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CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY KRISTI RODRIGUEZ DEPUTY

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF STANISLAUS

12
13 **PEOPLE OF THE STATE OF**
CALIFORNIA *ex rel.* **MIRIAM**
14 **BARCELLONA INGENITO, ACTING**
DIRECTOR, CALIFORNIA
15 **DEPARTMENT OF TOXIC SUBSTANCES**
CONTROL,

16
17 Plaintiff,

18 v.

19 **UNITED STATES ARMY and DOES 1 TO**
20 **20,**

21 Defendants.

Case No. 2011608

**FIRST AMENDED COMPLAINT FOR
CIVIL PENALTIES AND INJUNCTIVE
RELIEF PURSUANT TO HAZARDOUS
WASTE CONTROL LAW**

(Calif. Health & Saf. Code, §§ 25181,
25184, 25189 and 25189.2)

(Exempt from fees pursuant to
Government Code Section 6103)

22
23 The People of the State of California *ex rel.* Miriam Barcellona Ingenito, Acting Director,
24 Department of Toxic Substances Control (the "Department"), allege the following:

25 **STATEMENT OF THE CASE**

26 The United States Army ("Army") owns and operates the "Riverbank Army Ammunition
27 Plant," (the "Facility") located at 5300 Claus Road, Riverbank, California. Through May 2009,
28 the Facility was used to manufacture munitions. On June 30, 1985, the California Department of

1 Health Services, predecessor agency to the Department, issued a hazardous waste facility permit
2 (the "Permit") which authorized certain hazardous waste management activities, including
3 treatment and storage, in those areas specifically identified in the Permit.

4 1. While owning and operating the Facility, the Army violated the California Hazardous
5 Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code,
6 sections 25100 et seq. ("HWCL"), and the implementing regulations, California Code of
7 Regulations, Title 22, Division 4.5 ("Title 22").

8 2. The Department hereby seeks civil penalties and injunctive relief from the Army
9 pursuant to sections 25181, 25184, 25189, and 25189.2 for its violations of the HWCL, Title 22
10 and the terms of the Permit.

11 **PLAINTIFF**

12 3. The Department is a public agency of the State of California organized and existing
13 under and pursuant to Health and Safety Code sections 58000 et seq.

14 4. Miriam Barcellona Ingenito is the Acting Director of the Department.

15 5. Pursuant to sections 25181(a) and 25182 of the Health and Safety Code, the Attorney
16 General of the State of California is authorized, at the request of the Department, to commence an
17 action in the name of the People for civil penalties and injunctive relief under the HWCL. The
18 Department has requested the Attorney General to seek civil penalties and injunctive relief
19 against Defendants in connection with the ownership of, and operations at, the Facility.

20 **DEFENDANTS**

21 6. Defendant United States Army ("the Army") owned and operated the Facility for all
22 relevant times alleged in this Complaint.

23 7. The Army manufactured ammunition casings, grenades and projectiles at the RBAAP
24 intermittently since 1943. The Army also generated hazardous waste streams at the RBAAP,
25 including, but not limited to: spent chromic acid solution, chlorinated oils, unreclaimed coolant,
26 unreclaimed solvents, waste oils, fluorescent tube waste, empty aerosol cans, used rags, paint
27 sludge, paint thinner, paint waste, equipment wash facility oils, corrosive and solvent rinse waste,
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1 mixed oils, process wastewater, unspecified sludge waste, lime sludge, metal sludge, aqueous
2 solution with metals, filter cake, ion exchange waste regenerate and used oil.

3 8. The Army is a “person” as defined in Health and Safety Code section 25118. Further,
4 the Army is an “owner” and/or “operator” of a “hazardous waste facility” and a “generator” of
5 hazardous waste, as defined at California Code of Regulations, title 22, section 66260.10.

6 9. When reference is made in this Complaint to any act of the Army, such allegation
7 shall mean that the owners, officers, directors, agents, employees, contractors, and representatives
8 of the Army did or authorized such acts or recklessly and/or negligently failed and omitted to
9 adequately or properly supervise, control, or direct the Army’s employees, representatives, or
10 agents while engaged in the management, direction, operation, or control of the affairs of the
11 Army and did so while acting within the course and scope of their employment or agency.

12 10. Defendants Does 1-20 are the officers, agents, employees, servants, or others acting
13 in interest or concert with the Army. The Department is ignorant of the true names of defendants
14 sued herein as Does 1-20. When the names of these defendants have been ascertained, the
15 Department will seek leave to amend the Complaint.

