



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY NEWS RELEASE

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## Department of Toxic Substances Control

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### **Asbestos Violator Sentenced to 180 Days in Jail**

Riverside – The California Department of Toxic Substances Control (DTSC) today announced that Howard Joseph Zivnak pled guilty in a Riverside County District Court to one misdemeanor and two felony violations related to his handling of asbestos-containing hazardous waste at the historic Fox Theatre in downtown Riverside. As part of the plea agreement, Zivnak will serve 180 days in the County jail and pay DTSC's investigative costs of \$10,000.

The investigation was jointly conducted by DTSC's Criminal Investigations Branch, the Riverside County District Attorney's Office and the South Coast Air Quality Management District (SCAQMD). This investigation found that Zivnak directed operations that resulted in contaminating the Fox Theater with asbestos-containing hazardous waste.

"The resolution of this case is consistent with Governor Arnold Schwarzenegger's Environmental Action Plan, which directs state agencies to vigorously enforce California's environmental laws," said Leonard Robinson, Acting Director for DTSC. "This case sends a message that crimes against the environment and health of Californians will not be tolerated."

According to court documents and the joint investigation, Zivnak used employees from his trucking company who were not trained in asbestos abatement to illegally remove, handle and dispose of asbestos waste. The workers, at the direction of Zivnak, discarded asbestos through a window of the theater and then placed the waste into a municipal trash dumpster.

According to the Agency for Toxic Substances and Disease Registry, asbestos releases particles and fiber into the air when asbestos containing material is disturbed. This often happens during demolition work, or building and home maintenance, repair and remodeling. Asbestos mainly affects the lungs. Breathing high levels of asbestos fibers may result in asbestosis and is usually found in workers exposed to asbestos but not in the general public.

Mr. Zivnak pled guilty to the following violations of the law:

Two felonies:

- Reckless handling of hazardous waste (Health and Safety Code Section 25189.6(a))
- Illegal disposal of hazardous waste (Health and Safety Code Section 25189.5(b))

One misdemeanor:

- Two counts of willfully and intentionally releasing an air contaminant in violation of SCAQMD's rules and regulations (Health and Safety Code Section 42400.3)

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DTSC regulates the generation, storage, transportation, and disposal of hazardous waste within the State of California. DTSC ensures compliance with the Hazardous Waste Control Law through regulations, inspections, and criminal investigations.

For more information, visit DTSC's web site at [www.dtsc.ca.gov](http://www.dtsc.ca.gov). For complaints involving the illegal dumping, storage, or transportation of hazardous waste, call 1-800-69-TOXIC.

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***The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.***