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*Exempt from Fees
 Government Code section 6103*

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 County of Alameda
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

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

Plaintiff,

23
 24 v.

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

Defendants.

Case No. 21CV004367

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

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

Dept.: 21
 Judge: Hon. Evelio M. Grillo
 Trial Date: TBD
 Action Filed: Dec. 20, 2021

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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 First Amended Complaint violate the law at a level
18 that warrants 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 First Amended 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; the California
10 Department of Toxic Substances Control ("DTSC"); Nancy E. O'Malley, District Attorney of
11 Alameda County; Lisa A. Smittcamp, District Attorney of Fresno County; Jeannine M. Pacioni,
12 District Attorney of Monterey County; Todd Spitzer, District Attorney of Orange County;
13 Michael A. Hestrin, District Attorney of Riverside County; Anne Marie Schubert, District
14 Attorney of Sacramento County; Jason Anderson, District Attorney of San Bernardino County;
15 Summer Stephan, District Attorney of San Diego County; Tori Verber Salazar, District Attorney
16 of San Joaquin County; Krishna A. Abrams, District Attorney of Solano County; Tim Ward,
17 District Attorney of Tulare County; and Jeff W. Reisig, District Attorney of Yolo County. The
18 Attorney General, DTSC, and the District Attorneys identified in this action shall be referred to
19 collectively as "the People" or "Prosecuting Offices".

20 **DEFENDANT**

21 7. Defendant Walmart, is now, and at all times mentioned in this First Amended
22 Complaint was, a Delaware corporation. At all times relevant, Walmart owned, operated,
23 licensed, or leased, in its own capacity or through affiliates, over 300 retail stores, including
24 California Walmart Facilities referred to by Walmart as "Discount Stores," "Supercenters,"
25 "Neighborhood Markets," and "Sam's Clubs," and associated distribution centers throughout
26 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 First Amended Complaint to allege the
2 true names of DOES 1 through 100 once they have been determined. DOES 1 through 100
3 participated in some or all of the acts alleged in this First Amended Complaint.

4 9. Allegations in this First Amended Complaint regarding Walmart's acts or
5 omissions include the acts and omissions of Walmart's officers, agents, employees, and
6 representatives that were committed while acting within the course and scope of their
7 employment or agency on behalf of 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 First Amended Complaint occurred in the County of Alameda and throughout the State of
14 California.

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

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

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

26 DEFINITIONS

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

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

117690, subdivision (b)(3).

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

STATUTORY AND REGULATORY BACKGROUND

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

1 Treatment, and Disposal of Hazardous Waste, to provide for the protection of the public and the
2 environment from present and potential risks posed by Hazardous Waste.

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

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

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

18 **ENFORCEMENT AUTHORITY**

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

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

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

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

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

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

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

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

25 28. Pursuant to Health and Safety Code section 25189, subdivision (f), each civil
26 penalty imposed for a separate violation pursuant to this section shall be separate from and in
27 addition to any other civil penalty imposed pursuant to this section or any other provision of law.
28 Pursuant to Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f),

1 a person may not be held liable for a civil penalty under both sections for the same act.

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

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

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

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

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

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

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

25 **GENERAL ALLEGATIONS**

26 36. Unless specifically stated otherwise, allegations in this First Amended Complaint
27 are based on facts that were discovered within the applicable statutes of limitation, taking into
28 account any applicable tolling periods and Emergency Rule 9(a). The period of time for which

claims asserted by the People in this First Amended Complaint are permissible is referred to as “the statutory period.”

Corporate Environmental Compliance Program

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

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

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

40. At various times before and during the Statutory Period, Walmart designed and rolled out adjustments to the company’s Hazardous Waste compliance program across all its stores in California.

Walmart Waste Disposal in California

41. During the Statutory Period, Walmart California Facilities onsite trash collection primarily consisted of one 30-yard or one 40-yard trash compactor per facility. From 2015 to 2021, based on the People's inspections, the average time that a trash compactor had been at a Walmart facility prior to being hauled off was approximately 19 days. Thus, on information and belief, the People allege that Walmart's trash compactors were picked up on average 19 times a year per facility during this time period.

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

43. The People are informed and believe that nearly every time Walmart conducted a third-party waste audit of a compactor or other waste receptacle taken from a Walmart store or Walmart distribution center in California, starting in September 2014 to the present, Walmart’s

1 third-party waste audit company found Waste that is classified as Hazardous Waste, Medical
2 Waste, and/or contained Customer Records with Personal Information.

3 44. The People are informed and believe that during the Statutory Period Walmart has
4 transported or caused to be transported well over twenty-five thousand (25,000) compactors or
5 other receptacles containing Waste that is classified as Hazardous Waste and/or Medical Waste to
6 California landfills that were not authorized to accept these Waste Materials from Walmart
7 California Facilities.

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

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

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

15 47. The February 2016 analysis looked at eight (8) compactors from eight (8) of
16 Walmart's stores, and showed that on average 42 potentially Hazardous Waste items per ton or
17 trash, or 252 potentially Hazardous Waste items per 6-ton trash compactor, were improperly
18 disposed in every Walmart trash compactor.

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

22 49. Similarly, 252 items sent 19 times per year per store would result in over 1.4
23 million Hazardous Waste items being sent to California's municipal landfills by Walmart
24 California Facilities annually.

25 50. Walmart repeated a version of that analysis in October of 2017, looking at another
26 sample size of eight (8) of its over 300 retail stores in California. Audits of its municipal Waste
27 revealed up to 37 Hazardous Waste items per ton of trash, or 222 items per compactor were being
28 disposed of.

1 51. 222 items sent 19 times per year per store would result in over 6.3 million
2 Hazardous Waste items being sent to California's municipal landfills by Walmart California
3 Facilities over a 5-year period, or more than 1.265 million items annually.

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

5 52. In 2004, California officials raised concerns with Walmart about its Hazardous
6 Waste practices. At that time, the company had no formal Management program in place for
7 proper Disposal of Hazardous Waste and admittedly permitted employees to pour bleach and
8 other liquid consumer products down the drain, instead of managing those items under a
9 Hazardous Waste Management program.

10 53. In 2010, Walmart agreed to a stipulated resolution of a civil law enforcement
11 action brought by the People based on Walmart's unlawful Management and Disposal of bleach,
12 pesticides, and various other Hazardous Wastes and materials at stores throughout California.
13 (*People v. Wal-Mart Stores, Inc.*, San Diego County Superior Court, Case No. 37-2010-
14 00089145-CU-TT-CTL ("San Diego Judgment").) As a result, Walmart agreed to pay
15 \$24,681,325 in civil penalties, funding for supplemental environmental projects, and
16 reimbursement of costs of investigation and enforcement. Walmart also was under an injunction
17 between May 3, 2010 and January 26, 2018 that prohibited the unlawful Management and
18 Disposal of Hazardous Waste and materials in the course of its business operations in California.

