

1 KAMALA D. HARRIS
Attorney General of California
2 MARGARITA PADILLA
Supervising Deputy Attorney General
3 BRETT J. MORRIS, SBN 158408
DEBORAH R. HALBERSTADT, SBN 240839
4 Deputy Attorney General
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 [REDACTED]
7 [REDACTED]

ENDORSED
FILED
ALAMEDA COUNTY

FEB 01 2013

CLERK OF THE SUPERIOR COURT
By PILIPINO TUNGOHAN
Deputy

8 *Attorneys for Plaintiff*
The People of the State of California
9 (Additional Counsel listed below)

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ALAMEDA

13 **THE PEOPLE OF THE STATE OF**
14 **CALIFORNIA,**

15 Plaintiff,

16 v.

17 **BP WEST COAST PRODUCTS LLC, a**
18 **Delaware Limited Liability Corporation; BP**
19 **PRODUCTS NORTH AMERICA INC., a**
20 **Maryland Corporation; ATLANTIC**
RICHFIELD COMPANY, a Delaware
21 **Corporation; and DOES 1 through 10,**

21 Defendants.

Case No. 13865960

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

(Health & Saf. Code, Div. 20, Chapters 6.5,
6.7, and 6.95; Bus. & Prof. Code, § 17200, *et*
seq.)

22 Additional Counsel for Plaintiff:

23 NANCY O'MALLEY
24 District Attorney of Alameda County
25 KENNETH A. MIFSUD, SBN 144000
Senior Deputy District Attorney
26 KEVIN WONG, SBN 215446
Deputy District Attorney
27 7677 Oakport Street, Suite 650
Oakland, CA 94621-1934
28 [REDACTED]

COPY

1 ROBERT MALONEY
District Attorney of Glenn County
2 ROBERT NICHOLS, SBN 100028
Deputy District Attorney
3 P. O. Box 430
4 Willows, CA 95988
[REDACTED]

5
6 LARRY MORSE, II
District Attorney of Merced County
7 ROBERT NICHOLS, SBN 100028
Deputy District Attorney
8 550 West Main Street
9 Merced, CA 95340
[REDACTED]

10
11
12 CLIFFORD NEWELL
District Attorney of Nevada County
13 ROBERT NICHOLS, SBN 100028
Deputy District Attorney
14 110 Union Street
15 Nevada City, CA 95959
[REDACTED]

16
17
18 R. SCOTT OWENS
District Attorney of Placer County
19 JANE CRUE, SBN 210122
Deputy District Attorney
20 10810 Justice Center Drive Suite #240
21 Roseville, CA 95678
[REDACTED]

22
23
24 MICHAEL A. RAMOS
District Attorney of San Bernardino County
25 DANIEL I. SILVERMAN, SBN 224762
Deputy District Attorney
26 412 West Hospitality Lane, 3rd Floor
27 San Bernardino, CA 92415
[REDACTED]

28

1 BIRGIT FLADGER
2 District Attorney of Stanislaus County
3 ROBERT NICHOLS, SBN 100028
4 Deputy District Attorney
5 832 12th Street, Suite 300
6 Modesto, CA 95353
7 [REDACTED]

8 PATRICK McGRATH
9 District Attorney of Yuba County
10 ROBERT NICHOLS, SBN 100028
11 Deputy District Attorney
12 215 Fifth Street, Suite 152
13 Marysville, CA 95901
14 [REDACTED]

15 **PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA**, based on
16 information and belief, alleges as follows:

17 **PLAINTIFF**

18 1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA ("Plaintiff"), brings this
19 action by and through Kamala D. Harris, the Attorney General of the State of California
20 ("Attorney General"), and by the District Attorneys of Alameda, Glenn, Merced, Nevada, Placer,
21 San Bernardino, Stanislaus, and Yuba Counties ("District Attorneys").

22 2. Pursuant to Health and Safety Code sections 25145.4, 25181, and 25182 the Attorney
23 General, together with the District Attorneys, may bring a civil action in the name of the People
24 of the State of California to enjoin any violation of Chapter 6.5 of Division 20 of the California
25 Health and Safety Code (hereinafter "Chapter 6.5") and seek civil penalties for violations of the
26 provisions of Chapter 6.5.

27 3. Pursuant to California Health and Safety Code section 25299.02, the Attorney
28 General and the District Attorneys may bring a civil action in the name of the People of the State
of California for violations of state law dealing with the underground storage of hazardous
substances, underground storage tanks ("USTs"), and UST systems, as set forth in Chapter 6.7 of
Division 20 of the California Health and Safety Code (hereinafter "Chapter 6.7").

1 County, are related to such violations and the penalties and injunctive relief sought by Plaintiff in
2 this action. This Court has jurisdiction pursuant to Article 6, section 10 of the California
3 Constitution.

4 **GENERAL ALLEGATIONS**

5 19. Plaintiff is informed and believes and thereupon alleges that on and after October 1,
6 2006 and continuing through the present, Defendants have engaged in actions and omissions
7 involving: (a) the operation and maintenance of underground storage tanks (“USTs”) and UST
8 systems, and, (b) the handling of hazardous wastes and hazardous substances generated by
9 operation of USTs, UST systems, and motor vehicle maintenance, at Defendants’ facilities in
10 California in violation of Health and Safety Code, Division 20, Chapters 6.5, 6.7, and 6.95, and
11 the corresponding implementing regulations.

12 20. Defendants’ acts and omissions include but are not limited to the following:

13 **Underground Storage of Hazardous Substances Law Violations**
14 **(Health and Safety Code Section 25281 et seq.)**

15 a. Tampered with or otherwise disabled leak detection devices or alarms in
16 violation of Health and Safety Code section 25299, and Title 23 of the California Code of
17 Regulations, sections 2630 and 2641.

18 b. Failed to conduct monthly inspections in violation of Title 23 of the California
19 Code of Regulations, section 2715, subdivision (c).

20 c. Failed to maintain copies of monthly inspection reports in violation of Title 23
21 of the California Code of Regulations, section 2715, subdivision (e).

22 d. Failed to ensure and document that employees completed training on the proper
23 operation and maintenance of the underground storage tanks systems in violation of Title 23 of
24 the California Code of Regulations, section 2715, subdivision (f).

25 e. Failed to ensure that their underground storage tank systems were operational in
26 violation of Health and Safety Code section 25291.

27 f. Failed to ensure that liquid in the secondary containment system was analyzed
28 and properly disposed of in violation of Health and Safety Code section 25291, subdivision (e).

1 g. Failed to annually test pressurized product line leak detectors in violation of
2 Health and Safety Code sections 25291, subdivision (f), and 25292, subdivision (b), and Title 23
3 of the California Code of Regulations, section 2638, subdivision (a).

4 h. Failed to perform required integrity testing in violation of Health and Safety
5 Code section 25292, subdivision (b), and Title 23 of the California Code of Regulations, section
6 2643.

7 i. Failed to have current underground storage tank information forms on file with
8 the appropriate local agency or CUPA in violation of Title 23 of the California Code of
9 Regulations, section 2711.

10 j. Failed to operate their underground storage tank systems in a manner to prevent
11 an unauthorized release in violation of Health and Safety Code section 25292.1.

12 k. Failed to ensure that their underground storage tank systems were operational in
13 violation of Health and Safety Code section 25291.

14 l. Failed to maintain required permits in violation of Health and Safety Code
15 section 25284, subdivision (a)(1), and section 25287, subdivision (a).

16 m. Failed to submit the owner-operator agreement to the appropriate local agency
17 or CUPA in violation of Health and Safety Code section 25284, subdivision (a)(3).

18 n. Failed to have the Form A & B permits present at their station sites in violation
19 of Health and Safety Code section 25286, subdivision (a).

20 o. Failed to have proof of financial responsibility current and present at their
21 station sites in violation of Health and Safety Code section 25292.2, subdivision (a).

22 p. Failed to have operating permits at their station sites in violation of Health and
23 Safety Code section 25284(a), and Title 23 of the California Code of Regulations, section 2712,
24 subdivision (i).

25 q. Failed to certify their continuous monitoring systems annually in violation of
26 Health and Safety Code section 25284.2, and Title 23 of the California Code of Regulations,
27 section 2638, subdivision (a).

28 / / /

1 r. Failed to have a current unauthorized release response plan present at their
2 station sites in violation of Title 23 of the California Code of Regulations, section 2632.

3 s. Failed to have the alarm status history available at their station sites in violation
4 of Health and Safety Code section 25299, subdivision (a)(2).

5 t. Failed to implement a monitoring plan that has been approved by the
6 appropriate local agency or CUPA in violation of Health and Safety Code section 25293, and
7 Title 23 of the California Code of Regulations, section 2632.

8 u. Failed to test their secondary containment systems at their station sites in
9 violation of Health and Safety Code section 25284.1, subdivision (a)(4)(B), and Title 23 of the
10 California Code of Regulations, section 2637.

11 v. Failed to properly close an underground storage tank system or component in
12 violation of Health and Safety Code section 25298, and Title 23 of the California Code of
13 Regulations, section 2670.

14 w. Failed to have maintenance and monitoring records available at their station
15 sites in violation of Health and Safety Code section 25299, subdivision (a)(2), and Title 23 of the
16 California Code of Regulations, section 2712, subdivision (b).

17 x. Failed to have properly functioning alarm systems in violation of Title 23 of the
18 California Code of Regulations, section 2632, subdivision (c)(2)(B).

19 y. Failed to properly affix stickers to their UST monitoring equipment in violation
20 of Title 23 of the California Code of Regulations, section 2638, subdivision (f).

21 z. Failed to use approved overfill protection at their station sites in violation of
22 Title 23 of the California Code of Regulations, section 2635, subdivision (b)(2).

23 aa. Failed to remove liquid from their spill containers in violation of Health and
24 Safety Code section 25299, subdivision (a)(2).

25 bb. Failed to have a properly functional spill container drain(s) in violation of Title
26 23 of the California Code of Regulations, section 2635, subdivision (b)(1)(C).

27 cc. Failed to keep the sumps free of liquid and debris in violation of Title 23 of the
28 California Code of Regulations, section 2631, subdivision (e)(4).

1 dd. Failed to properly construct and maintain secondary containment systems in
2 violation of Title 23 of the California Code of Regulations, section 2631.

3 ee. Failed to conduct tests after repairs were made to secondary containment
4 systems in violation of Title 23 of the California Code of Regulations, section 2661.

5 ff. Failed to obtain necessary permits prior to making a repair to secondary
6 containment systems in violation of Title 23 of the California Code of Regulations, section 2661.

7 gg. Failed to drain the secondary containment systems into a monitored sump in
8 violation of Title 23 of the California Code of Regulations, section 2636, subdivision (c)(1).

9 hh. Failed to have the required under dispenser containment in violation of Title 23
10 of the California Code of Regulations, section 2636, subdivision (f).

11 ii. Failed to monitor the under dispenser containment in violation of Title 23 of the
12 California Code of Regulations, section 2636, subdivision (f).

13 jj. Failed to monitor a tank according to the method described in an operating
14 permit in violation of Health and Safety Code section 25293.

15 kk. Failed to identify the source of a known underground storage tank leak(s) and
16 stop known leak(s) in violation of Health and Safety Code section 25295, subdivision (a)(1).

17 ll. Failed to notify the Local Agency, as defined in Health and Safety Code section
18 25281, of known underground storage tank releases in violation of Health and Safety Code section
19 25299, subdivision (a)(4), and Title 23 of the California Code of Regulations, section 2650.

20 Hazardous Waste Control Law Violations
21 (Health and Safety Code Section 25100 et seq.)

22 mm. Failed to store separately incompatible hazardous materials in violation of Title
23 22 of the California Code of Regulations, sections 66265.177, 66262.34, subdivision (d)(2), and
24 66262.34, subdivision (a)(1).

