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ORIGINAL FILED**
Superior Court of California
County of Los Angeles

SEP 15 2015

Sherril R. Carter, Executive Officer/Clerk
By Cristina Grijalva, Deputy

**Exempt from Filing Fees pursuant to
Government Code section 6103**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

BC 594721

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Barbara A. Lee, Director, California
Department of Toxic Substances Control,

Plaintiff,

v.

SAFETY-KLEEN SYSTEMS, INC., a
Wisconsin Corporation,

Defendant.

Case No.
**COMPLAINT FOR CIVIL
PENALTIES, INJUNCTIVE AND
OTHER EQUITABLE RELIEF**

The People of the State of California, ex rel. Barbara A. Lee, Director, California Department of Toxic Substances Control ("the Department"), alleges as follows:

STATEMENT OF THE CASE

1. The Department seeks civil penalties from and injunctive relief against Safety-Kleen Systems, Inc. (referred to herein as "Safety-Kleen") for past and continuing violations of the California Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the California Health and Safety Code sections 25100 *et seq.* ("HWCL") and the implementing regulations, California Code of Regulations, Title 22, Chapter 30, Division 4.

///

1 **PLAINTIFF**

2 2. The Department is a public agency of the State of California organized and
3 existing under and pursuant to sections 58000 *et seq.* of the Health and Safety Code. The
4 Department is the state agency responsible for the administration of the HWCL.

5 3. Pursuant to sections 25181 and 25182 of the California Health and Safety Code,
6 the Attorney General of the State of California is authorized, at the request of the Department, to
7 commence an action in the name of the People for civil penalties and injunctive relief under the
8 HWCL. The Department has asked the Attorney General to apply to this Court for an injunction
9 enjoining Safety-Kleen, and any and all other defendants named herein, from continuing
10 violations of the HWCL as alleged herein.

11 **DEFENDANT**

12 4. Defendant Safety-Kleen is, and at all times relevant here was, a Wisconsin
13 corporation with its headquarters in Richardson, Texas. Safety-Kleen is one of the largest
14 collectors of used oil in North America. Its nationwide business includes operation of hazardous
15 waste facilities in California, and transportation of hazardous wastes throughout California.

16 5. Safety-Kleen is a "person," as defined at California Health & Safety Code section
17 25118.

18 **JURISDICTION AND VENUE; UNLIMITED CIVIL CASE**

19 6. This court has jurisdiction pursuant to California Constitution, Article 6, section
20 10, and California Health and Safety Code section 25181(a). Venue is proper in this court
21 pursuant to California Health and Safety Code section 25183 and because multiple of the
22 violations at issue occurred within Los Angeles County.

23 7. This action is an unlimited civil case because the amount of penalties requested
24 exceeds \$25,000, and because none of the Department's causes of action meets the criteria for
25 limited civil cases in the Code of Civil Procedure.

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1 person may not be held liable for civil penalties imposed under section 25189 and section
2 ~~25189.2 for the same act. (Health and Saf. Code, § 25189.2(d).)~~

3 14. Sections 25181 and 25184 of the HWCL authorize and direct the Court to enjoin
4 any ongoing or potential violation of the HWCL.

5 15. Section 25181 of the Health and Safety Code authorizes the Court to grant “a
6 permanent or temporary injunction, restraining order, or other order” when the Attorney General,
7 at the request of the Department, applies for an order enjoining violations of the HWCL or of any
8 rule or requirement issued thereunder, and the Department shows that the person against whom
9 the order is sought has engaged in, is engaged in, or is about to engage in any acts or practices
10 which constitute or will constitute a violation of any such provision.

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

13 [I]t shall not be necessary to allege or prove at any stage of the proceeding that
14 irreparable damage will occur should the temporary restraining order, preliminary
15 injunction, or permanent injunction not be issued; or that the remedy at law is
16 inadequate, and the temporary restraining order, preliminary injunction, or
17 permanent injunction shall issue without such allegations and without such proof.

17 **FACTUAL BACKGROUND**

18 17. At all times relevant hereto, Safety-Kleen has been, and is, a registered transporter
19 in California, and it has collected and transported loads of hazardous waste, including used oil,
20 from waste generators to facilities within and outside of California.

21 18. Between January 4, 2010 and May 7, 2012, Safety-Kleen collected loads of used
22 oil from various of its customers within California (the Subject Loads), and transported them
23 under hazardous waste manifests to facilities outside of California.

24 19. All of the Subject Loads were subject to the testing requirements of Health and
25 Safety Code section 25250.29.

26 20. Safety-Kleen, as the transporter of the Subject Loads to out-of-state facilities, was
27 responsible for compliance with Health and Safety Code section 25250.29 testing requirements.
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