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EXEMPT FROM FILING FEES
[Gov. Code § 6103]

*Attorneys for Plaintiff, People of the State of
California ex rel. State Water Resources Control
Board*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

**PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. STATE WATER RESOURCES
CONTROL BOARD,**

Plaintiff,

v.

**CITY OF GLENDALE, a municipal
corporation, and DOES 1-20 inclusive,**

Defendants.

Case No.

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

Plaintiff, People of the State of California *ex rel.* State Water Resources Control Board, is informed and believes and, based thereon, alleges as follows:

PLAINTIFF

1. Plaintiff, People of the State of California *ex rel.* State Water Resources Control Board (“State Water Board”) brings this action by and through Kamala D. Harris, Attorney General of the State of California (“Attorney General”) on behalf of the State Water Board.

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2. Pursuant to Water Code section 13000 *et seq.*, the Legislature established the State Water Board to ensure comprehensive protection of California's waters. The State Water Board is the state agency responsible for administering and enforcing the provisions of Chapter 6.7 of Division 20 of the Health and Safety Code (Health & Saf. Code, §§ 25280 *et seq.*) relating to the storage of hazardous substances in underground storage tanks (USTs), including the implementing regulations set forth in the California Code of Regulations, title 23, Chapter 16, sections 2610 *et seq.* ("UST Law"). The UST Law was promulgated to protect the environment and the public health and safety by requiring that USTs be properly installed, maintained, inspected, tested, and upgraded.

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3. Under Government Code section 12511, the Attorney General has charge of all legal matters in which the State is involved. The Attorney General also has the express power to protect the environment and natural resources of the State of California pursuant to Government Code section 12600 *et seq.*

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4. Pursuant to Health and Safety Code section 25299 *et seq.*, the Attorney General may bring an action for civil penalties and injunctive relief in the name of the People of the State of California for violations of the UST Law.

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5. Plaintiff brings this action without prejudice to any other action or claims which it may have based on separate, independent and unrelated violations the UST Law by the Defendant and/or on facts which are not alleged in this Complaint.

DEFENDANT

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6. Defendant City of Glendale is a California municipal corporation located in the County of Los Angeles. Defendant's municipal corporate address is 613 E. Broadway, Glendale, California 91206. During the period of time at issue in this lawsuit, Defendant owned and/or operated USTs at eleven locations in Los Angeles County ("Covered Facilities"). The Covered Facilities are located at:

- a. 421 Oak Street, Glendale CA ("Fire Station #21")
- b. 1201 South Glendale Avenue, Glendale CA ("Fire Station #22")

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- c. 1734 Canada Boulevard, Glendale CA ("Fire Station #24")
- d. 353 North Chevy Chase Drive, Glendale CA ("Fire Station #25")
- e. 1145 North Brand Boulevard, Glendale CA ("Fire Station #26")
- f. 2465 Honolulu Avenue, Glendale CA ("Fire Station #29")
- g. 141 North Glendale Avenue, Glendale CA ("Power & Water #141")
- h. 120 North Isabel Street, Glendale CA ("Police Department #120")
- i. 131 North Isabel Street, Glendale CA ("Police Department #131")
- j. 541 Chevy Chase Drive, Glendale CA ("Public Works #541")
- k. 548 Chevy Chase Drive, Glendale CA ("Public Works #548")

9. USTs at the Covered Facilities are used to store petroleum-based fuels, including unleaded gasoline and diesel fuel.

10. Defendant is or, at all times relevant to the claims in this Complaint, was legally responsible for compliance with the UST Law at its Covered Facilities.

11. In this Complaint, when reference is made to an act of the Defendant, such reference shall mean that the City Council, City Manager, City Departments, City employees, or contractors, representatives, and/or agents of Defendant did such act, or that Defendant authorized such act, or that Defendant negligently failed and omitted to adequately or properly supervise, control or direct its employees, contractors, representatives, and/or agents with respect to such act.

12. Plaintiff is ignorant of the names and capacities, whether individual, corporate, or otherwise, of defendants identified as Does 1 through 20, inclusive, who are therefore sued under fictitious names. When the true names of these defendants have been ascertained, Plaintiff will amend the complaint to substitute the true names and capacities of each Doe defendant in place of the fictitious names.

