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EDMUND G. BROWN JR.
Attorney General of California
MATTHEW RODRIQUEZ
Chief Assistant Attorney General
KEN ALEX
Senior Assistant Attorney General
DON ROBINSON
Supervising Deputy Attorney General
OLIVIA W. KARLIN
Deputy Attorney General
State Bar No. 150432
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-0473
Fax: (213) 897-2802
E-mail: Olivia.Karlin@doj.ca.gov

Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. REL. MAZIAR MOVASSAGHI,
Acting Director, CALIFORNIA DEPARTMENT
OF TOXIC SUBSTANCES CONTROL

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MICHAEL D. PLANET
Executive Officer and Clerk
BY DIANE LYNN EIDECKER, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF VENTURA

PEOPLE OF THE STATE OF CALIFORNIA, ex rel. MAZIAR MOVASSAGHI, Acting Director, CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL,

Plaintiff,

v.

CIRCUIT EXPRESS, INC. a California Corporation, DOES 1 to 20,

Defendants.

Case No. 56-2010-00386330-CU-MC-SIM
JUDGMENT ON COMPLAINT PURSUANT TO STIPULATION

Plaintiff, People of the State of California, ex rel. California Department of Toxic Substances Control and Defendant, Circuit Express, Inc., having presented and filed with the Court a written Stipulation for Settlement and Entry of Judgment and Permanent Injunction (the "Stipulation"), and good cause appearing for approval of said Stipulation:

1 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that judgment is
2 awarded in favor of Plaintiff and against Defendant on all causes of action as set forth below:

3 **I. INJUNCTION**

4 Circuit Express shall do the following:

5 A. *Tank assessments.* Circuit Express shall obtain periodic written tank assessments
6 for the following three new tank systems, in accordance with California Code of Regulations, title
7 22, § 66265.192, once every five years, or if any of these tank systems are modified or repaired.

8 The three tank systems are: (i) the evaporator tank system; (ii) the dust collector tank system; and
9 (iii) the wastewater tank system.

10 B. *Tank inspections.* Circuit Express shall conduct daily inspections of its tank
11 systems that are used for hazardous waste management in accordance with California Code of
12 Regulations, title 22, § 66265.195.

13 C. *Treatment of hazardous waste.* Circuit Express shall submit to the Certified
14 Unified Program Agency (CUPA) the notification that is required by California Code of
15 Regulations, title 22 § 67450.2(b)(2) for its treatment of hazardous waste which is done by
16 neutralizing corrosive hazardous waste, including neutralizing spent acid baths containing sulfuric
17 acid with soda ash. Also, Circuit Express shall submit the notifications required by Health and
18 Safety Code section 25200.3(e) to obtain conditional authorization from the CUPA for its
19 dewatering of spent plating filters, which Circuit Express does by draining and drying plating
20 filters to remove and reduce the amount of liquid in the filters.

21 D. *Secondary containment.* Circuit Express shall provide secondary containment in
22 accordance with California Code of Regulations, title 22 § 66265.193, for the wastewater tank
23 system and evaporator tank system. In addition, Circuit Express shall ensure that all cracks or
24 damage in its secondary containment are timely repaired. Circuit Express shall continue to
25 maintain the integrity of its secondary containment structures and their corresponding protective
26 coatings to prevent the possibility of release.

1 E. *Minimizing the possibility of release.* As required by California Code of
2 Regulations, title 22 § 66265.31, Circuit Express shall maintain its facility to minimize the
3 possibility of release.

4 F. *Labeling containers.* Circuit Express shall label or mark clearly each container or
5 tank containing hazardous waste with the words, "Hazardous Waste." Circuit Express shall
6 adequately label its containers and tank systems containing hazardous waste in accordance with
7 California Code of Regulations, title 22, § 66262.34(f).

8 H. *Labeling Fixed Treatment Units.* Circuit Express shall mark the exterior of each
9 fixed treatment unit, including the evaporator treatment tank, with the name of the person who
10 owns or operates the fixed treatment unit, the facility identification number, and an individual
11 serial number, in accordance with California Code of Regulations, title 22, § 67450.3(c)(7).

12 I. *Management of hazardous waste.* Circuit Express shall keep closed all of its
13 containers holding hazardous waste in accordance with California Code of Regulations, title 22, §
14 66265.173.

15 J. *Annual notifications.* As required by California Code of Regulations, title 22 §
16 67450.3(c)(1), Circuit Express shall submit annual notifications for the onsite treatment of
17 hazardous waste in its evaporator treatment unit to the local CUPA providing the CUPA with all
18 of the information specified in California Code of Regulations, title 22, § 67450.2(b)(3) and shall
19 comply with California Code of Regulations, title 22, § 67450.13, as required by California Code
20 of Regulations, title 22, § 67450.3(c)(9). The required information includes certification of
21 financial assurance for closure with an adjusted closure cost estimate attached.

22 K. *Maintenance of required documents.* Circuit Express shall maintain, in
23 accordance with California Code of Regulations, title 22 § 67450.3(c)(11)(B) and California
24 Code of Regulations title 22 § 67450.3(c)(8), a written closure plan, a waste analysis plan, a
25 written inspection schedule, and training documents for its treatment involving the neutralization
26 of the corrosive hazardous waste.

1 L. *Weekly container area inspections.* Circuit Express shall inspect areas used for
2 container storage or transfer, weekly, looking for leaking containers and for deterioration of
3 containers and the containment system caused by corrosion or other factors. Circuit Express shall
4 keep records and results of inspections of its facility. These inspections shall be conducted based
5 on a written schedule and shall be done in accordance with California Code of Regulations, title 22,
6 § 66265.174, California Code of Regulations title 22, § 66265.73 and California Code of
7 Regulations, Title 22, § 66265.15.

8 M. *Inspections.* Circuit Express shall allow the Department or local CUPA to
9 inspect the facility, without a warrant, at any time during normal business hours under Health
10 & Safety Code § 25185 subd. (a). This requirement shall be in effect for a period of three
11 years from the date of entry of this Judgment.

12 **2. IT IS FURTHER ORDERED ADJUDGED AND DECREED** that

13 A. The Court may issue judgment for a civil penalty in the amount of two hundred
14 and twenty three thousand dollars (\$223,292), which is the full amount of civil penalties in this
15 matter. However, in settlement of this matter, and provided Circuit Express fully complies
16 with all of the injunctive provisions specified in this Judgment and makes the payment
17 specified in paragraph 2.B. of this Judgment, the full civil penalty portion of the Judgment will
18 be satisfied.

19 B. Circuit Express shall pay the Department the sum of one hundred and sixty
20 thousand dollars (\$160,000) in civil penalties in settlement of the Department's claims by
21 December 15, 2010.

22
23 The clerk is directed to enter this Judgment immediately.

24
25 DATED:

26 **DEC 8 2010**

BARBARA LANE

27 HON. JUDGE OF THE SUPERIOR COURT

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Prepared by:

EDMUND G. BROWN JR., Attorney General
of the State of California
MATTHEW RODRIQUEZ,
Chief Assistant Attorney General
KEN ALEX,
Senior Assistant Attorney General
DONALD ROBINSON,
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OLIVIA W. KARLIN,
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Attorneys for Plaintiff

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CALIFORNIA DEPARTMENT OF TOXIC
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