16 **JURISDICTION AND VENUE**

17 11. This Court has jurisdiction pursuant to Cal. Const., art. VI, § 10, and Health and
18 Safety Code section 25181, subdivision (a). Venue is proper under Health and Safety Code
19 section 25183. The processing and/or disposal of hazardous waste by the Army at the Facility
20 occurred in Riverbank, in Stanislaus County.

21 12. Pursuant to the Federal Facilities Compliance Act of 1992, the United States has
22 waived immunity to suit under the state law equivalent to the Resource Conservation and
23 Recovery Conservation Act, 42 U.S.C. §6901 et seq. (“RCRA”). The Army is subject to suit
24 under the HWCL in this court.

25 **STATUTORY AND REGULATORY BACKGROUND**

26 13. The State of California has a comprehensive – “cradle to grave” – statutory and
27 regulatory framework for the generation, handling, treatment, storage, transport, and disposal of
28 hazardous wastes. The HWCL’s implementing regulations specify requirements for the tracking,

1 storage, treatment, and disposal of hazardous waste to protect the public from the risks posed by
2 improper management of hazardous wastes. (Cal. Code Regs., tit. 22, § 66260.1 et seq.) Except
3 where otherwise expressly defined in this Complaint, all terms shall be interpreted consistent with
4 the HWCL and Title 22.

5 14. The HWCL is the California analogue of RCRA. Pursuant to state and federal law,
6 the Department administers the HWCL in lieu of the federal administration of RCRA in
7 California. (See Health & Saf. Code, § 25101, subdivision (d); California: Final Authorization of
8 Revisions to State Hazardous Waste Management Program, 66 FR 49118 (September 26, 2001).)
9 Federal law prohibits California from imposing “any requirements less stringent than those
10 authorized under [RCRA].” (42 U.S.C. § 6929.)

11 15. The HWCL charges the Department with the responsibility to adopt standards and
12 regulations for the management of hazardous waste to protect the public health and environment.
13 (Health & Saf. Code, § 25150.) Accordingly, the Department has promulgated regulations setting
14 forth numerous and extensive health-protective requirements for the day-to-day operation of
15 hazardous waste generators, transporters, as well as owners and operators of hazardous waste
16 facilities. These regulations are set forth at California Code of Regulations, Title 22, Division
17 4.5. (“Title 22”).

18 16. State law – the HWCL – has a more inclusive definition of hazardous waste than does
19 federal law. Hazardous wastes that are regulated under California law but not federal law are
20 known as “non-RCRA hazardous wastes.” (Health & Saf. Code, § 25117.9.)

21 17. A person, as defined in Health and Safety Code section 25118, who generates
22 hazardous waste must determine if the waste is hazardous using the methods outlined in
23 California Code of Regulations, title 22, sections 66262.11 (“Hazardous Waste Determination”)
24 and 66260.200 (“Classification of a Waste as Hazardous or Nonhazardous”). If the waste is
25 hazardous, the generator must manage it in accordance with the regulations governing generators
26 of hazardous waste. (See Cal. Code Regs., tit. 22, §§ 66262.11 and 66260.200, subdivision (c).)
27 Defendants are subject to these requirements.
28

1 Attorney General may make an application to the superior court for an order enjoining such acts
2 or practices, or for an order directing compliance, and upon a showing by the Department that
3 such person has engaged in or is about to engage in any such acts or practices, a permanent or
4 temporary injunction, restraining order, or other order may be granted.

5 24. Health and Safety Code section 25184 provides that in civil actions brought pursuant
6 to the HWCL in which an injunction or temporary restraining order is sought:

7 It shall not be necessary to allege or prove at any stage of the proceeding that
8 irreparable damage will occur should the temporary restraining order, preliminary
9 injunction, or permanent injunction not be issued; or that the remedy at law is
inadequate, and the temporary restraining order, preliminary injunction, or permanent
injunction shall issue without such allegations and without such proof.

10 **THE DEPARTMENT'S INSPECTIONS OF THE FACILITY**

11 25. On February 17, 2010, February 17 and 28, 2011, June 27, 2012, and September 17,
12 2013 the Department, through its inspectors, conducted regulatory inspections of the Facility
13 (singularly "Inspection" and collectively the "Inspections"). At the conclusion of each
14 Inspection, the Department issued a Summary of Violations and Summary of Observations to the
15 Army. The Department provided its Inspection Reports to the Army after each of the Inspections
16 on April 27, 2010, May 27, 2011, July 31, 2012, and October 14, 2013.

