

*Exempt from Fees
Government Code section 6103*

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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA

21 COUNTY OF ALAMEDA

22 **THE PEOPLE OF THE STATE OF**
23 **CALIFORNIA,**

24 Plaintiff,

25 v.

26 **WALMART INC., a Delaware corporation;**
27 **and DOES 1-100, inclusive,**

28 Defendants.

Case No.

**COMPLAINT FOR INJUNCTIVE
RELIEF, CIVIL PENALTIES, AND
OTHER RELIEF**

**(Bus. & Prof. Code, § 17200 et seq.
Civ. Code, § 1798.80 et seq., Health & Saf.
Code, §§ 25100 et seq., 117600 et seq.)**

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1 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, allege the following based
2 on information and belief:

3 INTRODUCTION

4 1. Walmart Inc. (“Walmart”) is the largest retail chain in the United States and also
5 one of California’s largest retailers, with over 300 retail stores in the state, including facilities
6 referred to by Walmart as “Discount Stores,” “Supercenters,” “Neighborhood Markets,” and
7 “Sam’s Clubs,” and associated distribution centers (collectively referred to as the “California
8 Walmart Facilities”). Walmart disposes of Waste from its operations in compactors and
9 containers destined for municipal landfills that, based on numerous inspections by the People,
10 consistently include Hazardous Waste, Medical Waste and Customer Records containing Personal
11 Information in violation of California law.

12 2. Within the past twenty years, the United States Attorney’s Office and the People
13 of the State of California have brought independent law enforcement actions against Walmart for
14 illegally disposing of Hazardous Waste as part of its retail store operations throughout California.
15 Despite these actions against Walmart, and its efforts to come into compliance with California’s
16 environmental laws and regulations, Walmart’s ongoing conduct and operations in California
17 during the statutory period addressed by this Complaint violate the law at a level that warrants
18 further enforcement action.

19 3. Instead of working to fully curb illegal Disposals of Hazardous Waste or Medical
20 Waste items and rendering Customer Records containing Personal Information undecipherable
21 prior to being discarded, Walmart publicly asserts that its corporate sustainability achievements
22 and its past criminal and civil penalty payments fulfill its compliance responsibilities. These
23 actions and assertions are insufficient to prevent further law enforcement action for the violations
24 alleged in this Complaint.

25 4. This case concerns Walmart’s actions throughout California, from February of
26 2015 and continuing on a daily basis through the present day, that violate California
27 environmental laws and regulations through the Disposal of items that are Hazardous Waste
28 and/or Medical Waste into California’s municipal landfills. Walmart also fails to protect the

1 personal identifying information of its customers by disposing of Customer Records with
2 Personal Information without rendering such information unreadable or undecipherable.

3 5. The systematic Management and Disposal of Hazardous Waste and Medical Waste
4 in violation of California's Hazardous Waste Control Law and Medical Waste Management Act,
5 respectively, and the disposal of personal identifying information in violation of California's
6 Customer Records Law, are also violations of California's Unfair Competition Law.

7 **PLAINTIFF**

8 6. The People of the State of California bring this action by and through Rob Bonta,
9 Attorney General of the State of California, in his independent capacity and on behalf of the
10 California Department of Toxic Substances Control. The People of the State of California also
11 bring this action by and through Nancy E. O'Malley, District Attorney of Alameda County; Lisa
12 A. Smittcamp, District Attorney of Fresno County; Jeannine M. Pacioni, District Attorney of
13 Monterey County; Todd Spitzer, District Attorney of Orange County; Michael A. Hestrin, District
14 Attorney of Riverside County; Anne Marie Schubert, District Attorney of Sacramento County;
15 Jason Anderson, District Attorney of San Bernardino County; Summer Stephan, District Attorney
16 of San Diego County; Tori Verber Salazar, District Attorney of San Joaquin County; Krishna A.
17 Abrams, District Attorney of Solano County; Tim Ward, District Attorney of Tulare County; and
18 Jeff W. Reisig, District Attorney of Yolo County. The Attorney General and the District
19 Attorneys identified in this action shall be referred to collectively as "the People" or "Prosecuting
20 Offices".

21 **DEFENDANT**

22 7. Defendant Walmart Inc., is now, and at all times mentioned in this Complaint was,
23 a Delaware corporation. At all times relevant, Walmart owned, operated, licensed, or leased, in
24 its own capacity or through affiliates, over 300 retail stores, including California Walmart
25 Facilities referred to by Walmart as "Discount Stores," "Supercenters," "Neighborhood Markets,"
26 and "Sam's Clubs," and associated distribution centers throughout California.

27 8. DOES 1 through 100, inclusive, are persons whose names and identities are
28 unknown to the People at this time, and the People therefore sue these defendants by their

1 fictitious names. The People will seek leave to amend this Complaint to allege the true names of
2 DOES 1 through 100 once they have been determined. DOES 1 through 100 participated in some
3 or all of the acts alleged in this Complaint.

4 9. Allegations in this Complaint regarding Walmart’s acts or omissions include the
5 acts and omissions of Walmart’s officers, agents, employees, and representatives that were
6 committed while acting within the course and scope of their employment or agency on behalf of
7 Walmart.

8 10. The named and unnamed defendants in this action are collectively referred to as
9 “Defendants.”

10 JURISDICTION AND VENUE

11 11. Venue is proper in this county pursuant to Code of Civil Procedure section 393
12 and Health and Safety Code sections 25183 and 25515.6, in that certain of the violations alleged
13 in the Complaint occurred in the County of Alameda and throughout the State of California.

14 12. This Court has jurisdiction pursuant to article 6, section 10, of the California
15 Constitution.

16 13. The People and Walmart have entered into agreements to toll any applicable
17 statutes of limitation. As a result of those agreements, the period between June 1, 2016 through
18 March 31, 2017, inclusive, and June 17, 2021 through December 17, 2021, inclusive, will not be
19 included in computing the time limited by any statutes of limitation applicable to the causes of
20 action brought against Walmart based on claims covered by the tolling agreements.

21 14. The California Judicial Council’s Emergency Rule 9(a) tolled the statute of
22 limitations and repose for all civil causes of action that exceed one hundred eighty (180) days
23 from April 6, 2020 through October 1, 2020. As such, Emergency Rule 9(a) will have an impact
24 on any applicable statute of limitations related to the claims asserted in this matter.

25 DEFINITIONS

26 15. Unless otherwise indicated, the following terms used in this Complaint are defined
27 as follows:

28 a. “Corrosive” means exhibiting the characteristic of corrosivity as set forth in

- 1 California Code of Regulations, title 22, section 66261.22.
- 2 b. “Customer” as that term is defined in Civil Code section 1798.80, subdivision (c).
- 3 c. “Department” or “DTSC” means the California Department of Toxic Substances
- 4 Control.
- 5 d. “Disposal” as that term is defined in Health and Safety Code section 25113.
- 6 e. “E-Waste” means Waste with electronic or electrical components that contain
- 7 Toxic chemicals or minerals including lead, chromium, cadmium, and
- 8 polychlorinated biphenyls.
- 9 f. “Generator” as that term is defined in California Code of Regulations, title 22,
- 10 section 66260.10 for allegations involving Hazardous Waste.
- 11 g. “Hazardous Waste” as that term is defined in Health and Safety Code section
- 12 25117.
- 13 h. “Hazardous Waste Facility Permit” as that term is defined in California Code of
- 14 Regulations, title 22, section 66260.10.
- 15 i. “Hazardous Waste Management” or “Management” or “Manage” as those terms
- 16 are defined in Health and Safety Code section 25117.2.
- 17 j. “Hazardous Material” as that term is defined Health and Safety Code section
- 18 25501, subdivision (n).
- 19 k. “Ignitable” means exhibiting the characteristic of ignitability as set forth in
- 20 California Code of Regulations, title 22, section 66261.21.
- 21 l. “Medical Waste” as that term is defined in Health and Safety Code section
- 22 117690.
- 23 m. “Medical Waste Generator” as that term is defined in Health and Safety Code
- 24 section 117705 for allegations involving Medical Waste.
- 25 n. “Personal Information” as that term is defined in Civil Code section 1798.80,
- 26 subdivision (e).
- 27 o. “Pharmaceutical Waste” as that term is defined in Health and Safety Code section
- 28 117690, subdivision (b)(3).

