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A.J. GAMBOL

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

<p>14 PEOPLE OF THE STATE OF CALIFORNIA, ex rel. DEBORAH O. RAPHAEL, DIRECTOR OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL,</p> <p>17 Plaintiff,</p> <p>18 v.</p> <p>20 ELECTRO-FORMING, CO.; MARION PATIGLER; THE ESTATE OF GERHARD PATIGLER; THE ESTATE OF INGRID PATIGLER; AND DOES 1 THROUGH 50</p> <p>23 Defendants.</p>	<p>Case No. C-13-01691</p> <p>COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF</p> <p>(Health and Safety Code sections 25181, 25184, 25189, and 25189.2)</p> <p>PER LOCAL RULE 5 THIS CASE IS ASSIGNED TO DEPT 33</p>
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By Fax

1 The People of the State of California, *ex rel.* Deborah O. Raphael, Director of the
2 Department of Toxic Substances Control (“the Department”) allege the following:

3 STATEMENT OF THE CASE

4 1. Defendants Electro-Forming, Co. (“Electro-Forming”), Marion Patigler, the Estate of
5 Gerhard Patigler, and the Estate of Ingrid Patigler (collectively, “Defendants”), at all times
6 relevant to this Complaint, treated, transported, disposed of, and/or stored hazardous wastes,
7 including cadmium, chromium, copper, lead, zinc, nickel, and cyanide in connection with
8 Defendants’ operations at 130 Nevin Avenue, Richmond, California.

9 2. Defendants violated the Hazardous Waste Control Law, Chapter 6.5 of Division 20 of the
10 Health and Safety Code (“HWCL”), and its implementing regulations by managing hazardous
11 waste without complying with the applicable laws and regulations.

12 3. The Department hereby seeks injunctive relief against and civil penalties from Defendants
13 for violations of the HWCL and its implementing regulations.

14 PLAINTIFF

15 4. The Department is a public agency of the State of California organized and existing under
16 and pursuant to Health and Safety Code sections 58000 *et seq.*

17 5. Deborah O. Raphael is the Director of the Department.

18 6. Pursuant to sections 25181 and 25182 of the Health and Safety Code, the Attorney
19 General of the State of California is authorized, at the request of the Department, to commence an
20 action in the name of the People for civil penalties and injunctive relief under the HWCL. The
21 Department has asked the Attorney General to apply to this Court for injunctive relief and civil
22 penalties pursuant to Health and Safety Code sections 25181, 25184, 25189, and 25189.2 for
23 violations of the HWCL by Defendants.

24 DEFENDANTS

25 7. Electro-Forming is a corporation formed under the laws of the State of California and has
26 its principle place of business at 130 Nevin Avenue, Richmond, California. Electro-Forming’s
27 corporate status has been suspended by the California Secretary of State for failure to pay taxes.
28 The Department is informed and believes and thereupon alleges that Electro-Forming is a closely-

1 held corporation. When reference is made in this complaint to any act of Electro-Forming, such
2 allegation shall mean that the officers, directors, employees, agents, or representatives of Electro-
3 Forming did, or authorized, such acts or intentionally and/or negligently failed to adequately or
4 properly supervise, control, or direct their employees and/or agents while engaged in the
5 management, direction, operation, or control of the affairs of Electro Forming.

6 8. Electro-Forming is a "person" as defined at Health and Safety Code section 25118.

7 9. Gerhard Patigler was a "person" as defined in Health and Safety Code section 25118. The
8 Department is informed and believes and thereupon alleges that Gerhard Patigler was an owner of
9 the property located at 130 Nevin Avenue, Richmond, California. The Department is further
10 informed and believes and thereupon alleges that Gerhard Patigler was an operator of the facility
11 located at 130 Nevin Avenue, Richmond, California and a principal of Electro-Forming. Gerhard
12 Patigler was declared dead on June 20, 2009. The Estate of Gerhard Patigler is in probate court
13 before the Superior Court in and for the County of Contra Costa. The Department is further
14 informed and believes and thereupon alleges that Marion Patigler is the administrator of the
15 Estate of Gerhard Patigler.

16 10. Ingrid Patigler was a "person" as defined in Health and Safety Code section 25118. The
17 Department is informed and believes and thereupon alleges that Ingrid Patigler was an owner of
18 the property located at 130 Nevin Avenue, Richmond, California. The Department is further
19 informed and believes and thereupon alleges that Ingrid Patigler was an operator of the facility
20 located at 130 Nevin Avenue, Richmond, California and was a principal of Electro-Forming.
21 Ingrid Patigler was declared dead on June 20, 2009. The Estate of Ingrid Patigler is in probate
22 court before the Superior Court in and for the County of Contra Costa. The Department is further
23 informed and believes and thereupon alleges that Marion Patigler is the administrator of the
24 Estate of Ingrid Patigler.

25 11. Marion Patigler is a "person" as defined at Health and Safety Code section 25118.
26 Marion Patigler is an operator of the property located at 130 Nevin Avenue, Richmond,
27 California and is the President of Electro-Forming. The Department is informed and believes and
28 thereupon alleges that Marion Patigler is the administrator of the Estate of Gerhard Patigler and

1 the Estate of Ingrid Patigler. The Department is further informed and believes and thereupon
2 alleges that Marion Patigler is a resident of the State of California and resides at 121 McMahon
3 Court, Martinez, California. The Department is further informed and believes and thereupon
4 alleges that Marion Patigler is or was also known as Marion Ingrid Ahearn. Marion Patigler is
5 sued in her individual capacity and in her capacities as a corporate officer of Electro-Forming, the
6 administrator of the Estate of Gerhard Patigler, and the administrator of the Estate of Ingrid
7 Patigler

8 12. The names and capacities, whether individual, corporate, or otherwise, of Defendants
9 named herein as Does 1 through 50, inclusive, are unknown at this time to the Department. The
10 Department therefore sues said Defendants by such fictitious names. The Department will amend
11 this Complaint to show their true names and capacities when the same have been ascertained.

