

CALIFORNIA

Retail Environmental Enforcement Summary

July 1, 2016 - December 31, 2016



1

The California Environmental Protection Agency (CalEPA) enforces the state's environmental laws.



42 Enforcement actions were issued to retailers.

3



\$815,078

Total fines issued to retailers.

HIGHLIGHTS

Between July 1, 2016 and December 31, 2016, forty-two enforcement actions filed by the California Environmental Protection Agency (CalEPA) were issued to retail¹ facilities. These included automotive supply stores, an automotive repair shop, department stores, a grocery store, a hardware store, a home furnishing store, motor vehicle dealers, pet supply stores, pharmacies, a stationary store, tire retreading and repair shops, and a variety goods store. California does not make inspection reports public.

Fines ranged from \$122 to \$300,000, in addition to actions required to bring the entities into compliance. The highest fine was issued to a tire retreading and repair shop.

2

The types of retail stores facing enforcement.

| | | |
|---------------------------|--------------------------------|------------------------------|
| Automotive 4 | Home furnishing 1 | Stationery 1 |
| Department store 2 | Motor vehicle dealer 18 | Tire Repair 8 |
| Grocery 1 | Pet supply 2 | Variety goods store 1 |
| Hardware 1 | Pharmacy 3 | |

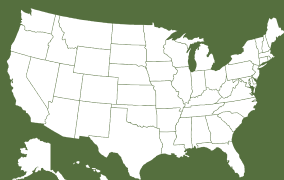
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Enforcement by county

[Click here](#) for interactive map.

This map does not include the 11 enforcement actions that are not facility specific².





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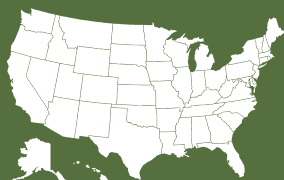
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ENFORCEMENT DETAIL

| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|--|------------------------|----------------------------------|---|----------------|---|
| Air. Violations covered automotive retailers including motor vehicle retailers, an auto supply store, and an automotive repair shop. Violations included failure to certify a vehicle for sale under California new vehicle requirements, and the sale of aftermarket parts that modify the vehicle's pollution control system. | | | | | |
| Air | Auto supply store | Cease and desist ¹ | Illegally advertised, offered for sale, distributed, and/or sold aftermarket parts in California that modify the vehicle pollution control system | Los Angeles | Retailer was required to: <ul style="list-style-type: none"> • Stop advertising, offering for sale, distributing, and/or selling aftermarket parts in California |
| | Automotive repair shop | Settlement letter ¹ | Illegally installed a used exhaust system including two catalytic converters on a city cab in violation of California regulations | Los Angeles | \$500 fine. |
| | Motor vehicle dealer | Notice of violation ¹ | Failure to: <ul style="list-style-type: none"> • Certify one vehicle for sale to California new vehicle requirements | Los Angeles | Retailer was required to: <ul style="list-style-type: none"> • Send proof of California certification or a VIN verification within 21 days, or remove the vehicle from the state |
| | Motor vehicle dealer | Release letter ¹ | Failure to: <ul style="list-style-type: none"> • Certify one vehicle for sale to California new vehicle requirements | Los Angeles | \$2,500 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Send proof of vehicle removal of the vehicle from California |
| | Motor vehicle dealer | Notice of violation | Failure to: <ul style="list-style-type: none"> • Certify one vehicle for sale to California new vehicle requirements | Fresno | Retailer was required to: <ul style="list-style-type: none"> • Send proof of California certification or a VIN verification within 21 days, or remove the vehicle from the state |
| | Motor vehicle dealer | Notice of violation | Failure to: <ul style="list-style-type: none"> • Certify one vehicle for sale to California new vehicle requirements | Santa Clara | Retailer was required to: <ul style="list-style-type: none"> • Send proof of California certification or a VIN verification within 21 days, or remove the vehicle from the state |
| | Motor vehicle dealer | Notice of violation | Failure to: <ul style="list-style-type: none"> • Certify one vehicle for sale to California new vehicle requirements | San Bernardino | Retailer was required to: <ul style="list-style-type: none"> • Send proof of California certification or a VIN verification within 21 days, or remove the vehicle from the state |



