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ELECTRONICALLY FILED
Superior Court of California
County of Santa Barbara
Darrel E. Parker, Executive Officer
10/5/2021 11:34 AM
By: Johnny Aviles, Deputy

8 Additional Counsel for Plaintiff Listed in Attachment A

9 Attorneys for Plaintiff
10 PEOPLE OF THE STATE OF CALIFORNIA

[NO FEE – Gov. Code § 6103]

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF SANTA BARBARA**

13 **Anacapa Division**

14 PEOPLE OF THE STATE OF CALIFORNIA,

Case No.: 21CV03975

15 Plaintiff,

**COMPLAINT FOR CIVIL PENALTIES,
INJUNCTION, AND OTHER RELIEF**

16 vs.

(Health & Safety Code, Div. 20, Chapters
6.5 and 6.95; Bus. & Prof. Code 17200 et
seq.)

17 BUILDER SERVICES GROUP, INC.,
18 DBA TRUTEAM OF CALIFORNIA,

19 Defendant.

20 Plaintiff, The People of the State of California, allege the following based on
21 information and belief.

22 **PLAINTIFF**

23 1. The People bring this action by and through Joyce E. Dudley, District Attorney
24 of Santa Barbara County; Nancy E. O'Malley, District Attorney of Alameda County; George
25 Gascón, District Attorney of Los Angeles County; Todd Spitzer, District Attorney of Orange
26 County; Michael A. Hestrin, District Attorney of Riverside County; Anne Marie Schubert,
27 District Attorney of Sacramento County; Summer Stephan, District Attorney of San Diego
28 County; Birgit A. Fladager, District Attorney of Stanislaus County, in the public interest in the

1 name of the People of the State of California (hereinafter “Plaintiff”), for the purpose of
2 protecting the public health, safety and welfare.

3 2. Pursuant to California Health and Safety Code 25182, a District Attorney may
4 bring a civil action in the name of the People of the State of California for civil penalties and
5 injunctive relief for violations of Health and Safety Code, Division 20, Chapter 6.5, Hazardous
6 Waste Control Law.

7 3. Pursuant to California Health and Safety Code sections 25515, 25515.5, 25515.6,
8 and 25515.7, a District Attorney may bring an action in the name of the People of the State of
9 California for civil penalties and injunctive relief for violations of Health and Safety Code,
10 Division 20, Chapter 6.95, Hazardous Materials.

11 4. Pursuant to California Business and Professions Code Sections 17203, 17204 and
12 17206, a District Attorney may bring an action in the name of the People of the State of
13 California for civil penalties and injunctive relief against any person who engages, has engaged
14 or proposes to engage in unfair competition.

15 5. By this action, Plaintiff seeks to enjoin Defendant from engaging in unlawful,
16 unfair, or fraudulent business acts and practices alleged herein and from violating the laws and
17 regulations related to hazardous materials and hazardous waste.

18 6. The actions of Defendant as set forth below are in violation of the laws and
19 public policies of the State of California, and as such are inimical to the health, safety, rights,
20 and interests of the general public.

21 7. Plaintiff brings this action without prejudice to any other action or claim which
22 Plaintiff may have based on separate, independent and unrelated violations arising out of
23 matters or allegations that are not set forth in this complaint.

24 **JURISDICTION AND VENUE**

25 8. The activities and conditions constituting violations of state law, unfair and
26 unlawful business practices, alleged herein, have been carried out in the County of Santa
27 Barbara, and elsewhere in the State of California.

1 9. This court has jurisdiction pursuant to Article 6, section 10 of the California
2 Constitution and sections 393 and 395.5 of the California Code of Civil Procedure.

3 10. Venue is proper in this county pursuant to Health and Safety Code section 25183
4 and the Business and Professions Code section 17204.

5 11. Venue is proper in this division of the Superior Court because some of the
6 alleged violations occurred in the City of Goleta, County of Santa Barbara.

7 **DEFENDANT**

8 12. Defendant Builder Services Group, Inc., is a Florida corporation registered with
9 the California Secretary of State. On December 20, 2017, TruTeam of California, Inc., a
10 California corporation, merged into Builder Services Group, Inc. and does business in
11 California under the fictitious name “TruTeam of California” (“TruTeam of California”).

12 Defendant has and does operate as an installer of commercial and residential insulation in
13 Alameda, Orange, Riverside, Sacramento, San Diego, Santa Barbara and Stanislaus counties.
14 TruTeam is the largest insulation installer and distributor in the country.

15 13. TruTeam of California is, and all times relevant, legally responsible for
16 compliance with the provision of the Health and Safety Code of Division 20, including Chapters
17 6.5 regarding hazardous waste and 6.95 regarding hazardous materials, at its places of business.