12 JURISDICTION AND VENUE

13 13. This Court has jurisdiction pursuant to California Constitution Article 6, section 10.
14 Venue is proper in this Court under Health and Safety Code section 25183 in that the violations
15 principally took place in Richmond, Contra Costa County, California. Venue is further proper in
16 this Court under Health and Safety Code section 25183 in that Electro-Forming's principle place
17 of business is 130 Nevin Avenue, Richmond, Contra Costa County, California and Marion
18 Patigler is a resident of Contra Costa Country.

19 STATUTORY AND REGULATORY BACKGROUND

20 14. The State of California has a comprehensive – “cradle to grave” – statutory and regulatory
21 framework for the generation, handling, treatment, transportation, and disposal of hazardous
22 wastes. The HWCL's implementing regulations specify requirements for the tracking, storage,
23 treatment, transportation, and disposal of hazardous waste to protect the public from the risks
24 posed by improper management of hazardous wastes. (Cal. Code Regs., tit. 22, §§ 66260.1 *et*
25 *seq.*)

26 15. The HWCL is the California analog of the federal Resource Conservation and Recovery
27 Act, 42 U.S.C. sections 6901 *et seq.* (“RCRA”). Pursuant to both state and federal law, the
28 Department administers the HWCL in lieu of federal administration of RCRA in California. (*See*

1 Health & Saf. Code § 25101(d); California: Final Authorization of Revisions to State Hazardous
2 Waste Management Program, 66 FR 49118 (September 26, 2001).) Federal law prohibits
3 California from imposing “any requirements less stringent than those authorized under [RCRA].”
4 (42 U.S.C. § 6929.)

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

8 17. Persons who generate, treat, store, transport, or dispose of hazardous waste are subject to a
9 number of laws and regulations, including, but not limited to, Health and Safety Code sections
10 25100 *et seq.* and California Code of Regulations, title 22, sections 66260 *et seq.* Defendants, for
11 all times relevant to this Complaint, generated, treated, stored, transported, and/or disposed of
12 hazardous waste in California and are therefore subject to those requirements.

13 ENFORCEMENT AUTHORITY UNDER THE HWCL

14 18. The HWCL authorizes the Court to impose civil penalties under two distinct and
15 alternative provisions. Section 25189 of the Health and Safety Code imposes liability for
16 negligent and intentional violations of, *inter alia*, the HWCL and its implementing regulations.
17 Pursuant to the provisions of section 25189, civil penalties of not less than \$1,000 or more than
18 \$25,000 may be imposed for each violation of, *inter alia*, the HWCL and/or its implementing
19 regulations, or, for continuing violations, for each day that a violation continues. Further,
20 pursuant to section 25189(f), each civil penalty imposed for a separate violation pursuant to
21 section 25189 shall be separate and in addition to any other civil penalty imposed pursuant to this
22 section or other provision of law. Section 25189.2 of the Health and Safety Code imposes
23 penalties for strict liability violations of, *inter alia*, the HWCL and its implementing regulations.
24 Pursuant to the provision of section 25189.2, civil penalties of up to \$25,000 may be imposed for
25 each violation of a separate provision, or for continuing violations, for each day that a violation
26 continues. However, a person may not be held liable for separate civil penalties imposed under
27 sections 25189 and 25189.2 for the same act or failure to act. (Health & Saf. Code §§ 25189(g)
28 and 25189.2(f).)

1 19. Sections 25181 and 25184 of the Health and Safety Code authorize and direct the Court to
2 enjoin any ongoing or potential violation of the HWCL.

3 20. Section 25181 of the Health and Safety Code authorizes the Court to grant “a permanent
4 or temporary injunction, restraining order, or other order” when the Attorney General, at the
5 request of the Department, applies for an order enjoining violations of the HWCL or of any rule
6 or requirement issued thereunder, and the Department shows that the person against whom the
7 order is sought has violated or will violate those provisions.

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

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

14 THE PLATING OPERATION

15 22. Electro-Forming operates, and has operated since at least 1974, a plating facility located at
16 130 Nevin Avenue, Richmond, California (the “Facility”). The Department is informed and
17 believes and thereupon alleges that Electro-Forming was owned and operated by Gerhard and
18 Ingrid Patigler (husband and wife) until 2009. Both Gerhard and Ingrid Patigler are now
19 deceased. Their daughter, Marion Patigler, currently operates Electro-Forming both in her
20 individual and representative capacities.

21 23. The Facility consists of a plating area, boiler room, buffing area, office area, four Conex
22 containers (modular containers used in shipping and storage), a mobile home used as an office,
23 and a rear paved yard. The Facility is located in a mixed use neighborhood containing both
24 residences and commercial buildings. The Facility is located across the street from an apartment
25 building and a church. A Bay Area Rescue Mission is located a block away.

26 24. The plating area at the Facility has nine plating tanks, including copper cyanide, brass,
27 dull and bright nickel, acid copper, antiquing (inorganic acid solution), and chromium tanks. In
28 addition, there are eleven plating rinse tanks, a tank containing pumice cleaner, as well as other

1 rinse areas, a 55 gallon drum for gold plating, a 55 gallon drum for silver plating, and various 55
2 gallon drums for cleaning and etching.

3 25. At least two strip tanks are located at the rear of the Facility. One of these strip tanks has
4 been used to boil off plating rinse waters. This is accomplished when a heating element is
5 inserted into the tank to evaporate the contents. The rear yard at the Facility also has a 6,900
6 gallon polyethylene "Baker" tank and four Conex containers. There are also two strip tanks in the
7 boiler room: a chromium strip tank and a nickel strip tank.

8 26. The buffing area at the Facility contains various buffing machines, a shop vacuum, 55
9 gallon drums, 5 gallon containers, and a small rinse tank. The 5 gallon containers and 55 gallon
10 drums are used to hold spent buffing dust and wastes. The small rinse tank is used to clean plated
11 parts after they have been buffed. Plating rinse waters are also routed to this tank to be
12 evaporated by inserting a heating element into the tank which boils off the solution.

13 THE INVESTIGATION

14 27. The Department's current investigation of the Facility arose from a complaint received in
15 May 2012 from a former employee (Complainant) at the Facility who worked at the Facility at
16 times relevant to this Complaint. The Complainant stated that while he worked at Electro-
17 Forming, Marion Patigler directed him to load 5 gallon containers and 55 gallon drums of
18 hazardous waste into the back of a company vehicle and to dispose of the contents of the
19 containers in the laundry sink at her home. Marion Patigler also directed the Complainant to put
20 polishing dust, a hazardous waste, into bags and load it on a company vehicle. The Complainant
21 also observed that Marion Patigler would drive the truck loaded with the bags of waste to an
22 undisclosed location and return without the bags. Marion Patigler does not have a valid
23 registration from the Department to transport hazardous waste in California. Electro-Forming
24 has no municipal garbage service.

