

CALIFORNIA CUPA FORUM

"An Association of Certified Unified Program Agencies"
www.calcupa.org

□ Board Officers □
2019-2020

Eric Scott, Chairman
Frederick Chun, Vice Chair
Linda Kolinski, Secretary
Marjorie Terrell, Treasurer
Darwin Cheng, Past Chair

□ Board Members □

●Northern Region●

Gary Cantwell
Yuba County

Eric Scott
Glenn County

Mark Moss
El Dorado County

●Bay Area Region●

Marjorie Terrell
San Mateo County

Randy Sawyer
Contra Costa County

Frederick Chun
City of Santa Clara

●Central Region●

Joel Martens
Tulare County

Aaron Labarre
San Luis Obispo County

Vince Mendes
Fresno County

●Southern Region●

Royce Long
City of Los Angeles

Darwin Cheng
Orange County

Sande Pence
San Diego County

●Members-at-Large●

Jagjinder Sahota
CCDEH

Danielle Stefani
Cal-Chiefs

Mario Tresieras
Participating Agencies

January 18, 2020

To: All Unified Program Agencies

From: Darwin Cheng, Inspection & Enforcement Issue Coordinator **via EMAIL**

SERVICE KING PAINT & BODY, LLC, A TEXAS LIMITED LIABILITY COMPANY FINAL JUDGMENT AND PERMANENT INJUNCTION

This is to summarize (stipulated) injunction provisions to the Final Judgment (dated October 25, 2019) for Service King Paint & Body, LLC statewide judgment. This communicate is to provide all 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 County of Alameda Deputy District Attorney, Kevin Wong (510) 383-8600.

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 Judgment).

PEOPLE V. SERVICE KING PAINT & BODY, LLC; FINAL JUDGMENT CASE NO. RG19-040085

4.3 Specific Injunctive Provisions

Pursuant to Health and Safety Code sections 25181, 25515.6 and 25515.8, and Business and Professional Code section 17203, defendant is enjoined, restrained and prohibited from doing any of the following:

4.3.a. Disposing, or causing the disposal of, any hazardous waste at a point not authorized by law, as required by Health and Safety Code sections 25198 and 25198.2, including, without limitation, to the disposal of hazardous waste into any trash container, dumpster, or compactor at the Facilities, or causing the disposal of hazardous waste at a transfer station or landfill that is not authorized to accept hazardous waste.

4.3.b. Transporting, transferring custody of, or causing to be transported in California any hazardous waste unless the transporter is registered to transport hazardous waste, as required by Health and Safety Code section 25163;

CALIFORNIA CUPA FORUM

"An Association of Certified Unified Program Agencies"
www.calcupa.org

□ Board Officers □ 2019-2020

Eric Scott, Chairman
Frederick Chun, Vice Chair
Linda Kolinski, Secretary
Marjorie Terrell, Treasurer
Darwin Cheng, Past Chair

□ Board Members □

● Northern Region ●

Gary Cantwell
Yuba County

Eric Scott
Glenn County

Mark Moss
El Dorado County

● Bay Area Region ●

Marjorie Terrell
San Mateo County

Randy Sawyer
Contra Costa County

Frederick Chun
City of Santa Clara

● Central Region ●

Joel Martens
Tulare County

Aaron Labarre
San Luis Obispo County

Vince Mendes
Fresno County

● Southern Region ●

Royce Long
City of Los Angeles

Darwin Cheng
Orange County

Sande Pence
San Diego County

● Members-at-Large ●

Jagjinder Sahota
CCDEH

Danielle Stefani
Cal-Chiefs

Mario Treserras
Participating Agencies

4.3.c. Transporting, or causing to be transported any hazardous waste to an unauthorized location in California, in violation of Health and Safety Code section 25189.5;

4.3.d. Failing to determine if a waste generated at the Facilities is a hazardous waste, as required by California Code of Regulations, title 22, sections 66262.11 and 66260.200(c);

4.3.e. Failing to properly mark, label, and store containers and tanks of hazardous waste at the Facilities, as required by California Code of Regulations, title 22, section 66262.34;

4.3.f. Storing and accumulating hazardous waste at the Facilities beyond the time limits permitted by law and as required by California Code of Regulations, title 22, section 66262.34;

4.3.g. Failing to properly use and complete a uniform hazardous waste manifest prior to transportation of hazardous waste from the Facilities, as required by Health and Safety Code section 25160;

4.3.h. Failing to timely file with the Department of Toxic Substance Control ("DTSC") a hazardous waste manifest for all hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, from any Facility, as required by Health and Safety Code section 25160(b)(3) and California Code of Regulations, title 22, section 66262.23;

