

*Exempt from Fees  
Government Code section 6103*

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20 SUPERIOR COURT OF THE STATE OF CALIFORNIA

21 COUNTY OF ALAMEDA

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

24 Plaintiff,

25 v.

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

28 Defendants.

Case No.

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

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

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

### 3 INTRODUCTION

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

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

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

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

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

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

7 **PLAINTIFF**

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

21 **DEFENDANT**

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

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

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

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

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

### 10 JURISDICTION AND VENUE

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

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

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

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

### 25 DEFINITIONS

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

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

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

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

## 20 **STATUTORY AND REGULATORY BACKGROUND**

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



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

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

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

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

#### 17 **ENFORCEMENT AUTHORITY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 24 **GENERAL ALLEGATIONS**

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

1                   **Corporate Environmental Compliance Program**

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

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

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

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

13                   **Walmart Waste Disposal in California**

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

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

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

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

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

1 Disposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13                                       **FIRST CAUSE OF ACTION**

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

15                                       **(Health & Saf. Code, § 25203)**

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

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

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

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





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

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

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

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

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

#### 17 **FOURTH CAUSE OF ACTION**

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

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

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

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

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

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

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

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

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

## 12 **SIXTH CAUSE OF ACTION**

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

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

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

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

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

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

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

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

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

16 **SEVENTH CAUSE OF ACTION**

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

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

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

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

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

1 identify the starting accumulation date.

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

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

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

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

17 **EIGHTH CAUSE OF ACTION**

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

19 **(Health & Saf. Code, § 118215)**

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

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

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

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

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

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

6 **NINTH CAUSE OF ACTION**

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

8 **(Health & Saf. Code, § 118025)**

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

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

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

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

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

28 **TENTH CAUSE OF ACTION**

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**(Customer Records Law Violations)**

**(Civ. Code § 1798.80 et seq.)**

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

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

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

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

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

**ELEVENTH CAUSE OF ACTION**

**(Violations of Unfair Competition Law)**

**(Bus. & Prof. Code, § 17200 et seq.)**

133. The People reallege all previous Paragraphs.

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

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

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



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

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

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

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

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

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

Dated: December 20, 2021

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**FOR THE PEOPLE OF THE  
STATE OF CALIFORNIA**

Dated: December 20, 2021

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