- 1 p. “Reactive” means a Waste that exhibits the characteristic of reactivity as set forth
2 in California Code of Regulations, title 22, section 66261.23.
- 3 q. “Records” as that term is defined in Civil Code section 1798.80, subdivision (b).
- 4 r. “Storage” as that term is defined in Health and Safety Code section 25123.
- 5 s. “Toxic” means exhibiting the characteristic of toxicity as set forth in California
6 Code of Regulations, title 22, section 66261.24.
- 7 t. “Transportation” as that term is defined in California Code of Regulations, title 22,
8 section 66260.10.
- 9 u. “Transporter” as that term is defined in California Code of Regulations, title 22,
10 section 66260.10.
- 11 v. “Treatment” as that term is defined in Health and Safety Code section 25123.5.
- 12 w. “Unfair Competition” as that term is used in Business and Professions Code
13 section 17200.
- 14 x. “Uniform Hazardous Waste Manifest” or “Manifest” means the shipping
15 document that is required by law to accompany shipments of Hazardous Waste
16 from the point of generation, through Transportation, to the final permitted
17 Treatment, Storage, and Disposal facility.
- 18 y. “Waste” as that term is defined in Health and Safety Code section 25124 and
19 California Code of Regulations, title 22, section 66261.2.

20 **STATUTORY AND REGULATORY BACKGROUND**

21 16. The State of California has enacted a comprehensive statutory and regulatory
22 framework for the generation, handling, Treatment, Storage, Transportation, and Disposal of
23 Hazardous Waste. This framework is contained in Chapter 6.5 of Division 20 of the Health and
24 Safety Code, section 25100 et seq., and its implementing regulations at California Code of
25 Regulations, title 22, section 66260.1 et seq. The regulatory program mandates a “cradle to
26 grave” system for the Management of Hazardous Waste referred to as the Hazardous Waste
27 Control Law (“HWCL”). The HWCL regulates the generation, registration, tracking, Storage,
28 Treatment, and Disposal of Hazardous Waste, to provide for the protection of the public and the

1 environment from present and potential risks posed by Hazardous Waste.

2 17. The State of California also has enacted a comprehensive statutory scheme to
3 govern the Management of Medical Waste. This framework is known as the Medical Waste
4 Management Act (“MWMA”). The MWMA serves to protect the public and the environment
5 and to limit exposure to syringes, pathogens, expired drugs, and other Medical Waste, including
6 Pharmaceutical Wastes. The MWMA is found at Health and Safety Code section 117600 et seq.

7 18. The State of California has also enacted a statutory framework to protect Customer
8 Records containing Personal Information managed by a business in California. The Customer
9 Records Law, Civil Code section 1798.80 et seq., requires businesses to affirmatively make
10 Customer Records that contain Personal Information unreadable or undecipherable whenever
11 such Customer Records are no longer retained by the business.

12 19. As an overarching catch-all, the Unfair Competition Law (“UCL”), Business and
13 Professions Code section 17200 et seq., prohibits any unlawful, unfair, or fraudulent business act
14 or practice and makes any violation of the above statutory schemes an unfair business practice
15 that subjects an entity to separate violations of the UCL and provides the People with additional
16 remedies, including civil penalties and injunctive relief.

17 **ENFORCEMENT AUTHORITY**

18 20. The HWCL, MWMA, and UCL each establish separate and cumulative penalty
19 schemes for violations of their respective requirements.

20 21. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189,
21 subdivision (c), a person who intentionally disposes or causes the disposal of Hazardous Waste at
22 a point not authorized pursuant to the HWCL shall be subject to a civil penalty of not less than
23 one thousand dollars (\$1,000) nor more than twenty-five thousand dollars (\$25,000), under
24 Health and Safety Code section 25189, subdivision (c). Effective January 1, 2018, Health and
25 Safety Code section 25189, subdivision (c) was amended so that the applicable civil penalty is not
26 to exceed seventy thousand dollars (\$70,000) for each violation of a separate provision or, for
27 continuing violations, for each day that the violation continues.

28 22. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189,

1 subdivision (d), a person who negligently disposes or causes the disposal of a hazardous waste at
2 a point which is not authorized pursuant to the HWCL shall be subject to a civil penalty of not
3 more than twenty-five thousand dollars (\$25,000) for each violation. Each day on which the
4 deposit remains and the person has knowledge of the deposit is a separate additional violation
5 unless the person immediately files a report of the deposit with the Department and is complying
6 with any order concerning the deposit. Effective January 1, 2018, Health and Safety Code section
7 25189, subdivision (d) was amended so that the applicable civil penalty is not to exceed seventy
8 thousand dollars (\$70,000) for each violation of a separate provision or, for continuing violations,
9 for each day that the violation continues.

10 23. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189.2,
11 subdivision (c), a person who disposes or causes the Disposal of Hazardous Waste at a point
12 which is not authorized pursuant to the HWCL shall be subject to a civil penalty of not more than
13 twenty-five thousand dollars (\$25,000) for each Disposal. Each day on which the deposit remains
14 is a separate additional violation unless the person immediately files a report of the deposit with
15 the Department and is complying with any order concerning the deposit. Effective January 1,
16 2018, Health and Safety Code section 25189.2, subdivision (c) was amended so that the
17 applicable civil penalty is not to exceed seventy thousand dollars (\$70,000) for each violation of a
18 separate provision or, for continuing violations, for each day that the violation continues.

19 24. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189,
20 subdivision (b), a person who intentionally or negligently violates a provision of the HWCL, or of
21 a permit, rule, regulation, standard, or requirement issued or promulgated pursuant to the HWCL,
22 shall be liable for a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each
23 violation of a separate provision or, for continuing violations, for each day that the violation
24 continues. Effective January 1, 2018, Health and Safety Code section 25189, subdivision (b) was
25 amended so that the applicable civil penalty is not to exceed seventy thousand dollars (\$70,000)
26 for each violation of a separate provision or, for continuing violations, for each day that the
27 violation continues.

28 25. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189.2,

1 subdivision (b), a person who violates a provision of the HWCL, or a permit, rule, regulation,
2 standard, or requirement issued or promulgated pursuant to the HWCL, is liable for a civil penalty
3 of not more than twenty-five thousand dollars (\$25,000) for each violation of a separate provision
4 or, for continuing violations, for each day that the violation continues. Effective January 1, 2018,
5 Health and Safety Code section 25189.2, subdivision (b) was amended so that the applicable civil
6 penalty is not to exceed seventy thousand dollars (\$70,000) for each violation of a separate
7 provision or, for continuing violations, for each day that the violation continues.

8 26. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189,
9 subdivision (e), a person who intentionally or negligently treated or stored, or caused the
10 treatment or Storage of Hazardous Waste at a point that is not authorized pursuant to the HWCL
11 is liable for a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each
12 separate violation or, for continuing violations, for each day that the violation continues.
13 Effective January 1, 2018, Health and Safety Code section 25189, subdivision (e) was amended
14 so that the applicable civil penalty is not to exceed seventy thousand dollars (\$70,000) for each
15 separate violation or, for continuing violations, for each day that the violation continues.