25 nn. Failed to label properly containers of hazardous waste in violation of Title 22 of
26 the California Code of Regulations, section 66262.34, subdivision (d)(2).

27 oo. Failed to comply with the requirements set for maximum accumulation time of
28 hazardous waste in violation of Title 22 of the California Code of Regulations, section 66262.34.

1 pp. Failed to store hazardous waste in a container that is compatible with the
2 hazardous characteristic of the waste in violation of Title 22 of the California Code of
3 Regulations, section 66265.172.

4 qq. Failed to maintain hazardous waste containers in a safe condition in violation of
5 Title 22 of the California Code of Regulations, section 66265.171.

6 rr. Failed to store hazardous waste in a container that is compatible with the
7 hazardous characteristic of the waste in violation of Title 22 of the California Code of
8 Regulations, section 66265.172.

9 ss. Failed to keep hazardous waste containers stored closed in violation of Title 22
10 of the California Code of Regulations, section 66265.173, subdivision (a).

11 tt. Failed to properly maintain at their station sites a storage area for hazardous
12 waste in violation of Title 22 of the California Code of Regulations, section 66265.31.

13 uu. Failed to perform weekly inspections of the areas used for storage of hazardous
14 waste containers in violation of Title 22 of the California Code of Regulations, sections
15 66265.174 and 66262.34.

16 vv. Failed to have proper fire, spill, and decontamination equipment at their station
17 sites in violation of Title 22 of the California Code of Regulations, section 66265.32.

18 ww. Failed to provide adequate aisle space between hazardous waste containers in
19 violation of Title 22 of the California Code of Regulations, section 66265.35.

20 xx. Failed to test facility communication or alarm systems, and fire protection, spill
21 control and decontamination equipment in violation of Title 22 of the California Code of
22 Regulations, section 66265.33.

23 yy. Failed to have evacuation plan(s) on site at their station sites in violation of
24 Title 22 of the California Code of Regulations, section 66265.52.

25 zz. Failed to have an emergency coordinator(s) listed on site at their station sites in
26 violation of Title 22 of the California Code of Regulations, section 66265.52.

27 aaa. Failed to establish emergency response procedures in violation of Title 22 of
28 the California Code of Regulations, section 66265.52.

1 bbb. Failed to have in place a hazardous waste contingency plan and emergency
2 procedures in violation of Title 22 of the California Code of Regulations, sections 66265.51
3 through 66265.56.

4 ccc. Failed to pay the required generator permit fees for their station sites in
5 violation of Health and Safety Code section 25287.

6 ddd. Failed to have a valid or registered EPA number(s) for their station sites in
7 violation of Title 22 of the California Code of Regulations, section 66262.12, subdivision (a).

8 eee. Failed to use the proper method to determine that a waste generated at their
9 station sites was a hazardous waste in violation of Title 22 of the California Code of Regulations,
10 section 66262.11.

11 fff. Disposed hazardous waste generated at their station sites into trash containers,
12 which were then taken to a facility not authorized under the Health and Safety Code to accept
13 hazardous waste, in violation of Health and Safety Code section 25189.

14 ggg. Failed to follow the manifesting requirements for hazardous waste set forth in
15 Chapter 6.5 of the Health and Safety Code in violation of Health and Safety Code section 25160.

16 hhh. Failed to ensure that hazardous waste from their station sites was transported by
17 a registered transporter in violation of Health and Safety Code section 25163, subdivision (a).

18 iii. Failed to file with the Department of Toxic Substances Control a manifest
19 exception report(s) for hazardous waste generated at their station sites in violation of Title 22 of
20 California Code of Regulations, section 66262.42.

21 jjj. Failed to ensure and document that employees at their station sites successfully
22 completed hazardous waste training in violation of Title 22 of the California Code of Regulations,
23 section 66265.16.

24 kkk. Failed to properly handle, manage and store used oil filters as hazardous waste
25 in violation of Health and Safety Code section 25154.

26 / / /

27 / / /

28 / / /

1 Hazardous Materials Release Response Plans and Inventory Law Violations
2 (Health and Safety Code Section 25500 et seq.)

3 III. Failed to have business plan(s) on site in violation of Health and Safety Code
4 section 25503.5.

5 mmm. Failed to update their business plan within three years in violation of
6 Health and Safety Code sections 25503, subdivision (d), and 25505, subdivision (c).

7 nnn. Failed to complete a chemical inventory in violation of Health and Safety Code
8 sections 25503.3, 25505, subdivision (d), and 25509.

9 ooo. Failed to update their chemical inventory annually in violation of Health and
10 Safety Code sections 25503.3, 25505, subdivision (e), and 25509.

11 ppp. Failed to maintain the documented employee training in violation of Health and
12 Safety Code section 25504, subdivision (c).

13 qqq. Failed to have a complete evacuation plan and facility map at their station sites
14 in violation of Health and Safety Code sections 25504, subdivision (b), and 25505.

15 rrr. Failed to have material safety data sheets (“MSDS”) available in violation of
16 Title 8 of the California Code of Regulations, section 5194.

17 sss. Failed to post at their station sites emergency phone numbers in violation of
18 Health and Safety Code section 25504.

19
20 **TOLLING OF STATUTES OF LIMITATIONS**

21 21. Plaintiff has entered into a series of tolling agreements with Defendants preserving
22 Plaintiff’s right to pursue violations beyond the typical limitations period provided by statute.
23 The parties have agreed that the time period from October 1, 2011 to February 1, 2013 inclusive
24 shall be tolled (“Tolling Period”), and that any claim or cause of action that would expire or
25 would otherwise cease to be actionable shall not expire and that the time between October 1,
26 2011, and February 1, 2013, will not be included in computing the time limits created by any
27 statutory limitation period for pursuing causes of action against Defendants.

28 / / /

1 **FIRST CAUSE OF ACTION**

2 **Violations of the Underground Storage of Hazardous Substances Law as a UST Operator**
3 **(Health and Safety Code, Div. 20, Chapter 6.7, section 25281 et seq.)**

4 22. Plaintiff realleges paragraphs 1 through 19, subparagraphs a. through ll., inclusive, of
5 paragraph 20, and paragraph 21.

6 23. To the extent that Defendants are the operator(s) of the underground storage tank
7 system at Defendants' facilities, Defendants have committed violations of Chapter 6.7 and its
8 implementing regulations and thus are liable for civil penalties as set forth in Health and Safety
9 Code section 25299, subdivision (a), for each day of violation of the rules, regulations, standards,
10 or requirements per each underground storage tank, as set forth in the above allegations.

11 24. Defendants, as the operator(s) of the underground storage tank systems, must
12 immediately and permanently be enjoined from further violations of Chapter 6.7.

13 **SECOND CAUSE OF ACTION**

14 **Violations of the Underground Storage of Hazardous Substances Law as a UST Owner**
15 **(Health and Safety Code, Div. 20, Chapter 6.7, section 25281 et seq.)**

16 25. Plaintiff realleges paragraphs 1 through 19, subparagraphs a. through ll., inclusive, of
17 paragraph 20, and paragraph 21.

18 26. To the extent that Defendants are the owner(s) of the underground tank systems at
19 Defendants' facilities, Defendants have committed violations of Chapter 6.7 and its implementing
20 regulations and thus are liable for civil penalties as set forth in Health and Safety Code section
21 25299, subdivision (b), for each day of violation of the rules, regulations, standards, or
22 requirements per each underground storage tank, as set forth in the above allegations.

23 27. Defendants, as the owner(s) of the underground storage tank systems, must
24 immediately and permanently be enjoined from further violations of Chapter 6.7.

25 **THIRD CAUSE OF ACTION**

26 **Intentional or Negligent Violations of the Hazardous Waste Control Law**
27 **(Health and Safety Code, Div. 20, Chapter 6.5, section 25100 et seq.)**

28 28. Plaintiff realleges paragraphs 1 through 19, subparagraphs mm. through jjj., inclusive,
of paragraph 20, and paragraph 21.

1 29. Defendants have committed violations of Chapter 6.5 and its implementing
2 regulations and thus are liable for civil penalties as set forth in Health and Safety Code section
3 25189, subdivision (b), for each intentional or negligent violation of rules, regulations, standards
4 or requirements regarding hazardous waste, as set forth in the above allegations.

5 30. Defendants must immediately and permanently be enjoined from further violations of
6 Chapter 6.5.

7 **FOURTH CAUSE OF ACTION**

8 **Strict Liability Violations of the Hazardous Waste Control Law**
9 **(Health and Safety Code, Div. 20, Chapter 6.5, section 25100 et seq.)**

10 31. Plaintiff realleges paragraphs 1 through 19, subparagraphs mm. through jjj., inclusive,
11 of paragraph 20, and paragraph 21.

12 32. Defendants have committed violations of Chapter 6.5 and its implementing
13 regulations and thus are strictly liable for civil penalties as set forth in California Health and
14 Safety Code section 25189.2, subdivision (b), for each day of violation of the rules, regulations,
15 standards or requirements regarding hazardous waste, as set forth in the above allegations.

16 33. Defendants must immediately and permanently be enjoined from further violations of
17 Chapter 6.5.

18 **FIFTH CAUSE OF ACTION**

19 **Knowing Violations of the Hazardous Materials Release Response Plans and Inventory Law**
20 **(Health and Safety Code, Div. 20, Chapter 6.95, section 25500 et seq.)**

21 34. Plaintiff realleges paragraphs 1 through 19, subparagraphs kkk. through rrr.,
22 inclusive, of paragraph 20, and paragraph 21.

23 35. Defendants have committed violations of Chapter 6.95 and its implementing
24 regulations and thus are liable for civil penalties as set forth in Health and Safety Code section
25 25514, subdivision (b), for each knowing violation of provisions of the Health and Safety Code
26 Division 20, Chapter 6.95, as set forth in the above allegations.

27 36. Defendants must immediately and permanently be enjoined from further violations of
28 Chapter 6.95.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIXTH CAUSE OF ACTION

**Violations of the Hazardous Materials Release Response Plans and Inventory Law
(Health and Safety Code, Div. 20, Chapter 6.95, section 25500 et seq.)**

37. Plaintiff realleges paragraphs 1 through 19, subparagraphs kkk. through rrr., inclusive, of paragraph 20, and paragraph 21.

38. Defendants have committed violations of Chapter 6.95 and its implementing regulations and thus are strictly liable for civil penalties as set forth in Health and Safety Code section 25514, subdivision (a), for each knowing violation of provisions of the Health and Safety Code Division 20, Chapter 6.95, as set forth in the above allegations.

39. Defendants must immediately and permanently be enjoined from further violations of Chapter 6.95.

SEVENTH CAUSE OF ACTION

**Violations of the Unfair Competition Law
(Business and Professions Code section 17200 et seq.)**

40. Plaintiff realleges paragraphs 1 through 39 inclusive.

41. By the acts described herein, Defendants engaged in daily acts of unlawful and/or unfair competition prohibited by Business and Professions Code sections 17200 through 17208. Each act constitutes a separate unlawful and/or unfair business practice.

42. Pursuant to Business and Professions Code section 17206, Defendants are liable for civil penalties for each violation.

43. Defendants must immediately and permanently be enjoined from engaging in any activity that violates Chapters 6.5, 6.7, and 6.95 of Division 20 of the California Health and Safety Code, which thereby constitutes unfair competition within the meaning of Business and Professions Code section 17200.