18 14. TruTeam of California is a “person” as defined in California Health and Safety
19 Code section 25118 and Business & Professions Code sections 17201. TruTeam is a “business”
20 as defined in Health and Safety Code section 25501(c).

21 15. Whenever in this Complaint reference is made to any act of Defendant, such
22 allegation shall be deemed to mean that Defendant and its officers, agents, employees, or
23 representatives, did or authorized acts while actively engaged in the management, direction, or
24 control of the affairs of said Defendant, and while acting within the course and scope of their
25 duties. When reference is made herein to any act or omission of a Defendant, such allegation
26 shall include the act or omission of the owners, officers, directors, employees, and
27 representatives of such Defendant, and each of them, engaged in said acts or omissions.
28

STATUTORY AND REGULATORY BACKGROUND

16. The Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) is the federal law that controls hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage and disposal of hazardous waste. In almost all states, including California, federal authority to implement RCRA has been delegated to the state. To obtain delegation, the state must have state laws and regulations that at a minimum, mirror federal law. The State of California has a comprehensive statutory and regulatory framework governing hazardous waste. This framework, contained in Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq. ("Chapter 6.5") and its implementing regulations, at Title 22 of the California Code of Regulations section 66260.1 et seq., mandates a "cradle to grave" system known as the Hazardous Waste Control Law ("HWCL"). The HWCL system regulates the generation, registration, tracking, storage, treatment, and disposal of hazardous waste to provide for the protection of the public and the environment from the potential risks posed by hazardous waste.

a. A "generator" is any person, whose act or process produces hazardous waste identified or listed in hazardous waste regulations. Title 22 California Code of Regulations section 66262.11. Generators are responsible for properly characterizing (or identifying) all their hazardous wastes. A generator must keep records of any test results, waste analyses, or other waste determinations made for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. Title 22 California Code of Regulations section 66262.40.

b. Hazardous waste generators, even those who generate small quantities, must ensure that all of their employees are familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies. Title 22 California Code of Regulations section 66265.16.

c. Hazardous waste generators must also ensure that hazardous waste is properly packaged and labeled for transport, that a manifest is used for all transportation of hazardous waste, that only a registered hazardous waste hauler is used to transport,

1 and that all hazardous waste is disposed of at a licensed facility. Title 22 California Code
2 of Regulations section 66262.10 et seq.

3 17. The federal Emergency Planning and Community Right-to-Know Act (42 U.S.C.
4 § 11001 et seq.) was created to help communities plan for chemical emergencies. It requires
5 industry to report on the storage, use and releases of hazardous substances to federal, state, and
6 local governments. This law requires state and local governments to use this information to
7 prepare for and protect their communities from potential risks. To implement federal law, the
8 State of California enacted a comprehensive statutory and regulatory framework for the
9 notification, handling, training and spill/release reporting of hazardous materials. This is
10 contained in Chapter 6.95 of the Health and Safety Code section 25500 et seq. (“Chapter 6.95”)
11 and it’s implementing regulations, known as the Hazardous Materials Release Response Plans
12 and Inventory Law. In order to inform the public and to assist emergency responders, Chapter
13 6.95 mandates that basic information on the location, type, quantity, and the health risks of
14 hazardous materials handled, used, stored, or disposed of in the State, which could be
15 accidentally released into the environment be made available to firefighters and regulatory
16 agencies. Chapter 6.95 requires an owner or operator of a facility submit a Hazardous Materials
17 Business Plan if the facility handles a hazardous material in an amount equal to or greater than
18 55 gallons (of liquids), 500 pounds (of solids), or 200 cubic feet (of compressed gas). A
19 Hazardous Material Business Plan is required to include an inventory of hazardous materials
20 above reportable quantities at the facility, emergency response plans and procedures, training
21 for all new employees and annual training for all employees in safety procedures in the event of
22 a release or threatened release of a hazardous material, and a site map of storm and sewer
23 drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material
24 handling and storage areas, and emergency response equipment. Health and Saf. Code sections
25 25501(m) and 25505.

1 **ENFORCEMENT AUTHORITY UNDER CHAPTERS 6.5 (HWCL) AND**
2 **CHAPTER 6.95 (HAZARDOUS MATERIALS)**

3 18. Section 25189 of the Health and Safety Code provides for civil liability for any
4 negligent or intentional violation of the HWCL, or for any violation of any permit, rule,
5 regulation, standard, or requirement issued or promulgated pursuant to the HWCL. Section
6 25189.2 of the Health and Safety Code is an alternative strict liability provision, which provides
7 for civil liability for any violation of the HWCL, or for any violation of any permit, or
8 regulation promulgated pursuant to the HWCL.

9 19. The HWCL, pursuant to Health and Safety Code sections 25145.4, 25181 and
10 25184, authorizes the Court to issue an order that enjoins any ongoing or potential violation of
11 the HWCL, or any applicable regulation or permit, or order issued or promulgated pursuant to
12 the HWCL.