25 28. The Baker tank at the Facility holds approximately 6,900 gallons of hazardous waste. The
26 City of Richmond severed sewer access to the facility in 1988 due to a history of repeated sewer
27 discharge violations. The Complainant states that some of the contents of the Baker tank,
28 including cyanide, were released onto the ground. The Complainant stated that the ground

1 around the tank was often wet, and the tank's valve frequently leaked.

2 29. The Complainant also cleaned out the sludge from a plating tank and filled six 55 gallon
3 blue plastic drums with the sludge, a hazardous waste. This sludge was never sent offsite by a
4 licensed hazardous waste transporter. In addition, Marion Patigler directed the Complainant to
5 put out "kiddie pools" in the back of the shop yard and fill them with liquid from the Baker tank
6 or rinse water from the plating tanks so it would evaporate.

7 30. As a result of this information, the Department obtained a search warrant on March 14,
8 2013 from the Honorable Judge Burch of the Superior Court of the State of California in and for
9 the County of Contra Costa. The warrant was executed on March 20, 2013.

10 31. During the search, it was discovered that liquids from the dull nickel tank at the Facility
11 had spilled onto the floor and ran through the wall onto the front sidewalk facing Nevin Avenue.

12 32. After observing staining on the sidewalk outside of the Facility, Department personnel
13 used an XRF device to determine if any metals were present. The XRF device demonstrated that
14 high concentrations of nickel were present on the sidewalk next to the Facility. Any dull nickel
15 plating solution that spilled from the tank would be hazardous waste due to its nickel content.
16 Adjacent to the dull nickel tank is the copper cyanide tank. Test results of the waste sampled
17 from beneath the floor next to this tank show concentrations of cyanide at 29,000 milligrams per
18 liter ("mg/L"). There does not appear to be adequate separate secondary containment for the dull
19 nickel tank and the copper cyanide tank. If the contents of the dull nickel tank were to spill again,
20 the low pH solution would mix with the accumulated solutions beneath the floor that has a very
21 high concentration of cyanide and create a gaseous release of highly toxic hydrogen cyanide.

22 33. Four Conex containers were discovered at the rear of the Facility. One of the Conex
23 containers had four separate storage areas. At least two of these storage areas contained rusted,
24 unlabeled containers, ranging from 5 to 55 gallon drums. The largest Conex container was filled
25 with boxes, paper, shelves, and filing cabinets. When those items were removed from the front,
26 nineteen drums in various stages of deterioration along with open, spilling bags of unknown
27 material were found in the back of the Conex container. Electro-Forming staff stated that those
28 drums had been in the Conex container anywhere from three to eleven years and some contained

1 spent plating solutions.

2 34. Two 275 gallon totes and approximately ten drums of hazardous waste were also found in
3 the rear area. Some of these containers had hazardous waste labels and some did not. Even the
4 ones that did have hazardous waste labels were not adequately labeled in that they lacked the
5 name and address of the generator and information regarding composition, physical state, and
6 hazardous properties of the waste. Some of the drums also did not have accumulation start dates.
7 The Baker tank, also in that area, had no label at all. The drums and the totes are placed right
8 beside each other and are only approximately five feet from the Baker tank.

9 35. All shipments of hazardous waste are required to be shipped with a licensed hazardous
10 waste transporter and must be documented by a hazardous waste manifest. Defendants'
11 documents showed that no hazardous waste was legally transported offsite in 2010 and 2013 and
12 that only one shipment was made in 2011 and one shipment in 2012. No "F008" listed hazardous
13 plating sludge has been legally transported offsite. (The "F008" listing refers to plating bath
14 residues from the bottom of plating baths from electroplating operations where cyanides are used
15 in the process.) The last time that F007 listed hazardous plating solutions were legally
16 transported offsite waste in 2005. (The "F007" listing refers to spent cyanide plating bath
17 solutions from electroplating operations). Additionally, no buffing dust, a hazardous waste, has
18 been legally transported offsite since 1987.

19 MARION PATIGLER'S HISTORY OF MISHANDLING HAZARDOUS MATERIALS

20 36. Electro-Forming had two sister plating companies which were also operated by Marion
21 Patigler and her father, Gerhard Patigler: Heartland Plating in Bettendorf, Iowa and Electro
22 Forming in Hayward, California ("the Hayward Facility"). Both facilities are no longer in
23 operation.

24 37. In 2001, a search warrant was executed on the Hayward Facility by the Alameda County
25 District Attorney's Office. Even though plating operations at the Hayward Facility had ceased
26 prior to the execution of the search warrant, the search warrant was obtained to address
27 continuing hazardous waste violations at the Facility, including illegal storage, unauthorized
28 treatment of hazardous waste, and operating in violation of a stop work order issued by the

1 Hayward Fire Department. Due to contamination as a result of non-compliance with hazardous
2 waste laws, the Department entered into a Corrective Action Consent Agreement with Electro-
3 Forming to investigate and remediate the contamination at the Hayward Facility.

4 38. In 2002, Marion Patigler was charged by the Alameda County District Attorney with
5 violations of the Health and Safety Code in Alameda County Superior Court (docket number
6 357511B) in connection with the plating operations at the Hayward Facility and was convicted of
7 misdemeanor violations of section 25190 of the Health and Safety Code.

8 39. The Department is informed and believes and thereupon alleges that Marion Patigler
9 operated a plating shop in Bettendorf, Iowa. The United States Environmental Protection Agency
10 (“EPA”) received a complaint from an employee of the Iowa plating operation who stated that he
11 was told by Marion Patigler to run a hose from the plating tanks to the floor to dispose of rinse
12 liquids. The EPA investigated. The EPA investigation found illegal storage of hazardous waste,
13 use of 20 “kiddie” pools to illegally dispose of hazardous waste plating sludge by evaporation,
14 open containers of hazardous waste, drums of hazardous waste without labels, and containers
15 with hazardous waste stored next to incompatible material.