1 **VENUE**

2 13. Venue is proper in this county pursuant to California Health and Safety Code section
3 25299.03 in that the violations of Chapter 6.7 alleged in the Complaint occurred in the County of
4 Los Angeles.

5 **GENERAL ALLEGATIONS**

6 14. The State Water Board investigated Defendant's compliance with the UST Laws at
7 the Covered Facilities. The State Water Board's investigation revealed that Defendants and
8 defendant Does 1 through 20 have violated the UST Law at its Covered Facilities. Defendant's
9 violations include, but are not limited to, the following representative actions:

10 a. Failed to identify a designated operator for each facility owned, as required by
11 California Code of Regulations, title 23, section 2715(a). This violation occurred at Fire Station
12 #21, Fire Station #22, Fire Station #24, Fire Station #25, Fire Station #26, Fire Station #29, Police
13 Department #120 and Police Department #131.

14 b. Failed to ensure that a qualified designated operator perform monthly visual
15 inspections of all UST systems, as required by California Code of Regulations, title 23, section
16 2715(c). This violation occurred at Fire Station #21, Fire Station #22, Fire Station #24, Fire
17 Station #25, Fire Station #26 and Fire Station #29.

18 c. Failed to ensure that a qualified designated operator annually train facility
19 employees, for which the designated operator is responsible, in the proper operation and
20 maintenance of the UST system, as required by California Code of Regulations, title 23, section
21 2715(f). This violation occurred at Fire Station #21, Fire Station #22, Fire Station #24, Fire
22 Station #25, Fire Station #26 and Fire Station #29.

23 d. Failed to maintain a list of facility employees who have been trained by the
24 designated operator, as required by California Code of Regulations, title 23, section 2715(f)(3).
25 This violation occurred at Fire Station #21, Fire Station #22, Fire Station #24, Fire Station #25,
26 Fire Station #26, Fire Station #29, and Police Department #120.

27 e. Failed to maintain functional secondary containment systems, as required by
28 Health and Safety Code sections 25290.1(c)(2), 25290.2(c)(2), 25291(a)(2), and 25292(e) and

1 California Code of Regulations, title 23, section 2662. This violation occurred at Fire Station
2 #21, Fire Station #22, Power & Water #141, and Police Department #131.

3 f. Failed to test secondary containment systems, as required by California Code of
4 Regulations, title 23, section 2637. This violation occurred at Fire Station #29 and Police
5 Department #131.

6 g. Failed to maintain functional spill containment, as required by California Code
7 of Regulations, title 23, section 2635(b)(1). This violation occurred at Fire Station #22, Police
8 Department #131, Public Works #541 and Public Works #548.

9 h. Failed to test spill containment, as required by Health and Safety Code section
10 25284.2. This violation occurred at Fire Station #21, Fire Station #22, Fire Station #29, Power &
11 Water #141, Police Department #120 and Police Department #131.

12 i. Failed to annually test and certify UST monitoring equipment, as required by
13 California Code of Regulations, title 23, section 2638. This violation occurred at Fire Station
14 #21, Fire Station #22, Fire Station #29, Power & Water #141, Police Department #120 and Police
15 Department #131.

16 j. Failed to install and/or maintain automatic line leak detectors on underground
17 pressurized piping, as required by Health and Safety Code sections 25290.1(h), 25290.2(g),
18 25291(f) and 25292(e)(1), and California Code of Regulations, title 23, section 2636(f)(2). This
19 violation occurred at Fire Station #22 and Police Department #120.

20 k. Failed to annually test automatic line leak detectors, as required by Health and
21 Safety Code section 25293 and California Code of Regulations, title 23, sections 2636(f)(2),
22 2638(a), and/or 2643(c). This violation occurred at Fire Station #21.

23 l. Failed to monitor product piping, as required by Health and Safety Code
24 sections 25290.1(d), 25290.2(d), 25291(b), and 25292(a) and California Code of Regulations, title
25 23, sections 2630(d), 2636(f)(1), and 2641(a). This violation occurred at Fire Station #22, Fire
26 Station #24, Fire Station #29 and Public Works #541.

1 m. Failed to monitor the tank interstitial space, as required by Health and Safety
2 Code sections 25292(a) and/or 25292(b) and California Code of Regulations, title 23, sections
3 2631(g), 2643, 2644, and/or 2647. This violation occurred at Public Works #541.