/ / /

1 EXEMPLAR VIOLATIONS

2 44. Plaintiff has selected 41 sites to illustrate Defendants' violations of law as alleged in
3 Paragraphs 1 through 43 above, and Plaintiff is informed and believes and thereupon alleges that
4 on or about the date set forth below and at, but not limited to, the following facility locations
5 owned by Defendants, that said Defendants engaged in actions and omissions constituting
6 violations of California law, to wit:

7 a. At Defendants' facility located at 1260 Park Street, Alameda, California, the
8 following unlawful acts and omissions were committed by Defendants:

9 1. On or about January 3, 2008, Defendants:

10 A. Intentionally tampered with an automatic leak detection system by
11 raising four (4) leak detector sensors one half-inch from the bottom of the under dispenser
12 containment with cotter pins in violation of Health and Safety Code section 25299(f)(2);

13 B. Failed to maintain monitoring system components and devices
14 properly resulting in the inability to energize submersible turbine pumps to test leak detectors in
15 violation of Title 23 of the California Code of Regulations, sections 2641 and 2632;

16 C. Failed to place universal waste in a specifically marked and labeled
17 area indicating the earliest date of arrival or waste classification in violation of Title 22 of the
18 California Code of Regulations, section 66273.35(b)(5); and

19 D. Failed to provide hazardous materials training in violation of Health
20 and Safety Code section 25504(c).

21 2. On or about January 17, 2007, Defendants:

22 A. Failed to maintain monitoring system components and devices
23 properly resulting in the inability to energize submersible turbine pumps to test leak detectors in
24 violation of Title 23 of the California Code of Regulations, sections 2641 and 2632;

25 B. Failed to monitor and remove water and fuel accumulated in fill
26 sumps in violation of Health and Safety Code sections 25291(e) and 25290.1;

27 C. Failed to separate incompatible hazardous wastes in violation of
28 Title 22 of the California Code of Regulations, section 66265.199;

1 D. Failed to properly mark containers of hazardous gasoline dispenser
2 filters in violation of Title 22 of the California Code of Regulations, section 66262.32;

3 E. Failed to properly maintain hazardous gasoline dispenser filters in a
4 closed or sealed condition in violation of Title 22 of the California Code of Regulations, section
5 66265.173(a);

6 F. Failed to store hazardous gasoline dispenser filters in a compatible
7 container in violation of Title 22 of the California Code of Regulations, section 66265.172;

8 G. Failed to properly maintain a 55-gallon drum containing oil filters
9 in a closed or sealed condition in violation of Title 22 of the California Code of Regulations,
10 section 66265.173(a); and

11 H. Failed to properly mark 55-gallon drums containing hazardous
12 waste in violation of Title 22 of the California Code of Regulations, section 66262.32.

13 3. On or about January 28, 2009, Defendants:

14 A. Failed to keep secondary containment system components free from
15 liquid in violation of Title 23 of the California Code of Regulations, section 2631(d)(4).

16 4. On or about January 19, 2010, Defendants:

17 A. Failed to monitor and remove water and fuel accumulated in fill
18 sumps in violation of Health and Safety Code sections 25291(e) and 25290.1;

19 B. Failed to maintain monitoring system components and devices
20 properly resulting in the malfunctioning of sensors in two (2) USTs in violation of Title 23 of the
21 California Code of Regulations, sections 2641 and 2632;

22 C. Possessed hazardous waste with an accumulation start date of 2006
23 in violation of Title 22 of the California Code of Regulations, section 66262.34(c);

24 D. Failed to properly maintain a 55-gallon drum containing oil filters
25 in a closed or sealed condition in violation of Title 22 of the California Code of Regulations,
26 section 66265.173(a); and

27 E. Failed to properly mark 55-gallon drums containing hazardous
28 waste in violation of Title 22 of the California Code of Regulations, section 66262.32.

1 b. At Defendants' facility located at 1001 San Pablo Avenue, Albany, California,
2 the following unlawful acts and omissions were committed by Defendants:

3 1. On or about January 7, 2008, Defendants:

4 A. Failed to maintain functioning under dispenser containment sensors
5 in violation of Title 23 of the California Code of Regulations, section 2636(f)(1); and

6 B. Failed to adequately train employees in violation of Title 23 of the
7 California Code of Regulations, section 2715(f).

8 2. On or about January 28, 2009, Defendants:

9 A. Intentionally raised six (6) leak detector sensors in fill sumps and
10 turbine pump sumps one (1) inch or more from the bottom of the sump using pins in violation of
11 Health and Safety Code section 25299(f)(2).

12 3. On or about January 21, 2010, Defendants:

13 A. Failed to operate an underground storage tank ("UST") to prevent
14 unauthorized releases by filling the UST to 100 percent capacity (permit specified maximum
15 capacity at 95 percent) in violation of Health and Safety Code section 25292.1(a) and Title 23 of
16 the California Code of Regulations, section 2712(k);

17 B. Failed to properly document alarm conditions in violation of Title
18 23 of the California Code of Regulations, section 2715(c)(1); and

19 C. Failed to maintain a written contract between the owner and
20 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
21 the California Code of Regulations, section 2620(b).

22 4. On or about January 12, 2011, Defendants:

23 A. Failed to monitor and remove water from the secondary
24 containment systems of two (2) USTs in violation of Health and Safety Code section 25291(e)
25 and section 25290.1;

26 B. Failed to have properly functioning line leak detectors for the 89
27 octane and the 91 octane USTs in violation of Title 23 of the California Code of Regulations,
28 section 2636(f)(2); and

1 C. Failed to maintain a written contract between the owner and
2 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
3 the California Code of Regulations, section 2620(b).

4 c. At Defendants' facility located at 17601 Hesperian Boulevard, San Lorenzo,
5 California, the following unlawful acts and omissions were committed by Defendants:

6 1. On or about October 11, 2006, Defendants:

7 A. Intentionally tampered with an automatic leak detection system
8 sensor in used oil fill sump in violation of Health and Safety Code section 25299(f)(2);

9 B. Failed to document monthly designated operator spill containment
10 inspections for two (2) months on three (3) USTs in violation of Title 23 of the California Code
11 of Regulations, section 2715(d);

12 C. Failed to maintain monitoring system components and devices
13 properly resulting in a non-operational slave turbine and a malfunctioning master turbine
14 incapable of testing in violation of Title 23 of the California Code of Regulations, sections 2641
15 and 2632;

16 D. Failed to keep secondary containment system components free from
17 liquid as a result of missing gaskets on fill sumps and missing bolts on ATGS covers allowing
18 rainwater and gasoline to enter subsurface in violation of Title 23 of the California Code of
19 Regulations, section 2631(d)(4); and

20 E. Failed to properly repair three (3) USTs as a result of missing
21 gaskets on fill sump access covers allowing rainwater to enter sumps and cause turbine shutdown
22 in violation of Health and Safety Code section 25292.1(c) and Title 23 of the California Code of
23 Regulations, sections 2660(k), (l), (m) and (n).

24 2. On or about September 26, 2007, Defendants:

25 A. Failed to post signage on alarm annunciator for overfill alarms in
26 violation of Title 23 of the California Code of Regulations, section 2712(k);

27 B. Possessed hazardous waste in excess of the lawful accumulation
28 time in violation of Title 22 of the California Code of Regulations, section 66262.34(b)(1);

1 C. Failed to operate USTs to prevent unauthorized releases in violation
2 of Health and Safety Code section 25292.1(a) and Title 23 of the California Code of Regulations,
3 section 2712(k); and

4 D. Failed to provide hazardous materials training in violation of Health
5 and Safety Code section 25504(c).

6 3. On or about August 29, 2008, Defendants:

7 A. Failed to keep secondary containment system components liquid-
8 free in violation of Title 23 of the California Code of Regulations, section 2631(d)(4); and

9 B. Failed to maintain monitoring system components and devices
10 properly resulting in the inability to energize submersible turbine pumps to test leak detectors in
11 violation of Title 23 of the California Code of Regulations, sections 2641 and 2632.

12 4. On or about September 10, 2009, Defendants:

13 A. Failed to report alarms indicating possible unauthorized release or
14 malfunctioning UST in violation of Title 23 of the California Code of Regulations, sections
15 2650(e)(3) and (4); and

16 B. Failed to document 2 alarms in designated operator monthly
17 inspections in violation of Title 23 of the California Code of Regulations, section 2715(d).

18 5. On or about September 29, 2010, Defendants:

19 A. Failed to properly secure a hazardous waste container in violation
20 of Title 22 of the California Code of Regulations, sections 66262.34(a)(1) and (2);

21 B. Failed to maintain a copy of their UST Operating Permit conditions
22 on site in violation of Title 23 of the California Code of Regulations, section 2712(i) and Health
23 and Safety Code sections 25293 and 25299;

24 C. Failed to properly maintain three (3) mechanical line leak detectors
25 in underground pressurized piping resulting in three (3) failed 3-gallon per hour leak rate tests in
26 violation of Title 23 of the California Code of Regulations, section 2636(f)(2);

27 D. Failed to have a properly functioning spill container in violation of
28 Title 23 of the California Code of Regulations, section 2635(b)(1); and

1 E. Failed to maintain functioning tank system resulting in missing
2 bolts in violation of Health and Safety Code section 25288 and Title 23 of the California Code of
3 Regulations, section 2631(d).

4 6. On or around October 20, 2011, Defendants:

5 A. Failed to use an approved used oil sensor in violation of by Health
6 and Safety Code sections 25290.1, 25290.2, 25291 and Title 23 of the California Code of
7 Regulations, section 2638; and

8 B. Failed to maintain properly functioning UST sensors in violation of
9 Title 23 of the California Code of Regulations, section 2636(f)(1).

10 d. At Defendants' facility located at 22141 Center Street, Castro Valley,
11 California, the following unlawful acts and omissions were committed by Defendants:

12 1. On or about March 21, 2007, Defendants:

13 A. Failed to maintain monitoring system components and devices
14 properly, as evidenced by the malfunctioning of an annular and automatic tank gauging system
15 riser in violation of Title 23 of the California Code of Regulations, sections 2641 and 2632; and

16 B. Failed to post signage on alarm annunciator for overfill alarms
17 during delivery in violation of Title 23 of the California Code of Regulations, section 2712(k).

18 2. On or about March 11, 2008, Defendants:

19 A. Failed to post signage on alarm annunciator for overfill alarms
20 during product delivery in violation of Title 23 of the California Code of Regulations, section
21 2712(k); and

22 B. Failed to operate USTs to prevent unauthorized releases in violation
23 of Health and Safety Code section 25292.1(a) and Title 23 of the California Code of Regulations,
24 section 2712(k).

25 3. On or about March 30, 2009, Defendants:

26 A. Failed to maintain monitoring system components and devices
27 properly resulting in a failed mechanical line leak detector test in violation of Title 23 of the
28 California Code of Regulations, sections 2641 and 2632.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 4. On or about March 11, 2010, Defendants:
 - A. Failed to properly store fluorescent lamps in violation of Title 22 of the California Code of Regulations, section 66273.33.

- 5. On or about June 29, 2011, Defendants:
 - A. Possessed hazardous waste with an accumulation start date of 2009 in violation of Title 22 of the California Code of Regulations, section 66262.34(c); and
 - B. Failed to maintain complete hazardous waste manifests in violation of Title 22 of the California Code of Regulations, section 66262.23.

- e. At Defendants' facility located at 2770 Castro Valley Road, Castro Valley, California, the following unlawful acts and omissions were committed by Defendants:
 - 1. On or about April 8, 2008, Defendants:
 - A. Failed to provide hazardous materials training in violation of Health and Safety Code section 25504(c).

 - 2. On or about February 3, 2009, Defendants:
 - A. Failed to keep secondary containment system components free from liquid in violation of Title 23 of the California Code of Regulations, section 2631(d)(4);
 - B. Failed to have a properly functioning alarms in fill pumps in violation of Title 23 of the California Code of Regulations, section 2632(c)(2)(B); and
 - C. Failed to properly maintain the automatic line leak detector in underground pressurized piping resulting in a failed 3-gallon per hour leak rate test in violation of Title 23 of the California Code of Regulations, section 2636(f)(2).

 - 3. On or about February 25, 2010, Defendants:
 - A. Failed to monitor and remove water and fuel accumulated in a fill sump in violation of Health and Safety Code sections 25291(e) and 25290.1.

