

CT

FILED
MAR 13 2014

STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

By _____ Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
RICHMOND

THE PEOPLE OF THE STATE OF CALIFORNIA,

VS.

NO. 316230-2

DA NO. M 14 000065-3

COMPLAINT - FELONY

MARION INGRID PATIGLER, AND
ELECTRO-FORMING CO,
DEFENDANT(S) ./

- 01) H&S 25189.5(d)
- 02) H&S 25189.5(d)
- 03) H&S 25189.5(d)
- 04) H&S 25189.5(d)
- 05) H&S 25189.5(d)
- 06) H&S 25189.5(d)
- 07) H&S 25189.5(d)
- 08) H&S 25189.5(b)
- 09) H&S 25189.5(b)
- 10) H&S 25189.6(a)
- 11) H&S 25189.6(a)
- 12) H&S 25190 M
- 13) H&S 25190 M
- 14) H&S 25190 M
- 15) H&S 25190 M
- 16) H&S 25190 M
- 17) H&S 25190/25201 M
- 18) H&S 25190/25163(a) (1) M
- 19) LC 6326 M
- 20) LC 6423(a) (1) M
- 21) H&S 25190 M
- 22) H&S 25190 M
- 23) H&S 25190 M

The undersigned states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL STORAGE OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly store hazardous waste, cyanide, copper, lead, nickel, zinc and chromium, in a Baker Tank at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT TWO:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL STORAGE OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly store hazardous waste, cyanide, copper, lead, nickel, zinc and hexavalent chromium, and a hazardous waste that was acutely toxic due to aquatic toxicity in a conex container at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT THREE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL STORAGE OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly store hazardous waste, chromium, in the loft area at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT FOUR:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL STORAGE OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly store hazardous waste, copper, nickel, zinc, lead and cyanide, in the rear shop yard area at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT FIVE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL TREATMENT OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2012 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly treat hazardous waste, cyanide, copper, lead, nickel, zinc and chromium, in a Baker Tank at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT SIX:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(d) (UNLAWFUL TREATMENT OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2012 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly treat hazardous waste, lead, copper and nickel, in the strip tank, at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT SEVEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(b) (UNLAWFUL DISPOSAL OF HAZARDOUS WASTE) committed as follows:

On or about March 20, 2011 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly, or reasonably should have known that she was disposing or causing the disposal of hazardous waste, (nickel filters) nickel, at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT EIGHT:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(b) (UNLAWFUL DISPOSAL OF HAZARDOUS WASTE) committed as follows:

On or about March 20, 2011 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly, or reasonably should have known that she was disposing or causing the disposal of hazardous waste, (buffing/polishing dust) copper, lead, nickel and zinc, at a facility which did not have a permit or at a point not authorized by the Hazardous Waste Control Law.

COUNT NINE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.5(b) (UNLAWFUL DISPOSAL OF HAZARDOUS WASTE) committed as follows:

On or about March 20, 2011 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO., did unlawfully and knowingly, or reasonably should have known that she was disposing or causing the disposal of hazardous waste, copper, lead, nickel and zinc, onto adjacent PG&E property which is not authorized by the Hazardous Waste Control Law.

COUNT TEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.6(a) (UNLAWFUL HANDLING/STORAGE OF HAZARDOUS WASTE CAUSING UNREASONABLE RISK), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did knowingly or with reckless disregard of the risk; treats, handles, transports, disposes or stores in a Baker Tank, any hazardous waste, cyanide, copper, lead, nickel, zinc and chromium, in a manner which causes any unreasonable risk of fire, explosion, serious injury or death.

COUNT ELEVEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a felony, a violation of HEALTH & SAFETY CODE SECTION 25189.6(a) (UNLAWFUL HANDLING/STORAGE OF HAZARDOUS WASTE CAUSING UNREASONABLE RISK), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did knowingly or with reckless disregard of the risk; treats, handles, transports, disposes or stores underneath the floor, hazardous waste, cyanide, copper, silver and nickel, in a manner which causes any unreasonable risk of fire, explosion, serious injury or death.

COUNT TWELVE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 66262.34(f)(3) of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (FAILURE TO LABEL HAZARDOUS WASTE CONTAINER), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully accumulate hazardous waste on site, consisting of cyanide, copper, nickel, zinc, chromium acids and lead in containers without proper labels and without marking clearly and visibly on each container and tank, the words "Hazardous Waste", and without labeling each container with information on the composition and physical state of the waste, and without labeling each container with a statement calling attention to the particular properties of the waste.