4.3.i. Failing to contact the owner or operator of a designated facility that was to receive hazardous waste from Defendant to determine the status of the hazardous waste, in the event Defendant has not received a copy of the manifest signed by all transporters and the facility operator within thirty-five (35) days of the date the waste was accepted by the initial transporter, as required by Health and Safety Code section 25160(b)(3) and California Code of Regulations, title 22, section 66262.42;

4.3.j. Failing to timely notify the DTSC by filing an exception report concerning a treatment, storage, or disposal facility's failure to return any executed manifest, as required by Health and Safety Code section 25160(b)(3) and California Code of Regulations, title 22, section 66262.42;

4.3.k. Failing to use proper consolidated manifesting procedures for each shipment of hazardous waste that meets the requirements for consolidated manifesting procedures, as required by Health and Safety Code sections 25160.2 and 25160.23;

4.3.l. Failing to maintain copies of uniform hazardous waste manifests and consolidated manifests for three (3) years, as required by Health and Safety Code section 25160.2(b)(3) and California Code of Regulations, title 22, section 66262.40;

4.3.m. Failing to properly close and maintain hazardous waste containers, as required by California Code of Regulations, title 22, section 66265.173;

CALIFORNIA CUPA FORUM

“An Association of Certified Unified Program Agencies”
www.calcupa.org

□ Board Officers □ 2019-2020

Eric Scott, Chairman
Frederick Chun, Vice Chair
Linda Kolinski, Secretary
Marjorie Terrell, Treasurer
Darwin Cheng, Past Chair

□ Board Members □

●Northern Region●

Gary Cantwell
Yuba County

Eric Scott
Glenn County

Mark Moss
El Dorado County

●Bay Area Region●

Marjorie Terrell
San Mateo County

Randy Sawyer
Contra Costa County

Frederick Chun
City of Santa Clara

●Central Region●

Joel Martens
Tulare County

Aaron Labarre
San Luis Obispo County

Vince Mendes
Fresno County

●Southern Region●

Royce Long
City of Los Angeles

Darwin Cheng
Orange County

Sande Pence
San Diego County

●Members-at-Large●

Jagjinder Sahota
CDEH

Danielle Stefani
Cal-Chiefs

Mario Tresieras
Participating Agencies

4.3.n. Failing to segregate incompatible hazardous wastes, as required by California Code of Regulations, title 22, section 66265.177;

4.3.o. Failing to conduct inspections of hazardous waste storage areas, at least weekly, at the Facilities, as required by California Code of Regulations, title 22, section 66265.174;

4.3.p. Failing to comply with employee training and record-keeping requirements, pertaining to the handling of hazardous waste, as required by California Code of Regulations, title 22, section 26 66265.16;

4.3.q. Failing to properly manage universal waste, including, but not limited to non-empty aerosol cans within the meaning of Health and Safety Code section 25201.16, at the Facilities, as required by California Code of Regulations, title 22, sections 66273.1 *et seq.*; or in the alternative, failing to manage such waste as hazardous waste in violation of Chapter 6.5 and its implementing regulations in California Code of Regulations, title 22;

4.3.r. Failing to keep a record of each shipment of universal waste sent from the Facilities, as required by California Code of Regulations, title 22, section 66273.39;

4.3.s. Failing to establish, implement, maintain, update, or submit, as required by Chapter 6.95 of Division 20 of the Health and Safety Code, a hazardous materials business plan ("HMBP"), for each Facility, meeting the requirements listed in Health and Safety Code sections 25505 and California Code of Regulations, title 19, section 2650 *et seq.*;

4.3.t. Failing to immediately report upon discovery any release or threatened release of any hazardous material at any Facility, as required by Health and Safety Code section 25510 and California Code of Regulations, title 19, section 2631 *et seq.*;

4.3.u. Failing to implement, maintain, and comply with an employee training program as required by Health and Safety Code section 25505(a)(4), and California Code of Regulations, title 19, section 2659, including, but not limited to, hazardous materials handling, business and area plans, and safety procedures in the event of a release or threatened release of a hazardous material; and

4.3.v. Failing to take reasonable steps to dispose, or arrange for the disposal, of customer records containing personal information when the records are no longer to be retained by each Facility by first shredding, erasing, or otherwise modifying the personal information in those records to make it unreadable or undecipherable, as required by Civil Code section 1798.81.

If you have any questions, please contact Darwin Cheng at (714) 433-6471, or email at dcheng@ochca.com