 - 4. On or about February 22, 2011, Defendants:
 - A. Failed to maintain functioning tank system resulting in missing and broken bolts on access covers in violation of Health and Safety Code §25288 and Title 23 of the California Code of Regulations, section 2631(d);

1 B. Failed to maintain current emergency contact information for the
2 facility in violation of Title 23 of the California Code of Regulations, section 2729.2(a)(1);

3 C. Failed to properly maintain monitoring and unauthorized release
4 response plans in violation of Title 23 of the California Code of Regulations, sections 2712(i),
5 2634 and 2641; and

6 D. Failed to properly store fluorescent lamps in violation of Title 22 of
7 the California Code of Regulations, section 66273.33.

8 f. At Defendants' facility located at 35900 Fremont Boulevard, Fremont,
9 California, the following unlawful acts and omissions were committed by Defendants:

10 1. On or about March 13, 2007, Defendants:

11 A. Failed to properly dispose of hazardous waste in violation of Title
12 22 of the California Code of Regulations, section 66262.34;

13 B. Failed to properly mark containers of hazardous waste in violation
14 of Title 22 of the California Code of Regulations, section 66262.32; and

15 C. Failed to properly maintain hazardous waste container in good
16 condition in violation of Title 22 of the California Code of Regulations, section 66265.171.

17 2. On or about August 6, 2008, Defendants:

18 A. Failed to maintain a written contract between the owner and
19 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
20 the California Code of Regulations, section 2620(b);

21 B. Failed to maintain Form A & B permits current on site in violation
22 of Health and Safety Code section 25286(a);

23 C. Failed to keep employee hazardous waste training records for three
24 years in violation of Title 22 of the California Code of Regulations, section 66265.16(e);

25 D. Failed to properly maintain hazardous waste container in good
26 condition, as evidenced by a 55-gallon drum missing necessary secondary containment in
27 violation of Title 22 of the California Code of Regulations, section 66265.171; and

28 / / /

1 E. Failed to have hazardous waste employee training records at the
2 facility in violation of Title 22 of the California Code of Regulations, section 66265.16(d).

3 3. On or about March 24, 2011, Defendants:

4 A. Failed to have properly functioning overfill protection in violation
5 of Title 23 of the California Code of Regulations, section 2635(b)(2);

6 B. Possessed a 55-gallon drum containing hazardous waste with an
7 accumulation start date of 2009 in violation of Title 22 of the California Code of Regulations,
8 section 66262.34(c);

9 C. Failed to properly maintain hazardous waste container in good
10 condition, as evidenced by a 55-gallon drum missing necessary secondary containment in
11 violation of Title 22 of the California Code of Regulations, section 66265.171; and

12 D. Failed to service fire extinguishers in violation of California Fire
13 Code section 906.2.

14 g. At Defendants' facility located at 365 Jackson Street, Hayward, California, the
15 following unlawful acts and omissions were committed by Defendants:

16 1. On or about November 27, 2006, Defendants:

17 A. Failed to submit an updated leak detection and monitoring program
18 in violation of Title 23 of the California Code of Regulations, sections 2632(b), (d) and 2634(d).

19 2. On or about October 22, 2008, Defendants:

20 A. Failed to have a properly functioning spill container in violation of
21 Title 23 of the California Code of Regulations, section 2635(b)(1).

22 3. On or about November 20, 2009, Defendants:

23 A. Failed to have their monitoring plan approved by the appropriate
24 local agency or CUPA in violation of Title 23 of the California Code of Regulations, section
25 2632(b);

26 B. Failed to maintain a written contract between the owner and
27 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
28 the California Code of Regulations, section 2620(b); and

1 C. Failed to maintain Form A & B permits current on site in violation
2 of Health and Safety Code section 25286(a).

3 h. At Defendants' facility located at 25225 Mission Boulevard, Hayward,
4 California, the following unlawful acts and omissions were committed by Defendants:

5 1. On or about June 6, 2007, Defendants:

6 A. Failed to have a properly functioning spill container in violation of
7 Title 23 of the California Code of Regulations, section 2635(b)(1).

8 2. On or about July 2, 2008, Defendants:

9 A. Failed to have properly functioning overfill protection in violation
10 of Title 23 of the California Code of Regulations, section 2635(b)(2).

11 3. On or about November 16, 2010, Defendants:

12 A. Failed to mark emergency fuel shutoff device in violation of
13 Uniform Fire Code section 5201.5.3; and

14 B. Failed to place fire extinguishers on premises in violation of
15 Uniform Fire Code section 1003.1.1.

16 i. At Defendants' facility located at 899 Rincon Avenue, Livermore, California,
17 the following unlawful acts and omissions were committed by Defendants:

18 1. On or about February 28, 2007, Defendants:

19 A. Failed to maintain consolidated manifests for three (3) years in
20 violation of Health and Safety Code section 25160.2;

21 B. Failed to provide training of employees by the designated operator
22 in violation of Title 23 of the California Code of Regulations, sections 2715(a) - (c);

23 C. Failed to maintain a written contract between the owner and
24 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
25 the California Code of Regulations, section 2620(b);

26 D. Failed to have proof of financial responsibility current on site in
27 violation of Health and Safety Code section 25292.2(a);

28 / / /

1 E. Failed to service fire extinguishers in violation of California Fire
2 Code section 906.2;

3 F. Failed to maintain a functioning illuminated exit sign in violation of
4 California Fire Code section 1011.2; and

5 G. Failed to maintain an unobstructed exit door in violation of
6 California Fire Code section 1008.

7 2. On or about February 20, 2008, Defendants:

8 A. Failed to have properly functioning overfill protection in violation
9 of Title 23 of the California Code of Regulations, section 2635(b)(2);

10 B. Failed to maintain functioning tank system resulting in missing or
11 stripped bolts in violation of Health and Safety Code section 25288 and Title 23 of the California
12 Code of Regulations, section 2631(d);

13 C. Failed to have properly functioning audible and visual overfill
14 alarm in violation of Title 23 of the California Code of Regulations, section 2635(b)(2) and
15 Health and Safety Code section 2631(d)(4); and

16 D. Failed to maintain a functioning illuminated exit sign in violation of
17 California Fire Code section 1011.2.

18 3. On or about August 7, 2008, Defendants:

19 A. Failed to submit an updated leak detection and monitoring program
20 in violation of Title 23 of the California Code of Regulations sections 2632(b), (d) and 2634(d);

21 B. Failed to maintain functioning tank system resulting in missing
22 annular covers for two (2) USTs in violation of Health and Safety Code section 25288 and Title
23 23 of the California Code of Regulations, section 2631(d);

24 C. Failed to properly dispose of hazardous waste in violation of Title
25 22 of the California Code of Regulations, section 66262.34; and

26 D. Failed to mark electrical panels in violation of California Fire Code
27 section 605.3.1.

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. On or about July 9, 2009, Defendants:

A. Failed to connect the continuous monitoring system to a functioning audible alarm system in violation of Title 23 of the California Code of Regulations, section 2632(c)(2)(B);

B. Failed to possess current and accurate contact information in their unauthorized release response plan in violation of Title 23 of the California Code of Regulations, sections 2632(b) and (d);

C. Failed to have proof of financial responsibility current on site in violation of Health and Safety Code section 25292.2(a);

D. Failed to properly dispose of hazardous waste in violation of Title 22 of the California Code of Regulations, section 66262.34;

E. Possessed hazardous waste in excess of the lawful accumulation time in violation of Title 22 of the California Code of Regulations, section 66262.34(c);

F. Failed to submit an annual hazardous materials inventory in violation of Title 19 of the California Code of Regulations, section 2729.4; and

G. Failed to have adequate emergency shutoff sign in violation of California Fire Code section 605.6.

5. On or about June 10, 2010, Defendants:

A. Failed to maintain functioning tank system resulting in missing bolts on all annular covers, missing red caps on test buttons and plugs missing from the junction box in violation of Health and Safety Code section 25288 and Title 23 of the California Code of Regulations, section 2631(d); and

B. Failed to maintain functioning illuminated exit signs in violation of California Fire Code section 1011.2.

j. At Defendants' facility located at 10600 MacArthur Boulevard, Oakland, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about November 30, 2006, Defendants:

/ / /

1 A. Failed to implement a proper unauthorized release monitoring
2 program, as evidenced by improperly placed sensors in four (4) USTs in violation of Title 23 of
3 the California Code of Regulations, section 2641(a).

4 2. On or about November 7, 2007, Defendants:

5 A. Failed to maintain monitoring system components and devices
6 properly resulting in the malfunctioning of sensors in four (4) USTs in violation of Title 23 of the
7 California Code of Regulations, sections 2641 and 2632; and

8 B. Failed to maintain a written contract between the owner and
9 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
10 the California Code of Regulations, section 2620(b).

11 3. On or about June 23, 2008, Defendants:

12 A. Failed to maintain a written contract between the owner and
13 operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of
14 the California Code of Regulations, section 2620(b);

15 B. Failed to maintain updated site monitoring and unauthorized release
16 response plans in violation of Health and Safety Code sections 25504 and 25503.5; and

17 C. Failed to maintain a current hazardous materials business plan on
18 site in violation of Health and Safety Code section 25505 and Title 19 of the California Code of
19 Regulations, section 2728.1.

20 4. On or about September 12, 2008, Defendants:

21 A. Possessed a 55-gallon drum of hazardous waste with an
22 accumulation start date of 2007 in violation of Title 22 of the California Code of Regulations,
23 section 66262.34(c); and

24 B. Failed to properly store and label fluorescent lamps in violation of
25 Title 22 of the California Code of Regulations, section 66273.33.

26 5. On or about August 24, 2009, Defendants:

27 A. Failed to properly mark a drum containing hazardous waste in
28 violation of Title 22 of the California Code of Regulations, section 66262.32.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. On or about August 10, 2011, Defendants:

A. Possessed hazardous waste with an accumulation start date of 2009 in violation of Title 22 of the California Code of Regulations, section 66262.34(c).

k. At Defendants' facility located at 1399 W. Wood Street, Willows, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about July 9, 2007, Defendants:

A. Failed to have leak line detectors installed and maintained components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f), in that Defendants' lines leaked into the turbine sumps.

2. On or about March 5, 2009, Defendants:

A. Failed to have current Form A & B permits present at the station site in violation of Health and Safety Code section 25286(a);

B. Failed to identify the current designated Underground Storage Tank operator in violation of Title 23 of the California Code of Regulations, section 2715(a);

C. Failed to submit the owner-operator agreement to the appropriate local agency or CUPA in violation of Health and Safety Code section 25284(a)(3);

D. Failed to submit to the Glenn County CUPA and failure to maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b); and,

E. Failed to have line leak detectors installed and maintained components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f).

3. On or about February 26, 2010, Defendants:

A. Failed to have leak line detectors installed and maintained components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f); and,

/ / /

/ / /

1 B. Failed to monitor and remove water and fuel accumulated in the
2 “regular” turbine sump in violation of Health and Safety Code sections 25291(e), 25290.1,
3 25290.2 and Title 23 of the California Code of Regulations, section 2630(d).

4 4. On or about September 7, 2010 Defendants again failed to monitor and
5 remove water and fuel accumulated in the sumps in violation of Health and Safety Code sections
6 25291(e), 25290.1, 25290.2 and Title 23 of the California Code of Regulations, section 2630(d).

7 5. On or about February 9, 2011, Defendants:

8 A. Failed to submit to the Glenn County CUPA and failed to maintain
9 a current approved written monitoring plan in violation of Title 23 of the California Code of
10 Regulations, section 2712(b); and,

11 B. Failed to timely file with the Glenn County CUPA a “Designated
12 Operator Certificate” as required by Title 23 of the California Code of Regulations, section 2715.

13 1. At Defendants’ facility located at 1625 McSwain Road, Merced, California, the
14 following unlawful acts and omissions were committed by Defendants:

15 1. On or about May 11, 2010, Defendants:

16 A. Failed to maintain the Overfill Prevention Mechanism for the
17 premium gasoline tank so that it functioned in a proper manner in violation of Title 23 of the
18 California Code of Regulations, sections 2635(b)(2) and 2631(d)(4).