19 54. In addition to the San Diego Judgment, on June 4, 2013, Wal-Mart Stores, Inc.,
20 pled guilty to six (6) counts of Negligent Discharge of a Pollutant (Federal Class A
21 Misdemeanors) in the United States District Court for the Northern District of California for
22 negligently discharging pollutants during 2003-2005, namely, Corrosive and liquid Hazardous
23 Wastes, from the premises of multiple retail stores into drains connected to publicly-owned
24 sanitation systems in Alameda, Contra Costa, Del Norte, Lake, Los Angeles, Mendocino,
25 Monterey, Napa, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, Sonoma,
26 Santa Clara, and Ventura Counties. (*USA v. Wal-Mart, Inc.*, U.S.D.C. Northern Dist. of CA Case
27 No. 3:13-cr-0333-JCS-1 and 3:13-cr-0334-JCS-1 ("Federal Case").) As part of the Federal Case,
28 Wal-Mart Stores, Inc. was placed on probation for two years and ordered to pay Criminal

1 Monetary Penalties in the form of a fine of \$40 million and community service payments in the
2 amount of \$20 million.

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

4 55. Since at least the 2010 San Diego Judgment and the 2013 Federal Case, Walmart
5 has instituted various Hazardous Waste Management programs and inspection protocols,
6 including ensuring that only a few select employees at the Management level have the keys and
7 access to dispose of items into the locked compactor designated for Disposal into California's
8 municipal landfills.

9 56. According to Walmart policy, management is aware of and responsible for what is
10 placed in each compactor.

11 57. While having a specific written program, the mere presence of a program and
12 requisite training does not equate to compliance with or successful implementation of the
13 program.

14 58. Despite these programmatic controls, Walmart continued and continues to
15 unlawfully manage and dispose of millions of Hazardous Waste items, including, but not limited
16 to, pesticides, batteries, and various other Ignitable, Reactive, Toxic, and Corrosive Wastes and
17 Medical Wastes placed into Walmart store trash compactors, which are destined for California
18 municipal landfills.

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

20 59. In the early Spring of 2015, the People notified Walmart of several deficiencies,
21 including that the practice of allowing certain electronic products to be placed into compactors
22 designated for Disposal in California municipal landfills was in violation of California's
23 Hazardous Waste laws.

24 60. In the early Spring of 2015, the People advised, notified, and warned Walmart that
25 LED light bulbs and containers of hazardous liquids with pourable volumes of hazardous liquid,
26 that were disposed of in Walmart compactors destined for California municipal landfills,
27 constituted the unlawful handling, Storage, Transportation and Disposal of Hazardous Waste.
28

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

2 61. Depending on the type of Walmart retail store, Walmart retail stores generate
3 Hazardous Waste from various places throughout their retail store operations, including, but not
4 limited to, from their pharmacies, auto care centers, claims departments, battery and used cell
5 phone collection boxes, customer facing trash bins, new store or store remodeling construction
6 debris and from accidental breakage or spillage of products that become Hazardous Waste.
7 Depending on the type of Walmart distribution center, each distribution center may have a series
8 of distinct Waste streams from each other, and from Walmart retail stores.

9 62. Waste generated at California Walmart Facilities originates primarily from 1)
10 products that are so damaged they must be discarded, 2) Waste generated by store operations and
11 services, 3) employee-generated Waste discarded into Walmart trash bins, and 4) public and
12 tenant Waste, which is consolidated into Walmart's trash compactors.

13 63. The People inspected dozens of trash compactors from California Walmart
14 Facilities containing Waste destined for Disposal in municipal landfills throughout California.
15 Each inspected trash compactor contained Hazardous Waste.

16 64. Walmart disposed of Customer Records containing Personal Information into
17 Walmart compactors without making the information unreadable or undecipherable in violation
18 of the Customer Records Law.

19 65. Investigations or audits of Walmart's compactors destined for Disposal in
20 municipal landfills throughout California that identified acts and omissions by Walmart
21 constituting violations of the HWCL, MWMA, Civil Code, and UCL through the illegal
22 Management of Hazardous Waste and Medical Waste, and the improper disposal of Customer
23 Records containing Personal Information occurred on the following dates:

- 24 a. February 27, 2015 (San Joaquin County) - Hazardous batteries, aerosol
25 cans, E-Waste, liquid waste, and other Hazardous Wastes, Medical Waste,
26 and Customer Records containing Personal Information were discovered in
27 Walmart's locked compactor, picked up for Disposal and destined for a
28 municipal landfill not authorized to receive Hazardous Wastes or Medical

1 Wastes.

2 b. March 9, 2015 (Monterey County) - Hazardous batteries, E-Waste, liquid
3 waste, and other Hazardous Wastes, and Medical Waste were discovered in
4 Walmart's locked compactor, picked up for Disposal and destined for a
5 municipal landfill not authorized to receive Hazardous Wastes or Medical
6 Wastes.

7 c. March 11, 2015 (Alameda County) - Hazardous batteries, E-Waste, liquid
8 and solid Wastes, and other Hazardous Wastes, and Medical Waste were
9 discovered in Walmart's locked compactor, picked up for Disposal and
10 destined for a municipal landfill not authorized to receive Hazardous
11 Wastes or Medical Wastes.

12 d. March 11, 2015 (Sacramento County) - Hazardous batteries, E-Waste,
13 liquid Waste, and other Hazardous Wastes, and Medical Waste were
14 discovered in Walmart's locked compactor, picked up for Disposal and
15 destined for a municipal landfill not authorized to receive Hazardous
16 Wastes or Medical Wastes.

17 e. March 23, 2015 (Monterey County) - Hazardous batteries, aerosol cans, E-
18 Waste, liquid Waste, and other Hazardous Wastes, Medical Waste were
19 discovered in Walmart's locked compactor, picked up for Disposal and
20 destined for a municipal landfill not authorized to receive Hazardous
21 Wastes or Medical Wastes.

22 f. March 23, 2015 (San Joaquin County) - Hazardous batteries, aerosol cans,
23 E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
24 Medical Waste were discovered in Walmart's locked compactor, picked up
25 for Disposal and destined for a municipal landfill not authorized to receive
26 Hazardous Wastes or Medical Wastes.