17 **FIRST CAUSE OF ACTION**
18 **(Failure to Train Employees)**
19 **(Cal. Code Regs., tit. 22, §§ 66264.16, subd.(a)(1) and (3))**

20 26. Paragraphs 1 through 25 are realleged as if fully set forth herein.

21 27. California Code of Regulations, title 22, section 66264.16 ("Personnel Training"),
22 requires that a facility managing hazardous waste have a training plan for its employees; that
23 facility personnel participate in hazardous waste training classes that include certain specified
24 elements; and that the facility keep records of the training received by each employee for a
25 specified period. Personnel with responsibilities for hazardous waste management must also
26 receive annual updates of this hazardous waste training. Section 66260.10 defines facility
27 personnel to mean all "persons who work at, or oversee the operations of, a hazardous waste
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1 facility, and whose actions or failure to act may result in non-compliance” with the HWCL
2 statutes and regulations.

3 28. Since on and before February 17, 2011, and continuing until a date to be established
4 at trial, Defendants violated California Code of Regulations, title 22, section 66264.16,
5 subdivision (a)(1) in that Defendants’ environmental coordinator, Robert Smith, did not receive
6 and document any training as required by regulation.

7 29. Defendants are liable for civil penalties under Health and Safety Code section 25189
8 or 25189.2, for failing to train an employee as required under California Code of Regulations,
9 section 66264.16, according to proof at trial. Pursuant to Health and Safety Code section 25181,
10 Defendants should also be enjoined from further violations of the HWCL

11 **SECOND CAUSE OF ACTION**
12 **(Failure to Inspect Containers and Tanks, Follow Inspection Schedule, and**
13 **Maintain General Inspection Schedule Forms)**
14 **(Cal. Code Regs., tit. 22, §§ 66270.30, subd. (a); 66264.15, subd. (a)-(b)(1))**

15 30. Paragraphs 1 through 25 are realleged as if fully set forth herein.

16 31. Under California Code of Regulations, title 22, section 66270.30, subdivision (a),
17 Defendants are required to follow all conditions of their Permit. Permit Part B, section 8.4
18 requires Defendants to inspect tanks and containers and to develop and follow a written
19 inspection schedule.

20 32. Under California Code of Regulations, title 22, section 66264.15, subdivision (a),
21 Defendants are required to inspect the Facility for malfunctions and deteriorations, operator
22 errors, and discharges which may lead to or cause release of hazardous waste to the environment
23 or threaten human health. Under section 66264.15, subdivision (b)(1), Defendants are required
24 to develop and follow a written schedule for inspecting monitoring equipment that are important
25 to preventing, detecting, or responding to environmental or human health hazards.

26 33. Since on and before the February 17, 2011 Inspection, and continuing until a date to
27 be established at trial, Defendants violated California Code of Regulations, title 22, section
28 66264.15, subdivisions (a) and (b)(1), and section 66270.30, subdivision (a), by failing to conduct

1 complete inspections of the Facility; follow a written inspection schedule and maintain the
2 general inspection forms for the Facility, and make available to the Department inspection reports
3 for the Facility.

4 34. Defendants continued to violate the provisions of California Code of Regulations,
5 title 22, section 66264.15, subdivisions (a) and (b)(1), and section 66270.30, subdivision (a)
6 because violations of these regulations were found by the Department during the June 27, 2012
7 Inspection of the Facility.

8 35. Defendants are liable for civil penalties under Health and Safety Code section 25189
9 or 25189.2 for their repeated violations of California Code of Regulations, title 22, sections
10 66270.30, subdivision (a), and 66264.15, subdivisions (a) and (b)(1). Pursuant to Health and
11 Safety Code section 25181, Defendants should also be enjoined from further violations of the
12 HWCL.

13 **THIRD CAUSE OF ACTION**
14 **(Failure to Maintain Operating Records)**
15 **(Cal. Code Regs., tit. 22, §66264.73, subd. (a) and (b))**

16 36. Paragraphs 1 through 25 are realleged as if fully set forth herein.

17 37. Under California Code of Regulations, title 22, section 66264.73, subdivisions (a) and
18 (b), Defendants were required to keep an operating record for the Facility which included, but
19 was not limited to the following information: a description and quantity of each waste received,
20 treated, stored or disposed; the location of each hazardous waste within the facility and the
21 quantity at each location; records and results of waste analysis and waste determination and
22 records of incidents that require implementing the contingency plan.