19 2. On May 5, 2011, Defendants:

20 A. Failed to timely file with the Merced County Department of Public
21 Health a “Designated Operator Certificate” as required by Title 23 of the California Code of
22 Regulations, section 2715; and,

23 B. Failed to timely file with the Merced County Department of Public
24 Health a current Certificate of Financial Responsibility as required by Health and Safety Code
25 sections 25292.2 and 25299.30 and Title 23 of the California Code of Regulations, section 2711.

26 m. At Defendants’ facility located at 3100 G Street, Merced, California, the
27 following unlawful acts and omissions were committed by Defendants:

28 1. On or about May 26, 2009, Defendants:

1 A. Failed to obtain an Underground Storage Tank Permit as required
2 by Health and Safety Code section 25286(a) and Title 23 of the California Code of Regulations,
3 section 2712(i);

4 B. Failed to possess and submit to the Merced County Department of
5 Public Health a current Certificate of Financial Responsibility as required by Health and Safety
6 Code section 25292.2 and Title 23 of the California Code of Regulations, section 2711(11);

7 C. Failed to submit to the Merced County Department of Public Health
8 and failure to maintain a current approved written monitoring plan in violation of Title 23 of the
9 California Code of Regulations, section 2712(b);

10 D. Failed to have a current unauthorized release response plan present
11 at the station site in violation of Title 23 of the California Code of Regulations, section 2632;

12 E. Failed to submit facility and underground storage tank information
13 to wit: a site map, as required by Title 23 of the California Code of Regulations, section 2711(a);

14 F. Failed to identify the current designated UST operator in violation
15 of Title 23 of the California Code of Regulations, section 2715(a);

16 G. Failed to monitor and remove water and fuel accumulated in the 91
17 octane sump in violation of Health and Safety Code sections 25291(e), 25290.1, 25290.2 and
18 Title 23 of the California Code of Regulations, section 2630(d);

19 H. Failed to have monitoring system components installed and
20 maintain components functioning properly as required by Title 23 of the California Code of
21 Regulations, sections 2636(f)(2) and 2641(f);

22 I. Failed to have overspill containment pass annual test as required by
23 Health and Safety Code section 25284.2; and,

24 J. Failed to install and maintain monitoring system components and
25 devices properly to wit: installing and maintaining sensors within a pipe that blocked liquid from
26 contacting the sensor in violation of Health and Safety Code sections 25290.1(e), 25290.1-2,
27 25291 and Title 23 of the California Code of Regulations, sections 2641 and 2632.

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. On or about July 15, 2010, Defendants:

A. Failed to timely file with the Merced County Department of Public Health a "Designated Operator Certificate" as required by Title 23 of the California Code of Regulations, section 2715;

B. Failed to timely file with the Merced County Department of Public Health a current Certificate of Financial Responsibility as required by Health and Safety Code sections 25292.2 and 25299.30 and Title 23 of the California Code of Regulations, section 2711;

C. Failed to certify their continuous monitoring systems annually in violation of Health and Safety Code section 25284.2 and Title 23 of the California Code of Regulations, section 2638(a), the last certificate being issued on May 26, 2009;

D. Failed to have leak line detectors installed and maintain components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f); and,

E. Failed to have and post a current underground tank permit as required by Health and Safety Code sections 25293, 25299 and Title 23 California Code of Regulations, section 2712(i).

3. On June 9, 2011, Defendants:

A. Failed to maintain monitoring system components and devices in a proper manner resulting in the malfunctioning of a sensor which failed to shut down system when activated, in violation of Title 23 of the California Code of Regulations, sections 2638, 2641, 2643, 2643.1 and 2632;

B. Failed to maintain underground storage tanks with a spill container and an overfill prevention system properly, which resulted in liquid found in sump in violation of Health and Safety Code sections 25291(e), 25290.1, 25290.2 and Title 23 of the California Code of Regulations, section 2635(b)(1)(C); and,

C. Failed to have leak line detectors installed and maintain components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f).

1 n. At Defendants' facility located at 13405 Lincoln Way, Auburn, California, the
2 following unlawful acts and omissions were committed by Defendants:

3 1. On or about February 19, 2008, Defendants:

4 A. Failed to submit an updated leak detection and monitoring program
5 in violation of Title 23 of the California Code of Regulations, sections 2632(b), (d) and 2634(d);

6 B. Failed to have proof of financial responsibility current on site in
7 violation of Health and Safety Code section 25292.2(a);

8 C. Possessed hazardous waste with an accumulation start date of 2006
9 in violation of Title 22 of the California Code of Regulations, section 66262.34(c); and,

10 D. Failed to properly label drum containing hazardous waste in
11 violation of Title 22 of the California Code of Regulations, section 66262.34(f)(3).

12 2. On or about February 24, 2009, Defendants:

13 A. Failed to have a properly functioning spill container in violation of
14 Title 23 of the California Code of Regulations, section 2635(b)(1).

15 3. On or about March 17, 2010, Defendants:

16 A. Failed to have properly functioning line leak detectors for the 91
17 octane UST in violation of Title 23 of the California Code of Regulations, section 2636(f)(2).

18 4. On or about April 5, 2011, Defendants:

19 A. Failed to have properly functioning line leak detectors for the 91
20 octane UST in violation of Title 23 of the California Code of Regulations, section 2636(f)(2).

21 o. At Defendants' facility located at 13435 Bowman Road, Auburn, California,
22 the following unlawful acts and omissions were committed by Defendants:

23 1. On or about April 11, 2008, Defendants:

24 A. Failed to have proof of financial responsibility current on site in
25 violation of Health and Safety Code section 25292.2(a); and,

26 B. Failed to have a properly functioning spill container for the 91
27 octane UST in violation of Title 23 of the California Code of Regulations, section 2635(b)(1).

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. On or about March 13, 2009, Defendants:

A. Possessed hazardous waste in excess of the lawful accumulation time in violation of Title 22 of the California Code of Regulations, section 66262.34(b)(1); and,

B. Failed to maintain a written contract between the owner and operator of the USTs in violation of Health and Safety Code section 25284(a)(3) and Title 23 of the California Code of Regulations, section 2620(b).

3. On or about May 14, 2009, Defendants:

A. Failed to maintain monitoring system components and devices properly resulting in the continuing failure of the sensor annular in the slave tank in violation of Title 23 of the California Code of Regulations, sections 2641 and 2632.

4. On or about April 27, 2011, Defendants:

A. Failed to have a properly functioning under dispenser spill container in violation of Title 23 of the California Code of Regulations, section 2635(b)(1).

p. At Defendants' facility located at 4500 Rocklin Road, Rocklin, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about April 17, 2007, Defendants:

A. Failed to submit a proper chemical description to correspond to the actual chemical inventory in violation of Health and Safety Code section 25509 and Title 23 California Code of Regulations, section 2729.

2. On or about April 21, 2009, Defendants:

A. Failed to properly maintain hazardous waste drums containing in a closed or sealed condition in violation of Title 22 of the California Code of Regulations, section 66265.173(a);

B. Failed to properly maintain the automatic line leak detector in underground pressurized piping resulting in a failed 3-gallon per hour leak rate test in violation of Title 23 of the California Code of Regulations, section 2636(f)(2); and,

C. Failed to have a properly functioning alarm in the regular siphon tank in violation of Title 23 of the California Code of Regulations, section 2632(c)(2)(B).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. On or about April 13, 2010, Defendants:

A. Failed to properly label 55-gallon drums containing hazardous waste in violation of Title 22 of the California Code of Regulations, section 66262.34(f)(3).

4. On or about April April 19, 2011, Defendants:

A. Possessed hazardous waste in excess of the lawful accumulation time in violation of Title 22 of the California Code of Regulations, section 66262.34(b)(1); and,

B. Failed to monitor and remove water and fuel accumulated in an under dispenser container in violation of Health and Safety Code section 25291(e) and Title 23 of the California Code of Regulations, section 2715(c).

q. At Defendants' facility located at 18762 Valley Boulevard, Bloomington, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about February 13, 2008, Defendants:

A. Failed to properly certify an Underground Storage Tank monitoring system in violation of Title 23 of the California Code of Regulations, sections 2638 and 2641(j);

B. Failed to properly monitor an Underground Storage Tank system in violation of Health and Safety Code section 25293;

C. Failed to properly install and test overspill containment in violation of Health and Safety Code section 25284.2; and

D. Failed to have an overfill protection device installed or operational in violation of Title 23 of the California Code of Regulations, section 2635(b)(2).

2. On or about May 7, 2009, Defendants:

A. Failed to submit a certificate of financial responsibility in violation of Health and Safety Code section 25292.2(a); and

B. Failed to provide an updated business plan in violation of Health and Safety Code section 25505.

r. At Defendants' facility located at 1240 E. Washington Street, Colton, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about November 4, 2010, Defendants:

1 A. Failed to submit an Underground Storage Tank application in
2 violation of Health and Safety Code section 25504(c);

3 B. Failed to have available an owner/operator agreement in violation
4 of Health and Safety Code section 25284(a)(3);

5 C. Failed to submit a Certificate of Financial Responsibility in
6 violation of Health and Safety Code section 25292.2(a);

7 D. Failed to submit a Designated Operator Statement in violation of
8 Title 23 of the California Code of Regulations, section 2715(a); and

9 E. Failed to submit an updated Business Plan in violation of Health
10 and Safety Code section 25505.

11 s. At Defendants' facility located at 16337 Main, Hesperia, California, the
12 following unlawful acts and omissions were committed by Defendants:

13 1. On or about August 14, 2008, Defendants:

14 A. Failed to submit an Underground Storage Tank Application, a
15 repeat violation, in violation of Health and Safety Code section 25286(a); and,

16 B. Failed to operate a UST system with proper overspill containment
17 in violation of Health and Safety Code section 25284.2.

18 2. On or about August 19, 2009, Defendants:

19 A. Failed to operate a UST system with properly functioning line leak
20 detectors in violation of Title 23 of the California Code of Regulations, sections 2636(f)(2) and
21 2641(f).

22 3. On or about August 10, 2010, Defendants:

23 A. Failed to have available an owner/operator agreement in violation
24 of Health and Safety Code section 25284(a)(3);

25 B. Failed to submit an updated business plan in violation of Health and
26 Safety Code section 25505;

27 C. Failed to keep containment sumps free of debris or liquid in
28 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3); and,

1 D. Failed to operate a UST system which was not properly monitored
2 in violation of Title 23 of the California Code of Regulations, sections 2630 and 2640.

3 4. On or about August 4, 2011, Defendants:

4 A. Failed to timely pay UST fees in violation of Health and Safety
5 Code section 25287(a);

6 B. Failed to have available an owner/operator agreement in violation
7 of Health and Safety Code section 25284(a)(3);

8 C. Failed to keep containment sumps free of liquid in violation of Title
9 23 of the California Code of Regulations section 2590.21(c)(3); and

10 D. Failed to operate a UST system with proper monitoring or labeling
11 in violation of Title 23 of the California Code of Regulations, sections 2630 and 2640.

12 t. At Defendants' facility located at 1565 E. Fourth Street, Ontario, California, the
13 following unlawful acts and omissions were committed by Defendants:

14 1. On or about February 6, 2008, Defendants:

15 A. Failed to keep sensors at the low point of UST systems in violation
16 of Title 23 of the California Code of Regulations, sections 2630(d) or 2641(a);

17 B. Operated a UST system with leak detection equipment tampered
18 with or disabled in violation of Health and Safety Code section 25299(f)(2); and,

19 C. Failed to maintain containment sumps free of debris or liquid in
20 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3).