16 40. The EPA issued a Cleanup Order in November 2010 and named Marion Patigler
17 individually as a party responsible for the environmental cleanup of the Iowa plating operation.

18 41. The Department is informed and believes and thereupon alleges that 50 – 60 drums and
19 other containers of hazardous waste and materials remain at the Iowa site.

20 THE DANGER TO THE PUBLIC

21 42. Cyanide is acutely toxic to humans. The most toxic form of cyanide is free cyanide,
22 which includes the cyanide anion (“CN”) itself and hydrogen cyanide (“HCN”), either in a
23 gaseous or aqueous state. At a pH of 9.3-9.5, CN and HCN are in equilibrium, with equal
24 amounts of each present. At a pH of 11, over 99% of the cyanide remains in solution as CN,
25 while at pH 7, over 99% of the cyanide will exist as HCN. As pH decreases, the amount of
26 cyanide that volatilizes increases.

27 43. Liquid or gaseous hydrogen cyanide and alkali salts of cyanide can enter the body through
28 inhalation, ingestion, or absorption through the eyes and skin. The LC₅₀ (the concentration or

1 dose that is lethal to 50% of the exposed population) for gaseous hydrogen cyanide is 100-300
2 parts per million (“ppm”). Inhalation of cyanide in this range results in death within 10-60
3 minutes, with death coming more quickly as the concentration increases. Inhalation of 2,000 ppm
4 hydrogen cyanide causes death within one minute. Initial symptoms of cyanide poisoning can
5 occur from exposure of 20-40 ppm of gaseous hydrogen cyanide, and may include headache,
6 drowsiness, vertigo, weak and rapid pulse, deep and rapid breathing, a bright red color in the face,
7 nausea, and vomiting. The concentration that is immediately dangerous to life and health is 50
8 ppm cyanide.

9 44. Analytical results from the Baker tank at the Facility indicate that the pH is 7.23 and the
10 concentration of cyanide in the tank is 2,800 mg/L. Since Electro-Forming employees routinely
11 deposit rinse solutions, strip solutions, and other wastes into the top of the Baker tank, there is a
12 real possibility that if a low pH solution were to be sent to the Baker tank, that highly toxic
13 gaseous hydrogen cyanide could be released. As noted in paragraph 43 above, at a pH of 7, over
14 99% of cyanides exist as HCN. The lower the pH, the more HCN will evolve. At the time of the
15 execution of the search warrant, the tank was observed to be full. The tank is out-of-doors and in
16 a mixed use neighborhood with residential property nearby.

17 45. One of the 275 gallon totes in the rear yard at the Facility had a pH of .38 (very acidic).
18 One of the drums containing hazardous waste that is located only six feet from the totes contained
19 5,900 mg/L cyanide. This drum containing high levels of cyanide is directly next to a drum
20 containing nitric acid with a pH of 1.17. The adjacent drum to the nitric acid drum contained 390
21 mg/L cyanide. Incompatible acids being stored next to cyanides poses a serious health and safety
22 risk to the workers onsite and nearby residents. The drums lack secondary containment and do
23 not contain correct identifying information on their labels.

24 46. Inside the Conex container at the Facility, there are nineteen drums, at least some of which
25 contained hazardous waste, in addition to broken, open bags of powders. The containers are
26 rusted, not adequately labeled, and have been there anywhere from 3-11 years. One of the drums
27 contained 2,500 mg/L cyanide. That drum was located approximately three feet away from
28 another drum that had a pH of 3.5. If the cyanides and acids were to leak and mix, there is a

1 significant risk of a release of highly toxic hydrogen cyanide gas to the workers at the Facility and
2 the neighborhood.

3 FIRST CAUSE OF ACTION

4 (Intentional or Negligent Disposal of Hazardous Waste in Violation of
5 Health and Safety Code section 25189 (c) and (d))

6 47. Paragraphs 1 through 46, inclusive, are re-alleged as if fully set forth herein.

7 48. Health and Safety Code section 25189(c) forbids any person from intentionally disposing,
8 or causing the disposal, of a hazardous waste at an unauthorized location. Health and Safety
9 Code section 25189(d) forbid any person from negligently disposing of hazardous waste at an
10 unauthorized location.

11 49. The Department is informed and believes and thereupon alleges that, at times relevant to
12 this Complaint, Defendants disposed of, or caused the disposal of, hazardous waste, including
13 chromium, copper, lead, zinc, nickel, and cyanide, at points not authorized by the Department for
14 disposal of hazardous waste.

15 50. Defendants disposed of hazardous waste, or caused the disposal of hazardous waste, by
16 draining the contents of the Baker tank at the Facility onto the ground and sweeping the
17 hazardous waste liquid into the street.

18 51. Defendants disposed of, or caused the disposal of, hazardous waste by disposing of
19 buffing dust from the Facility operations at points not authorized by the Department for disposal
20 of hazardous waste, including onto adjacent property. The buffing dust is a hazardous waste.

21 52. For each intentional disposal of hazardous waste in violation of Health and Safety Code
22 subsection 25189(c), Defendants each are subject civil penalty of not less than \$1,000 or more
23 than \$25,000. Further, each day the deposit of hazardous waste remains, and the Defendants have
24 knowledge thereof, is a separate and additional violation. For each negligent disposal of
25 hazardous waste in violation of Health and Safety Code subsection 25189(d), Defendants each are
26 subject to a civil penalty of not more than \$25,000. Further, each day the deposit of hazardous
27 waste remains, and the Defendants have knowledge thereof, is a separate and additional violation.

28 53. Injunctive relief is warranted to prevent future unlawful disposal of hazardous waste by
Defendants.

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SECOND CAUSE OF ACTION
(Strict Liability for Disposal of Hazardous Waste in Violation of
Health and Safety Code section 25189.2(c))

54. Paragraphs 1 through 53, inclusive, are re-alleged as if fully set forth herein.

55. Health and Safety Code section 25189.2(c) is a strict liability provision which forbids any person from disposing of, or causing the disposal of, hazardous waste at an unauthorized location.