16 27. Prior to January 1, 2018, pursuant to Health and Safety Code section 25189.2,
17 subdivision (d), a person who treats or stores, or causes the treatment or Storage of, a Hazardous
18 Waste at a point that is not authorized pursuant to the HWCL, is liable for a civil penalty of not
19 more than twenty-five thousand dollars (\$25,000) for each violation of a separate provision or, for
20 continuing violations, for each day that the violation continues. Effective January 1, 2018, Health
21 and Safety Code section 25189.2, subdivision (e) was amended so that the applicable civil penalty
22 is not to exceed seventy thousand dollars (\$70,000) for each separate violation or, for continuing
23 violations, for each day that the violation continues.

24 28. Pursuant to Health and Safety Code section 25189, subdivision (f), each civil
25 penalty imposed for a separate violation pursuant to this section shall be separate from and in
26 addition to any other civil penalty imposed pursuant to this section or any other provision of law.
27 Pursuant to Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f),
28 a person may not be held liable for a civil penalty under both sections for the same act.

1 29. Health and Safety Code section 118345, subdivision (b) imposes civil penalties of
2 up to \$10,000 for each violation of the MWMA and its implementing regulations.

3 30. Business and Professions Code section 17206 allows the People to seek civil
4 penalties of up to \$2,500 per violation against any person who engages in unfair competition,
5 which section 17200 defines in relevant part to include any “unlawful ... business act or
6 practice.”

7 31. In addition to penalties, the HWCL, MWMA, and UCL also authorize the People
8 to seek injunctions against those who violate these laws.

9 32. Health and Safety Code section 25181 authorizes the Court to enjoin any ongoing
10 or potential violation of the HWCL or of any applicable rule, regulation, permit, standard,
11 requirement, or order issued or promulgated pursuant to the HWCL.

12 33. Health and Safety Code section 118325 authorizes the Court to enjoin any
13 violation or threatened violation of the MWMA.

14 34. Business and Professions Code section 17203 authorizes the Court, at the request
15 of the Prosecuting Offices, to enjoin any person who engages, has engaged, or proposes to engage
16 in Unfair Competition, as defined in Business and Professions Code section 17200.

17 35. Health and Safety Code sections 25184 and 118325 further provide that in civil
18 actions brought pursuant to the HWCL and MWMA, respectively, in which an injunction or
19 temporary restraining order is sought, it shall not be necessary for the People to allege or prove at
20 any stage of the proceeding that irreparable damage will occur should the temporary restraining
21 order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is
22 inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction
23 shall issue without such allegations and without such proof.

24 **GENERAL ALLEGATIONS**

25 36. Unless specifically stated otherwise, allegations in this Complaint are based on
26 facts that were discovered within the applicable statutes of limitation, taking into account any
27 applicable tolling periods and Emergency Rule 9(a). The period of time for which claims
28 asserted by the People in this Complaint are permissible is referred to as “the statutory period.”

1 **Corporate Environmental Compliance Program**

2 37. Walmart owns and operates over 300 retail stores and distribution centers in
3 California.

4 38. Walmart employs an Environmental Health and Safety Compliance team at its
5 headquarters in Bentonville, Arkansas to standardize and oversee its environmental compliance
6 program. The team includes eight (8) environmental health and safety specialists who developed
7 California-specific procedures and training for all of Walmart’s stores in California.

8 39. Walmart’s corporate environmental compliance program directs the Management
9 of Hazardous Waste, Hazardous Materials, Medical Waste, and petroleum products at all
10 Walmart California Facilities.

11 40. In 2017, Walmart designed and rolled out adjustments to the company’s
12 Hazardous Waste compliance program across all its stores in California.

13 **Walmart Waste Disposal in California**

14 41. From on or about 2010 onwards, Walmart California Facilities onsite trash
15 collection consisted of one 40-yard trash compactor per facility. From 2015 to 2021, based on the
16 People's inspections, the average time that a trash compactor had been at a Walmart facility prior
17 to being hauled off was 19 days. Thus, on information and belief, the People allege that
18 Walmart's trash compactors were picked up on average 19 times a year per facility during this
19 time period.

20 42. Every time the People inspected a compactor taken from a Walmart store starting
21 in February 2015 to the present, the People have found Waste that is classified as Hazardous
22 Waste, Medical Waste, and/or contains Customer Records with Personal Information.

23 43. As a retailer and Waste producer, Walmart has a large presence in California, and
24 the People, through this enforcement action seek to require Walmart to comply with California
25 environmental laws and regulations and to pay civil penalties for its non-compliance.

26 **Estimated Amounts of Hazardous Waste Illegally Disposed**

27 44. Based on a February 2016 Walmart internal study, the retail giant concluded that it
28 disposed of 28 pounds of potentially Hazardous Waste items within each compacted trash

1 Disposal.

2 45. The February 2016 analysis looked at eight (8) compactors from eight (8) of
3 Walmart's stores, and showed that on average 42 potentially Hazardous Waste items per ton or
4 trash, or 252 potentially Hazardous Waste items per trash compactor, were improperly disposed
5 in every Walmart trash compactor.

6 46. By Walmart's own count, 28 pounds sent 19 times per year per store would result
7 in 798,000 pounds of Hazardous Waste being sent to California's municipal landfills by Walmart
8 California Facilities over a 5-year period, or 159,600 pounds (79.8 tons) annually.

9 47. Similarly, 252 items sent 19 times per year per store would result in over 1.4
10 million Hazardous Waste items being sent to California's municipal landfills by Walmart
11 California Facilities annually.

12 48. Walmart repeated that analysis in October of 2017, looking at another sample size
13 of eight (8) of its 300+ retail stores. Audits of its municipal Waste revealed up to 37 Hazardous
14 Waste items per ton of trash, or 222 items per compactor were being disposed of.

15 49. 222 items sent 19 times per year per store would result in over 6.3 million
16 Hazardous Waste items being sent to California's municipal landfills by Walmart California
17 Facilities over a 5-year period, or more than 1.265 million items annually.

18 **History of Past Non-Compliance/Prior Similar Enforcement Actions in California**

19 50. In 2004, California officials raised concerns with Walmart about its Hazardous
20 Waste practices. At that time, the company had no formal Management program in place for
21 proper Disposal of Hazardous Waste and admittedly directed employees to pour bleach and other
22 liquid consumer products down the drain, instead of managing those items under a Hazardous
23 Waste Management program.

24 51. In 2010, Walmart agreed to a stipulated resolution of a civil law enforcement
25 action brought by the People in 2010 based on Walmart's unlawful Management and Disposal of
26 bleach, pesticides, and various other Hazardous Wastes and materials at stores throughout
27 California. ((*People v. Wal-Mart Stores, Inc.*, San Diego County Superior Court, Case No. 37-
28 2010-00089145-CU-TT-CTL) ("San Diego Judgment").) As a result, Walmart agreed to pay

1 \$24,681,325 in civil penalties, funding for supplemental environmental projects, and
2 reimbursement of costs of investigation and enforcement. Walmart also was under an injunction
3 between May 3, 2010 and January 26, 2018 that prohibited the unlawful Management and
4 Disposal of Hazardous Waste and materials in the course of its business operations in California.