21 2. On or about November 25, 2008, Defendants:

22 A. Failed to properly monitor USTs in violation of Health and Safety
23 Code section 25293; and,

24 B. Failed to affix the proper certification sticker or tag to monitoring
25 equipment in violation of Title 23 of the California Code of Regulations, section 2638(f).

26 3. On or about November 19, 2009, Defendants:

27 A. Failed to keep containment sumps free of debris or liquid in
28 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3); and,

1 B. Operated a UST system that was leaking fuel in violation of Title
2 23 of the California Code of Regulations sections 2630 and 2640.

3 4. On or about November 3, 2010, Defendants:

4 A. Failed to submit a Designated Operator Statement in violation of
5 Title 23 of the California Code of Regulations, section 2715(a); and,

6 B. Failed to keep containment sumps free of debris or liquid, having
7 trash in several sumps, as a repeat violation, in violation of Title 23 of the California Code of
8 Regulations, section 2590.21(c)(3).

9 5. On or about February 17, 2012, Defendants:

10 A. Failed to keep containment sumps free of debris or liquid in violation
11 of Title 23 of the California Code of Regulations, section 2590.21(c)(3).

12 u. At Defendants' facility located at 808 N. Mountain Avenue, Ontario,
13 California, the following unlawful acts and omissions were committed by Defendants:

14 1. On or about September 24, 2008, Defendants:

15 A. Failed to have an owner/operator agreement available in violation
16 of Health and Safety Code section 25284(a)(3); and,

17 B. Failed to keep containment sumps free of debris or liquid in
18 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3).

19 2. On or about January 16, 2009, Defendants:

20 A. Failed to submit an Underground Storage Tank application package
21 in violation of Health and Safety Code section 25286(a);

22 B. Failed to have an owner/operator agreement available in violation
23 of Health and Safety Code section 25284(a)(3);

24 C. Failed to correct prior noted violations within 30 days in violation
25 of Title 23 of the California Code of Regulations, section 2712(f);

26 D. Failed to properly monitor Underground Storage Tank systems in
27 violation of Health and Safety Code section 25293;

28 / / /

1 E. Failed to keep containment sumps free of debris or liquid in
2 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3);

3 F. Failed to properly monitor Underground Storage Tank systems in
4 violation of Title 23 of the California Code of Regulations, sections 2630 and 2640; and,

5 G. Failed to operate an Underground Storage Tank system in a manner
6 to prevent an unauthorized release in violation of Health and Safety Code section 25292.1(a).

7 3. On or about January 7, 2010, Defendants:

8 A. Failed to correct prior noted Underground Storage Tank violations
9 within 30 days in violation of Title 23 of the California Code of Regulations, section 2712(f);

10 B. Failed to submit an update business plan in violation of Health and
11 Safety Code section 25505;

12 C. Failed to properly monitor Underground Storage Tank systems in
13 violation of Health and Safety Code section 25293;

14 D. Failed to properly monitor Underground Storage Tank systems in
15 violation of Title 23 of the California Code of Regulations, sections 2630 and 2640; and

16 E. Failed to operate an underground storage tank system in a manner
17 to prevent unauthorized release in violation of Health and Safety Code section 25292.1(a).

18 v. At Defendants' facility located at 539 East Redlands Boulevard, Redlands,
19 California, the following unlawful acts and omissions were committed by Defendants:

20 1. On or about March 20, 2009, Defendants:

21 A. Failed to have operational audible or visual alarms in violation of
22 Title 23 of the California Code of Regulations, sections 2632(c)(2)(B) and 2636(f)(1);

23 B. Failed to have a fire extinguisher in violation of Uniform Fire Code
24 section 5201.9; and,

25 C. Operated a UST system without a permitted and plan-checked
26 approval in violation of Title 23 of the California Code of Regulations, sections 2630 and 2640.

27 w. At Defendants' facility located at 902 Orange Street, Redlands, California, the
28 following unlawful acts and omissions were committed by Defendants:

- 1 1. On or about September 12, 2008, Defendants:
- 2 A. Failed to submit an Underground Storage Tank system application
- 3 package in violation of Health and Safety Code section 25286(a);
- 4 B. Failed to have available an owner/operator agreement in violation
- 5 of Health and Safety Code section 25284(a)(3);
- 6 C. Failed to submit a Certificate of Financial Responsibility in
- 7 violation of Health and Safety Code section 25292.2(a);
- 8 D. Failed to submit an updated business plan in violation of Health and
- 9 Safety Code section 25505;
- 10 E. Failed to properly monitor USTs in violation of Health and Safety
- 11 Code section 25293;
- 12 F. Failed to keep containment sumps free of debris or liquid in
- 13 violation of Title 23 of the California Code of Regulations, section 2590.21(c)(3);
- 14 G. Failed to have overspill containment installed or tested in violation
- 15 of Health and Safety Code section 25284.2; and,
- 16 H. Operated a UST system with worn gaskets and fouled sensor sumps
- 17 in violation of Title 23 of the California Code of Regulations, sections 2630 and 2640.
- 18 2. On or about October 22, 2008, Defendants:
- 19 A. Failed to have a properly functioning spill container in violation of
- 20 Title 23 of the California Code of Regulations, section 2635(b)(1).
- 21 3. On or about September 14, 2009, Defendants:
- 22 A. Failed to submit a certificate of financial responsibility in violation
- 23 of Health and Safety Code section 25292.2(a);
- 24 B. Failed to correct prior noted violations within 30 days in violation
- 25 of Title 23 of the California Code of Regulations, section 2712(f); and
- 26 C. Failed to maintain operational audible or visual alarms in violation
- 27 of Title 23 of the California Code of Regulations, sections 2632(c)(2)(B) and 2636(f)(1).
- 28 4. On or about September 2, 2010, Defendants:

1 A. Failed to submit a certificate of financial responsibility in violation
2 of Health and Safety Code section 25292.2(a);

3 B. Failed to correct prior noted violations within 30 days in violation
4 of Title 23 of the California Code of Regulations, section 2712(f);

5 C. Failed to submit an updated business plan in violation of Health and
6 Safety Code section 25505;

7 D. Failed to properly monitor USTs in violation of Health and Safety
8 Code section 25293; and

9 E. Failed to have operational audible or visual alarms in violation of
10 Title 23 of the California Code of Regulations, sections 2632(c)(2)(B) and 2636(f)(1).

11 x. At Defendants' facility located at 1924 W. Alondra Boulevard, Compton,
12 California, the following unlawful acts and omissions were committed by Defendants:

13 1. On or about July 10, 2007, Defendants:

14 A. Failed secondary containment system components were not
15 repaired, as required by Title 23 of the California Code of Regulations, section 2637; and,

16 B. Failed to maintain underground storage tanks with a spill container
17 and an overfill prevention system properly, which resulted in liquid found in spill container, a
18 violation of Title 23 of the California Code of Regulations, section 2635(b).

19 2. On or about October 20, 2009, Defendants:

20 A. Failed to label properly containers of hazardous waste in violation
21 of Title 22 of the California Code of Regulations, section 66262.34(d)(2).

22 3. On or about October 29, 2010, Defendants:

23 A. Failed to obtain permits prior to making a repair to secondary
24 containment systems in violation of Title 23 of the California Code of Regulations, section 2661;

25 B. Failed to submit facility and underground storage tank information
26 as required by Title 23 of the California Code of Regulations, section 2711(a); and,

27 C. Failed to identify the current designated UST operator in violation
28 of Title 23 of the California Code of Regulations, section 2715(a).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. On or about August 3, 2011, Defendants:

A. Failed to certify UST monitoring system on an annual basis, as required by Health and Safety Code section 25284 and Title 23 of the California Code of Regulations, section 2630(d).

5. On or about April 25, 2012, Defendants:

A. Failed to have leak line detectors installed and maintain components functioning properly as required by Title 23 of the California Code of Regulations, sections 2636(f)(2) and 2641(f); and,

B. Failed to maintain underground storage tanks with a spill container and an overfill prevention system properly, which resulted in liquid found in spill container, a violation of Title 23 of the California Code of Regulations, section 2635(b).

y. At Defendants' facility located at 1131 Pacific Coast Highway, Hermosa Beach, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about May 22, 2008, Defendants:

A. Failed to maintain monitoring system components and devices properly, resulting in leak sensor not functioning properly in violation of Title 23 of the California Code of Regulations, sections 2641 and 2632; and,

B. Failed to have overspill containment pass annual test as required by Health and Safety Code section 25284.2.

2. On or about September 1, 2009, Defendants:

A. Failed to certify or provided inaccurate certification of UST monitoring system on an annual basis, as required by Health and Safety Code section 25284 and Title 23 of the California Code of Regulations, section 2630(d); and,

B. Failed to have overspill containment pass annual test as required by Health and Safety Code section 25284.2.

3. On or about September 2, 2010, Defendants:

A. Failed to certify UST monitoring system, as required by Health and Safety Code section 25284 and Title 23 of the California Code of Regulations, section 2630(d).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. On or about August 25, 2011, Defendants:

A. Failed to have a properly functioning spill or overfill alarm, as required by Title 23 of the California Code of Regulations, section 2635(b)(2); and,

B. Failed to have a properly functional spill container drain(s) in violation of Title 23 of the California Code of Regulations, section 2635(b)(1)(C).

z. At Defendants' facility located at 2581 E. Slauson Avenue, Huntington Park, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about March 12, 2007, Defendants:

A. Failed to identify the current designated UST operator in violation of Title 23 of the California Code of Regulations, section 2715(a).

2. On or about May 11, 2007, again on June 15, 2007, and again on August 7, 2007, Defendants:

A. Failed to obtain necessary permits prior to making a repair to secondary containment systems in violation of Title 23 of the California Code of Regulations, section 2661.

3. On or about February 9, 2009, Defendants:

A. Failed to have current underground storage tank information forms on file with the appropriate local agency or CUPA in violation of Title 23 of the California Code of Regulations, section 2711.

4. On or about February 13, 2009, Defendants:

A. Failed to ensure that their underground storage tank systems were operational in violation of Health and Safety Code section 25291;

B. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b); and,

C. Failed to identify the current designated UST operator in violation of Title 23 of the California Code of Regulations, section 2715(a).

/ / /
/ / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. On or about April 3, 2009, Defendants:

A. Failed to obtain necessary permits prior to making a repair to secondary containment systems in violation of Title 23 of the California Code of Regulations, section 2661;

B. Failed to ensure that their underground storage tank systems were operational in violation of Health and Safety Code section 25291;

C. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b); and,

D. Failed to identify the current designated UST operator in violation of Title 23 of the California Code of Regulations, section 2715(a).

6. On or about April 30, 2009, again on July 22, 2009, and again on August 31, 2009, Defendants:

A. Failed to obtain necessary permits prior to making a repair to secondary containment systems in violation of Title 23 of the California Code of Regulations, section 2661.

7. On or about February 8, 2011, Defendants:

A. Failed to ensure and document that employees completed training on the proper operation and maintenance of the underground storage tanks systems in violation of Title 23 of the California Code of Regulations, section 2715(f);

B. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b); and

C. Failed to identify the current designated UST operator in violation of Title 23 of the California Code of Regulations, section 2715(a).

aa. At Defendants' facility located at 2380 Lomita Boulevard, Lomita, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about July 27, 2007, Defendants:

A. Failed to have overspill containment pass annual test as required by Health and Safety Code section 25284.2.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. On or about December 13, 2007, Defendants:

A. Failed to submit test results for the secondary containment systems in violation of Health and Safety Code section 25284.1(a)(4)(B), and Title 23 of the California Code of Regulations, section 2637.

3. On or about July 17, 2008, Defendants:

A. Tampered with or otherwise disabled leak detection devices or alarms in violation of Health and Safety Code section 25299, and Title 23 of the California Code of Regulations, sections 2630 and 2641;

B. Failed to obtain necessary permits prior to making a repair to secondary containment systems in violation of Title 23 of the California Code of Regulations, section 2661;

C. Failed to maintain underground storage tanks with a spill container and an overfill prevention system properly, which resulted in liquid found in submersible turbine pump sump in violation of Title 23 of the California Code of Regulations, section 2635(b);

D. Failed to ensure and document that employees completed training on the proper operation and maintenance of the underground storage tanks systems in violation of Title 23 of the California Code of Regulations, section 2715(f); and,

E. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b).