13 20. Health and Safety Code section 25184 provides that in civil actions brought
14 pursuant to the HWCL in which an injunction or temporary restraining order is sought, it shall
15 not be necessary to allege or prove at any stage of the proceeding that irreparable damage will
16 occur should the temporary restraining order, preliminary injunction, or permanent injunction
17 not be issued; or that the remedy at law is inadequate, and the temporary restraining order,
18 preliminary injunction, or permanent injunction shall issue without such allegations and without
19 such proof.

20 21. Chapter 6.95, pursuant to Health and Safety Code sections 25515.6 and 25516.8,
21 authorizes the Court to issue an order that enjoins any ongoing or potential violation of Chapter
22 6.95.

23 22. Health and Safety Code section 25515.8 provides that in civil actions brought
24 pursuant to Chapter 6.95 in which an injunction or temporary restraining order is sought, it is
25 not necessary to allege or prove at any stage of the proceeding that irreparable damage will
26 occur should the temporary restraining order, preliminary injunction, or permanent injunction
27 not be issued; or that the remedy at law is inadequate, and the temporary restraining order,
28

1 preliminary injunction, or permanent injunction shall issue without such allegations and without
2 such proof.

3 23. Health and Safety Code sections 25515, 25515.5, 25515.6, and 25515.7 provide
4 for civil liability for violations of Chapter 6.95, and for any violation of any regulation
5 promulgated pursuant thereto.

6 **TOLLING OF STATUTE OF LIMITATIONS**

7 24. Prior to the filing of this Complaint, Plaintiff and Defendant entered into four
8 agreements to toll the applicable statute of limitations. As a result of these agreements, the
9 period of time from to the date of September 27, 2018, to filing this Complaint (“Tolling
10 Period”) is not included in computing the time limited by any statute of limitations to the causes
11 of action that arise out of claims covered by the tolling agreement. Those claims include the
12 claims that are brought in this action.

13 **GENERAL ALLEGATIONS**

14 25. On February 23, 2017, Defendant’s employees were working at its facility in
15 Goleta, Santa Barbara County. The fire department responded to a fire at this location. Their
16 investigation found that Defendant’s employee had been combining two different hazardous
17 materials (Base Seal Component A and B) that when combined started a chemical reaction and
18 a fire. The employee was new and stated he did not know much about the hazardous materials
19 he was using. A Safety Data Sheet for the hazardous materials was not available on-site.
20 Defendant’s onsite supervisor stated that combining small amounts of leftover product was a
21 standard method for disposal. Waste product mixed with absorbent was observed on the ground,
22 indicating previous spills. Power washers were used to clean the area. There was no means to
23 collect potentially hazardous rinsate from the power washing. The “Base Seal Component A”
24 label states that water is not to be used in event of spill. This facility is close to other businesses
25 and residences.

26 a. Defendant’s standard practice was to consolidate remaining liquids into a
27 single drum, and then Components A and B are combined to make foam. The foam is
28 then disposed of at the landfill. This practice constitutes treatment and disposal of

1 hazardous waste in an illegal manner. The labels for Component A and B both state that
2 Component “A” and “B” liquids are not to be mixed for disposal.

3 b. The storage area in the Goleta facility contained forty 55-gallon drums
4 stacked two-high on pallets. Many were labeled as polyurethane foam components.
5 Defendant had not filed a Hazardous Materials Business Plan for this site. Reportable
6 quantities included over 500 lbs. of fiberglass insulation; 21 gallons of propane; and 55-
7 gallon drums of polyurethane foam Components A & B.

8 c. Forty drums of waste were in an exterior storage area. Most of the drums
9 were not labeled. The pavement around the drums was wet. As it had not rained
10 recently, this indicated leakage and/or illegal rinsing of leakage.

11 d. The Base Seal Component “A” is “hazardous” under Chapter 6.5, and
12 therefore is a hazardous material.

13 e. Hazardous waste violations at Goleta included: failure to make hazardous
14 waste determination on waste Components A & B, failure to label contaminated
15 containers with date emptied, and failure to manage waste according to manufacturer’s
16 guidelines and in accord with the HWCL (curing/mixing Components A & B).

17 f. On May 9, 2017, the Santa Barbara County Environmental Health
18 Services agency issued a Notice of Violation to Defendant for the Goleta facility for
19 failing to file and implement a Hazardous Materials Business Plan, failure to determine
20 if waste generated is hazardous waste and failure to properly manage empty containers.

21 g. Defendant’s Goleta facility had a second fire in August 2018. No one was
22 at the facility when the fire department arrived, and the fire department had to force
23 entry. Pallets in the yard were on fire. Investigation indicated that illegal hazardous
24 waste treatment was still occurring, and employees had not been trained as required.