5 52. In addition to the San Diego Judgment, on June 4, 2013, Wal-Mart Stores, Inc.,
6 pled guilty to six (6) counts of Negligent Discharge of a Pollutant (Federal Class A
7 Misdemeanors) in the United States District Court for the Northern District of California for
8 negligently discharging pollutants during 2003-2005, namely, Corrosive and liquid Hazardous
9 Wastes, from the premises of multiple retail stores into drains connected to publicly-owned
10 sanitation systems in Alameda, Contra Costa, Del Norte, Lake, Los Angeles, Mendocino,
11 Monterey, Napa, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Sonoma,
12 Santa Clara, and Ventura Counties. (*USA v. Wal-Mart, Inc.*, U.S.D.C. Northern Dist. of CA Case
13 No. 3:13-cr-0333-JCS-1 and 3:13-cr-0334-JCS-1 (“Federal Case”).) As part of the Federal Case,
14 Wal-Mart Stores, Inc. was placed on probation for two years and ordered to pay Criminal
15 Monetary Penalties in the form of a fine of \$40 million and community service payments in the
16 amount of \$20 million.

17 **Walmart Control Over Items Inside Trash Compactors**

18 53. Since the 2010 San Diego Judgment and the 2013 Federal Case, Walmart has
19 instituted various Hazardous Waste Management programs and inspection protocols, including
20 ensuring that only a few select employees at the Management level have the keys and access to
21 dispose of items into the locked compactor designated for Disposal into California’s municipal
22 landfills.

23 54. According to Walmart policy, Management is aware of and responsible for what is
24 placed in each compactor.

25 55. While having a specific written program, the mere presence of a program and
26 requisite training does not equate to compliance with or successful implementation of the
27 program.

28 56. Despite these programmatic controls, Walmart continued and continues to

1 unlawfully manage and dispose of millions of Hazardous Waste items, including but not limited
2 to, pesticides, batteries, and various other Ignitable, Reactive, Toxic, and Corrosive Wastes and
3 Medical Wastes placed into Walmart store trash compactors, which are destined for California
4 municipal landfills.

5 **Notice of Continuing Violations Provided by The People**

6 57. In 2015, the People notified Walmart that the practice of allowing certain
7 electronic products to be placed into compactors designated for Disposal in California municipal
8 landfills was in violation of California's Hazardous Waste laws.

9 58. In 2015, the People advised, notified and warned Walmart that LED light bulbs
10 and containers of hazardous liquids with pourable volumes of hazardous liquid, that were
11 disposed of in Walmart compactors destined for California municipal landfills, constituted the
12 unlawful handling, Storage, Transportation and Disposal of Hazardous Waste.

13 **Evidence of Walmart's Continuing Violations**

14 59. Walmart retail stores generate Hazardous Waste from various places throughout
15 their retail store operations, including from its pharmacy, auto care center, claims department,
16 battery and used cell phone collection boxes, customer facing trash bins, new store or store
17 remodeling construction debris and from accidental breakage or spillage of products that become
18 Hazardous Waste.

19 60. Waste generated at Walmart originates from 1) products that are so damaged they
20 must be discarded, 2) Waste generated by store operations and services, 3) employee-generated
21 Waste discarded into Walmart trash bins, and 4) public and tenant Waste, which is consolidated
22 into Walmart's trash compactor.

23 61. The People inspected trash compactors containing Waste destined for Disposal in
24 municipal landfills throughout California. Each inspected trash compactor contained Hazardous
25 Waste.

26 62. Walmart disposed of Customer Records containing Personal Information into
27 Walmart compactors without making the information unreadable or undecipherable in violation
28 of the Customer Records Law.

1 63. Investigations of Walmart’s compactors destined for Disposal in municipal
2 landfills throughout California and identified acts and omissions by Walmart in violation of the
3 HWCL, MWMA, Civil Code, and UCL through the illegal Management of Hazardous Waste and
4 Medical Waste, and the improper disposal of Customer Records containing Personal Information
5 occurred on the following dates:

- 6 a. February 27, 2015 (San Joaquin County) - Ignitable aerosols and other
7 Ignitable Waste, E-Waste, batteries, liquid Hazardous Waste, Medical Waste,
8 Customer Records containing Personal Information, and other Hazardous
9 Wastes were discovered in Walmart’s locked compactor, picked up for
10 Disposal and destined for a municipal landfill not authorized to receive
11 Hazardous Waste or E-Waste.
- 12 b. March 9, 2015 (Monterey County) - Pesticides, Ignitable Waste, E-Waste,
13 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
14 Hazardous Wastes were discovered in Walmart’s locked compactor, picked up
15 for Disposal and destined for a municipal landfill not authorized to receive
16 Hazardous Waste or E-Waste.
- 17 c. March 11, 2015 (Alameda County) - Ignitable Waste, E-Waste, batteries,
18 liquid and solid Hazardous Waste, Medical Waste, and other Hazardous
19 Wastes were discovered in Walmart’s locked compactor, picked up for
20 Disposal and destined for a municipal landfill not authorized to receive
21 Hazardous Waste or E-Waste.
- 22 d. March 11, 2015 (Sacramento County) - Pesticides, Ignitable Waste, E-Waste,
23 batteries, liquid Hazardous Waste, Medical Waste, and other Hazardous
24 Wastes were discovered in Walmart’s locked compactor, picked up for
25 Disposal and destined for a municipal landfill not authorized to receive
26 Hazardous Waste or E-Waste.
- 27 e. March 23, 2015 (Monterey County) - Ignitable aerosol Waste, E-Waste,
28 batteries, liquid Hazardous Waste, Medical Waste, Customer Records

- 1 containing Personal Information, and other Hazardous Wastes were discovered
2 in Walmart's locked compactor, picked up for Disposal and destined for a
3 municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- 4 f. March 23, 2015 (San Joaquin County) - Pesticides, Ignitable aerosols and other
5 Ignitable Waste, E-Waste, batteries, Medical Waste, and other Hazardous
6 Wastes were discovered in Walmart's locked compactor, picked up for
7 Disposal and destined for a municipal landfill not authorized to receive
8 Hazardous Waste or E-Waste.
- 9 g. March 24, 2015 (San Bernardino County) - E-Waste, batteries, liquid
10 Hazardous Waste, and other Hazardous Wastes were discovered in Walmart's
11 locked compactor, picked up for Disposal and destined for a municipal landfill
12 not authorized to receive Hazardous Waste or E-Waste.
- 13 h. March 30, 2015 (Alameda County) - Ignitable Waste, E-Waste, batteries,
14 liquid and solid Hazardous Waste, Medical Waste, and other Hazardous
15 Wastes were discovered in Walmart's locked compactor, picked up for
16 Disposal and destined for a municipal landfill not authorized to receive
17 Hazardous Waste or E-Waste.
- 18 i. April 1, 2015 (San Diego County) - Ignitable Waste, E-Waste, batteries, liquid
19 Hazardous Waste, and other Hazardous Wastes were discovered in Walmart's
20 locked compactor, picked up for Disposal and destined for a municipal landfill
21 not authorized to receive Hazardous Waste or E-Waste.
- 22 j. April 6, 2015 (Napa County) - Ignitable Waste, E-Waste, batteries, liquid
23 Hazardous Waste, Medical Waste, Customer Records containing Personal
24 Information, and other Hazardous Wastes were discovered in Walmart's
25 locked compactor, picked up for Disposal and destined for a municipal landfill
26 not authorized to receive Hazardous Waste or E-Waste.
- 27 k. April 8, 2015 (Fresno County) - Ignitable aerosol Wastes, E-Waste, batteries,
28 liquid and solid Hazardous Waste, Medical Waste, and other Hazardous

1 Wastes were discovered in Walmart's locked compactor, picked up for
2 Disposal and destined for a municipal landfill not authorized to receive
3 Hazardous Waste or E-Waste.