27 g. March 24, 2015 (San Bernardino County) - Hazardous batteries, E-Waste,
28 liquid Waste, and other Hazardous Wastes were discovered in Walmart's

1 locked compactor, picked up for Disposal and destined for a municipal
2 landfill not authorized to receive Hazardous Wastes.

3 h. March 30, 2015 (Alameda County) - Hazardous batteries, E-Waste, liquid
4 and solid Wastes, and other Hazardous Wastes, and Medical Waste were
5 discovered in Walmart's locked compactor, picked up for Disposal and
6 destined for a municipal landfill not authorized to receive Hazardous
7 Wastes or Medical Wastes.

8 i. April 1, 2015 (San Diego County) - Hazardous batteries, aerosol cans, E-
9 Waste, liquid Wastes, and other Hazardous Wastes were discovered in
10 Walmart's locked compactor, picked up for Disposal and destined for a
11 municipal landfill not authorized to receive Hazardous Wastes or Medical
12 Wastes.

13 j. April 6, 2015 (Napa County) - Hazardous batteries, E-Waste, liquid waste,
14 and other Hazardous Wastes, Medical Waste, and Customer Records
15 containing Personal Information were discovered in Walmart's locked
16 compactor, picked up for Disposal and destined for a municipal landfill not
17 authorized to receive Hazardous Wastes or Medical Wastes.

18 k. April 8, 2015 (Fresno County) - Hazardous batteries, aerosol cans, E-
19 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
20 Waste were discovered in Walmart's locked compactor, picked up for
21 Disposal and destined for a municipal landfill not authorized to receive
22 Hazardous Wastes or Medical Wastes.

23 l. April 8, 2015 (Riverside County) - Hazardous batteries and E-Waste were
24 discovered in Walmart's locked compactor, picked up for Disposal and
25 destined for a municipal landfill not authorized to receive Hazardous
26 Wastes.

27 m. April 9, 2015 (Tulare County) - Hazardous batteries, aerosol cans, E-
28 Waste, liquid waste, and other Hazardous Wastes, Medical Waste, and

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

5 n. May 5, 2015 (Monterey County) - Hazardous batteries, E-Waste, liquid and
6 solid Wastes, and other Hazardous Wastes were discovered in Walmart's
7 locked compactor, picked up for Disposal and destined for a municipal
8 landfill not authorized to receive Hazardous Wastes.

9 o. June 2, 2015 (San Bernardino County) - Hazardous batteries, aerosol cans,
10 E-Waste, liquid Wastes, and other Hazardous Wastes were discovered in
11 Walmart's locked compactor, picked up for Disposal and destined for a
12 municipal landfill not authorized to receive Hazardous Wastes or Medical
13 Wastes.

14 p. June 9, 2015 (San Bernardino County – Upland audit conducted by
15 Walmart's third-party outside auditing team) - Hazardous batteries, E-
16 Waste, liquid and solid Wastes, and other Hazardous Wastes, Medical
17 Waste, and Customer Records containing Personal Information were
18 discovered in Walmart's compactor or other trash receptacles whose
19 contents Walmart, in the regular course, had picked up for Disposal to
20 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

21 q. June 9, 2015 (Los Angeles County – Glendora audit conducted by
22 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
23 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
24 Medical Waste were discovered in Walmart's compactor or other trash
25 receptacles whose contents Walmart, in the regular course, had picked up
26 for Disposal to landfills not authorized to receive Hazardous Wastes or
27 Medical Wastes.

28 r. June 9, 2015 (Contra Costa County – Concord audit conducted by

Walmart's third-party outside auditing team) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical Waste were discovered in Walmart's compactor or other trash receptacles whose contents Walmart, in the regular course, had picked up for Disposal to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

s. June 9, 2015 (Sacramento County – Sacramento audit conducted by Walmart's third-party outside auditing team) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical Waste were discovered in Walmart's compactor or other trash receptacles whose contents Walmart, in the regular course, had picked up for Disposal to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

t. June 10, 2015 (Butte County – Chico audit conducted by Walmart's third-party outside auditing team) - Hazardous batteries, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and Customer Records containing Personal Information were discovered in Walmart's compactor or other trash receptacles whose contents Walmart, in the regular course, had picked up for Disposal to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

u. June 10, 2015 (Orange County – La Habra audit conducted by Walmart's third-party outside auditing team) - Hazardous aerosol cans, liquid and solid Wastes, and other Hazardous Wastes were discovered in Walmart's compactor or other trash receptacles whose contents Walmart, in the regular course, had picked up for Disposal to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

v. June 10, 2015 (Yuba County – Marysville audit conducted by Walmart's third-party outside auditing team) - Hazardous batteries, aerosol cans, E-

1 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
2 Waste were discovered in Walmart's compactor or other trash receptacles
3 whose contents Walmart, in the regular course, had picked up for Disposal
4 to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

5 w. June 10, 2015 (Los Angeles County – Santa Clarita audit conducted by
6 Walmart's third-party outside auditing team)- Hazardous batteries, aerosol
7 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
8 Medical Waste were discovered in Walmart's compactor or other trash
9 receptacles whose contents Walmart, in the regular course, had picked up
10 for Disposal to landfills not authorized to receive Hazardous Wastes or
11 Medical Wastes.

12 x. June 11, 2015 (Stanislaus County – Ceres audit conducted by Walmart's
13 third-party outside auditing team) - Hazardous batteries, aerosol cans, E-
14 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
15 Waste were discovered in Walmart's compactor or other trash receptacles
16 whose contents Walmart, in the regular course, had picked up for Disposal
17 to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

18 y. June 11, 2015 (Kern County – Bakersfield audit conducted by Walmart's
19 third-party outside auditing team) - Hazardous liquid and solid Wastes
20 were discovered in Walmart's compactor or other trash receptacles whose
21 contents Walmart, in the regular course, had picked up for Disposal to
22 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

23 z. September 28, 2015 (Alameda County – Livermore audit conducted by
24 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
25 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes,
26 Medical Waste, and Customer Records containing Personal Information
27 were discovered in Walmart's compactor or other trash receptacles whose
28 contents Walmart, in the regular course, had picked up for Disposal to