56. The Department is informed and believes and thereupon alleges that, at times relevant to this Complaint, Defendants disposed of, or caused the disposal of, hazardous waste, including chromium, copper, lead, zinc, nickel, and cyanide, at points not authorized by the Department for disposal of hazardous waste.

57. Defendants disposed of hazardous waste by draining the contents of the Baker tank at the Facility onto the ground and sweeping the hazardous waste liquid into the street.

58. Defendants disposed of hazardous waste by disposing of buffing dust from the Facility operations at points not authorized by the Department for disposal of hazardous waste, including onto adjacent property. The buffing dust is a hazardous waste.

59. Each violation of section 25189.2(c) subjects each Defendant to a penalty of not more than \$25,000 for each violation. Each day on which the deposit of hazardous waste remains is a separate additional violation.

60. Injunctive relief is warranted to prevent future unlawful disposal of hazardous waste by Defendants.

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THIRD CAUSE OF ACTION
(Delivery of Hazardous Waste to a Location other than to an
Authorized Hazardous Waste Facility in Violation of
California Code of Regulations, title 22, section 66263.23)

61. Paragraphs 1 through 60, inclusive, are re-alleged as if fully set forth herein.

62. California Code of Regulations, title 22, section 66263.23 forbids a transporter of hazardous waste from delivering hazardous waste to any location other than a hazardous waste facility that has a valid permit or is otherwise authorized by the Department to receive hazardous waste.

1 63. The Department is informed and believes and there upon alleges that Defendants, on
2 numerous occasions relevant to this Complaint, transported, or caused to be transported,
3 hazardous waste to locations other than a hazardous waste facility that has a valid permit or is
4 otherwise authorized by the Department to received hazardous waste.

5 64. Defendants violated California Code of Regulations, title 22, section 66263.23 in that they
6 transported, or caused to be transported, hazardous waste to a location other than a facility
7 permitted or otherwise authorized by the Department to accept hazardous waste.

8 65. Each violation of California Code of Regulations, title 22, section 66263.23 subjects
9 Defendants to a separate penalty, according to proof at trial, pursuant to Health and Safety Code
10 section 25189(b) or section 25189.2(b) of the Health and Safety Code.

11 66. Injunctive relief is warranted to prevent future unlawful transportation of hazardous waste
12 by Defendants.

13 FOURTH CAUSE OF ACTION
14 (Unauthorized Treatment of Hazardous Waste in Violation of
Health and Safety Code section 25201(a))

15 67. Paragraphs 1 through 66 are re-alleged as if fully set forth herein.

16 68. Pursuant to Health and Safety Code section 25201(a), an owner and/or operator of a
17 facility may not treat hazardous waste at a facility without a permit or other authorization from
18 the Department. Health and Safety Code section 25123.5 defines treatment of a hazardous waste
19 to include any method, technique, or process to change the physical, chemical, or biological
20 character or composition of the hazardous waste, or which removes or reduces its harmful
21 properties or characteristics for any purpose.

22 69. During the search of the Facility on March 20, 2013, the Department discovered that
23 Defendants were, and had been, treating hazardous waste by combining different hazardous
24 wastes in the Baker tank, heating plating rinse waters to boil off liquids, and placing hazardous
25 waste outdoors in a plastic "kiddie" pool to evaporate liquids without proper authorization from
26 the Department for treatment of hazardous waste.

27 70. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
28 violated and are continuing to violate Health and Safety Code section 25201(a) in that they

1 treated hazardous waste without a permit or authorization from the Department.

2 71. Each act of treatment of hazardous waste without a permit or other authorization from the
3 Department subjects each Defendant to a separate penalty, according to proof at trial, pursuant to
4 Health and Safety Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

5 72. The Department is further entitled to injunctive relief to abate existing violations and
6 prevent future violations of the HWCL and its implementing regulations.

7 FIFTH CAUSE OF ACTION

8 (Unauthorized Storage of Hazardous Waste in Violation of
9 Health and Safety Code section 25201(a) and
California Code of Regulations, title 22, section 66262.34)

10 73. Paragraphs 1 through 72 are re-alleged as if fully set forth herein.

11 74. Pursuant to Health and Safety Code section 25201(a), an owner and/or operator of a
12 facility may not store hazardous waste at a facility without obtaining a hazardous waste storage
13 permit or other authorization from the Department. California Code of Regulations, title 22,
14 section 66262.34 allows a generator of hazardous waste to store hazardous waste on site for no
15 more than 90 days without permit or authorization.

16 75. During the search of the Facility on March 20, 2013, the Department discovered that
17 Defendants stored hazardous waste at the Facility for more than 90 days without a permit or other
18 authorization from the Department in violation Health and Safety Code section 25201(a) and
19 California Code of Regulations, title 22, section 66262.34(c).

20 76. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
21 violated and are continuing to violate Health and Safety Code section 25201(a) and California
22 Code of Regulations, title 22, section 66262.34(c) in that they stored hazardous waste at the
23 Facility for more than 90 days without a permit or other authorization from the Department.

24 77. Each violation of Health and Safety Code section 25201(a) and California Code of
25 Regulations, title 22, section 66262.34(c) subjects each Defendant to a separate penalty,
26 according to proof at trial, pursuant to Health and Safety Code section 25189(b) or section
27 25189.2(b) of the Health and Safety Code.

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1 78. The Department is further entitled to injunctive relief to abate existing violations and
2 prevent future violations of the HWCL and its implementing regulations.

3 SIXTH CAUSE OF ACTION

4 (Failure to Obtain Tank Assessments in Violation
5 Code of Regulations, title 22, section 66265.192)

6 79. Paragraphs 1 through 78 are re-alleged as if fully set forth herein.

7 80 California Code of Regulations, title 22, section 66265.192(a) requires that before
8 managing hazardous waste in “new tank systems” or components, an owner and/or operator of a
9 facility shall obtain a written assessment reviewed and certified by an independent, qualified
10 professional engineer, registered in California, attesting that the tank system or components have
11 sufficient structural integrity, are acceptable for the waste handling activity, and are suitably
12 designed. In addition, California Code of Regulations, title 22, section 66265.192(h) requires
13 periodic reassessments of a hazardous waste tank system or components. “New tank systems” is
14 defined in California Code of Regulations, title 22, section 66260.10 as a tank constructed after
15 July 14, 1986. The Department is informed and believes and thereupon alleges that Defendants’
16 tank was constructed after 1986.