4. On or about August 11, 2008 and again on September 3, 2008, Defendants:

A. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23, California Code of Regulations, section 2712(b).

5. On or about October 29, 2010, Defendants:

A. Failed to maintain underground storage tanks with a spill container and an overfill prevention system properly, which resulted in liquid found in submersible turbine pump sump in violation of Title 23 of the California Code of Regulations, section 2635(b); and,

/ / /

1 B. Failed to identify the current designated UST operator in violation
2 of Title 23 of the California Code of Regulations, section 2715(a).

3 6. On or about December 12, 2011, Defendants:

4 A. Failed to have properly functioning alarm systems in violation of
5 Title 23 of the California Code of Regulations, section 2632(c)(2)(B).

6 bb. At Defendants' facility located at 4385 Atlantic Avenue, Long Beach,
7 California, the following unlawful acts and omissions were committed by Defendants:

8 1. On or about March 19, 2008, Defendants:

9 A. Failed secondary containment system components were not
10 repaired, as required by Title 23 of the California Code of Regulations, section 2637.

11 2. On or about April 22, 2011, Defendants:

12 A. Failed to annually test pressurized product line leak detectors in
13 violation of Health and Safety Code sections 25291(f), and 25292(b), and Title 23 of the
14 California Code of Regulations, section 2638(a);

15 B. Failed to have functioning alarm systems, in violation of Title 23 of
16 the California Code of Regulations, section 2632(c)(2)(B); and,

17 C. Failed to ensure that their underground storage tank systems were
18 operational in violation of Health and Safety Code section 25291.

19 3. On or about April 12, 2012, Defendants:

20 A. Failed to have current underground storage tank information forms
21 on file with the appropriate local agency or CUPA in violation of Title 23 of the California Code
22 of Regulations, section 2711.

23 cc. At Defendants' facility located at 539 E. Foothill, Pomona, California, the
24 following unlawful acts and omissions were committed by Defendants:

25 1. On or about May 1, 2007, Defendants:

26 A. Failed to obtain necessary permits prior to making a repair to
27 secondary containment systems in violation of Title 23 of the California Code of Regulations,
28 section 2661; and,

1 B. Failed to properly affix stickers to their UST monitoring equipment
2 in violation of Title 23 of the California Code of Regulations, section 2638(f).

3 2. On or about June 3, 2008, Defendants:

4 A. Failed secondary containment system components were not
5 repaired, as required by Title 23 of the California Code of Regulations, section 2637;

6 B. Failed to obtain necessary permits prior to making a repair to
7 secondary containment systems in violation of Title 23 of the California Code of Regulations,
8 section 2661;

9 C. Failed to have properly functioning alarm systems in violation of
10 Title 23 of the California Code of Regulations, section 2632(c)(2)(B); and,

11 D. Failed to identify the current designated UST operator in violation
12 of Title 23 of the California Code of Regulations, section 2715(a).

13 dd. At Defendants' facility located at 2555 Lincoln Boulevard, Santa Monica,
14 California, the following unlawful acts and omissions were committed by Defendants:

15 1. On or about July 24, 2008, Defendants:

16 A. Failed to have a properly functioning line leak detector, as required
17 by Title 23 of the California Code of Regulations, section 2636(f)(2);

18 B. Failed to properly affix stickers to their UST monitoring equipment
19 in violation of Title 23 of the California Code of Regulations, section 2638(f); and,

20 C. Failed to identify the current designated UST operator in violation
21 of Title 23 of the California Code of Regulations, section 2715(a).

22 2. On or about July 21, 2009, Defendants:

23 A. Failed to have properly functioning alarm systems in violation of
24 Title 23 of the California Code of Regulations, section 2632(c)(2)(B); and,

25 B. Failed to properly affix stickers to their UST monitoring equipment
26 in violation of Title 23 of the California Code of Regulations, section 2638(f).

27 / / /

28 / / /

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. On or about July 15, 2010, Defendants:

- A. Failed to ensure that their underground storage tank systems were operational in violation of Health and Safety Code section 25291;
- B. Failed to maintain underground storage tanks with a spill container and an overfill prevention system properly in violation of Title 23 of the California Code of Regulations, section 2635(b);
- C. Failed to have properly functioning alarm systems in violation of Title 23 of the California Code of Regulations, section 2632(c)(2)(B);
- D. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23 of the California Code of Regulations, section 2712; and,
- E. Failed to submit the owner-operator agreement to the appropriate local agency or CUPA in violation of Health and Safety Code section 25284(a)(3).

4. On or about July 13, 2011, Defendants:

- A. Failed to ensure that their underground storage tank systems were operational in violation of Health and Safety Code section 25291;
- B. Failed to have properly functioning alarm systems in violation of Title 23 of the California Code of Regulations, section 2632(c)(2)(B);
- C. Failed to submit and maintain a current approved written monitoring plan in violation of Title 23 of the California Code of Regulations, section 2712;
- D. Failed to submit the owner-operator agreement to the appropriate local agency or CUPA in violation of Health and Safety Code section 25284(a)(3);
- E. Failed to properly affix stickers to their UST monitoring equipment in violation of Title 23 of the California Code of Regulations, section 2638(f); and,
- F. Failed to have the alarm status history available at their station sites in violation of Health and Safety Code section 25299(a)(2).

ee. At Defendants' facility located at 8440 Long Beach Boulevard, South Gate, California, the following unlawful acts and omissions were committed by Defendants:

1. On or about May 20, 2008, Defendants:

1 A. Failed to provide a copy of the secondary containment system test
2 report or certification to the local agency, as required by Title 23 of the California Code of
3 Regulations, section 2637(e); and,

4 B. Failed to submit and maintain a current approved written
5 monitoring plan in violation of Title 23 of the California Code of Regulations, section 2712.

6 ff. At Defendants' facility located at 15602 San Bernardino Road, West Covina,
7 California, the following unlawful acts and omissions were committed by Defendants:

8 1. On or about March 21, 2008, Defendants:

9 A. Failed to maintain monitoring system components and devices
10 properly, resulting in leak sensor not functioning properly in violation of Title 23 of the
11 California Code of Regulations, sections 2641 and 2632; and,

12 B. Failed to keep the sumps free of liquid and debris in violation of
13 Title 23 of the California Code of Regulations, section 2631(e)(4).

14 2. On or about July 23, 2008, Defendants:

15 A. Failed to keep the sumps free of liquid and debris in violation of
16 Title 23 of the California Code of Regulations, section 2631(e)(4).

17 3. On or about August 1, 2011, Defendants:

18 A. Failed to properly repair and report results of secondary
19 containment tests as required by Title 23 of the California Code of Regulations, section 2637;

20 B. Failed to obtain necessary permits prior to making a repair to
21 secondary containment systems or leak sensors in violation of Title 23 of the California Code of
22 Regulations, section 2661 and section 2711; and,

23 C. Failed to submit facility and underground storage tank information
24 as required by Title 23 of the California Code of Regulations, section 2711(a).

25 gg. At Defendants' facility located at 18480 Brookhurst Street, Fountain Valley,
26 California, the following unlawful acts and omissions were committed by Defendants:

27 1. On or about September 6, 2007, and again on or about December 8, 2008,
28 and again on or about October 27, 2010, Defendants:

1 A. Failed to properly maintain secondary containment systems,
2 including but not limited to fill and vapor buckets, in violation of Title 23 of the California Code
3 of Regulations, section 2631.

4 hh. At Defendants' facility located at 13331 Euclid Avenue, Garden Grove,
5 California, the following unlawful acts and omissions were committed by Defendants:

6 1. On or about January 2, 2007, Defendants:

7 A. Failed to submit a Certificate of Financial Responsibility, in
8 violation of California Health and Safety Code section 25292.2.

9 2. On or about January 2, 2007, and again on or about March 28, 2007, and
10 again on or about July 18, 2007, and again on or about September 4, 2007, and again on or about
11 October 29, 2007, Defendants:

12 A. Failed to maintain the secondary containment components properly,
13 such that testing could not be performed, in violation of Title 23 of the California Code of
14 Regulations, section 2637; and

15 B. Failed to retain a copy of the Permit to Operate at the facility, in
16 violation of Title 23 of the California Code of Regulations, section 2712, subdivision (i).

17 3. On or about January 8, 2007, and again on or about March 28, 2007, and
18 again on or about July 18, 2007, and again on or about September 4, 2007, and again on or about
19 October 29, 2007, Defendants:

20 A. Failed to provide a current Owner/Operator agreement, as required
21 by Title 23 of the California Code of Regulations, section 2620, subdivision (b).

22 4. On or about December 9, 2008 and again on or about February 13, 2009,
23 Defendants:

24 A. Possessed hazardous waste used oil in excess of the lawful
25 accumulation time in violation of Title 22 of the California Code of Regulations, section
26 66262.34(c).

27 5. On or about January 1, 2008 and again on or about May 5, 2010, and
28 again on or about May 25, 2010, and again on or about August 11, 2010, Defendants:

1 A. Failed to ensure and document that employees completed training
2 on the proper operation and maintenance of the underground storage tanks systems in violation of
3 Title 23 of the California Code of Regulations, section 2715, subdivision (f).

4 ii. At Defendants' facility located at 16502 Bolsa Chica, Huntington Beach,
5 California, the following unlawful acts and omissions were committed by Defendants:

6 1. On or about November 29, 2007 and again on or about February 7, 2008,
7 Defendants:

8 A. Failed to have properly functioning secondary containment
9 components, in violation of Title 23 of the California Code of Regulations, section 2637.

10 2. On or about February 7, 2008, and again on or about February 21, 2008,
11 and again on or about March 27, 2008, Defendants:

12 A. Failed to remedy known underground storage tank leak(s) in
13 violation of Health and Safety Code section 25295(a)(1).

14 3. On or about December 20, 2010, and again on February 8, 2011, and
15 again on March 14, 2011, Defendants:

16 A. Failed to complete secondary containment testing every three (3)
17 years in violation of Title 23 of the California Code of Regulations, section 2637; and

18 B Failed to maintain the secondary containment components properly,
19 such that testing could not be performed, in violation of Title 23 of the California Code of
20 Regulations, section 2637.

21 4. On or about March 14, 2011, Defendants:

22 A. Possessed hazardous waste used oil in excess of the lawful
23 accumulation time in violation of Title 22 of the California Code of Regulations, section
24 66262.34(c); and

25 B. Failed to maintain hazardous waste manifests onsite in violation of
26 Title 22 of the California Code of Regulations, section 66262.42.

27 jj. At Defendants' facility located at 15501 Edwards Street, Huntington Beach,
28 California, the following unlawful acts and omissions were committed by Defendants:

1 1. On or about November 10, 2006 and again on or about June 11, 2007,
2 Defendants:

3 A. Failed to submit and maintain a current approved written
4 monitoring plan in violation of Title 23 of the California Code of Regulations, section 2712(b).

5 2. On or about July 24, 2007, Defendants:

6 A. Possessed hazardous waste used oil in excess of the lawful
7 accumulation time in violation of Title 22 of the California Code of Regulations, section
8 66262.34(c).

9 3. On or about April 16, 2008 and again on or about May 1, 2008, and again
10 on or about June 2, 2010, and again on or about July 8, 2010, and again on or about October 5,
11 2010, Defendants:

12 A. Failed to have a properly functioning spill container, as required by
13 Title 23 of the California Code of Regulations, section 2635(b)(1).

14 4. On or about June 2, 2010, and again on July 8, 2010, and again on
15 October 5, 2010, Defendants:

16 A. Failed to submit corrected secondary containment test results in
17 violation of Title 23 of the California Code of Regulations, section 2637.