- 1 landfills not authorized to receive Hazardous Wastes or Medical Wastes.
- 2 aa. September 28, 2015 (San Diego County – San Diego audit conducted by
- 3 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
- 4 cans, E-Waste, liquid Wastes, and other Hazardous Wastes were
- 5 discovered in Walmart's compactor or other trash receptacles whose
- 6 contents Walmart, in the regular course, had picked up for Disposal to
- 7 landfills not authorized to receive Hazardous Wastes or Medical Wastes.
- 8 bb. September 29, 2015 (Napa County – America Canyon audit conducted by
- 9 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
- 10 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes were
- 11 discovered in Walmart's compactor or other trash receptacles whose
- 12 contents Walmart, in the regular course, had picked up for Disposal to
- 13 landfills not authorized to receive Hazardous Wastes or Medical Wastes.
- 14 cc. September 29, 2015 (Los Angeles County - Porter Ranch audit conducted
- 15 by Walmart’s third-party outside auditing team) - Hazardous batteries,
- 16 aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous
- 17 Wastes were discovered in Walmart's compactor or other trash receptacles
- 18 whose contents Walmart, in the regular course, had picked up for Disposal
- 19 to landfills not authorized to receive Hazardous Wastes or Medical Wastes.
- 20 dd. September 30, 2015 (Los Angeles County – Panorama City audit
- 21 conducted by Walmart’s third-party outside auditing team) - Hazardous
- 22 batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other
- 23 Hazardous Wastes were discovered in Walmart's compactor or other trash
- 24 receptacles whose contents Walmart, in the regular course, had picked up
- 25 for Disposal to landfills not authorized to receive Hazardous Wastes or
- 26 Medical Wastes.
- 27 ee. September 30, 2015 (Sacramento County – Orangevale audit conducted by
- 28 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol

1 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes were
2 discovered in Walmart's compactor or other trash receptacles whose
3 contents Walmart, in the regular course, had picked up for Disposal to
4 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

5 ff. October 1, 2015 (Los Angeles County – West Hills audit conducted by
6 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
7 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes were
8 discovered in Walmart's compactor or other trash receptacles whose
9 contents Walmart, in the regular course, had picked up for Disposal to
10 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

11 gg. October 1, 2015 (Sacramento County – Sacramento audit conducted by
12 Walmart's third-party outside auditing team).- Hazardous aerosol cans, E-
13 Waste, liquid and solid Wastes, and other Hazardous Wastes were
14 discovered in Walmart's compactor or other trash receptacles whose
15 contents Walmart, in the regular course, had picked up for Disposal to
16 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

17 hh. October 2, 2015 (Santa Barbara County – Lompoc audit conducted by
18 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
19 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes,
20 Medical Waste, and Customer Records containing Personal Information
21 were discovered in Walmart's compactor or other trash receptacles whose
22 contents Walmart, in the regular course, had picked up for Disposal to
23 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

24 ii. October 2, 2015 (El Dorado County – Placerville audit conducted by
25 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
26 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
27 Medical Waste were discovered in Walmart's compactor or other trash
28 receptacles whose contents Walmart, in the regular course, had picked up

1 for Disposal to landfills not authorized to receive Hazardous Wastes or
2 Medical Wastes.

3 jj. November 10, 2015 (San Joaquin County) - Hazardous batteries, E-Waste,
4 liquid waste, and other Hazardous Wastes, Medical Waste, and Customer
5 Records containing Personal Information were discovered in Walmart's
6 locked compactor, picked up for Disposal and destined for a municipal
7 landfill not authorized to receive Hazardous Wastes or Medical Wastes.

8 kk. November 20, 2015 (Contra Costa County) - Hazardous batteries, aerosol
9 cans, E-Waste, and other Hazardous Wastes, and Customer Records
10 containing Personal Information were discovered in Walmart's locked
11 compactor, picked up for Disposal and destined for a municipal landfill not
12 authorized to receive Hazardous Wastes.

13 ll. January 15, 2016 (San Joaquin County) - Hazardous batteries, E-Waste,
14 liquid and solid Wastes, and other Hazardous Wastes were discovered in
15 Walmart's locked compactor, picked up for Disposal and destined for a
16 municipal landfill not authorized to receive Hazardous Wastes.

17 mm. February 15, 2016 (Santa Clara County – Gilroy audit conducted by
18 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
19 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
20 Medical Waste were discovered in Walmart's compactor or other trash
21 receptacles whose contents Walmart, in the regular course, had picked up
22 for Disposal to landfills not authorized to receive Hazardous Wastes or
23 Medical Wastes.

24 nn. February 16, 2016 (Riverside County – Beaumont audit conducted by
25 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
26 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
27 Medical Waste were discovered in Walmart's compactor or other trash
28 receptacles whose contents Walmart, in the regular course, had picked up

1 for Disposal to landfills not authorized to receive Hazardous Wastes or
2 Medical Wastes.

3 oo. February 16, 2016 (Stanislaus County – Patterson audit conducted by
4 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
5 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
6 Medical Waste were discovered in Walmart's compactor or other trash
7 receptacles whose contents Walmart, in the regular course, had picked up
8 for Disposal to landfills not authorized to receive Hazardous Wastes or
9 Medical Wastes.

10 pp. February 17, 2016 (Imperial County - Brawley audit conducted by
11 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
12 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
13 Medical Waste were discovered in Walmart's compactor or other trash
14 receptacles whose contents Walmart, in the regular course, had picked up
15 for Disposal to landfills not authorized to receive Hazardous Wastes or
16 Medical Wastes.

17 qq. February 18, 2016 (San Diego County – Oceanside audit conducted by
18 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
19 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
20 Medical Waste were discovered in Walmart's compactor or other trash
21 receptacles whose contents Walmart, in the regular course, had picked up
22 for Disposal to landfills not authorized to receive Hazardous Wastes or
23 Medical Wastes.

24 rr. February 18, 2016 (Sacramento County - Folsom audit conducted by
25 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
26 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
27 Medical Waste were discovered in Walmart's compactor or other trash
28 receptacles whose contents Walmart, in the regular course, had picked up

1 for Disposal to landfills not authorized to receive Hazardous Wastes or
2 Medical Wastes.

3 ss. February 19, 2016 (Sacramento County – Antelope audit conducted by
4 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
5 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
6 Medical Waste were discovered in Walmart's compactor or other trash
7 receptacles whose contents Walmart, in the regular course, had picked up
8 for Disposal to landfills not authorized to receive Hazardous Wastes or
9 Medical Wastes.

10 tt. February 19, 2016 (Orange County – Fullerton audit conducted by
11 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
12 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
13 Medical Waste were discovered in Walmart's compactor or other trash
14 receptacles whose contents Walmart, in the regular course, had picked up
15 for Disposal to landfills not authorized to receive Hazardous Wastes or
16 Medical Wastes.