- 4 l. April 8, 2015 (Riverside County) - E-Waste, batteries, and other Hazardous
5 Wastes were discovered in Walmart's locked compactor, picked up for
6 Disposal and destined for a municipal landfill not authorized to receive
7 Hazardous Waste or E-Waste.
- 8 m. April 9, 2015 (Tulare County) - Pesticides, Ignitable aerosols and other
9 Ignitable Waste, E-Waste, batteries, liquid and solid Hazardous Waste,
10 Medical Waste, Customer Records containing Personal Information and other
11 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
12 for Disposal and destined for a municipal landfill not authorized to receive
13 Hazardous Waste or E-Waste.
- 14 n. May 5, 2015 (Monterey County) - Ignitable Waste, E-Waste, batteries, liquid
15 and solid Hazardous Waste, and other Hazardous Wastes were discovered in
16 Walmart's locked compactor, picked up for Disposal and destined for a
17 municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- 18 o. June 3, 2015 (San Bernardino County) - Ignitable aerosol Waste, E-Waste,
19 batteries, liquid Hazardous Waste, and other Hazardous Wastes were
20 discovered in Walmart's locked compactor, picked up for Disposal and
21 destined for a municipal landfill not authorized to receive Hazardous Waste or
22 E-Waste.
- 23 p. November 10, 2015 (San Joaquin County) - Ignitable Waste, E-Waste,
24 batteries, liquid Hazardous Waste, Medical Waste, Customer Records
25 containing Personal Information, and other Hazardous Wastes were discovered
26 in Walmart's locked compactor, picked up for Disposal and destined for a
27 municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- 28 q. January 15, 2016 (San Joaquin County) - Ignitable Waste, E-Waste, batteries,

1 liquid and solid Hazardous Waste, and other Hazardous Wastes were
2 discovered in Walmart's locked compactor, picked up for Disposal and
3 destined for a municipal landfill not authorized to receive Hazardous Waste or
4 E-Waste.

5 r. August 25, 2016 (San Joaquin County) - Ignitable Waste, E-Waste, batteries,
6 liquid Hazardous Waste, Medical Waste, and other Hazardous Wastes were
7 discovered in Walmart's locked compactor, picked up for Disposal and
8 destined for a municipal landfill not authorized to receive Hazardous Waste or
9 E-Waste.

10 s. February 7, 2017 (San Diego County) -Ignitable aerosol Waste, E-Waste,
11 batteries, liquid Hazardous Waste, Medical Waste, and other Hazardous
12 Wastes were discovered in Walmart's locked compactor, picked up for
13 Disposal and destined for a municipal landfill not authorized to receive
14 Hazardous Waste or E-Waste.

15 t. May 9, 2017 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
16 batteries, liquid and solid Hazardous Waste, Customer Records containing
17 Personal Information, and other Hazardous Wastes were discovered in
18 Walmart's locked compactor, picked up for Disposal and destined for a
19 municipal landfill not authorized to receive Hazardous Waste or E-Waste.

20 u. May 30, 2017 (San Diego County) - Ignitable aerosol Waste, E-Waste,
21 batteries, liquid and solid Hazardous Waste, Customer Records containing
22 Personal Information, and other Hazardous Wastes were discovered in
23 Walmart's locked compactor, picked up for Disposal and destined for a
24 municipal landfill not authorized to receive Hazardous Waste or E-Waste.

25 v. May 31, 2017 (San Diego County) - E-Waste, batteries, liquid and solid
26 Hazardous Waste, Customer Records containing Personal Information, and
27 other Hazardous Wastes were discovered in Walmart's locked compactor,
28 picked up for Disposal and destined for a municipal landfill not authorized to

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- receive Hazardous Waste or E-Waste.
- w. June 1, 2017 (Yolo County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- x. June 30, 2017 (San Joaquin County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- y. July 12, 2017 (Yuba County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- z. August 8, 2017 (Monterey County) - Ignitable aerosols and other Ignitable Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- aa. August 22, 2017 (Riverside County) - Ignitable aerosol Wastes, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or

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- E-Waste.
- bb. August 22, 2017 (San Bernardino County) - Ignitable aerosol Waste, E-Waste, batteries, liquid Hazardous Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- cc. August 23, 2017 (Santa Clara County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- dd. August 23, 2017 (Napa County) – Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- ee. September 7, 2017 (San Joaquin County) - Ignitable aerosols and other Ignitable Wastes, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- ff. September 20, 2017 (Santa Clara County) - Ignitable aerosols and other Ignitable Waste, batteries, liquid Hazardous Waste, Medical Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- gg. September 27, 2017 (Monterey County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer

1 Records containing Personal Information, and other Hazardous Wastes were
2 discovered in Walmart's locked compactor, picked up for Disposal and
3 destined for a municipal landfill not authorized to receive Hazardous Waste or
4 E-Waste.

5 hh. October 5, 2107 (San Bernardino County) - Ignitable aerosol Waste, E-Waste,
6 liquid Hazardous Waste, Customer Records containing Personal Information,
7 and other Hazardous Wastes were discovered in Walmart's locked compactor,
8 picked up for Disposal and destined for a municipal landfill not authorized to
9 receive Hazardous Waste or E-Waste.

10 ii. October 13, 2017 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
11 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
12 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
13 for Disposal and destined for a municipal landfill not authorized to receive
14 Hazardous Waste or E-Waste.

15 jj. November 1, 2017 (San Joaquin County) - Ignitable aerosols and other
16 Ignitable Waste, E-Waste, batteries, liquid and solid Hazardous Waste, and
17 other Hazardous Wastes were discovered in Walmart's locked compactor,
18 picked up for Disposal and destined for a municipal landfill not authorized to
19 receive Hazardous Waste or E-Waste.

20 kk. January 1, 2018 (Santa Clara County) - Ignitable aerosols and other Ignitable
21 Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste,
22 Customer Records containing Personal Information, and other Hazardous
23 Wastes were discovered in Walmart's locked compactor, picked up for
24 Disposal and destined for a municipal landfill not authorized to receive
25 Hazardous Waste or E-Waste.

26 ll. February 7, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste,
27 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
28 Hazardous Wastes were discovered in Walmart's locked compactor, picked up

1 for Disposal and destined for a municipal landfill not authorized to receive
2 Hazardous Waste or E-Waste.

3 mm. February 19, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste,
4 batteries, liquid and solid Hazardous Waste, Medical Waste, Customer
5 Records containing Personal Information, and other Hazardous Wastes were
6 discovered in Walmart's locked compactor, picked up for Disposal and
7 destined for a municipal landfill not authorized to receive Hazardous Waste or
8 E-Waste.

9 nn. February 23, 2018 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
10 batteries, liquid and solid Hazardous Waste, Medical Waste, Customer
11 Records containing Personal Information, and other Hazardous Wastes were
12 discovered in Walmart's locked compactor, picked up for Disposal and
13 destined for a municipal landfill not authorized to receive Hazardous Waste or
14 E-Waste.

15 oo. March 12, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste,
16 batteries, liquid Hazardous Waste, and other Hazardous Wastes were
17 discovered in Walmart's locked compactor - picked up for Disposal and
18 destined for a municipal landfill not authorized to receive Hazardous Waste or
19 E-Waste.

20 pp. May 9, 2018 (Santa Clara County) - Ignitable aerosols and other Ignitable
21 Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste,
22 and Customer Records containing Personal Information and other Hazardous
23 Wastes were discovered in Walmart's locked compactor, picked up for
24 Disposal and destined for a municipal landfill not authorized to receive
25 Hazardous Waste or E-Waste.