23 38. Since on and before February 17, 2011, and continuing until a date to be established
24 at trial, Defendants violated California Code of Regulations, title 22, section 66264.73,
25 subdivisions (a) and (b), in that Defendants' operating record for the Facility did not contain the
26 information required by this regulation.

27 39. Defendants are liable for civil penalties under Health and Safety Code section 25189
28 or 25189.2 for its violations of California Code of Regulations, title 22, section 66264.73,

1 subdivisions (a) and (b). Pursuant to Health and Safety Code section 25181, Defendants should
2 also be enjoined from further violations of the HWCL.

3 **FOURTH CAUSE OF ACTION**
4 **(Failure to Produce Records for Inspection)**
5 **(Cal. Code Regs., tit. 22, § 66264.74, subd. (a))**

6 40. Paragraphs 1 through 25 are realleged as if fully set forth herein.

7 41. Under California Code of Regulations, title 22, section 66264.74, subdivision (a),
8 upon request from the Department, Defendants are required to produce records pertaining to the
9 Facility for inspection by the Department, including, but not limited to: tank assessments, waste
10 disposal records; manifests, annual and biennial reports; inspection records, testing and
11 monitoring records; and annual certification that the permittee has a program in place to reduce
12 the volume and toxicity of hazardous waste generated.

13 42. Since on and before February 17, 2011, and continuing until a date to be established
14 at trial, Defendants violated California Code of Regulations, title 22, section 66264.74,
15 subdivision (a) by failing to produce the records requested by the Department pertaining to the
16 Facility.

17 43. Defendants are liable for civil penalties under Health and Safety Code section 25189
18 or 25189.2 for its violation of California Code of Regulations, title 22, section 66264.74,
19 subdivision (a) because they failed repeatedly to produce records pertaining to the Facility for
20 inspection by the Department despite numerous requests for the records by the Department.
21 Pursuant to Health and Safety Code section 25181, Defendants should also be enjoined from
22 further violations of the HWCL.

23 **FIFTH CAUSE OF ACTION**
24 **(Failure to Maintain Training Records)**
25 **(Cal. Code Regs., tit. 22, section 66270.30, subd. (a) and § 66264.16, subd. (a) (1),**
(d)(3) and (4)

26 44. Paragraphs 1 through 25 are realleged as if fully set forth herein.
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1 45. California Code of Regulations, title 22, section 66264.16 requires Defendants to
2 maintain training documents as specified in section 66264.16, subdivision (d)(3) and (d)(4). At
3 the time of the February 2011 Inspection, the Facility could not produce any training records for
4 facility personnel involved in the management of hazardous waste, as that term is defined in
5 Health & Safety Code section 25117.2.

6 46. Defendants also did not maintain, as required pursuant to Title 22, the job title for
7 each position related to hazardous waste management, a written job description for each job title,
8 a written description of introductory and continuing education given to each person filling such
9 position(s), and a record of each employee's name filling each job title.

10 47. Since on and before February 17, 2011, and continuing until a date to be established
11 at trial, Defendants violated California Code of Regulations, title 22, sections 66264.16,
12 subdivision (a)(1), (d)(3) and (4) in that Defendants failed to maintain training documents, and
13 failed to maintain a written description of the type and amount of both introductory and
14 continuing training given to employees involved with hazardous waste management at the
15 Facility.

16 48. Defendants are liable for civil penalties under Health and Safety Code section 25189
17 or 25189.2, for failing to maintain the required training records for each employee as required
18 under California Code of Regulations, section 66264.16, subdivision (d)(3) and (d)(4). Pursuant
19 to Health and Safety Code section 25181, Defendants should also be enjoined from further
20 violations of the HWCL.

21 **SIXTH CAUSE OF ACTION**
22 **(Failure to Remove All Hazardous Waste Within 90 days of**
23 **Receiving the Final Volume of Hazardous Waste to a Unit or Facility In Accordance with**
24 **the Approved Closure Plan)**
25 **(Cal. Code Regs., tit. 22, § 66264.113, subd. (a))**

26 49. Paragraphs 1 through 25 are realleged as if fully set forth herein.

27 50. California Code of Regulations, title 22, section 66264.113, subdivision (a), allows
28 the storage of hazardous (and non-hazardous) waste at the Facility for only 90 days, after the
unit/facility receives the final volume of hazardous waste.

1 subdivision (c) by failing to remedy deterioration and/or malfunction of a leaking drive shaft and
2 other ancillary equipment attached to the Equalization Basin Unit, Unit 11—a tank system.