17 uu. August 25, 2016 (San Joaquin County) - Hazardous batteries, E-Waste,
18 liquid Wastes, and other Hazardous Wastes, and Medical Waste were
19 discovered in Walmart’s locked compactor, picked up for Disposal and
20 destined for a municipal landfill not authorized to receive Hazardous
21 Wastes or Medical Wastes.

22 vv. February 7, 2017 (San Diego County) - Hazardous batteries, aerosol cans,
23 E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
24 Medical Waste were discovered in Walmart’s locked compactor, picked up
25 for Disposal and destined for a municipal landfill not authorized to receive
26 Hazardous Wastes or Medical Wastes.

27 ww. May 9, 2017 (San Joaquin County) - Hazardous batteries, aerosol cans, E-
28 Waste, liquid and solid Wastes, and other Hazardous Wastes, and

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

4 xx. May 30, 2017 (San Diego County) - Hazardous batteries, aerosol cans, E-
5 Waste, liquid and solid Wastes, and other Hazardous Wastes, and
6 Customer Records containing Personal Information were discovered in
7 Walmart's locked compactor, picked up for Disposal and destined for a
8 municipal landfill not authorized to receive Hazardous Wastes.

9 yy. May 31, 2017 (San Diego County) - Hazardous batteries, E-Waste, liquid
10 and solid Wastes, and other Hazardous Wastes, and Customer Records
11 containing Personal Information were discovered in Walmart's locked
12 compactor, picked up for Disposal and destined for a municipal landfill not
13 authorized to receive Hazardous Wastes.

14 zz. June 1, 2017 (Yolo County) - Hazardous batteries, aerosol cans, E-Waste,
15 liquid and solid Wastes, and other Hazardous Wastes, Medical Waste, and
16 Customer Records containing Personal Information were discovered in
17 Walmart's locked compactor, picked up for Disposal and destined for a
18 municipal landfill not authorized to receive Hazardous Wastes or Medical
19 Wastes.

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

26 bbb. July 12, 2017 (Yuba County) - Hazardous batteries, aerosol cans, E-Waste,
27 liquid and solid Wastes, and other Hazardous Wastes were discovered in
28 Walmart's locked compactor, picked up for Disposal and destined for a

municipal landfill not authorized to receive Hazardous Wastes.

ccc. August 8, 2017 (Monterey County) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, Medical Waste, and Customer Records containing Personal Information were discovered in Walmart's locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Wastes or Medical Wastes.

ddd. August 21, 2017 (Monterey County) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, Medical Waste, and Customer Records containing Personal Information were discovered in Walmart's locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Wastes or Medical Wastes.

eee. August 22, 2017 (Riverside County) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, Medical Waste, and Customer Records containing Personal Information were discovered in Walmart's locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Wastes or Medical Wastes.

fff. August 22, 2017 (San Bernardino County) - Hazardous batteries, aerosol cans, E-Waste, liquid Wastes, 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 Wastes.

ggg. August 23, 2017 (Santa Clara County) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and Customer Records containing Personal Information were discovered in Walmart's locked compactor, picked up for Disposal and destined for a

1 municipal landfill not authorized to receive Hazardous Wastes.

2 hhh. August 23, 2017 (Napa County) – Hazardous batteries, aerosol cans, E-
3 Waste, liquid and solid Wastes, and other Hazardous Wastes, and
4 Customer Records containing Personal Information were discovered in
5 Walmart’s locked compactor, picked up for Disposal and destined for a
6 municipal landfill not authorized to receive Hazardous Wastes.

7 iii. September 7, 2017 (San Joaquin County) - Hazardous batteries, aerosol
8 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
9 Medical Waste were discovered in Walmart’s locked compactor, picked up
10 for Disposal and destined for a municipal landfill not authorized to receive
11 Hazardous Wastes or Medical Wastes.

12 jjj. September 12, 2017 (Los Angeles County – Long Beach audit conducted
13 by Walmart’s third-party outside auditing team) - Hazardous batteries,
14 aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous
15 Wastes, and Medical Waste were discovered in Walmart's compactor or
16 other trash receptacles whose contents Walmart, in the regular course, had
17 picked up for Disposal to landfills not authorized to receive Hazardous
18 Wastes or Medical Wastes.

19 kkk. September 13, 2017 (Sacramento County – Sacramento audit conducted by
20 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
21 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
22 Medical Waste were discovered in Walmart's compactor or other trash
23 receptacles whose contents Walmart, in the regular course, had picked up
24 for Disposal to landfills not authorized to receive Hazardous Wastes or
25 Medical Wastes.

26 ll. September 13, 2017 (Los Angeles County – Torrance audit conducted by
27 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
28 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and

1 Medical Waste were discovered in Walmart's compactor or other trash
2 receptacles whose contents Walmart, in the regular course, had picked up
3 for Disposal to landfills not authorized to receive Hazardous Wastes or
4 Medical Wastes.

5 mmm. September 14, 2017 (Yolo County – West Sacramento audit conducted by
6 Walmart's third-party outside auditing team) - Hazardous aerosol cans, E-
7 Waste, liquid and solid Wastes, and other Hazardous Wastes were
8 discovered in Walmart's compactor or other trash receptacles whose
9 contents Walmart, in the regular course, had picked up for Disposal to
10 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

11 nnn. September 14, 2017 (Orange County – Irvine audit conducted by
12 Walmart's third-party outside auditing team) - Hazardous batteries, E-
13 Waste, liquid and solid Wastes, and other Hazardous Wastes were
14 discovered in Walmart's compactor or other trash receptacles whose
15 contents Walmart, in the regular course, had picked up for Disposal to
16 landfills not authorized to receive Hazardous Wastes or Medical Wastes.

17 ooo. September 15, 2017 (Sacramento County – Citrus Heights audit conducted
18 by Walmart's third-party outside auditing team team) - Hazardous
19 batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other
20 Hazardous Wastes, and Medical Waste were discovered in Walmart's
21 compactor or other trash receptacles whose contents Walmart, in the
22 regular course, had picked up for Disposal to landfills not authorized to
23 receive Hazardous Wastes or Medical Wastes.

24 ppp. September 20, 2017 (Santa Clara County) - Hazardous batteries, aerosol
25 cans, liquid Wastes, and other Hazardous Wastes, and Medical Waste were
26 discovered in Walmart's locked compactor, picked up for Disposal and
27 destined for a municipal landfill not authorized to receive Hazardous
28 Wastes or Medical Wastes.