18 kk. At Defendants' facility located at 2016 W. 17th Street, Santa Ana, California,
19 the following unlawful acts and omissions were committed by Defendants:

20 1. On or about April 18, 2007:

21 A. Defendants' UST system piping was leaking in violation of Title 23
22 of the California Code of Regulations, section 2643.

23 2. On or about April 9, 2008, Defendants:

24 A. Failed to fully document designated operator monthly inspections,
25 as required by Title 23 of the California Code of Regulations, section 2715(e); and,

26 B. Failed to maintain properly functioning alarm systems in violation
27 of Title 23 of the California Code of Regulations, section 2632.

28 / / /

1 ii. At Defendants' facility located at 700 Avocado Road, El Cajon, California, the
2 following unlawful acts and omissions were committed by Defendants:

3 1. On or about September 9, 2008, Defendants:

4 A. Failed to maintain hazardous waste manifests onsite in violation of
5 Title 22 of the California Code of Regulations, section 66262.42.

6 2. On or about September 28, 2011, Defendants:

7 A. Failed to have current underground storage tank information forms
8 on file with the appropriate local agency or CUPA in violation of Title 23 of the California Code
9 of Regulations, section 2711; and,

10 B. Failed to have properly functioning line leak detectors for USTs in
11 violation of Title 23 of the California Code of Regulations, section 2636(f)(2).

12 mm. At Defendants' facility located at 1484 E. Washington Avenue, El Cajon,
13 California, the following unlawful acts and omissions were committed by Defendants:

14 1. On or about August 30, 2007, Defendants:

15 A. Failed secondary containment system components were not
16 repaired, as required by Title 23 of the California Code of Regulations, section 2637.

17 2. On or about December 28, 2007, Defendants:

18 A. Failed to have leak line detectors installed and maintain
19 components functioning properly as required by Title 23 of the California Code of Regulations,
20 sections 2636(f)(2) and 2641(f); and,

21 B. Failed to ensure that their underground storage tank systems were
22 operational in violation of Health and Safety Code section 25291.

23 nn. At Defendants' facility located at 6098 University Avenue, San Diego,
24 California, the following unlawful acts and omissions were committed by Defendants:

25 1. On or about August 5, 2009, Defendants:

26 A. Failed to have monitoring system components installed and
27 maintain components functioning properly as required by Title 23 of the California Code of
28 Regulations, sections 2636(f)(2) and 2641(f);

1 B. Failed to annually test pressurized product line leak detectors in
2 violation of Health and Safety Code sections 25291(f), and 25292(b), and Title 23 of the
3 California Code of Regulations, section 2638(a);

4 C. Failed to fully document designated operator monthly inspections,
5 as required by Title 23 of the California Code of Regulations, section 2715(e);

6 D. Failed to ensure that their underground storage tank systems were
7 operational in violation of Health and Safety Code section 25291;

8 E. Failed to properly maintain a hazardous waste container in a closed
9 or sealed condition in violation of Title 22 of the California Code of Regulations, section
10 66265.173(a);

11 F. Failed to properly label or date a hazardous waste container in
12 violation of Title 22 of the California Code of Regulations, section 66262.32; and,

13 G. Possessed a container of hazardous waste with an accumulation
14 start date in excess of storage timelines in violation of Title 22 of the California Code of
15 Regulations, section 66262.34.

16 2. On or about June 15, 2011, Defendants:

17 A. Failed to have monitoring system components installed and
18 maintain components functioning properly as required by Title 23 of the California Code of
19 Regulations, sections 2636(f)(2) and 2641(f);

20 B. Failed to ensure that employees or contractors completed training
21 and certification on the proper operation and maintenance of the underground storage tanks
22 systems in violation of Title 23 of the California Code of Regulations, section 2715; and,

23 C. Failed to properly close an underground storage tank system or
24 component in violation of Health and Safety Code section 25298, and Title 23 of the California
25 Code of Regulations, section 2670.

26 oo. At Defendants' facility located at 3255 University, Avenue, San Diego,
27 California, the following unlawful acts and omissions were committed by Defendants:

28 1. On or about May 30, 2007, Defendants:

1 A. Failed secondary containment system components were not
2 repaired, as required by Title 23 of the California Code of Regulations, section 2637.

3 2. On or about October 10, 2007, Defendants:

4 A. Failed secondary containment system components still were not
5 repaired; as required by Title 23 of the California Code of Regulations, section 2637;

6 B. Failed to have secondary containment installed or tested in violation
7 of Health and Safety Code section 25284.2; and,

8 C. Failed to have a properly functioning spill container in violation of
9 Title 23 of the California Code of Regulations, section 2635(b)(1).

10 3. On or about October 15, 2009, Defendants:

11 A. Failed to maintain required permits in violation of Health and
12 Safety Code section 25284, subdivision (a)(1), and section 25287, subdivision (a).

13 4. On or about October 15, 2010, Defendants:

14 A. Possessed hazardous waste with an accumulation start date of
15 September 2009 in excess of permitted time in violation of Title 22 of the California Code of
16 Regulations, section 66262.34(c).

17 5. On or about October 19, 2011, Defendants:

18 A. Failed to maintain monitoring system components and devices
19 properly in violation of Title 23 of the California Code of Regulations, sections 2641 and 2632.

20 / / /

21 / / /

22 **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

23 1. Injunctive relief, including but not limited to, a permanent injunction requiring
24 Defendants to comply with the requirements of California Health and Safety Code, Division 20,
25 Chapter 6.5;

26 2. Injunctive relief, including but not limited to, a permanent injunction requiring
27 Defendants to comply with the requirements of California Health and Safety Code, Division 20,
28 Chapter 6.7;

1 3. Injunctive relief, including but not limited to, a permanent injunction requiring
2 Defendants to comply with the requirements of California Health and Safety Code, Division 20,
3 Chapter 6.95;

4 4. Injunctive relief, including but not limited to, a permanent injunction
5 prohibiting Defendants from engaging in activity that violates Chapters 6.5, 6.7, and 6.95 of
6 Division 20 of the California Health and Safety Code, which would thereby constitute unfair
7 competition within the meaning of California Business and Professions Code Section 17200;

8 5. Civil penalties according to proof against each Defendant pursuant to California
9 Health and Safety Code section 25299, subdivision (a), for each violation of the provisions of
10 Chapter 6.7 of the Health & Safety Code and its implementing regulations;

11 6. Civil penalties according to proof against each Defendant pursuant to California
12 Health and Safety Code section 25299, subdivision (b), for each violation of the provisions of
13 Chapter 6.7 of the Health & Safety Code and its implementing regulations;

14 7. Civil penalties according to proof against each Defendant pursuant to California
15 Health and Safety Code section 25189, subdivision (b), for each intentional or negligent violation
16 of the provisions of Chapter 6.5 of the Health and Safety Code and its implementing regulations;

17 8. Civil penalties according to proof against each Defendant pursuant to California
18 Health and Safety Code section 25189.2, subdivision (b), for each strict liability violation of the
19 provisions of Chapter 6.5 of the Health and Safety Code and its implementing regulations;

20 9. Civil penalties according to proof against each Defendant pursuant to California
21 Health and Safety Code section 25514, subdivision (b), for each knowing violation of the
22 provisions of Chapter 6.95 of the Health and Safety Code and its implementing regulations;

23 10. Civil penalties according to proof against each Defendant pursuant to California
24 Health and Safety Code section 25514, subdivision (a), for each strict liability violation of the
25 provisions of Chapter 6.95 of the Health and Safety Code and its implementing regulations;

26 11. Civil penalties according to proof against each Defendant pursuant to California
27 Business and Professions Code section 17206 for each act of unfair competition engaged in by
28 each Defendant;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. Grant the Plaintiff its cost of inspection, investigation, attorney's fees, enforcement, prosecution, and suit, herein, as provided by law;

13. Grant such other and further relief as the Court deems just and proper.

Dated: February 1, 2013

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California



BRETT J. MORRIS
Deputy Attorney General
Attorney for Plaintiff
People of the State of California

Dated: February 1, 2013

NANCY O'MALLEY
District Attorney of Alameda County



KENNETH A. MIFSUD
Senior Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

Dated: February _____, 2013

ROBERT MALONEY
District Attorney of Glenn County

ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

12. Grant the Plaintiff its cost of inspection, investigation, attorney's fees, enforcement, prosecution, and suit, herein, as provided by law;

13. Grant such other and further relief as the Court deems just and proper.

Dated: February ____, 2013

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California

BRETT J. MORRIS
Deputy Attorney General
Attorney for Plaintiff
People of the State of California

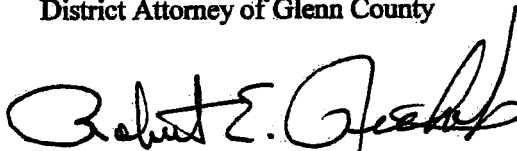
Dated: February ____, 2013

NANCY O'MALLEY
District Attorney of Alameda County

KENNETH A. MIFSUD
Senior Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

Dated: February 1, 2013

ROBERT MALONEY
District Attorney of Glenn County

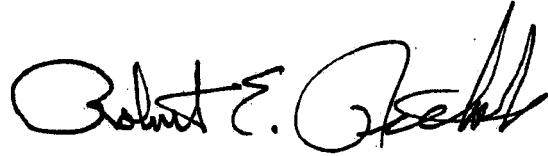


ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

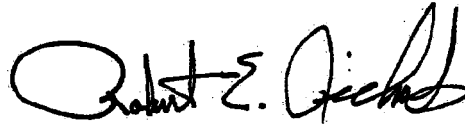
Dated: February 1, 2013

LARRY MORSE, II
District Attorney of Merced County



ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California
CLIFFORD NEWELL
District Attorney of Nevada County

Dated: February 1, 2013



ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

Dated: February _____, 2013

R. SCOTT OWENS
District Attorney of Placer County

JANE CRUE
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: February _____, 2013

LARRY MORSE, II
District Attorney of Merced County

Dated: February _____, 2013

ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California
CLIFFORD NEWELL
District Attorney of Nevada County

Dated: February 1, 2013

ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

R. SCOTT OWENS
District Attorney of Placer County

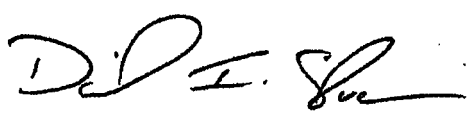


JANE CRUE
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: February 6, 2013

MICHAEL A. RAMOS
District Attorney of San Bernardino County



DANIEL I. SILVERMAN
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

Dated: February _____, 2013

BIRGIT FLADAGER
District Attorney of Stanislaus County

ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
People of the State of California

Dated: February _____, 2013

PATRICK MCGRATH
DISTRICT ATTORNEY OF YUBA COUNTY

ROBERT NICHOLS
DEPUTY DISTRICT ATTORNEY
Attorneys for Plaintiff
People of the State of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

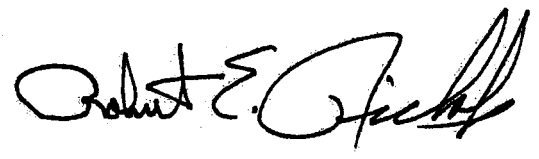
Dated: February _____, 2013

MICHAEL A. RAMOS
District Attorney of San Bernardino County

DANIEL I. SILVERMAN
Deputy District Attorney
Attorneys for Plaintiff
The People of the State of California

Dated: February 1, 2013

BIRGIT FLADAGER
District Attorney of Stanislaus County



ROBERT NICHOLS
Deputy District Attorney
Attorneys for Plaintiff
People of the State of California

Dated: February _____, 2013

PATRICK MCGRATH
DISTRICT ATTORNEY OF YUBA COUNTY



ROBERT NICHOLS
DEPUTY DISTRICT ATTORNEY
Attorneys for Plaintiff
People of the State of California