17 81. At the time of the March 20, 2013 search of the Facility, Defendants used a polyethylene
18 Baker tank to store hazardous waste at the Facility without obtaining the required written
19 assessment and/or reassessments required by California Code of Regulations, title 22, section
20 66265.192(a) and (h).

21 82. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
22 violated and are violating California Code of Regulations, title 22, section 66265.192(a) and (h)
23 in that they did not obtain a written assessment and/or reassessments, reviewed and certified by
24 an independent, qualified professional engineer, registered in California, attesting that the
25 hazardous waste tank system and components used at the Facility have sufficient structural
26 integrity, are acceptable for the waste handling activity, and are suitably designed.

27 83. Each violation of California Code of Regulations, title 22, section 66265.192 subjects
28 each Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety
Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

1 84. The Department is further entitled to injunctive relief to abate existing violations and
2 prevent future violations of the HWCL and its implementing regulations.

3 SEVENTH CAUSE OF ACTION

4 (Failure to Inspect Hazardous Waste Tank Systems in Violation of
5 California Code of Regulations, title 22, section 66265.195)

6 85. Paragraphs 1 through 84 are re-alleged as if fully set forth herein.

7 86. California Code of Regulations, title 22, section 66265.195(a) requires a facility owner
8 and/or operator to conduct daily inspections of hazardous waste tank systems, data from
9 monitoring and leak detection equipment, and the area immediately surrounding the tank system
10 to detect corrosion, releases of wastes, or signs of releases of wastes (e.g., wet spots, dead
11 vegetation). California Code of Regulations, title 22, section 66265.195(c) requires a facility
12 owner or operator to document the required daily inspections in the operating record of the
13 facility.

14 87. The Department is informed and believes and thereupon alleges that prior to and
15 continuing after the March 20, 2013 search of the Facility, Defendants failed to conduct the
16 required daily inspections of the hazardous waste tank systems and surrounding areas and failed
17 to document such inspections in the operating record of the Facility.

18 88. Defendants violated California Code of Regulations, title 22, section 66265.195(a) and (c)
19 in that they did not conduct daily inspections of the hazardous waste tank systems and
20 surrounding areas at the Facility and did not document such inspections in the operating record of
21 the Facility.

22 89. Each violation of California Code of Regulations, title 22, section 66265.195(a) and (c)
23 subjects each Defendant to a separate penalty, according to proof at trial, pursuant to Health and
24 Safety Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

25 90. The Department is further entitled to injunctive relief to prevent future violations of the
26 HWCL and its implementing regulations.

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1 EIGHTH CAUSE OF ACTION

2 (Failure to Make a Hazardous Waste Determination in Violation of
3 California Code of Regulations, title 22, section 66262.11)

4 91. Paragraphs 1 through 90 are re-alleged as if fully set forth herein.

5 92. California Code of Regulations, title 22, section 66262.11 requires that a facility
6 generating hazardous waste make a determination of whether a waste is a hazardous waste by the
7 methods provided in California Code of Regulations, title 22, sections 66262.11(b) and (c).

8 93. The Department is informed and believes and thereon alleges that prior to and continuing
9 after the March 20, 2013 search of the Facility, Defendants regularly generated and/or stored
10 waste at the Facility without determining whether the waste was hazardous waste.

11 94. Defendants violated California Code of Regulations, title 22, section 66262.11 in that they
12 did not determine whether waste generated and/or stored at the Facility was hazardous waste.

13 95. Each violation of California Code of Regulations, title 22, section 66262.11 subjects each
14 Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety Code
15 section 25189(b) or section 25189.2(b) of the Health and Safety Code.

16 96. The Department is further entitled to injunctive relief to prevent future violations of the
17 HWCL and its implementing regulations.

18 NINTH CAUSE OF ACTION

19 (Management of Ignitable, Reactive, or Incompatible Hazardous Wastes
20 in Violation of California Code of Regulations, title 22, section 66265.17,
21 California Code of Regulations, title 22, section 66265.177,
22 and California Code of Regulations, title 22, section 66265.199)

23 97. Paragraphs 1 through 96 are re-alleged as if fully set forth herein.

24 98. California Code of Regulations, title 22, section 66265.17(a) requires that an owner and/or
25 operator of a facility take precautions to prevent accidental ignition or reaction of ignitable or
26 reactive waste. California Code of Regulations, title 22, section 66265.177(c) provides that, a
27 container holding hazardous waste that is incompatible with any waste or other materials
28 transferred or stored nearby in other containers, piles, open tanks, or surface impoundments shall
be separated from the other materials or protected from them by means of a dike, berm, wall, or
other device. California Code of Regulations, title 22, section 66265.199(a) provides that,
incompatible wastes, or incompatible wastes and materials, shall not be placed in the same tank

1 systems, unless California Code of Regulations, title 22, section 66265.17(b) is complied with.
2 Section 66260.10 defines “incompatible waste” as “a hazardous waste which is unsuitable for (a)
3 placement in a particular device or facility because it may cause corrosion or decay of
4 containment materials (e.g. containment inner liners or walls); or (b) commingling with another
5 waste or material under uncontrolled conditions because the commingling might produce heat or
6 pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes, or gases or flammable
7 fumes or gases.” California Code of Regulations, title 22, section 66265.17(b) provides that “the
8 transfer, treatment, storage, or disposal of ignitable or reactive waste, and the mixture or
9 commingling of incompatible wastes, or incompatible wastes and materials, shall be conducted so
10 that it does not: (1) generate extreme heat or pressure, fire or explosion, or violent reaction; (2)
11 produce uncontrolled toxic mists, fumes, dusts, or gases, in sufficient quantities to threaten human
12 health and the environment; (3) produce uncontrolled flammable fumes or gases in sufficient
13 quantities to pose a risk of fire or explosions; (4) damage the structural integrity of the device or
14 facility containing the waste; or (5) through other like means threaten human health or the
15 environment.”

16 99. Further, the Department discovered that samples taken from the Baker tank on March 20,
17 2013 had a pH of 7.23 and the concentration of cyanide in the tank is 2,800 mg/L. Since Electro-
18 Forming employees routinely deposit rinse solutions, remaining strip solutions, and other wastes
19 containing caustics, acid, and cyanide solution through a hose into the top of the Baker tank, there
20 is a real possibility that if additional low pH solution (acidic) were to be sent to the Baker tank,
21 highly toxic hydrogen cyanide gas could be released.