25 h. Similar violations were found at Defendant’s facility in Santa Maria,
26 Santa Barbara County in 2017 and 2018 and at Defendant’s facilities in Alameda,
27 Orange, Riverside, Sacramento, San Diego and Stanislaus counties.
28

1 26. Defendant generated hazardous waste during every ninety-day period at its
2 facilities.

3 27. Defendant owned, controlled, financed, marketed, managed, directed, and was
4 and continues to be responsible for its operations, including the handling of hazardous materials
5 and the management of hazardous waste.

6 28. Defendant is and was legally responsible for all acts and omissions of its officers,
7 directors, agents, employees, subsidiaries, contractors, vendors, affiliates, and/or representatives
8 relating to the handling of hazardous materials and the management of hazardous waste, and
9 failed to take appropriate steps to prevent and/or correct the alleged violations despite having
10 sufficient power and authority and with notice of the alleged violations.

11 29. Defendant was aware of, established, implemented, managed, directed,
12 approved, and ratified the business activities at each of the facilities, including the policies and
13 procedures for the handling of hazardous materials and the management of hazardous waste.
14 Defendant actions and/or omissions, as part of a continuing course of conduct, are or were the
15 legal cause of the violations alleged herein, and Defendant reasonably could have acted to
16 prevent violations and comply with applicable laws and regulations.

17 30. Defendant has violated provisions of the following statutes and implementing
18 regulations: Chapter 6.5 of the Health and Safety Code, section 25100 et seq.; Chapter 6.95 of
19 the Health and Safety Code, section 25500 et seq.; and Business and Professions Code section
20 17200 et seq.

21 31. Defendant caused and/or performed each of the following acts and/or omissions
22 in violation of California law regarding hazardous waste in the operation of its business:

23 A. Disposed, or caused the disposal, of hazardous waste at a point not
24 authorized by law, in violation of Health and Safety Code sections 25189.

25 B. Treated, or caused the treatment, of hazardous waste at a point not
26 authorized. in violation of Health and Safety Code section 25189(c).

27 C. Failed to manage empty hazardous waste containers, in violation of
28 Health and Safety Code Section 25189(b) and 22 CCR section 66261.7(f).

1 D. Failed to determine if a waste is a hazardous waste, in violation of Health
2 and Safety Code Section 25189(b) and 22 CCR sections 66262.11.

3 E. Failed to maintain active CalEPA Identification number; in violation of
4 Health and Safety Code Section 25189(b); 22 CCR section 66262.12.

5 F. Failed to obtain permit or grant of interim status to accumulate hazardous
6 waste over 180 days, in violation of Health and Safety Code Section 25189(b) and 22
7 CCR section 66262.34(d).

8 G. Failed to train employees, in violation of Health and Safety Code Section
9 25189(b) and 22 CCR section 66262.34(d)(2).

10 H. Failed to properly label hazardous waste containers, in violation of Health
11 and Safety Code Section 25189(b); 22 CCR section 66262.34(f).

12 I. Failed to maintain/operate facility to minimize possibility of a fire or any
13 unplanned sudden or non-sudden release of hazardous waste or hazardous waste
14 constituents to air, soil, or surface water, in violation of Health and Safety Code Section
15 25189(b) and 22 CCR section 66265.31.

16 32. Defendant caused and/or performed each of the following acts and/or omissions
17 in violation of California law regarding hazardous materials in the operation of its business:

18 a. Failed to document and/or implement employee training in safety
19 procedures in the event of a release or threatened release of a hazardous material, in
20 violation of Health and Safety Code Health and Safety Code section 25505(a)(4)(A).

21 b. Failed to file and implement a Hazardous Materials Business Plan, in
22 violation of Health and Safety Code Health and Safety Code section 25507.

23 **FIRST CAUSE OF ACTION**

24 ***Strict Liability for Disposal of Hazardous Waste at a Point Not Authorized***

25 **(Health & Saf. Code, § 25189.2, subd. (c))**

26 33. Plaintiff realleges and incorporates herein by reference each and every allegation
27 contained in the paragraphs above.

1 34. Health and Safety Code sections 25189.2, subdivision (c), prohibits the disposal
2 or causing the disposal of hazardous waste at an unauthorized point.

3 35. Defendant has disposed or caused the disposal of hazardous waste from its
4 facilities at unauthorized points, in violation of Health and Safety Code section 25189.2,
5 subdivision (c).

6 36. Each disposal of hazardous waste at an unauthorized point within the applicable
7 statute of limitations subjects Defendant to a separate and additional civil penalty pursuant to
8 Health and Safety Code section 25189.2, subdivision (c).

9 37. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
10 Safety Code section 25181 and civil penalties pursuant to Health and Safety Code section
11 25189.2, against Defendant as set forth in Plaintiff's prayer for relief.