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| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|------------------|----------------------|---------------------|--|------------|--|
| Air | Motor vehicle dealer | Notice of violation | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | Retailer was required to: • Send proof of California certification or a VIN verification within 21 days, or remove the vehicle from the state |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | \$5,000 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | \$5,000 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | \$5,000 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | San Diego | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Orange | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Riverside | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Riverside | \$1,000 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Sacramento | \$500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |



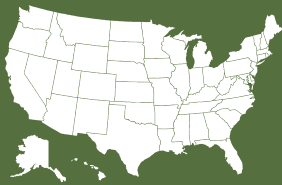
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| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|---|-----------------------|-----------------------------------|--|------------------------------------|--|
| Air | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Humboldt | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Solano | \$7,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| | Motor vehicle dealer | Release letter | Failure to: • Certify one vehicle for sale to California new vehicle requirements | Marin | \$2,500 fine. In addition, the retailer was required to: • Send proof of vehicle removal from California |
| <p>Pesticides. Violations covered a food store, grocery store, home furnishing store, pet supply store, pharmacy, stationary store, and a variety goods store. Violations included the sale of unregistered pesticide products, and were issued to the retailers by the state.²</p> | | | | | |
| Pesticides | Food store | Settlement agreement ¹ | Illegal sale of an unregistered pesticide product | Not facility specific ² | \$122 fine. In addition, the retailer was required to: • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |
| | Grocery store | Settlement agreement | Illegal sale of an unregistered pesticide product | Not facility specific | \$10,000 fine. In addition, the retailer was required to: • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |
| | Home furnishing store | Settlement agreement | Illegal sale of unregistered pesticide products | Not facility specific | \$61,645 fine. In addition, the retailer was required to: • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |

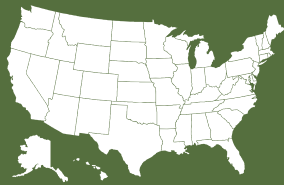


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| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|------------------|---------------------|----------------------|---|-----------------------|---|
| Pesticides | Pet supply store | Settlement agreement | Illegal sale of an unregistered pesticide product | Not facility specific | \$5,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |
| | Pharmacy | Settlement agreement | Illegal sale of an unregistered pesticide product | Not facility specific | \$5,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |
| | Stationery store | Settlement agreement | Illegal sale of an unregistered pesticide product | Not facility specific | \$89,522 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |
| | Variety goods store | Settlement agreement | Illegal sale of an unregistered pesticide product | Not facility specific | \$3,637 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Discontinue selling the product • Provide the Department of Pesticide Regulation, within 30 days of the settlement, a written description of control measures to be taken to ensure that it will not sell or deliver misbranded or unregistered pesticides in California |



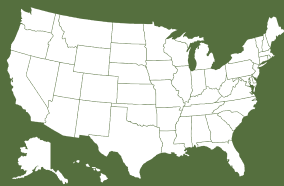
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| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|---|---------------------------------|---|---|--------------|---|
| <p>Tires. Violations covered two auto supply stores and eight tire retreading and repair shops. Violations included submitting incorrect or incomplete tire manifests, failure to submit Comprehensive Trip Log (CTL) forms, and submission of CTL forms with errors and/or omissions.</p> | | | | | |
| Tire | Auto supply store | Stipulation, decision, and order ¹ | Failure to: <ul style="list-style-type: none"> • Submit a correct or complete California Uniform Waste and Used Tire Manifest | Contra Costa | \$500 fine. |
| | Auto supply store | Stipulation, decision, and order | Failure to: <ul style="list-style-type: none"> • Submit CTL forms • Submit a correct or complete California Uniform Waste and Used Tire Manifest | Tehama | \$500 fine. |
| | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: <ul style="list-style-type: none"> • Submit CTL form without errors and/or omissions | Los Angeles | \$750 fine. |
| | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: <ul style="list-style-type: none"> • Complete and submit CTL forms • Submit CTL form without errors and/or omissions | Los Angeles | \$1,600 fine. |
| | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: <ul style="list-style-type: none"> • Submit CTL forms within the 90-day time requirement | Los Angeles | \$200 fine. |
| | Tire retreading and repair shop | Stipulation, decision, and order ¹ | April to July 2015: <ul style="list-style-type: none"> • Illegally hauled at least 39 loads of 10 or more waste or used tires as an unregistered waste tire hauler • Had an approximate 94% error rate on its manifest forms February to June 2015: <ul style="list-style-type: none"> • Submitted at least 17 manifest forms with errors and/or omissions to CalRecycle | Los Angeles | \$47,000 fine. In addition, the retailer was required to: <ul style="list-style-type: none"> • Submit CTL forms to CalRecycle and comply with all other laws related to waste tire storage and hauling |
| | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: <ul style="list-style-type: none"> • Submit CTL forms within the 90-day time requirement • Submit CTL forms with valid Tire Program Identification numbers | Fresno | \$950 fine. |