- 1 qqq. September 28, 2017 (Monterey County) - Hazardous batteries, aerosol
2 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes,
3 Medical Waste, and Customer Records containing Personal Information
4 were discovered in Walmart's locked compactor, picked up for Disposal
5 and destined for a municipal landfill not authorized to receive Hazardous
6 Wastes or Medical Wastes.
- 7 rrr. October 5, 2017 (San Bernardino County) - Hazardous aerosol cans, E-
8 Waste, liquid Wastes, and other Hazardous Wastes, and Customer Records
9 containing Personal Information were discovered in Walmart's locked
10 compactor, picked up for Disposal and destined for a municipal landfill not
11 authorized to receive Hazardous Wastes.
- 12 sss. October 9, 2017 (Sacramento County – Antelope audit conducted by
13 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
14 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
15 Medical Waste were discovered in Walmart's compactor or other trash
16 receptacles whose contents Walmart, in the regular course, had picked up
17 for Disposal to landfills not authorized to receive Hazardous Wastes or
18 Medical Wastes.
- 19 ttd. October 10, 2017 (Sacramento County – Sacramento audit conducted by
20 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
21 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
22 Medical Waste were discovered in Walmart's compactor or other trash
23 receptacles whose contents Walmart, in the regular course, had picked up
24 for Disposal to landfills not authorized to receive Hazardous Wastes or
25 Medical Wastes.
- 26 uuu. October 11, 2017 (Sacramento County – Rancho Cordova audit conducted
27 by Walmart's third-party outside auditing team) - Hazardous batteries,
28 aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous

1 Wastes, and Medical Waste were discovered in Walmart's compactor or
2 other trash receptacles whose contents Walmart, in the regular course, had
3 picked up for Disposal to landfills not authorized to receive Hazardous
4 Wastes or Medical Wastes.

5 vvv. October 11, 2017 (Los Angeles County – Burbank audit conducted by
6 Walmart's third-party outside auditing team)- Hazardous batteries, aerosol
7 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
8 Medical Waste were discovered in Walmart's compactor or other trash
9 receptacles whose contents Walmart, in the regular course, had picked up
10 for Disposal to landfills not authorized to receive Hazardous Wastes or
11 Medical Wastes.

12 www. October 11, 2017 (Stanislaus County - Patterson audit conducted by
13 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
14 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
15 Medical Waste were discovered in Walmart's compactor or other trash
16 receptacles whose contents Walmart, in the regular course, had picked up
17 for Disposal to landfills not authorized to receive Hazardous Wastes or
18 Medical Wastes.

19 xxx. October 12, 2017 (Stanislaus County - Ceres audit conducted by Walmart's
20 third-party outside auditing team) - Hazardous batteries, aerosol cans, E-
21 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
22 Waste were discovered in Walmart's compactor or other trash receptacles
23 whose contents Walmart, in the regular course, had picked up for Disposal
24 to landfills not authorized to receive Hazardous Wastes or Medical Wastes.

25 yyy. October 12, 2017 (San Diego County – El Cajon audit conducted by
26 Walmart's third-party outside auditing team) - Hazardous batteries, aerosol
27 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
28 Medical Waste were discovered in Walmart's compactor or other trash

1 receptacles whose contents Walmart, in the regular course, had picked up
2 for Disposal to landfills not authorized to receive Hazardous Wastes or
3 Medical Wastes.

4 zzz. October 13, 2017 (San Diego County – Poway audit conducted by
5 Walmart’s third-party outside auditing team) - Hazardous batteries, aerosol
6 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
7 Medical Waste were discovered in Walmart's compactor or other trash
8 receptacles whose contents Walmart, in the regular course, had picked up
9 for Disposal to landfills not authorized to receive Hazardous Wastes or
10 Medical Wastes.

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

16 bbbb. November 1, 2017 (San Joaquin County) - Hazardous batteries, aerosol
17 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes were
18 discovered in Walmart’s locked compactor, picked up for Disposal and
19 destined for a municipal landfill not authorized to receive Hazardous
20 Wastes.

21 cccc. January 3, 2018 (Santa Clara County) - Hazardous batteries, aerosol cans,
22 E-Waste, liquid and solid Wastes, and other Hazardous Wastes, Medical
23 Waste, and Customer Records containing Personal Information were
24 discovered in Walmart’s locked compactor, picked up for Disposal and
25 destined for a municipal landfill not authorized to receive Hazardous
26 Wastes or Medical Wastes.

27 dddd. February 7, 2018 (Alameda County) - Hazardous batteries, aerosol cans, E-
28 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical

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

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

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

16 gggg. March 12, 2018 (Alameda County) - Hazardous batteries, aerosol cans, E-
17 Waste, liquid Wastes, 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 Wastes.

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

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

1 Disposal and destined for a municipal landfill not authorized to receive
2 Hazardous Wastes or Medical Wastes.

3 jiji. May 23, 2018 (Alameda County) - Hazardous batteries, aerosol cans, E-
4 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
5 Waste were discovered in Walmart's locked compactor, picked up for
6 Disposal and destined for a municipal landfill not authorized to receive
7 Hazardous Wastes or Medical Wastes.

8 kkkk. May 31, 2018 (San Joaquin County) - Hazardous batteries, aerosol cans, E-
9 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
10 Waste were discovered in Walmart's locked compactor, picked up for
11 Disposal and destined for a municipal landfill not authorized to receive
12 Hazardous Wastes or Medical Wastes.

13 llll. June 11, 2018 (Monterey County) - Hazardous batteries, aerosol cans, E-
14 Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical
15 Waste were discovered in Walmart's locked compactor, picked up for
16 Disposal and destined for a municipal landfill not authorized to receive
17 Hazardous Wastes or Medical Wastes.

18 mmmm. June 15, 2018 (Alameda County) - Hazardous batteries, aerosol
19 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes,
20 Medical Waste, and Customer Records containing Personal Information
21 were discovered in Walmart's locked compactor, picked up for Disposal
22 and destined for a municipal landfill not authorized to receive Hazardous
23 Wastes or Medical Wastes.

24 nnnn. June 29, 2018 (Alameda County) - Hazardous batteries, aerosol cans, E-
25 Waste, liquid Wastes, and other Hazardous Wastes were discovered in
26 Walmart's locked compactor, picked up for Disposal and destined for a
27 municipal landfill not authorized to receive Hazardous Wastes.

28 oooo. July 5, 2018 (San Diego County) - Hazardous batteries, aerosol cans, E-

1 Waste, liquid and solid Wastes, 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
4 Wastes.

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

10 qqqq. August 1, 2018 (San Joaquin County) - Hazardous batteries, aerosol cans,
11 E-Waste, liquid and solid Wastes, 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
14 Wastes.

