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“An Association of Certified Unified Program Agencies”  
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July 11, 2018

TO: ALL UNIFIED PROGRAM AGENCIES

FROM: BILL JONES, INSPECTION & ENFORCEMENT ISSUE COORDINATOR SENT VIA EMAIL

## 99 CENTS ONLY STORES A CALIFORNIA LIMITED LIABILITY COMPANY (LLC), INJUNCTION PROVISIONS

This is to summarize (stipulated) injunction provisions in the Amendment to Final Judgement (dated January 8, 2018) for the 99 CENTS ONLY STORES, LLC statewide judgement dated December 30, 2014. This communique is to provide Unified Program Agencies (UPA's) with injunction 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 the San Joaquin County Deputy District Attorney, Celeste Kaisch at (209) 468-2400.

What follows is a summary of the injunction provisions. For more detailed information, you are directed to the final court document referenced below (numbered as in the Final Judgement).

## 99 CENTS ONLY STORES, LLC Injunction Provisions (ref. Case No. 39-2014-00319949-CU-TT-STK, *Stipulation for Entry of Final Judgement and Permanent Injunction* dated 12/3-/2014 [99 Cents Only](#)).

Defendants 99 Cents Only Stores, LLC, shall comply with:  
California H&SC (H&SC):

Chapter 6.5 (§25181): Hazardous Waste Control Law

Chapter 6.95 (§25515.6- §25519.8): Hazardous Materials Release Response Plans and Inventory

Chapter 10 (§118325- §118345): Enforcement

Business and Professions Code (B&PC):

Chapter 5 (§17203): Enforcement

Injunctive provisions are summarized below. Defendants shall comply with each of the following provisions at all 99 Cents Only Stores, LLC facilities:

Section 4 of the Final Judgment is amended to add the following further injunctive relief:

**4.2 Compliance Assurance Program**

Pursuant to the provisions of H&SC sections 25181, 25515.6, 25515.8, and 118325, and Business and Professions Code §17203, Defendant shall implement the following Compliance Assurance Program:

4.2.a. Defendant shall continue with the implementation and maintenance of an enhanced hazardous waste compliance program for all of its California facilities, including all newly constructed or newly acquired stores, that incorporates the following program requirements previously set forth as “Enhanced Environmental Compliance Efforts” in Paragraph 5.3 of the Final Judgment:

4.2.a.1 The use of handheld scanners with enhanced software that provides real-time guidance to retail store employees regarding the waste classification for items being disposed; and

4.2.a.2. The retention of a qualified consultant to assist Defendant in evaluating its hazardous waste classification, temporary storage, transportation and disposal program through the use of retail store audits, and updating as necessary Defendant’s retail hazardous waste compliance program and its implementation of that program.

**4.3 Training Records.** As of the date this Amendment to Final Judgment and Permanent Injunction becomes effective, Defendant shall maintain proof of the training required by California Code of Regulations (CCR), Title 22 (Title 22), §66265.16 and/ or Paragraph 4.1.1. of the Final Judgment for each employee at its California facilities, as follows:

4.3.a. For each “Hazardous Waste and Materials Training” and/ or “Hazardous Waste Handling Guidelines Training” and/or “Hazardous Waste Management Training,” Defendant shall maintain a “Training Roster” identifying the name of the store manager, the location where the training was conducted, a listing of the name of each employee attending the training, the employee number of each employee attending the training, the date of the training, and the employee’s signature acknowledging attendance at the training.

4.3.b. A copy of the “Training Roster” evidencing each employee’s training shall be maintained at each facility location where the employee provides any labor or services. (If an employee provides labor or services at more than one location, a copy of the Training Roster shall be maintained at each facility.)

4.3.c. The store manager or supervisor shall not permit an employee to provide labor or services if the employee has not received the required training, or more than one year has elapsed since the employee was last trained, as required by Title 22, §66265.16 and/or Paragraph 4.1.1 of the Final Judgment.

4.3.d. Defendant shall maintain electronic records for each Training Roster for a period of three (3) years from the date the training was conducted, regardless of the duration of the employee’s employment.

4.3.e. Defendant shall immediately make available upon request by any CUPA Inspector, peace officer, agent of the Department of Justice, Cal EPA, the Department of Toxic Substance Control or District Attorney all training roster and training records for each California facility.

**4.4 District Manager Verification.** As of the date this Amendment to Final Judgment and Permanent Injunction becomes effective, Defendant shall establish and implement a program to verify compliance with the Hazardous Waste Control Law, H&SC sections 25100-25258.2; Hazardous Materials Release Response Plans and Inventory Law, H&SC sections 25500-25519; the Medical Waste Management Act, H&SC sections 117600-118360, the applicable regulations promulgated under these chapters, and the Final Judgment as follows:

4.4.a. Defendant shall assign a District Manager to every California facility.

4.4.b. Defendant shall require each District Manager to inspect and audit environmental compliance in each assigned California facility once each month;

4.4.c. In the event of absence, illness or vacancy of an assigned District Manager, Defendant shall designate an alternate District Manager or other similarly trained person to conduct the monthly inspection and audit;

4.4.d. The District Manager or other designated person shall inspect and audit each California facility to ensure that the following requirements are met:

- The Hazardous Waste Permit is available and posted;
- The Hazardous Waste Permit is not expired or an application for a renewal or the Hazardous Waste Permit has been filed;
- For each Hazardous Waste Manifest, a final manifest has been received from the treatment storage or disposal facility;
- The facility has maintained all Hazardous Waste Manifests for the past three (3) calendar years and those manifests are available for inspection on site;
- The facility has an accurate Facility Map posted;
- Emergency Contact Information is properly posted;
- Each employee providing services at the facility has received training required pursuant to Title 22, §66215.16 and Paragraph 4.1.1 of the Final Judgment and less than one year has elapsed since the employee last received the required training;
- Employee Training Records as described above in Paragraph 4.3 exist and can be made available for inspection;
- The Hazardous Waste Area Daily Inspection Log is current and complete;
- The Hazardous Waste is stored in containers (totes);
- All Hazardous Waste is confined to a designated "Hazardous Waste Area" and no hazardous waste is stored outside the designated area;
- No Hazardous Waste has been stored or accumulated for more than 180 days;
- Hazardous material spill response equipment including personal protective equipment is fully stocked and available;

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- All interior trash cans and exterior dumpsters are free of hazardous waste.

4.4.e. The District Manager or other designated person shall complete a “District Manager Monthly Compliance Audit” Form evidencing the inspection and confirming compliance or identifying any noncompliance and the immediate correction of the noncompliance.

If you have any questions, please feel free to call me at 323-890-4032, or email me at [bill.jones@fire.lacounty.gov](mailto:bill.jones@fire.lacounty.gov).

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