3 58. Under California Code of Regulations, title 22, section 66264.196, subdivision (b),
4 Defendants are required to remove from service immediately any tank system that is unfit for use.

5 59. On or about April 27, 2010, the Department issued an inspection report to Defendants
6 finding corrosion on a Sand Filter Tank at the Facility and directed Defendants to take specified
7 corrective actions. In response, Defendants requested the option of either removing the Sand
8 Filter Tank or repairing it if the Facility was not closed by December 31, 2010. When the
9 Department conducted a subsequent inspection on February 17 and 28, 2011, the Department
10 found that Defendants had neither repaired nor removed the Sand Filter Tank. The corroded Sand
11 Filter Tank remained at the Facility until a date to be established at trial.

12 60. Since on and before February 17, 2010, and continuing until a date to be established
13 at trial, Defendants violated California Code of Regulations, title 22, section 66264.196,
14 subdivision (b) in that they did not repair or remove the corroded Sand Filter Tank at the Facility
15 as required under California Code of Regulations, title 22, section 66264.196, subdivision (b).

16 61. Defendants are liable for civil penalties under Health and Safety Code section 25189
17 or 25189.2 for its violations of California Code of Regulations, title 22, sections 66264.15,
18 subdivision (c) and 66264.196, subdivision (b). Pursuant to Health and Safety Code section
19 25181, Defendants should also be enjoined from further violations of the HWCL.

20 **EIGHTH CAUSE OF ACTION**
21 **(Failure to Remove Hazardous Waste From Secondary Containment System)**
22 **(Cal. Code Regs., tit. 22, § 66264.193, subd. (c)(4))**

23 62. Paragraphs 1 through 25 are realleged as if fully set forth herein.

24 63. California Code of Regulations, title 22, section 66264.193, subdivision (c)(4)
25 requires Defendants to remove spilled or leaked waste or accumulated precipitation from
26 secondary containment systems at the Facility within 24 hours of detection.

27 64. Since on and before February 17, 2011, and continuing until a date to be established
28 at trial, Defendants violated California Code of Regulations, title 22, section 66264.193,

1 subdivision (c)(4), in that they failed to remove within 24 hours of detection liquid resulting from
2 leaks, spills and/or precipitation from the collection sump which is part of the secondary
3 containment system located at the Equipment Wash area of the Facility.

4 65. Defendants are liable for civil penalties under Health and Safety Code section 25189
5 or 25189.2 for its violations of California Code of Regulations, section 66264.193, subdivision
6 (c)(4). Pursuant to Health and Safety Code section 25181, Defendants should also be enjoined
7 from further violations of the HWCL.

8 **NINTH CAUSE OF ACTION**
9 **(Failure to Notify the Department of Any Planned Change to the Permitted Facility)**
10 **(Cal. Code Regs., tit. 22, § 66270.30, subd. (l)(1))**

11 66. Paragraphs 1 through 25 are realleged as if fully set forth herein.

12 67. California Code of Regulations, title 22, section 66270.30, subdivision (l)(1), requires
13 Defendants to give notice to the Department as soon as possible, and at least 30 days in advance
14 of, any planned physical alterations or additions to the Facility.

15 68. Since on and before February 17, 2011, and continuing until a date to be established
16 at trial, Defendants violated California Code of Regulations, title 22, section 66270.30,
17 subdivision (l)(1), in that Defendants failed to notify the Department that they were going to
18 remove the Chromium Reduction Unit (2) before the unit was removed. During the Inspection of
19 February 2011, the Department's Inspectors observed that the Chromium Reduction Unit (2) at
20 the Facility had been removed and Defendants told the Inspectors that the Chromium Reduction
21 Unit (2) was removed in August 2010.

22 69. Defendants are liable to the Department for civil penalties under Health and Safety
23 Code sections 25189 or 25189.2 for the violations of California Code of Regulations, title 22,
24 66270.30, subdivision (l)(1), according to proof at trial. Pursuant to Health and Safety Code
25 section 25181, Defendants should also be enjoined from further violations of the HWCL.

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TENTH CAUSE OF ACTION
(Failure to Test and Maintain Fire Protection Equipment)
(Cal. Code Regs., tit. 22, §§ 66264.33)

70. Paragraphs 1 through 25 are realleged as if fully set forth herein.

71. California Code of Regulations, title 22, section 66264.33, requires fire protection equipment to be tested and maintained as necessary to assure its proper operation in time of emergency.

