): Hazardous Materials Release Response Plans and Inventory

Additional injunctive provisions summarized without the statutory or regulatory citations:

4.a. Defendant shall not dispose, or cause the disposal of, any hazardous waste at a point not authorized or permitted by the Department of Toxic Substances Control ("DTSC"), including without limitation, to any trash compactor, dumpster, drain, sink, or toilet at any of the California Facilities, or onto the surface or subsurface of the ground at any unauthorized location, or at a landfill or transfer station not authorized to receive hazardous waste.

- 4.b. Defendant shall determine, at each California Facility, whether each generated waste is a “hazardous waste,” including but not limited to items returned by a customer and wastes generated at its facilities by spills, container breakage, or other means.
- 4.c. Defendants shall manage every hazardous waste in accordance with the applicable requirements.
- 4.d. Defendant shall not transport, transfer custody of, or cause to be transported, any hazardous waste unless the transporter is properly licensed and registered to do so.
- 4.e. Defendant shall not transport, or cause to be transported, hazardous waste to a unauthorized location.
- 4.f. Defendant shall lawfully and timely dispose of all accumulated hazardous waste from each California Facility at least one time during every ninety (90) day period (unless a longer interval is allowed for by California law or other law).
- 4.g. Defendants shall timely cause to be prepared and filed with DTSC a hazardous waste manifest for all hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combinations thereof.
- 4.h. Defendants shall retain copies of all required hazardous manifests for the three years.
- 4.i. Defendant or its designated contractor 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.j. Defendants shall submit an exception report to DTSC after the generator did not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility which was to receive the hazardous waste within forty-five (45) days of the waste was accepted by the initial transporter.
- 4.k. Defendant shall not treat, store, dispose of, transport, or offer for transportation, any hazardous waste without having received and used a proper identification number from the U.S. Environmental Protection Agency or DTSC, for the originating facility.
- 4.l. Defendants shall maintain a program for the lawful storage, handling, and accumulation of hazardous waste, and for the lawful segregation of hazardous waste items that are in leaking containers.
- 4.m. Defendants shall maintain properly designated hazardous waste storages areas, which include the segregations of hazardous wastes, and shall conduct weekly inspections of hazardous waste storage areas.
- 4.n. Defendants shall comply with all employee training obligations pertaining to the management and handling of hazardous waste. Defendants shall establish and maintain an employee training plan designed to enhance employee awareness of any regulatory or statutory changes in environmental compliance requirements, including, but not limited to, any corresponding changes in Defendant’s environmental compliance program(s).

4.o. Defendant shall comply with the requirements of Code of Federal Regulations by having at least one employee designated at all times as the emergency coordinator and post the required information.

4.p. Defendant shall properly package, mark, manage, identify the accumulation start date, and properly label containers of hazardous waste at its facilities.

4.q. Defendants shall handle hazardous waste in accordance with California Code of Regulations provisions requiring compatible containers and prohibiting incompatible waste streams in the same container.

4.r. Defendants shall obtain and keep current all required hazardous waste generator permits required by county and local ordinances.

4.s. Defendants shall properly manage, mark, and store universal waste in compliance with the standards for universal waste management found in the California Code of Regulations.

4.t. Defendants shall keep a record with the information required by California Code of Regulations of each shipment of universal waste received at any facilities.

4.u. Defendants shall have in place, at all times, a hazardous waste contingency plan and emergency procedures for each of the Facilities.

4.v. Defendants shall, at each Facility, continuously implement, maintain, and submit to the responsible "unified program agency," a complete hazardous materials business plan. Each required hazardous materials business plan shall include procedures for emergency response to a release or threatened release of hazardous materials. Such plan shall also include an employee training program that meets the requirements.

4.w. Defendants shall immediately report any release or threatened release of a reportable quantity of any hazardous materials from any Facility into the environment.

4.x. Defendants shall not cause to be deposited, without the permission of the owner, hazardous substances upon the land of another.

4.y. Defendants shall take appropriate corrective action and/or respond to notices of violation within the period specified. Defendant shall achieve compliance and/or provide proof of such compliance within the time period specified.

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

WJ:lc

c. UP Enforcement Steering Committee