COUNT THIRTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 66262.34(f)(1) of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (FAILURE TO MARK ACCUMULATION DATE ON HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully accumulate hazardous waste on site, consisting of cyanide, nickel, zinc, chromium, acids, copper and lead, in containers without marking clearly and visibly for inspection on each container and portable tank the date upon each period of accumulation begins.

COUNT FOURTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 66265.16 of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (FAILURE TO TRAIN PERSONNEL AND MAINTAIN TRAINING RECORDS), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully fail to train employees in hazardous waste management procedures and maintain training records on site.

COUNT FIFTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTIONS 66262.10 and 66265.31 of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (UNLAWFUL MAINTENANCE OF HAZARDOUS WASTE FACILITY BY GENERATOR), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, being a generator of hazardous waste, to wit: cyanide, copper, nickel, zinc, chromium and lead, failed to maintain and operate the facility at, 130 Nevin Avenue, Richmond, so as to minimize the possibility of a fire, explosion, and any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water which could threaten human health or the environment in violation of sections 66262.10, 66265.31 of Title 22 of the California Code of Regulations, a misdemeanor pursuant to Health and Safety Code section 25190.

COUNT SIXTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTIONS 66262.10, 66262.34(a), 66265.171 and 66265.173 of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (UNLAWFUL MANAGEMENT OF CONDITION OF CONTAINERS OF HAZARDOUS WASTE), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, being a generator of hazardous waste, to wit: cyanide, copper, nickel, zinc, chromium and lead, failed to store and maintain the waste in containers that were covered and in good structural condition in violation of sections 66262.10, 66262.34(a), 66265.171 and 66265.173 of Title 22 of the California Code of Regulations, a misdemeanor pursuant to Health and Safety Code section 25190.

COUNT SEVENTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190/25201 (UNPERMITTED OPERATION OF A HAZARDOUS WASTE STORAGE AND TREATMENT FACILITY) committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully operate a hazardous waste storage and treatment facility at 130 Nevin Avenue, Richmond and stored hazardous waste, to wit: cyanide, copper, nickel, zinc, chromium and lead at that facility, station, area or site without the Defendants having a hazardous waste facilities permit or other grant of authorization from the Department of Toxic Substances Control to use and operate the facility area or site to store or treat hazardous waste.

COUNT EIGHTEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190/25163(a)(1) (UNREGISTERED TRANSPORTATION OF HAZARDOUS WASTE) committed as follows:

On or about March 20, 2012 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully engage in the transportation of hazardous waste, to wit: copper, nickel, zinc and lead without holding or possessing a valid registration as a hazardous waste transporter, issued by the Department of Toxic Substances Control.

COUNT NINETEEN:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of LABOR CODE SECTION 6326 (VIOLATION OF ORDER PROHIBITING USE), committed as follows:

On or about July 18, 2013 through August 6, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, who was an employer, officer, management official, and supervisor having direction, management, control, and custody of any employment, place of employment and other employee, did knowingly use or operate a buffing/polishing machine after notice prohibiting use pursuant to Labor Code Section 6325 was attached and before the equipment was made safe and the required safeguards were provided and approved.

COUNT TWENTY:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of LABOR CODE SECTION 6423(a)(1) (VIOLATION OF LABOR STANDARD), committed as follows:

On or about July 18, 2013 through August 6, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, who was an employer, officer, management official, and supervisor having direction, management, control, and custody of any employment, place of employment and other employee, did knowingly and negligently violate Title 8 CCR 4237, because Marion Patigler and Electro-Forming Co. failed to place guards on the exposed arbors and arbor ends on the four buffing and polishing machines in the place of employment. Said violation of the Code of Regulations was a serious violation within the meaning of Labor Code section 6432.

COUNT TWENTY-ONE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 2729.2 of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (FAILURE TO SUBMIT HAZARDOUS WASTE MATERIALS CHEMICAL DESCRIPTION), committed as follows:

On or about March 7, 2013 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully fail to list and report hazardous materials on its Hazardous Material Business Plan which was submitted to the Contra Costa Health Services Hazardous Materials Program in violation of Title 22 of the California Code of Regulations section 2729.2, a misdemeanor pursuant to Health and Safety Code section 25190.