22 100. Further, on March 20, 2013, the Department discovered that one of the 275 gallon totes in
23 the rear yard of the Facility has a pH of .38 (very acidic). One of the drums containing hazardous
24 waste that is nearby contains 5,900 mg/L cyanide. This drum containing high levels of cyanide is
25 located directly next to a drum containing nitric acid with a pH of 1.17. The adjacent drum to the
26 nitric acid drum contains 390 mg/L cyanide. These drums containing hazardous waste are not
27 separated or protected from the drums or containers located nearby that hold incompatible wastes
28 and do not have correct identifying information on their labels. Should these substances combine,

1 highly toxic hydrogen cyanide gas could be released.

2 101. Defendants violated California Code of Regulations, title 22, section 66265.17 in that they
3 failed to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste
4 at the Facility. Defendants also violated California Code of Regulations, title 22, section
5 66265.177 by placing incompatible wastes in the same containers. Defendants also violated
6 California Code of Regulations, title 22, section 66265.199 by placing incompatible wastes in the
7 same tank or tank system.

8 102. Each violation of California Code of Regulations, title 22, sections 66265.17, 66265.177,
9 and 66265.199 subjects each Defendant to a separate penalty, according to proof at trial, pursuant
10 to Health and Safety Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

11 103. The Department is further entitled to injunctive relief to abate existing violations and
12 prevent future violations of the HWCL and its implementing regulations.

13 TENTH CAUSE OF ACTION

14 (Failure to Maintain and Operate in a Manner that
15 Minimizes the Possibility of Release of Hazardous Waste in Violation of
California Code of Regulations, title 22, section 66265.31)

16 104. Paragraphs 1 through 103 are re-alleged as if fully set forth herein.

17 105. Pursuant to California Code of Regulations, title 22, section 66265.31, facilities must be
18 maintained and operated to minimize the possibility of a fire, explosion, or an unplanned sudden
19 or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface
20 water which could threaten human health or environment.

21 106. During the search of March 20, 2013 of the Facility, the Department discovered that
22 Defendants are not maintaining and operating the Facility to minimize the possibility of a fire,
23 explosion, or an unplanned sudden or non-sudden release of hazardous waste or hazardous waste
24 constituents to air, soil, or surface water which could threaten human health or environment in
25 violation of California Code of Regulations, title 22, section 66265.31, by, *inter alia*, disposing
26 and treating hazardous waste violation of the applicable laws and regulations as well as failing to
27 conduct required testing and/or inspection of waste, hazardous waste, tank systems, and
28 hazardous waste storage areas. Defendants further failed to minimize the possibility of a fire,

1 explosion, or an unplanned sudden or non-sudden release of hazardous waste or hazardous waste
2 constituents to air, soil, or surface water by combining incompatible wastes, or incompatible
3 wastes and materials and by storing hazardous wastes in open or unsafe containers.

4 107. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
5 violated and are continuing to violate California Code of Regulations, title 22, section 66265.31
6 in that they are not maintaining and operating the Facility to minimize the possibility of a fire,
7 explosion, or an unplanned sudden or non-sudden release of hazardous waste or hazardous waste
8 constituents to air, soil, or surface water which could threaten human health or environment.

9 108. Each violation of California Code of Regulations, title 22, section 66265.31 subjects each
10 Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety Code
11 section 25189(b) or section 25189.2(b) of the Health and Safety Code.

12 109. The Department is further entitled to injunctive relief to abate existing violations and
13 prevent future violations of the HWCL and its implementing regulations.

14 ELEVENTH CAUSE OF ACTION

15 (Failure to Label Hazardous Waste Containers in Violation of
16 California Code of Regulations, title 22, section 66262.34)

16 110. Paragraphs 1 through 109 are re-alleged as if fully set forth herein.

17 111. California Code of Regulations, title 22, section 66262.34(f) requires that each container
18 used on site at a facility for the accumulation of hazardous waste must be clearly marked with,
19 *inter alia*, the date upon which accumulation of hazardous waste began and the words "Hazardous
20 Waste."

21 112. During the March 20, 2013 search of the Facility, the Department observed that multiple
22 hazardous waste containers did not have the date upon which accumulation of hazardous waste
23 began and/or the words "Hazardous Waste."

24 113. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
25 violated and are violating California Code of Regulations, title 22, section 66262.34 in that they
26 failed to properly label the containers of hazardous waste at the Facility.

27 114. Each violation of California Code of Regulations, title 22, section 66262.34 subjects each
28 Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety Code

1 section 25189(b) or section 25189.2(b) of the Health and Safety Code.

2 115. The Department is further entitled to injunctive relief to abate existing violations and
3 prevent future violations of the HWCL and its implementing regulations.

4 TWELFTH CAUSE OF ACTION
5 (Unauthorized Storage of Hazardous Waste in
6 Uncovered Containers in Violation of
7 California Code of Regulations, title 22, section 66265.173)

7 116. Paragraphs 1 through 115 are re-alleged as if fully set forth herein.

8 117. Pursuant to Code of Regulations, title 22, section 66265.173, containers used to store
9 hazardous waste at a facility must be closed during storage, except when necessary to add or
10 remove waste.

11 118. During the search of March 20, 2013 of the Facility, the Department discovered that
12 Defendants stored hazardous waste at the Facility in open containers in violation of California
13 Code of Regulations, title 22, section 66265.173.

14 119. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants have
15 violated and are continuing to violate California Code of Regulations, title 22, section 66265.173
16 in that they stored hazardous waste at the Facility in open containers.

17 120. Each violation of California Code of Regulations, title 22, section 66265.173 subjects
18 each Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety
19 Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

20 121. The Department is further entitled to injunctive relief to abate existing violations and
21 prevent future violations of the HWCL and its implementing regulations.

22 THIRTEENTH CAUSE OF ACTION
23 (Unauthorized Storage of Hazardous Waste in Unsafe Containers in Violation of
24 California Code of Regulations, title 22, section 66265.171)

24 122. Paragraphs 1 through 121 are re-alleged as if fully set forth herein.