72. Since on and before February 17, 2011, and continuing until a date to be established at trial, Defendants failed to test, inspect, and maintain its fire extinguishers at the Equipment Wash Area and Drum Storage Area and Stabilization Unit of the Facility.

73. Defendants are liable for civil penalties under Health and Safety Code section 25189 or 25189.2 for their violations of California Code of Regulations, title 22, sections 66264.33 according to proof at trial. Pursuant to Health and Safety Code section 25181, Defendants should also be enjoined from further violations of the HWCL.

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ELEVENTH CAUSE OF ACTION
(Failure to Provide Annual Certification That the Facility has Program in Place to Reduce the Volume and Toxicity of Hazardous Waste)
(Health & Saf. Code, § 25202.9, subd. (a))

74. Paragraphs 1 through 25 are realleged as if fully set forth herein.

75. Under Health and Safety Code section 25202.9, subdivision (a), Defendants are required to certify annually that the Facility has a program in place to reduce the volume or quantity and toxicity of hazardous waste to the degree, determined by the generator, to be economically practicable.

76. Since on and before February 17, 2011, and continuing until a date to be established at trial, Defendants violated Health and Safety Code section 25202.9, subdivision (a) by failing to provide the required certification under Health and Safety Code section 25202.9, subdivision (a) during and after the February 17, 2011 and June 27, 2012 inspections.

77. Defendants are liable for civil penalties under Health and Safety Code section 25189 or 25189.2 for its violations of Health and Safety Code section 25202.9, subdivision (a).

1 Pursuant to Health and Safety Code section 25181, Defendants should also be enjoined from
2 further violations of the HWCL.

3 **TWELFTH CAUSE OF ACTION**
4 **(Failure to Identify Emergency Coordinators)**
5 **(Cal. Code Regs., tit. 22, § 66264.52, subd. (d))**

6 78. Paragraphs 1 through 25 are realleged as if fully set forth herein.

7 79. California Code of Regulations, title 22, section 66264.55 (“Emergency
8 Coordinator”), requires a hazardous waste management facility to have at least one employee
9 designated as “an emergency coordinator,” available either at the facility or on call at all times,
10 with the responsibility for coordinating all emergency response measures. This person shall have
11 the authority to implement the contingency plan required by California Code of Regulations, title
12 22, section 66264.52 (“Content of Contingency Plan”), subdivision (d), and must be thoroughly
13 familiar with all aspects of the facility’s contingency plan, all operations and activities at the
14 facility, and the location and characteristics of waste handled. Section 66264.52, subdivision (d),
15 specifies that the contingency plan shall list names, addresses, and phone numbers (office and
16 home) of all persons qualified to act as emergency coordinators pursuant to section 66264.55, and
17 that the list shall be kept up to date.

18 80. Since on and before February 17, 2011, and continuing until a date to be established
19 at trial, Defendants violated California Code of Regulations, title 22, section 66264.52,
20 subdivision (d), in that they failed to list names, addresses, and phone numbers of all persons
21 qualified to act as emergency coordinators at the Facility. On March 29, 2011, Defendants
22 informed the Department that they would provide the information required, but did not provide
23 the required information until over a year later, on May 2, 2012.

24 81. Defendants are liable for civil penalties under Health and Safety Code section 25189
25 or 25189.2 for the violations of California Code of Regulations, section 66265.52, subdivision
26 (d), according to proof at trial. Pursuant to Health and Safety Code section 25181, Defendants
27 should also be enjoined from further violations of the HWCL.

1 **REQUEST FOR RELIEF**

2 1. Enter judgment that Defendants have violated the HWCL, Title 22 and the Facility
3 Permit as described in the First through Twelfth Causes of Action;

4 2. Enter judgment that Defendants are liable for civil penalties for violations of the
5 HWCL and its implementing regulations on the First through Twelfth Causes of Action, as
6 authorized by Health and Safety Code section 25189 or, in the alternative, by Health and Safety
7 Code section 25189.2, for each day of each violation according to proof;

8 3. Enter preliminary injunctions, permanent injunctions, or other orders requiring
9 Defendants to comply with the applicable permits, the HWCL and/or the regulations adopted
10 thereunder;

11 4. Grant the Department its costs of suit herein; and

12 5. Grant such other and further relief as the court deems just and proper.

13 Dated: October 16, 2014

Respectfully Submitted,

14 KAMALA D. HARRIS
15 Attorney General of California
16 MARGARITA PADILLA
17 Supervising Deputy Attorney General

18 

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20 Deputy Attorney General
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