12 **SECOND CAUSE OF ACTION**

13 ***Negligent Disposal of Hazardous Waste at a Point Not Authorized***

14 **(Health & Saf. Code, § 25189.2, subd. (d))**

15 38. Plaintiff realleges and incorporates herein by reference each and every allegation
16 contained in the paragraphs above.

17 39. Health and Safety Code section 25189, subdivision (d), prohibits the negligent
18 disposal or causing the disposal of hazardous waste at an unauthorized point.

19 40. Defendant has negligently disposed or caused the disposal of hazardous waste
20 from its facilities at unauthorized points in violation of Health and Safety Code section 25189,
21 subdivision (d), and unless enjoined by order of the Court, Defendant may or will continue in
22 the course of conduct as alleged herein.

23 41. Each negligent disposal or causing the of hazardous waste at an unauthorized
24 point discovered within the applicable statute of limitations subjects Defendant to a separate and
25 additional civil penalty pursuant to Health and Safety Code section 25189, subdivision (d).

26 42. Based on the above, Plaintiff requests injunctive relief against Defendant
27 pursuant to Health and Safety Code section 25181, and civil penalties against Defendant,
28

1 pursuant to Health and Safety Code section 25189, subdivision (d), as set forth in Plaintiff's
2 prayer for relief.

3 **THIRD CAUSE OF ACTION**

4 ***Intentional Disposal of Hazardous Waste at a Point Not Authorized***

5 **(Health & Saf. Code, § 25189, subd. (c))**

6 43. Plaintiff realleges and incorporates herein by reference each and every allegation
7 contained in the paragraphs above.

8 44. Health and Safety Code section 25189, subdivision (c), prohibits the intentional
9 disposal or intentionally causing the disposal of hazardous waste at an unauthorized point.

10 45. Defendant has intentionally disposed or caused the disposal of hazardous waste
11 originating from its facilities at unauthorized points, in violation of Health and Safety Code
12 section 25189, subdivision (c), and unless enjoined by order of the Court, Defendant may or
13 will continue in the course of conduct as alleged herein.

14 46. Each intentional disposal or causing the disposal of hazardous waste at an
15 unauthorized point discovered within the applicable statute of limitations Defendant to a
16 separate and additional civil penalty pursuant to Health and Safety Code section 25189,
17 subdivision (c).

18 47. Based on the above, Plaintiff requests injunctive relief against Defendant
19 pursuant to Health and Safety Code section 25181, and civil penalties against Defendant
20 pursuant to Health and Safety Code section 25189 subdivision (c), as set forth in Plaintiff's
21 prayer for relief.

22 **FOURTH CAUSE OF ACTION**

23 ***Strict Liability for Treatment of Hazardous Waste at a Point Not Authorized***

24 **(Health & Saf. Code, § 25189.2, subd. (d))**

25 48. Plaintiff realleges and incorporates herein by reference each and every allegation
26 contained in the paragraphs above.

1 49. Health and Safety Code sections 25189.2, subdivision (d), prohibits the treatment
2 or causing the treatment of a hazardous waste at a point that is not authorized according to
3 Chapter 6.5 of Division 20 of the Health and Safety Code.

4 50. Defendant has treated or caused the treatment of hazardous waste at unauthorized
5 points, in violation of Health and Safety Code section 25189.2, subdivision (d).

6 51. Each treatment, or causing of treatment, of hazardous waste at an unauthorized
7 point within the applicable statute of limitations subjects Defendant to a separate and additional
8 civil penalty pursuant to Health and Safety Code section 25189.2, subdivision (d).

9 52. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
10 Safety Code section 25181 and civil penalties pursuant to Health and Safety Code section
11 25189.2, against Defendant as set forth in Plaintiff's prayer for relief.

12 **FIFTH CAUSE OF ACTION**

13 ***Negligent Treatment of Hazardous Waste at a Point Not Authorized***

14 **(Health & Saf. Code, § 25189, subd. (e))**

15 53. Plaintiff realleges and incorporates herein by reference each and every allegation
16 contained in the paragraphs above.

17 54. Health and Safety Code sections 25189, subdivision (e), prohibits the negligent
18 treatment or causing the treatment of a hazardous waste at a point that is not authorized
19 according to Chapter 6.5 of Division 20 of the Health and Safety Code.

20 55. Defendant has negligently treated or caused the treatment of hazardous waste at
21 unauthorized points, in violation of Health and Safety Code section 25189, subdivision (d).

22 56. Each negligent treatment, or causing of treatment, of hazardous waste at an
23 unauthorized point within the applicable statute of limitations subjects Defendant to a separate
24 and additional civil penalty pursuant to Health and Safety Code section 25189, subdivision (d).

25 57. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
26 Safety Code section 25181 and civil penalties pursuant to Health and Safety Code section
27 25189, against Defendant as set forth in Plaintiff's prayer for relief.