25 123. Pursuant to California Code of Regulations, title 22, section 66265.171, an owner and/or
26 operator of a facility must store hazardous waste at a facility in containers in safe condition.

27 124. During the search of March 20, 2013 of the Facility, the Department discovered that
28 Defendants stored hazardous waste at the Facility in containers which were in unsafe in that the

1 containers that were rusted, cracked, deteriorated, and/or corroded in violation of California Code
2 of Regulations, title 22, section 66265.171.

3 125. Prior to and continuing after the March 20, 2013 search of the Facility, Defendants
4 violated California Code of Regulations, title 22, section 66265.171 in that they stored hazardous
5 waste at the Facility in unsafe condition.

6 126. Each violation of California Code of Regulations, title 22, section 66265.171 subjects
7 each Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety
8 Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

9 127. The Department is further entitled to injunctive relief to abate existing violations and
10 prevent future violations of the HWCL and its implementing regulations.

11 FOURTEENTH CAUSE OF ACTION

12 (Failure to Maintain Adequate Aisle Space in Violation of
California Code of Regulations, title 22, section 66265.35)

13 128. Paragraphs 1 through 127 are re-alleged as if fully set forth herein.

14 129. Pursuant to California Code of Regulations, title 22, section 66265.35, an owner and/or
15 operator of a facility must maintain aisle space adequate to allow the unobstructed movement of
16 personnel, fire protection equipment, spill control equipment, and decontamination equipment.

17 130. The Department is informed and believes and thereupon alleges that Defendants violated
18 California Code of Regulations, title 22, section 66265.35 in that they stored hazardous waste at
19 the Facility in the back recesses of the Conex box and access to this area was blocked by boxes,
20 files, and similar items.

21 131. Each violation of California Code of Regulations, title 22, section 66265.35 subjects each
22 Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety Code
23 section 25189(b) or section 25189.2(b) of the Health and Safety Code.

24 132. The Department is further entitled to injunctive relief to abate existing violations and
25 prevent future violations of the HWCL and its implementing regulations.

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1 FIFTEENTH CAUSE OF ACTION

2 (Failure to Inspect Hazardous Waste in Violation of
3 California Code of Regulations, title 22, section 66265.174)

4 133. Paragraphs 1 through 132 are re-alleged as if fully set forth herein.

5 134. Pursuant to California Code of Regulations, title 22, section 66265.174, an owner and/or
6 operator of a facility must inspect areas used for storage of containers of hazardous waste at least
7 weekly to discover leaking containers, deterioration of containers, and corrosion in the
8 containment system.

9 135. The Department is informed and believes and thereupon alleges that Defendants violated
10 California Code of Regulations, title 22, section 66265.174 in that they failed to inspect areas
11 used for storage of containers of hazardous waste of the Facility at least weekly to discover
12 leaking containers, deterioration of containers, and corrosion in the containment system.

13 136. Each violation of California Code of Regulations, title 22, section 66265.174 subjects
14 each Defendant to a separate penalty, according to proof at trial, pursuant to Health and Safety
15 Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

16 137. The Department is further entitled to injunctive relief to abate existing violations and
17 prevent future violations of the HWCL and its implementing regulations.

18 SIXTEENTH CAUSE OF ACTION

19 (Unauthorized Transportation of Hazardous Waste in Violation of
20 Health and Safety Code section 25163(a))

21 138. Paragraphs 1 through 137 are re-alleged as if fully set forth herein.

22 139. Pursuant to Health and Safety Code section 25163(a), it is illegal for a person to transport
23 hazardous waste in California without a valid registration from the Department.

24 140. The Department is informed and believes and thereupon alleges that, at times relevant to
25 this Complaint, Defendants transported hazardous waste, including chromium, copper, lead, zinc,
26 nickel, and cyanide, without a valid registration from the Department. The Department is further
27 informed and believes and thereupon alleges that Defendants transported these wastes in unsafe
28 containers, mixed different hazardous wastes during transportation, transported more than five
gallons or 50 pounds of hazardous waste, and did not transport the hazardous waste to a permitted
hazardous waste facility.

1 141. Defendants have violated and are continuing to violate Health and Safety Code section
2 25163(a) in that they transported hazardous waste without a valid registration from the
3 Department.

4 142. Each act of transportation of hazardous waste without a valid registration from the
5 Department subjects each Defendant to a separate penalty, according to proof at trial, pursuant to
6 Health and Safety Code section 25189(b) or section 25189.2(b) of the Health and Safety Code.

7 143. The Department is further entitled to injunctive relief to abate existing violations and
8 prevent future violations of the HWCL and its implementing regulations.

9
10 REQUEST FOR RELIEF

11 The Department requests that the Court grant the relief that follows:

- 12 1. Enter judgment that Defendants have violated the HWCL and its implementing
13 regulations as set forth in the First through Sixteenth Causes of Action;
 - 14 2. Enter judgment that Defendants are liable for civil penalties for the violations set forth in
15 the First through Sixteenth Causes of Action as authorized by Health and Safety Code
16 section 25189 or, in the alternative, by Health and Safety Code 25189.2, in an amount
17 according to proof;
 - 18 3. Enter temporary restraining orders, preliminary injunctions, permanent injunctions, or
19 other orders enjoining Defendants, and each of them, from illegally treating, storing,
20 transporting, and disposing of hazardous waste in California and requiring Defendants to
21 otherwise comply with the HWCL and the regulations adopted thereunder;
 - 22 4. Enter temporary restraining orders, preliminary injunctions, permanent injunctions, or
23 other orders enjoining Marion Patigler from handling, treating, storing, transporting,
24 disposing, or otherwise managing hazardous waste in California without prior approval of
25 the Court;
 - 26 5. Grant the Department its costs of suit herein; and
 - 27 6. Grant such other and further relief as the court deems just and proper.
- 28

1 Dated: August 8, 2013

Respectfully Submitted,

2 KAMALA D. HARRIS
3 Attorney General of California

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5 KIRK MCINNIS
6 Deputy Attorney General
7 *Attorneys for Plaintiff People of the State of*
8 *California, ex rel. Deborah O. Raphael,*
9 *Director of the Department of Toxic*
10 *Substances Control*

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