26 qq. May 17, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste, batteries,
27 liquid and solid Hazardous Waste, Medical Waste, and other Hazardous
28 Wastes were discovered in Walmart's locked compactor, picked up for

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- Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- rr. May 23, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- ss. May 31, 2018 (San Joaquin County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- tt. June 11, 2018 (Monterey County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- uu. June 15, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, Medical Waste, Customer Records containing Personal Information, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- vv. June 29, 2018 (Alameda County) - Ignitable aerosol Waste, E-Waste, batteries, liquid Hazardous Waste, and other Hazardous Wastes were discovered in Walmart’s locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Waste or E-Waste.
- ww. July 5, 2018 (San Diego County) - Ignitable aerosol Waste, E-Waste, batteries, liquid and solid Hazardous Waste, and other Hazardous Wastes were

1 discovered in Walmart's locked compactor, picked up for Disposal and
2 destined for a municipal landfill not authorized to receive Hazardous Waste or
3 E-Waste.

4 xx. July 11, 2018 (San Diego County) - Ignitable aerosol Waste, E-Waste,
5 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
6 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
7 for Disposal and destined for a municipal landfill not authorized to receive
8 Hazardous Waste or E-Waste.

9 yy. August 1, 2018 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
10 batteries, liquid and solid Hazardous Waste, and other Hazardous Wastes were
11 discovered in Walmart's locked compactor, picked up for Disposal and
12 destined for a municipal landfill not authorized to receive Hazardous Waste or
13 E-Waste.

14 zz. August 27, 2018 (Sacramento County) - E-Waste, batteries, liquid and solid
15 Hazardous Waste, confidential Consumer information and other Hazardous
16 Wastes were discovered in Walmart's locked compactor, picked up for
17 Disposal and destined for a municipal landfill not authorized to receive
18 Hazardous Waste or E-Waste.

19 aaa. October 27, 2018 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
20 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
21 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
22 for Disposal and destined for a municipal landfill not authorized to receive
23 Hazardous Waste or E-Waste.

24 bbb. November 27, 2018 (Orange County) - E-Waste, batteries, liquid Hazardous
25 Waste, and other Hazardous Wastes were discovered in Walmart's locked
26 compactor, picked up for Disposal and destined for a municipal landfill not
27 authorized to receive Hazardous Waste or E-Waste.

28 ccc. February 13, 2020 (San Joaquin County) – Ignitable aerosol Waste, E-Waste,

1 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
2 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
3 for Disposal and destined for a municipal landfill not authorized to receive
4 Hazardous Waste or E-Waste.

5 ddd. February 18, 2020 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
6 batteries, liquid Hazardous Waste, and other Hazardous Wastes were
7 discovered in Walmart's locked compactor, picked up for Disposal and
8 destined for a municipal landfill not authorized to receive Hazardous Waste or
9 E-Waste.

10 eee. October 30, 2020 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
11 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
12 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
13 for Disposal and destined for a municipal landfill not authorized to receive
14 Hazardous Waste or E-Waste.

15 fff. October 26, 2020 (Alameda County) – Ignitable aerosols and other Ignitable
16 Waste, E-Waste, batteries, liquid Hazardous Waste, Medical Waste and other
17 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
18 for Disposal and destined for a municipal landfill not authorized to receive
19 Hazardous Waste or E-Waste.

20 ggg. November 19, 2020 (Riverside County) – Ignitable Waste and other Hazardous
21 Wastes were discovered in Walmart's locked compactor, picked up for
22 Disposal and destined for a municipal landfill not authorized to receive
23 Hazardous Waste or E-Waste.

24 hhh. April 28, 2021 (San Joaquin County) - Ignitable aerosol Waste, E-Waste,
25 batteries, liquid and solid Hazardous Waste, Medical Waste, and other
26 Hazardous Wastes were discovered in Walmart's locked compactor, picked up
27 for Disposal and destined for a municipal landfill not authorized to receive
28 Hazardous Waste or E-Waste.

1 64. At all times mentioned, Defendants were on notice of their obligation to comply
2 with the HWCL, the MWMA, Civil Code section 1798.81, and the UCL.

3 65. For the entire statutory period, Defendants had the power and authority, to prevent
4 the violations alleged in this Complaint.

5 66. Defendants’ noncompliance with the above statutes and regulations threatened,
6 and continues to threaten, public health, public safety, and California’s environment.

7 67. The People bring this action without prejudice to any other action or claim that the
8 People may have based on separate, independent, and unrelated violations arising out of matters
9 or allegations that are not set forth in this Complaint. Examples of such claims are those for
10 performance of cleanup, corrective action, or response action for any actual past or future
11 releases, spills, or Disposals of Hazardous Waste or hazardous substances that were caused or
12 contributed to by Defendants at or from their Facilities.

13 **FIRST CAUSE OF ACTION**

14 **(Unlawful Disposition of Hazardous Waste)**

15 **(Health & Saf. Code, § 25203)**

16 68. The People reallege Paragraphs 1 through 67, inclusive.

17 69. Health and Safety Code section 25203 provides that it is unlawful for any person
18 to dispose of Hazardous Waste except at a Disposal site or facility of an owner or operator who
19 holds a valid Hazardous Waste Facility Permit or other grant of authorization by DTSC to use and
20 operate the site or facility.

21 70. At one or more of the California Walmart Facilities, Defendants generated
22 Hazardous Waste that they disposed of or arranged for the Disposal at a facility that did not hold
23 a valid Hazardous Waste Facility Permit or grant of authorization as required by Health and
24 Safety Code section 25203. Unless enjoined by this Court, Defendants will continue to operate in
25 violation of the legal requirements for Disposal of Hazardous Waste at an authorized location.

26 71. The HWCL authorizes these penalties against a “person,” as defined in Health and
27 Safety Code section 25118, who violate its requirements. Defendants are “persons” within the
28 meaning of the HWCL.

1 72. Each intentional violation subjects Defendants to a civil penalty pursuant to Health
2 and Safety Code section 25189, subdivision (c).

3 73. Each negligent violation subjects Defendants to a civil penalty pursuant to Health
4 and Safety Code section 25189, subdivision (d).

5 74. Each violation subjects Defendants to a civil penalty pursuant to Health and Safety
6 Code section 25189.2, subdivision (c).

7 75. Based on the allegations herein, the People request injunctive relief against
8 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
9 against Defendants pursuant to Health and Safety Code section 25189, subdivision (c), Health and
10 Safety Code section 25189, subdivision (d), or Health and Safety Code section 25189.2,
11 subdivision (c), subject to the provisions of Health and Safety Code section 25189.2, subdivision
12 (f), as set forth in the prayer for relief.

13 **SECOND CAUSE OF ACTION**

14 **(Allowing Illegally Disposed of Hazardous Waste to Remain at an Unauthorized**
15 **Location Without Filing a Report and Complying with an Order Concerning**
16 **the Deposit of Hazardous Wastes)**

17 **(Health & Saf. Code §§ 25189, subs. (c) and (d), and 25189.2, subd. (c))**

18 76. The People reallege Paragraphs 1 through 67, inclusive, and 70, 71, and 72.

19 77. The Defendants have disposed of Hazardous Waste generated from one or more of
20 the California Walmart Facilities at unauthorized Disposal points regularly during the time period
21 covered by this Complaint.

22 78. Each Disposal of Hazardous Waste occurring at an unauthorized Disposal facility
23 or site, is a violation of the HWCL and each day the Hazardous Waste remains at the
24 unauthorized Disposal site is a separate violation in addition to the violation for the initial
25 Disposal.