1 **SIXTH CAUSE OF ACTION**

2 ***Intentional Treatment of Hazardous Waste at a Point Not Authorized***

3 **(Health & Saf. Code, § 25189, subd. (e))**

4 58. Plaintiff realleges and incorporates herein by reference each and every allegation
5 contained in the paragraphs above.

6 59. Health and Safety Code sections 25189, subdivision (e), prohibits the intentional
7 treatment or causing the treatment of a hazardous waste at a point that is not authorized
8 according to Chapter 6.5 of Division 20 of the Health and Safety Code.

9 60. Defendant has intentionally treated or caused the treatment of hazardous waste at
10 unauthorized points, in violation of Health and Safety Code section 25189, subdivision (d).

11 61. Each intentional treatment, or causing of treatment, of hazardous waste at an
12 unauthorized point within the applicable statute of limitations subjects Defendant to a separate
13 and additional civil penalty pursuant to Health and Safety Code section 25189, subdivision (d).

14 62. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
15 Safety Code section 25181 and civil penalties pursuant to Health and Safety Code section
16 25189, against Defendant as set forth in Plaintiff's prayer for relief.

17 **SEVENTH CAUSE OF ACTION**

18 ***Strict Liability for Violations of Hazardous Waste Control Laws for***
19 ***Hazardous Waste Handling, Training, and Storage***

20 **(Health & Saf. Code, §§ 25100 et seq., and 25189.2, subd. (b));**

21 **Cal. Code Regs., tit. 22, §§ 66260.1 et seq.)**

22 63. Plaintiff realleges and incorporates herein by reference each and every allegation
23 contained in the paragraphs above.

24 64. Defendant has violated the hazardous waste handling, training, and storage
25 requirements of Chapter 6.5 of Division 20 of the Health and Safety Code and its implementing
26 regulations at Title 22 of the California Code of Regulations at its facilities, as follows:

- 27 a. California Code of Regulations, title 22, section 66261.7(f), failure to
28 manage empty containers within a year;

- b. California Code of Regulations, title 22, section 66262.11, failure to determine if a waste is a hazardous waste;
- c. California Code of Regulations, title 22, section 66262.12, failure to maintain active CalEPA ID number;
- d. California Code of Regulations, title 22, section 66262.34(d), failure to obtain permit or grant of interim status to accumulate hazardous waste over 180 days;
- e. California Code of Regulations, title 22, section 66262.34(d)(2), failure to train employees;
- f. California Code of Regulations, title 22, section 66262.34(f), failure to properly label hazardous-waste containers; and
- g. California Code of Regulations, title 22, section 66265.31, failure to maintain or operate facility to minimize possibility of a fire or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

65. Based on the above, Plaintiff requests injunctive relief against Defendant pursuant to Health and Safety Code section 25181, and civil penalties against Defendant pursuant to Health and Safety Code section 25189.2, subdivision (b), for each violation of the hazardous waste handling, training, and storage requirements of Chapter 6.5 of Division 20 of the Health and Safety Code, and its implementing regulations at Title 22 of the California Code of Regulations, at its facilities, as set forth in Plaintiff's prayer for relief.

EIGHTH CAUSE OF ACTION

***Negligent Violations of Hazardous Waste Control Laws for
Hazardous Waste Handling, Training, and Storage
(Health & Saf. Code, §§ 25100 et seq., and 25189, subd. (b);
Cal. Code Regs., tit. 22, §§ 66260.1 et seq.)***

66. Plaintiff realleges and incorporates herein by reference each and every allegation contained in the paragraphs above.

1 67. Defendant has negligently violated the hazardous waste handling, training, and
2 storage requirements of Chapter 6.5 of Division 20 of the Health and Safety Code., and its
3 implementing regulations at Title 22 of the California Code of Regulations at its facilities, as
4 follows:

- 5 a. California Code of Regulations, title 22, section 66261.7(f), negligent
6 failure to manage empty containers within a year;
- 7 b. California Code of Regulations, title 22, section 66262.11, negligent
8 failure to determine if a waste is a hazardous waste;
- 9 c. California Code of Regulations, title 22, section 66262.12, negligent
10 failure to maintain active CalEPA ID number;
- 11 d. California Code of Regulations, title 22, section 66262.34(d), negligent
12 failure to obtain permit or grant of interim status to accumulate hazardous
13 waste over 180 days;
- 14 e. California Code of Regulations, title 22, section 66262.34(d)(2),
15 negligent failure to train employees;
- 16 f. California Code of Regulations, title 22, section 66262.34(f), negligent
17 failure to properly label hazardous-waste containers; and
- 18 g. California Code of Regulations, title 22, section 66265.31, negligent
19 failure to maintain or operate facility to minimize possibility of a fire or
20 any unplanned sudden or non-sudden release of hazardous waste or
21 hazardous waste constituents to air, soil, or surface water.