15 rrrr. August 27, 2018 (Sacramento County) - Hazardous batteries, E-Waste,
16 liquid and solid Wastes, and other Hazardous Wastes, and Customer
17 Records containing Personal Information were discovered in Walmart's
18 locked compactor, picked up for Disposal and destined for a municipal
19 landfill not authorized to receive Hazardous Wastes.

20 ssss. October 16, 2018 (San Joaquin County) - Hazardous batteries, aerosol
21 cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and
22 Medical Waste were discovered in Walmart's locked compactor, picked up
23 for Disposal and destined for a municipal landfill not authorized to receive
24 Hazardous Wastes or Medical Wastes.

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

uuuu. September 13, 2019 (Riverside County) - Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, 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 Wastes.

vvvv. February 13, 2020 (San Joaquin County) – Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, 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 Wastes.

www. February 18, 2020 (San Joaquin County) - Hazardous batteries, aerosol cans, E-Waste, liquid Wastes, 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 Wastes.

xxxx. October 26, 2020 (Alameda County) – Hazardous batteries, aerosol cans, E-Waste, liquid Wastes, and other Hazardous Wastes, and Medical Waste were discovered in Walmart's locked compactor, picked up for Disposal and destined for a municipal landfill not authorized to receive Hazardous Wastes or Medical Wastes.

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

zzzz. November 19, 2020 (Riverside County) – Hazardous batteries, aerosol cans, E-Waste, liquid and solid Wastes, and other Hazardous Wastes, and Medical Waste were discovered in Walmart's locked compactor, picked up

1 for Disposal and destined for a municipal landfill not authorized to receive
2 Hazardous Wastes or Medical Wastes.

3 aaaaa. April 28, 2021 (San Joaquin County) - Hazardous batteries, aerosol cans,
4 E-Waste, liquid Wastes, and other Hazardous Wastes were discovered in
5 Walmart's locked compactor, picked up for Disposal and destined for a
6 municipal landfill not authorized to receive Hazardous Wastes.

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

9 67. For the entire statutory period, Defendants had the power and authority, to prevent
10 the violations alleged in this First Amended Complaint.

11 68. Defendants' noncompliance with the above statutes and regulations threatened,
12 and continues to threaten, public health, public safety, and California's environment. As the
13 Legislature found in Health and Safety Code section 25100(b): "[l]ong-term threats to public
14 health and to air and water quality are posed by the landfill disposal of many types of untreated
15 hazardous wastes and by the inappropriate handling, storage, use, and disposal of hazardous
16 wastes."

17 69. The People bring this action without prejudice to any other actions or claims which
18 the People may have based upon separate, independent and unrelated violations arising out of
19 matters or allegations that are not set forth in this First Amended Complaint.

20 **FIRST CAUSE OF ACTION**

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

22 **(Health & Saf. Code, § 25203)**

23 70. The People reallege Paragraphs 1 through 69, inclusive.

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

28 72. At one or more of the California Walmart Facilities, Defendants generated

1 Hazardous Waste that they disposed of or arranged for the Disposal at a facility that did not hold
2 a valid Hazardous Waste Facility Permit or grant of authorization as required by Health and
3 Safety Code section 25203. Unless enjoined by this Court, Defendants will continue to operate in
4 violation of the legal requirements for Disposal of Hazardous Waste at an authorized location.

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

8 74. Each intentional violation subjects Defendants to a civil penalty pursuant to Health
9 and Safety Code section 25189, subdivision (c).

10 75. Each negligent violation subjects Defendants to a civil penalty pursuant to Health
11 and Safety Code section 25189, subdivision (d).

12 76. Each violation subjects Defendants to a civil penalty pursuant to Health and Safety
13 Code section 25189.2, subdivision (c).

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

20 SECOND CAUSE OF ACTION

21 **(Allowing Illegally Disposed of Hazardous Waste to Remain at an Unauthorized** 22 **Location Without Filing a Report and Complying with an Order Concerning** 23 **the Deposit of Hazardous Wastes)**

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

25 78. The People reallege Paragraphs 1 through 69, inclusive, and 72, 73, and 74.

26 79. The Defendants have disposed of Hazardous Waste generated from one or more of
27 the California Walmart Facilities at unauthorized Disposal points regularly during the time period
28 covered by this First Amended Complaint.

80. Each Disposal of Hazardous Waste occurring at an unauthorized Disposal facility

1 or site, is a violation of the HWCL and each day the Hazardous Waste remains at the
2 unauthorized Disposal site is a separate violation in addition to the violation for the initial
3 Disposal.

4 81. Unless enjoined by this Court, Defendants will not notify DTSC of the illegal
5 Disposals, nor will Defendants remediate or otherwise address the Disposal of Hazardous Waste
6 at the unauthorized Disposal points.

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

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

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

22 85. Based on the allegations herein, the People request injunctive relief against
23 Defendants pursuant to Health and Safety Code sections 25181 and 25184, and civil penalties
24 against Defendants pursuant to Health and Safety Code section 25189, subdivision (c), Health and
25 Safety Code section 25189, subdivision (d), or Health and Safety Code section 25189.2,
26 subdivision (c), subject to the provisions of Health and Safety Code section 25189.2, subdivision
27 (f), as set forth in the prayer for relief.

28 **THIRD CAUSE OF ACTION**

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

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

3 86. The People reallege Paragraphs 1 through 69, inclusive and Paragraph 73.

4 87. At one or more California Walmart Facilities, the Defendants failed to determine if
5 the Waste generated and Managed through its operations at California Walmart Facilities was a
6 Hazardous Waste, in violation of the Hazardous Waste determination requirements of the HWCL,
7 and its implementing regulations, including California Code of Regulations, title 22, sections
8 66262.11 and 66260.200, subdivision (c).

9 88. Unless enjoined by order of the Court, the Defendants may or will continue in the
10 course of conduct as alleged herein.

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

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

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

23 **FOURTH CAUSE OF ACTION**

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

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

26 92. The People reallege Paragraphs 1 through 69, inclusive, and Paragraph 73.

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

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

4 95. Unless enjoined by order of the Court, Defendants may or will continue
5 committing these acts.

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

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

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

18 **FIFTH CAUSE OF ACTION**

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

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

21 99. The People reallege Paragraphs 1 through 69, inclusive, and Paragraph 73.