COUNT TWENTY-TWO:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 66262.11 of TITLE 22 of the CALIFORNIA CODE OF REGULATIONS (FAILURE TO MAKE HAZARDOUS WASTE DETERMINATION), committed as follows:

On or about March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, being an owner and operator of a facility which generates hazardous waste, did unlawfully fail to make a hazardous waste determination in violation of Title 22 of the California Code of Regulations section 66262.11, a misdemeanor pursuant to Health and Safety Code section 25190.

COUNT TWENTY-THREE:

The undersigned further states, on information and belief, that MARION INGRID PATIGLER and ELECTRO-FORMING CO, Defendants, did commit a misdemeanor, a violation of HEALTH & SAFETY CODE SECTION 25190 and SECTION 25124(b)(3)(A)(B) (HAZARDOUS MATERIALS MISLABELED AND PACKAGED IN DETERIORATED OR DAMAGED CONTAINERS), committed as follows:

On or about December 11, 2012 through March 20, 2013, at Richmond, in Contra Costa County, the Defendants, MARION INGRID PATIGLER and ELECTRO-FORMING CO, did unlawfully cause a material to be discarded at 130 Nevin Avenue, Richmond in that materials were mislabeled and were not adequately labeled within specified timeframes, and materials were packaged in damaged or deteriorated containers and were not contained in sound or undamaged containers within specified timeframes, causing those materials to become discarded and identified as hazardous waste in violation of Health and Safety Code section 25124(b)(3)(A)(B), a misdemeanor pursuant to Health and Safety Code section 25190.

COMPLAINANT REQUESTS THAT DEFENDANT(S) BE DEALT WITH ACCORDING TO LAW. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: March 10, 2014 AT MARTINEZ, CALIFORNIA

SR. INSPECTOR J. SOLER

STACEY GRASSINI/co
DEPUTY DISTRICT ATTORNEY

STATE OF CALIFORNIA

FILED
MAR 13 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
RICHMOND

STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____ Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA,

v.

MARION INGRID PATIGLER

DEFENDANT(S) ./

NO. 316230-2
DA NO. M 14 000065-3
DECLARATION

THE UNDERSIGNED DECLARES:

DECLARANT IS AN OFFICER OF THE AGENCY SHOWN BELOW, WHICH AGENCY HAS CONDUCTED AN OFFICIAL INVESTIGATION INTO THE ABOVE-ENTITLED CAUSE. ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE AS IF SET FORTH IN FULL ARE COPIES OF THE DOCUMENTS, LISTED BELOW, AND ATTENDANT DOCUMENTS THERETO.

STATE OF CALIFORNIA

CASE NO. 14207

SAID INCORPORATED DOCUMENTS WERE PREPARED IN THE ORDINARY COURSE OF BUSINESS AND PURSUANT TO THE SWORN DUTY OF THE OFFICER SUBSCRIBING SAME.

DECLARANT IS INFORMED AND THEREFORE BELIEVES THAT SAID DEFENDANT COMMITTED THE OFFENSE(S) CHARGED IN THE ACCOMPANYING COMPLAINT IN THE MANNER AND BY THE MEANS AS SET FORTH IN SAID INCORPORATED DOCUMENTS AND THEREFORE PRAYS

(XX) THAT A WARRANT BE ISSUED FOR THE ARREST OF SAID DEFENDANT.

(XX) DEFENDANT BE HELD IN CUSTODY UNTIL BAIL IS POSTED.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: March 12, 2014


SR. INSPECTOR J. SOLER
DECLARANT

STATE OF CALIFORNIA
AGENCY

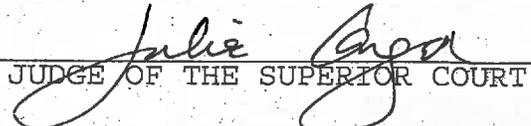
ORDER

THE COURT FINDS, BASED ON THE DECLARATION FILED HEREIN, THAT THERE IS PROBABLE CAUSE TO BELIEVE THE ABOVE-NAMED DEFENDANT COMMITTED THE CRIME(S) ALLEGED IN THE COMPLAINT AND ORDERS THAT:

- (X) A WARRANT BE ISSUED FOR THE ARREST OF SAID DEFENDANT.
(X) DEFENDANT BE HELD IN CUSTODY UNTIL BAIL IS POSTED.
(X) BAIL SET AT \$ 230,000.

DATED:

3/13/14


JUDGE OF THE SUPERIOR COURT