22 68. Each negligent violation by Defendant of the hazardous waste handling, training,
23 and storage requirements discovered within the applicable statute of limitations subjects
24 Defendant to a separate and additional civil penalty pursuant to Health and Safety Code
25 section 25189, subdivision (b).

26 69. Based on the above, Plaintiff requests injunctive relief against Defendant
27 pursuant to Health and Safety Code section 25181, and civil penalties against Defendant
28 pursuant to Health and Safety Code section 25189, subdivision (b), for each negligent violation

1 of the hazardous waste handling, training, and storage requirements of Chapter 6.5 of
2 Division 20 of the Health and Safety Code, and its implementing regulations at Title 22 of the
3 California Code of Regulations, at the it facilities, as set forth in Plaintiff’s prayer for relief.

4 **NINTH CAUSE OF ACTION**

5 ***Intentional Violations of Hazardous Waste Control Laws for***
6 ***Hazardous Waste Handling, Training, and Storage***
7 ***(Health & Saf. Code, §§ 25100 et seq., and 25189, subd. (b);***
8 ***Cal. Code Regs., tit. 22, §§ 66260.1 et seq.)***

9 70. Plaintiff realleges and incorporates herein by reference each and every allegation
10 contained in the paragraphs above.

11 71. Defendant has intentionally violated the hazardous waste handling, training, and
12 storage requirements of Chapter 6.5 of Division 20 of the Health and Safety Code., and its
13 implementing regulations at Title 22 of the California Code of Regulations at its facilities, as
14 follows:

- 15 a. California Code of Regulations, title 22, section 66261.7(f), intentional
16 failure to manage empty containers within a year;
- 17 b. California Code of Regulations, title 22, section 66262.11, intentional
18 failure to determine if a waste is a hazardous waste;
- 19 c. California Code of Regulations, title 22, section 66262.12, intentional
20 failure to maintain active CalEPA ID number;
- 21 d. California Code of Regulations, title 22, section 66262.34(d), intentional
22 failure to obtain permit or grant of interim status to accumulate hazardous
23 waste over 180 days;
- 24 e. California Code of Regulations, title 22, section 66262.34(d)(2),
25 intentional failure to train employees;
- 26 f. California Code of Regulations, title 22, section 66262.34(f), intentional
27 failure to properly label hazardous-waste containers; and
28

1 g. California Code of Regulations, title 22, section 66265.31, intentional
2 failure to maintain or operate facility to minimize possibility of a fire or
3 any unplanned sudden or non-sudden release of hazardous waste or
4 hazardous waste constituents to air, soil, or surface water.

5 72. Each intentional violation by Defendant of the hazardous waste handling,
6 training, and storage requirements discovered within the applicable statute of limitations
7 subjects Defendant to a separate and additional civil penalty pursuant to Health and Safety Code
8 section 25189, subdivision (b).

9 73. Based on the above, Plaintiff requests injunctive relief against Defendant
10 pursuant to Health and Safety Code section 25181, and civil penalties against Defendant
11 pursuant to Health and Safety Code section 25189, subdivision (b), for each intentional
12 violation of the hazardous waste handling, training, and storage requirements of Chapter 6.5 of
13 Division 20 of the Health and Safety Code, and its implementing regulations at Title 22 of the
14 California Code of Regulations, at the it facilities, as set forth in Plaintiff's prayer for relief.

15 **TENTH CAUSE OF ACTION**

16 ***Strict Liability for Violations of Hazardous Materials Response Plans and Inventory Laws***

17 **(Health & Saf. Code, §§ 25505–25508.2;**

18 **Cal. Code Regs., tit. 19, §§ 2651, 2654, 2658, 2659)**

19 74. Plaintiff realleges and incorporates herein by reference each and every allegation
20 contained in the paragraphs above.

21 75. Within five (5) years of the applicable statute of limitations, Defendant failed to
22 maintain the required hazardous materials response plans and inventories required for their
23 facilities and failed to implement such plans, including training of its employees, required by
24 Chapter 6.95 of Division 20 of the Health and Safety Code.

25 76. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
26 Safety Code sections 25115.6 and 25515.8, and civil penalties against Defendant pursuant to
27 Health and Safety Code sections 25515, 25515.5, 25515.6, and 25515.7 against Defendant for
28 violations of the required hazardous materials response plans and inventories and training

1 requirements of Chapter 6.95 of Division 20 of the Health and Safety Code, and its
2 implementing regulations, as set forth in Plaintiff's prayer for relief.

3 **ELEVENTH CAUSE OF ACTION**

4 ***Knowing Violations of Hazardous Materials Response Plans and Inventory Laws***
5 **(Health & Saf. Code, § 25515(b))**

6 77. Plaintiff realleges and incorporates herein by reference each and every allegation
7 contained in the paragraphs above.