4 n. Failed to maintain monitoring and maintenance records, as required by Health
5 and Safety Code section 25293 and California Code of Regulations, section 2712(b). This
6 violation occurred at Public Works#541 and Public Works #548.

7 o. Failed to maintain copies of the monitoring plan and/or release response plan
8 on site, as required by California Code of Regulations, title 23, sections 2632(d), 2641(h),
9 2711(a)(9), and 2712(i). This violation occurred at Power & Water #141, Police Department
10 #120 and Police Department #131.

11 p. Failed to report the capacity of a UST, as required by Health and Safety Code
12 section 25286(a) and California Code of Regulations, title 23, sections 2711(a)(5). This violation
13 occurred at Fire Station #26.

14 **FIRST CAUSE OF ACTION**

15 15. Plaintiff realleges and incorporates by reference as though fully set forth herein all
16 allegations contained in Paragraphs 1 through 14, inclusive.

17 16. Defendant and defendant does 1 through 20, as operators of the UST systems at the
18 Covered Facilities, are strictly liable for civil penalties as set forth in Health and Safety Code
19 section 25299(a) for each daily violation of the rules, regulations, standards or requirements
20 applicable to each UST as set forth above which occurred within five years after discovery of the
21 facts constituting grounds for commencing the action on these claims. The statutes of limitation
22 for the claims and causes of action that are the subject of this action were tolled by agreement of
23 the State Water Board and the Defendant during the period from May 18, 2011 to November 17,
24 2013.

25 17. Defendant and defendant Does 1 through 20, as the operators of the USTs at the
26 Covered Facilities, must immediately and permanently be enjoined from further violations of the
27 UST Law.

1 **SECOND CAUSE OF ACTION**

2 18. Plaintiff realleges and incorporates by reference as though fully set forth herein all
3 allegations contained in Paragraphs 1 through 17, inclusive.

4 19. Defendant and defendant Does 1 through 20, as the owners of the UST systems at the
5 Covered Facilities, are strictly liable for civil penalties as set forth in California Health and Safety
6 Code section 25299(b) for each daily violation of the rules, regulations, standards or requirements
7 applicable to each UST as set forth above which occurred within five years after discovery of the
8 facts constituting grounds for commencing the action on these claims. The statutes of limitation
9 for the claims and causes of action that are the subject of this action were tolled by agreement of
10 the State Water Board and the Defendant during the period from May 18, 2011 to November 17,
11 2013.

12 20. Defendant and defendant Does 1 through 20, as the owners of the USTs at the
13 Covered Facilities, must immediately and permanently be enjoined from further violations of the
14 UST Law.

15 **PRAYER**

16 WHEREFORE, the People of the State of California *ex rel.* State Water Resources Control
17 Board pray for the following relief:

18 1. Civil penalties according to proof against Defendant and defendant Does 1 through 20
19 pursuant to California Health and Safety Code section 25299(a) at the statutory maximum of five
20 thousand dollars (\$5,000) for each UST system violation for each day of violation.

21 2. Civil penalties according to proof against Defendant and defendant Does 1 through 20
22 pursuant to California Health and Safety Code section 25299(b) at the statutory maximum of five
23 thousand dollars (\$5,000) for each UST system violation for each day of violation.

24 3. A permanent injunction requiring Defendant and defendant Does 1 through 20 to
25 comply with the specific requirements of California Health and Safety Code, Division 20,
26 Chapter 6.7 and California Code of Regulations, title 23, Chapter 16, as alleged in this
27 Complaint;

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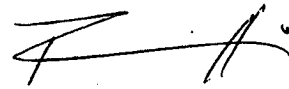
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2 4. Plaintiff's costs of inspection, investigation, attorney's fees, enforcement,
3 prosecution, and suit herein pursuant to Code of Civil Procedure section 1021.8, and all other
4 authority; and

5 5. Such other and further relief as the Court deems just and proper.

6 Dated: July 21, 2014

7 Respectfully Submitted,

8 KAMALA D. HARRIS
9 Attorney General of California

10 

11 MICHAEL ZARRO
12 ROSS H. HIRSCH
13 Deputy Attorneys General
14 *Attorneys for Plaintiff People of the State of*
15 *California ex rel. State Water Resources*
16 *Control Board*