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

25 101. At one or more California Walmart Facilities, Defendants engaged in causing the
26 Transportation of Hazardous Waste to a location not permitted or otherwise authorized by the
27 DTSC to receive the Waste, in violation of California Code of Regulations, title 22, section
28 66263.23.

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

103. Each intentional or negligent act by Defendants to cause the Transportation of Hazardous Waste from a California Walmart Facility to a location not permitted or otherwise authorized by the DTSC to receive the Waste subjects Defendants to a civil penalty pursuant to Health and Safety Code section 25189, subdivision (b).

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

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

SIXTH CAUSE OF ACTION

(Violation of Hazardous Waste Manifest Requirements)

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

106. The People reallege Paragraph 1 through 69, and Paragraph 73.

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

108. At one or more California Walmart Facilities, Defendants generated Hazardous Waste that was transported for offsite handling, Treatment, Storage, Disposal, or any combination

1 thereof, and Defendants did so without completing a Manifest with all required information prior
2 to the time the Waste was transported or offered for Transportation. Defendants also failed to
3 provide a Manifest to the person who transported the Hazardous Waste from the California
4 Walmart Facility to the offsite location.

5 109. Unless enjoined by order of the Court, Defendants may or will continue
6 committing these acts.

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

11 111. Each act by Defendants to transfer Hazardous Waste from a California Walmart
12 Facility to an offsite location in violation of Health and Safety Code section 25160 subjects
13 Defendants to a civil penalty pursuant to Health and Safety Code section 25189.2, subdivision
14 (b).

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

20 **SEVENTH CAUSE OF ACTION**

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

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

23 113. The People reallege Paragraphs 1 through 69, inclusive, and 73.

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

27 115. At one or more California Walmart Facilities, the Defendants accumulated
28 Hazardous Waste on-site without complying with the requirements of California Code of

1 Regulations, title 22, section 66262.34, subdivision (f), by improperly disposing of Hazardous
2 Waste into onsite municipal trash compactors, thereby failing to label containers as Hazardous
3 Waste, failing to identify the name and address of the Generator of the Hazardous Waste, failing
4 to identify the physical and chemical characteristics of the Hazardous Waste and the failing to
5 identify the starting accumulation date.

6 116. Unless enjoined by order of the Court, the Defendants may or will continue in the
7 course of conduct as alleged herein.

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

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

16 119. 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 (b), or Health
19 and Safety Code section 25189.2, subdivision (b), subject to the provisions of Health and Safety
20 Code section 25189.2, subdivision (f), as set forth in the prayer for relief.

21 **EIGHTH CAUSE OF ACTION**

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

23 **(Health & Saf. Code, § 118215)**

24 120. The People reallege Paragraphs 1 through 69, inclusive.

25 121. Health and Safety Code sections 118215, subdivision (a), and 118222, prohibit the
26 disposal of Medical Waste without first treating such Waste by a method specified in the
27 MWMA.
28

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

123. Defendants, and each of them, have disposed of Medical Waste originating from the California Walmart Facilities without first properly treating it, in violation of Health and Safety Code section 118215, subdivision (a), and unless enjoined by order of the Court, Defendants, and each of them, may or will continue in the course of conduct as alleged herein.

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

NINTH CAUSE OF ACTION

(Use of an Unauthorized Medical Waste Hauler)

(Health & Saf. Code, § 118025)

125. The People reallege Paragraphs 1 through 69, inclusive, and Paragraph 121.

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

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

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

1 subdivision (b).

2 129. Based on the above, the People request injunctive relief against Defendants under
3 Health and Safety Code section 118325, and civil penalties under Health and Safety Code section
4 118345, as described in the People's prayer for relief.

5 **TENTH CAUSE OF ACTION**
6 **(Violations of Unfair Competition Law)**
7 **(Bus. & Prof. Code, § 17200 et seq.)**

8 130. The People reallege all previous Paragraphs.

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

13 132. In addition, at one or more of the California Walmart Facilities, Defendants
14 engaged in, and continue to engage in, unlawful acts, omissions, and practices that constitute
15 Unfair Competition within the meaning of Business and Professions Code sections 17200 through
16 17208, by disposing of Customer Records which contained Personal Information without
17 rendering that information unreadable or undecipherable, in violation of Civil Code section
18 1798.81, subdivision (a).

19 133. Walmart is a "business" as that term is defined Civil Code section 1798.80.

20 134. Unless enjoined by order of the Court, Defendants may or will continue in the
21 course of conduct as alleged in this First Amended Complaint.

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

25 136. Each and every separate unlawful act, omission, and practice alleged in this First
26 Amended Complaint constitutes an unlawful and/or unfair business practice. Each day that
27 Defendants engaged in each separate unlawful act, omission, or practice is a separate and distinct
28 violation of Business and Professions Code section 17200 et seq.

137. Pursuant to Business and Professions Code section 17205, the remedies or penalties provided by the Business and Professions Code are cumulative to each other and to the remedies or penalties available under all other laws of California.

138. Based on the above, the People request injunctive relief against Defendants under Business and Professions Code section 17203, and civil penalties under Business and Professions Code section 17206, as described in the People's prayer for relief.

PRAAYER

WHEREFORE, the People respectfully request that the Court grant the following relief:

1. Permanently enjoin Defendants from violating those provisions of the HWCL and its implementing regulations, which Defendants are alleged to have violated;

2. Permanently enjoin Defendants from violating those provisions of the MWMA and its implementing regulations, which Defendants are alleged to have violated;

3. Permanently enjoin Defendants from engaging in Unfair Competition in violation of the UCL, including those acts alleged in this First Amended Complaint;

4. Subject to the limitations of Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f), assess a civil penalty against Defendants pursuant to Health and Safety Code section 25189, subdivision (b), or alternatively, section 25189.2, subdivision (b), in an amount according to proof;

5. Subject to the limitations of Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f), assess a civil penalty against Defendants pursuant to Health and Safety Code section 25189, subdivision (c), or alternatively, section 25189.2, subdivision (c) in an amount according to proof;

6. Subject to the limitations of Health and Safety Code sections 25189, subdivision (g) and 25189.2, subdivision (f), assess a civil penalty against Defendants pursuant to Health and Safety Code section 25189, subdivision (d), or alternatively, section 25189.2, subdivision (d), in an amount according to proof;

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

8. Assess a civil penalty against Defendants pursuant to Business and Professions Code section 17206 for each act of Unfair Competition, in an amount according to proof;
9. Award the People their costs of suit, including costs of investigation; and
10. Grant such other relief as the Court deems just and equitable.

Respectfully submitted,

Dated: February 10, 2022

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