8 78. Within five (5) years of the applicable statute of limitations, Defendant
9 knowingly, after reasonable notice of the violation, failed to maintain the required hazardous
10 materials response plans and inventories required for its facilities and failed to implement such
11 plans, including training of its employees, required by Chapter 6.95 of Division 20 of the Health
12 and Safety Code, and unless enjoined by order of the Court, may or will continue in the course
13 of conduct as alleged herein.

14 79. Based on the above, Plaintiff requests injunctive relief pursuant to Health and
15 Safety Code sections 25115.6 and 25515.8, and civil penalties against Defendant pursuant to
16 Health and Safety Code sections 25515, 25515.5, 25515.6, and 25515.7 against Defendant for
17 knowing violations of the required hazardous materials response plans and inventories and
18 training requirements of Chapter 6.95 of Division 20 of the Health and Safety Code, and its
19 implementing regulations, as set forth in Plaintiff's prayer for relief.

20 **TWELFTH CAUSE OF ACTION**

21 ***Violations of Unfair Competition Law***
22 **(Bus. & Prof. Code, §§ 17200–17208)**

23 80. Plaintiff realleges and incorporates herein by reference each and every allegation
24 contained in the paragraphs above.

25 81. Within four (4) years of the applicable statute of limitations, Defendant has
26 engaged in, and continue to engage in, unlawful acts, omissions, and practices that constitute
27 unfair competition within the meaning of Business and Professions Code sections 17200
28 through 17208, including but not limited to, the acts or omissions and practices alleged in the

1 First through Eleventh Causes of Action, above, and unless enjoined by order of the Court,
2 Defendant, may or will continue in the course of conduct as alleged herein.

3 82. Each and every separate act constitutes an unlawful and/or unfair business
4 practice. Each day that Defendant has engaged in each separate unlawful act, omission or
5 practice is a separate and distinct violation of Business and Professions Code section 17200.

6 83. Pursuant to Business and Professions Code section 17206, Defendant is liable for
7 civil penalties for each and every separate act of unfair competition as alleged herein. The
8 unlawful and/or unfair business practices committed by the Defendant includes, but is not
9 limited to:

10 a. Violations detailed in the First through Eleventh Causes of Action herein.

11 b. Failure to obtain a permit from the county for hazardous materials and/or
12 hazardous waste storage and handling, in violation of Sacramento County Ordinance
13 section 6.96.030.

14 84. Defendant must be enjoined, pursuant to Business and Professions Code section
15 17203, from engaging in acts or practices that, as alleged in this Complaint, violate Chapter 6.5
16 and/or 6.95 of Division 20 of the Health and Safety Code and their implementing regulations,
17 which thereby constitute unfair competition within the meaning of Business and Professions
18 Code section 17200.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for judgment as follows:

21 1. For a permanent injunction enjoining Defendant, and its agents, lessees, tenants,
22 employees, representatives, successors in interest, and all persons acting under, in concert with,
23 or for it from conducting or permitting others from violating Health and Safety Code, Division
24 20, Chapter 6.5 and implementing regulations.

25 2. For a permanent injunction enjoining Defendant, and its agents, lessees, tenants,
26 employees, representatives, successors in interest, and all persons acting under, in concert with
27 or for it from conducting or permitting others from violating Health and Safety Code, Division
28 20, Chapter 6.95 and implementing regulations.

1 3. For a permanent injunction, issued pursuant to Business and Professions Code
2 section 17203, prohibiting Defendant from engaging in activity that violates the provisions of
3 Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code, as alleged in this
4 Complaint, which thereby constitute unfair competition within the meaning of Business and
5 Professions Code section 17200.

6 4. Civil penalties against Defendant, pursuant to Health and Safety Code section
7 25189, in an amount according to proof.

8 5. Civil penalties against Defendant, pursuant to Health and Safety Code section
9 25189.2, in an amount according to proof.

10 6. Civil penalties against Defendant, pursuant to Health and Safety Code section
11 25515, in an amount according to proof.

12 7. Civil penalties against Defendant, pursuant to Business and Professions Code
13 section 17206, for each act of unfair competition engaged in by Defendant, in an amount
14 according to proof.

15 8. For investigative, enforcement, and litigation costs incurred by the Plaintiff and
16 the investigating agencies.

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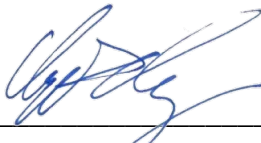
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1 9. For such other and further relief to the Plaintiff and investigating agencies as the
2 nature of the case may require and that the court deems proper to fully dissipate the effects of
3 the unlawful and unfair acts complained of herein.

4
5 Respectfully Submitted,
6 JOYCE E. DUDLEY
7 District Attorney
8 County of Santa Barbara

9 DATED: October 5, 2021

10 By: _____
11



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13 Deputy District Attorney
14 Attorneys for People of the State of California
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