26 79. Unless enjoined by this Court, Defendants will not notify DTSC of the illegal
27 Disposals, nor will Defendants remediate or otherwise address the Disposal of Hazardous Waste
28 at the unauthorized Disposal points.

1 80. For each intentional act by Defendants to dispose or cause the Disposal of
2 Hazardous Waste at unauthorized point, Defendants are subject to a civil penalty pursuant to
3 Health and Safety Code section 25189, subdivision (c) for each day that the deposit remains and
4 the Defendants had knowledge of that deposit and did not immediately file a report of the deposit
5 with DTSC and comply with an order from DTSC concerning the deposit.

6 81. For each negligent act by Defendants to dispose or cause the Disposal of
7 Hazardous Waste at an unauthorized point, Defendants are subject to a civil penalty pursuant to
8 Health and Safety Code section 25189, subdivision (d) for each day that the deposit remains and
9 the Defendants had knowledge of that deposit and did not immediately file a report of the deposit
10 with DTSC and comply with an order from DTSC concerning the deposit.

11 82. For each act by Defendants to dispose or cause the Disposal of Hazardous Waste
12 at an unauthorized point Defendants are subject to a civil penalty pursuant to Health and Safety
13 Code section 25189.2, subdivision (c) for each day that the deposit remains and Defendants did
14 not immediately file a report of the deposit with DTSC and comply with an order from DTSC
15 concerning the deposit.

16 83. Based on the allegations herein, the People request injunctive relief against
17 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
18 against Defendants pursuant to Health and Safety Code section 25189, subdivision (c), Health and
19 Safety Code section 25189, subdivision (d), or Health and Safety Code section 25189.2,
20 subdivision (c), subject to the provisions of Health and Safety Code section 25189.2, subdivision
21 (f), as set forth in the prayer for relief.

22 **THIRD CAUSE OF ACTION**

23 **(Failure to Make a Hazardous Waste Determination)**

24 **(Cal. Code Regs., tit. 22, §§ 66262.11 and 66260.200, subd. (c))**

25 84. The People reallege Paragraphs 1 through 67, inclusive and Paragraph 71.

26 85. At one or more California Walmart Facilities, the Defendants failed to determine if
27 the Waste generated and Managed through its operations at California Walmart Facilities was a
28 Hazardous Waste, in violation of the Hazardous Waste determination requirements of the HWCL,

1 and its implementing regulations, including California Code of Regulations, title 22, sections
2 66262.11 and 66260.200, subdivision (c).

3 86. Unless enjoined by order of the Court, the Defendants may or will continue in the
4 course of conduct as alleged herein.

5 87. Each intentional or negligent failure by Defendants to determine if Waste
6 generated and Managed through its operations at the California Walmart Facilities was a
7 Hazardous Waste, subjects Defendants to a civil penalty pursuant to Health and Safety Code
8 section 25189, subdivision (b).

9 88. Each failure by Defendants to determine if Waste generated and Managed through
10 its operations at the California Walmart Facilities was a Hazardous Waste, subjects Defendants to
11 a civil penalty pursuant to Health and Safety Code section 25189.2, subdivision (b).

12 89. Based on the allegations herein, the People request injunctive relief against
13 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
14 against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or Health
15 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
16 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

17 **FOURTH CAUSE OF ACTION**

18 **(Transfer of Hazardous Waste to an Unregistered Transporter)**

19 **(Health & Saf. Code, § 25163, subd. (a)(1))**

20 90. The People reallege Paragraphs 1 through 67, inclusive, and Paragraph 71.

21 91. Health and Safety Code section 25163, subdivision (a)(1) prohibits the transfer of
22 Hazardous Waste to a Transporter who does not hold a valid registration from DTSC.

23 92. At one or more California Walmart Facilities, Defendants engaged in the transfer
24 of Hazardous Waste to Transporters who did not have a valid registration from the DTSC, in
25 violation of Health and Safety code section 25163.

26 93. Unless enjoined by order of the Court, Defendants may or will continue
27 committing these acts.

28

1 94. Each intentional or negligent act by Defendants to transfer of Hazardous Waste
2 from a California Walmart Facility to a Transporter who did not hold a valid registration from
3 DTSC subjects Defendants to a civil penalty pursuant to Health and Safety Code section 25189,
4 subdivision (b).

5 95. Each act by Defendants to transfer Hazardous Waste from a California Walmart
6 Facility to a Transporter who did not hold a valid registration from DTSC subjects Defendants to
7 a civil penalty pursuant to Health and Safety Code section 25189.2, subdivision (b).

8 96. Based on the allegations herein, the People request injunctive relief against
9 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
10 against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or Health
11 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
12 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

13 **FIFTH CAUSE OF ACTION**

14 **(Causing Transportation of Hazardous Waste to a Point Not Authorized)**

15 **(Cal. Code Regs., tit. 22, § 66263.23)**

16 97. The People reallege Paragraphs 1 through 67, inclusive, and Paragraph 71.

17 98. California Code of Regulations, title 22, section 66263.23, subdivision (b)
18 prohibits Transportation or causing Transportation of Hazardous Waste to a location not
19 permitted or otherwise authorized by the DTSC to receive the Waste.

20 99. At one or more California Walmart Facilities, Defendants engaged in causing the
21 Transportation of Hazardous Waste to a location not permitted or otherwise authorized by the
22 DTSC to receive the Waste, in violation of California Code of Regulations, title 22, section
23 66263.23.

24 100. Unless enjoined by order of the Court, Defendants may or will continue
25 committing these acts.

26 101. Each intentional or negligent act by Defendants to cause the Transportation of
27 Hazardous Waste from a California Walmart Facility to a location not permitted or otherwise
28

1 authorized by the DTSC to receive the Waste subjects Defendants to a civil penalty pursuant to
2 Health and Safety Code section 25189, subdivision (b).

3 102. Each act by Defendants to cause the Transportation of Hazardous Waste from a
4 California Walmart Facility to a location not permitted or otherwise authorized by the DTSC to
5 receive the Waste subjects Defendants to a civil penalty pursuant to Health and Safety Code
6 section 25189.2, subdivision (b).

7 103. Based on the allegations herein, the People request injunctive relief against
8 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
9 against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or Health
10 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
11 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

12 **SIXTH CAUSE OF ACTION**

13 **(Violation of Hazardous Waste Manifest Requirements)**

14 **(Health and Saf. Code, § 25160, subd. (b)(1); and Cal. Code Regs., tit. 22, § 66262.23)**

15 104. The People reallege Paragraph 1 through 67, and Paragraph 71.

16 105. Health and Safety Code section 25160, subdivision (b)(1) and California Code of
17 Regulations, title 22, section 66262.23 requires, inter alia, that a person generating Hazardous
18 Waste that is transported or submitted for Transportation for offsite handling, Treatment, Storage
19 Disposal or any combination thereof shall complete a Manifest prior to the time the Waste is
20 transported or offered for Transportation, and shall designate on that Manifest the facility to
21 which the Waste is to be shipped. The Manifest shall be provided to the person who will
22 transport the Hazardous Waste.

23 106. At one or more California Walmart Facilities, Defendants generated Hazardous
24 Waste that was transported for offsite handling, Treatment, Storage, Disposal, or any combination
25 thereof, and Defendants did so without completing a Manifest with all required information prior
26 to the time the Waste was transported or offered for Transportation. Defendants also failed to
27 provide a Manifest to the person who transported the Hazardous Waste from the California
28 Walmart Facility to the offsite location.

1 107. Unless enjoined by order of the Court, Defendants may or will continue
2 committing these acts.