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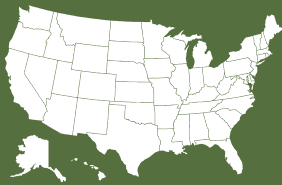
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| Enforcement Area | Store type | Enforcement Type | Enforcement Summary | County | Fine (\$) and actions to comply |
|--|---------------------------------|---------------------------------------|--|-----------------------|---------------------------------|
| Tire | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: • Submit correct or complete CTL forms | Alameda | \$4,750 fine. |
| | Tire retreading and repair shop | Stipulation, decision, and order | Failure to: • Submit CTL forms within the 90-day time requirement | Sutter | \$500 fine. |
| | Tire retreading and repair shop | Administrative complaint ¹ | Failure to: • Submit CTL forms within the 90-day time requirement • Submit CTL forms without errors and/or omissions | San Joaquin | \$300,000 fine. |
| Volatile organic compounds (VOCs). Violations covered two department stores, a hardware store, and two pharmacies for violations related to the sale of products containing VOCs that exceeded state standards. | | | | | |
| VOC | Department store | Notice of violation | Sold hair styling product that contained VOCs that exceeded the state standard of 2% VOCs by weight | Sacramento | None. |
| | Department store | Settlement agreement | Sold brake cleaner that contained VOCs that exceeded the state standard of 10% VOCs by weight | Not facility specific | \$26,400 fine. |
| | Hardware store | Settlement agreement | Sold automotive windshield washer fluid that exceeded the state standard of 1% VOCs by weight | Not facility specific | \$15,500 fine. |
| | Pharmacy | Settlement agreement | Sold hair styling product that contained VOCs that exceeded the state standard of 2% VOCs by weight | Not facility specific | \$122,165 fine. |
| | Pharmacy | Settlement agreement | Sold hair styling product that contained VOCs that exceeded the state standard of 2% VOCs by weight | Not facility specific | \$77,335 fine. |

¹ See Glossary for details

² The corporation was cited rather than a specific facility location, therefore there is no county data.



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GLOSSARY

Administrative complaint — a document served to a waste hauler if such hauler has not met the criteria in the previously issued Streamlined Penalty Letter.

Administrative decision — the decision made by an Administrative Law Judge resolving the matter set forth in an administrative complaint.

Cease and desist — an order that requires the owner or operator of a facility, disposal site, or operation to cease and desist any improper action by a specified date.

Notice of Violation (NOV) — a document that initiates formal administrative proceedings against a 'respondent' to address violations of environmental laws. NOVs are administrative complaints.

Release letter — a letter sent to the violator after the agency receives payment and the matter is resolved.

Settlement agreement — a written agreement that settles the allegations of violations between the CalEPA, and the entity and typically includes a penalty or fine.

Settlement letter — a document that stipulates a penalty amount and provides an opportunity for an office conference.

Stipulation, decision, and order — a document issued when a violator accepts a reduced penalty offer under the Streamlined Penalty Program for a waste tire or manifest violation.

Retail — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC), or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.

Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.