3 108. Each intentional or negligent act by Defendants to transfer of Hazardous Waste
4 from a California Walmart Facility to an offsite location in violation of Health and Safety Code
5 section 25160, subdivision (b)(1), subjects Defendants to a civil penalty pursuant to Health and
6 Safety Code section 25189, subdivision (b).

7 109. Each act by Defendants to transfer Hazardous Waste from a California Walmart
8 Facility to an offsite location in violation of Health and Safety Code section 25160 subjects
9 Defendants to a civil penalty pursuant to Health and Safety Code section 25189.2, subdivision
10 (b).

11 110. Based on the allegations herein, the People request injunctive relief against
12 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
13 against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or Health
14 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
15 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

16 **SEVENTH CAUSE OF ACTION**

17 **(Violation of Hazardous Waste Accumulation Requirements)**

18 **(Cal. Code Regs., tit. 22, § 66262.34, subd. (f))**

19 111. The People reallege Paragraphs 1 through 67, inclusive, and 71.

20 112. California Code of Regulations, title 22, section 66262.34, subdivision (f) requires
21 that persons who Generate Hazardous Waste and accumulate Hazardous Waste onsite without a
22 permit or grant of interim status, shall comply with container labeling requirements.

23 113. At one or more California Walmart Facilities, the Defendants accumulated
24 Hazardous Waste on-site without complying with the requirements of California Code of
25 Regulations, title 22, section 66262.34, subdivision (f), by improperly disposing of Hazardous
26 Waste into onsite municipal trash compactors, thereby failing to label containers as Hazardous
27 Waste, failing to identify the name and address of the Generator of the Hazardous Waste, failing
28 to identify the physical and chemical characteristics of the Hazardous Waste and the failing to

1 identify the starting accumulation date.

2 114. Unless enjoined by order of the Court, the Defendants may or will continue in the
3 course of conduct as alleged herein.

4 115. Each intentional or negligent failure by Defendants to comply with the
5 requirements of California Code of Regulations, title 22, section 66262.34, determine if Waste
6 generated and Managed through its operations at the California Walmart Facilities was a
7 Hazardous Waste, subjects Defendants to a civil penalty pursuant to Health and Safety Code
8 section 25189, subdivision (b).

9 116. Each failure by Defendants to determine if Waste generated and Managed through
10 its operations at the California Walmart Facilities was a Hazardous Waste, subjects Defendants to
11 a civil penalty pursuant to Health and Safety Code section 25189.2, subdivision (b).

12 117. Based on the allegations herein, the People request injunctive relief against
13 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
14 against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or Health
15 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
16 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

17 **EIGHTH CAUSE OF ACTION**

18 **(Disposal of Medical Waste without Treatment)**

19 **(Health & Saf. Code, § 118215)**

20 118. The People reallege Paragraphs 1 through 67, inclusive.

21 119. Health and Safety Code sections 118215, subdivision (a), and 118222, prohibit the
22 disposal of Medical Waste without first treating such Waste by a method specified in the
23 MWMA.

24 120. The MWMA authorizes enforcement action against a “person,” as defined in
25 Health and Safety Code section 117745, who violates its requirements. Defendants are “persons”
26 within the meaning of the MWMA.

27 121. Defendants, and each of them, have disposed of Medical Waste originating from
28 the California Walmart Facilities without first properly treating it, in violation of Health and

1 Safety Code section 118215, subdivision (a), and unless enjoined by order of the Court,
2 Defendants, and each of them, may or will continue in the course of conduct as alleged herein.

3 122. Based on the above, the People request injunctive relief against Defendants under
4 Health and Safety Code section 118325, and civil penalties under Health and Safety Code section
5 118345, subdivision (b), as described in the People's prayer for relief.

6 **NINTH CAUSE OF ACTION**

7 **(Use of an Unauthorized Medical Waste Hauler)**

8 **(Health & Saf. Code, § 118025)**

9 123. The People reallege Paragraphs 1 through 67, inclusive, and Paragraph 121.

10 124. Health and Safety Code section 118025 requires that all Medical Waste be hauled
11 by one of the following entities or methods: a registered Hazardous Waste hauler; a mail-back
12 system approved by the United States Postal Service; a common carrier allowed to haul
13 Pharmaceutical Waste pursuant to Health and Safety Code sections 118029 or 118032; a
14 generator transporting limited quantities of Medical Waste with an exemption granted pursuant to
15 either Health and Safety Code Section 117946 or 117976; or a registered trauma scene Waste
16 practitioner hauling trauma scene Waste pursuant to Health and Safety Code section 118321.5.

17 125. At one or more of the California Walmart Facilities, the Defendants provided
18 Medical Waste to be hauled by a person or method that was not authorized pursuant to Health and
19 Safety Code section 118025.

20 126. Unless enjoined by this Court, the Defendants will continue to commit these acts
21 of improper Medical Waste Management and allow Medical Wastes to be hauled by a person that
22 is not authorized. Each violation of the requirements of the MWMA and its implementing
23 regulations subjects Defendants to a civil penalty under Health and Safety Code section 118345,
24 subdivision (b).

25 127. Based on the above, the People request injunctive relief against Defendants under
26 Health and Safety Code section 118325, and civil penalties under Health and Safety Code section
27 118345, as described in the People's prayer for relief.

28 **TENTH CAUSE OF ACTION**

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(Customer Records Law Violations)

(Civ. Code § 1798.80 et seq.)

128. The People reallege Paragraphs 1 through 67, inclusive.

129. Civil Code section 1798.81, subdivision (a) provides that a business shall take all reasonable steps to dispose, or arrange for the Disposal, of Customer Records within its control or custody that contain Personal Information when the Records are no longer to be retained by the business. The specified methods for Disposal are shredding, erasing or otherwise modifying the Personal Information so as to make it unreadable or undecipherable through any means.

130. Walmart is a “business” as that term is defined Civil Code section 1798.80.

131. At one or more California Walmart Facilities, the Defendants disposed of Customer Records which contained Personal Information without rendering that information unreadable or undecipherable.

132. Unless enjoined by this Court, the Defendants will continue to dispose of Customer Records with Personal Information without shredding, erasing, or otherwise rendering such information unreadable or undecipherable.

ELEVENTH CAUSE OF ACTION

(Violations of Unfair Competition Law)

(Bus. & Prof. Code, § 17200 et seq.)

133. The People reallege all previous Paragraphs.

134. At one or more of the California Walmart Facilities, Defendants engaged in, and continue to engage in, unlawful acts, omissions, and practices that constitute Unfair Competition within the meaning of Business and Professions Code sections 17200 through 17208, as alleged in in the First through Tenth Causes of Action.

135. Unless enjoined by order of the Court, Defendants may or will continue in the course of conduct as alleged in this Complaint.

136. A “person,” as defined in Business and Professions Code section 17201, who engages, has engaged, or proposes to engage in Unfair Competition is liable for a civil penalty of up to \$2,500 for each violation. Defendants are “persons” within the meaning of the UCL.

1 Safety Code section 25189, subdivision (d), or alternatively, section 25189.2, subdivision (d), in
2 an amount according to proof;

3 7. Assess a civil penalty against Defendants pursuant to Health and Safety Code
4 section 118345, subdivision (b), in an amount according to proof;

5 8. Assess a civil penalty against Defendants pursuant to Business and Professions
6 Code section 17206 for each act of Unfair Competition, in an amount according to proof;

7 9. Award the People their costs of suit, including costs of investigation; and

8 10. Grant such other relief as the Court deems just and equitable.
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Respectfully submitted,

**FOR THE PEOPLE OF THE
STATE OF CALIFORNIA, BY
AND THROUGH THE
ATTORNEY GENERAL AND
ON BEHALF OF THE
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

Dated: December 20, 2021

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