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Superior Court of California
County of Los Angeles

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[Exempt from fees pursuant to
Government Code section 6103]

7 *ATTORNEYS FOR PLAINTIFF, PEOPLE OF THE STATE OF*
CALIFORNIA EX REL. STATE WATER RESOURCES
8 *CONTROL BOARD*

9
10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 **PEOPLE OF THE STATE OF CALIFORNIA EX**
13 **REL. STATE WATER RESOURCES CONTROL**
14 **BOARD**

Case No. **BC 602041**

15 **PLAINTIFF,**

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

16 **v.**

17 **DEPARTMENT OF AIRPORTS OF THE CITY OF**
LOS ANGELES, A MUNICIPAL CORPORATION; AND
18 **DOES 1-20 INCLUSIVE.**

19 **DEFENDANTS.**
20

21
22 Plaintiff, People of the State of California *ex rel.* State Water Resources Control
23 Board, is informed and believes and, based thereon, alleges as follows:

24 **PLAINTIFF**

25 1. Plaintiff, People of the State of California *ex rel.* State Water Resources Control
26 Board ("State Water Board") brings this action by and through Kamala D. Harris, Attorney
27 General of the State of California ("Attorney General") on behalf of the State Water Board.
28

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

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

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

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

20 DEFENDANT

21 6. Defendant Department of Airports of the City of Los Angeles, also known as Los
22 Angeles World Airports (“LAWA” or “Defendant”) is a California municipal corporation located
23 in the County of Los Angeles. Defendant’s municipal corporate address is 1 World Way, Los
24 Angeles, CA 90045. During the period of time at issue in this lawsuit, Defendant owned and/or
25 operated nineteen USTs at the Los Angeles International Airport (“LAX”), the LA/Ontario
26 International Airport (“ONT”) and the Van Nuys Airport (“VNY”) (“Covered USTs”). The
27 Covered USTs are or were located at:

- 28 a. 100 World Way, Los Angeles, CA (LAX Terminal 1);

- b. 550 World Way, Los Angeles, CA (LAX Terminal 5);
- c. 7411 World Way West, Los Angeles, CA (LAX Maintenance);
- d. 7350 World Way West, Los Angeles, CA (LAX Vault 1);
- e. 11200 Pershing Drive, Los Angeles, CA (LAX Fire Training Site);
- f. 2132 E. Avion Street, Ontario, CA (ONT Fleet);
- g. 2500 E. Airport Drive, Ontario, CA (ONT Terminal 2);
- h. 2900 E. Airport Drive, Ontario, CA (ONT Terminal 4);
- i. 16300 W. Daily Drive, Van Nuys, CA (VNY Jet Center); and
- j. 16813 Stagg Street, Van Nuys, CA (VNY Maintenance).

7. The Covered USTs are or were used to store petroleum-based fuels, including unleaded gasoline and diesel fuel.

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

9. 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.

10. 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.

VENUE

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

GENERAL ALLEGATIONS

12. The State Water Board investigated Defendant's compliance with the UST Laws relative to the Covered USTs. The State Water Board's investigation revealed that Defendants and defendant Does 1 through 20 have violated the UST Law relative to the Covered USTs. Defendant's violations include the following representative actions or inactions:

a. Failed to identify a designated operator for each underground storage tank facility owned, as required by California Code of Regulations, title 23, section 2715(a). This violation was observed at ONT Fleet.

b. Failed to maintain a list of facility employees who have been trained by the designated operator, as required by California Code of Regulations, title 23, section 2715(f)(3). This violation was observed at VNY Jet Center and VNY Maintenance.

c. Failed to construct, operate and maintain secondary containment systems in a manner to: (1) prevent structural weakening as a result of contact with any released hazardous substances, and (2) be capable of storing hazardous substances for the maximum anticipated period of time necessary for the recovery of any released hazardous substance, as required by Health and Safety Code sections 25290.1(c)(2), 25290.2(c)(2), 25291(a)(2), and/or 25292(e) and California Code of Regulations, title 23, section 2662(b) and (c). This violation was observed at ONT Fleet, ONT Terminal 2, LAX Terminal 1, LAX Vault 1, LAX Fire Training Site, VNY Jet Center and VNY Maintenance.

d. Failed to test secondary containment systems, as required by California Code of Regulations, title 23, section 2637. This violation was observed at ONT Terminal 2, ONT Terminal 4, LAX Terminal 5, LAX Maintenance, LAX Vault 1, LAX Fire Training Site and VNY Jet Center.

e. Failed to maintain functional spill containers, as required by California Code of Regulations, title 23, section 2635(b)(1). This violation was observed at LAX Terminal 1, LAX Vault 1 and VNY Jet Center.

f. Failed to annually test spill containers, as required by Health and Safety Code section 25284.2. This violation was observed at ONT Fleet, ONT Terminal 2, ONT Terminal 4,

1 LAX Terminal 1, LAX Terminal 5, LAX Maintenance, LAX Vault 1, LAX Fire Training Site,
2 VNY Jet Center and VNY Maintenance.

3 g. Failed to annually test and certify UST monitoring equipment, as required by
4 California Code of Regulations, title 23, sections 2638 and 2641. This violation was observed at
5 ONT Fleet, ONT Terminal 2, ONT Terminal 4, LAX Terminal 1, LAX Terminal 5, LAX
6 Maintenance, LAX Vault 1, LAX Fire Training Site, VNY Jet Center and VNY Maintenance.

7 h. Failed to install and/or maintain automatic line leak detectors on underground
8 pressurized piping, as required by Health and Safety Code sections 25290.1(h), 25290.2(g),
9 25291(f) and/or 25292(e)(1), and California Code of Regulations, title 23, sections 2636(f)(2)
10 and/or 2643(c)(1). This violation was observed at ONT Fleet.

11 i. Failed to annually test automatic line leak detectors, as required by Health and
12 Safety Code section 25293 and California Code of Regulations, title 23, sections 2638(a) and
13 2641(j). This violation was observed at ONT Fleet.

14 j. Failed to monitor product piping, as required by Health and Safety Code
15 sections 25290.1(d), 25290.2(d), 25291(b), and/or 25292(a) and California Code of Regulations,
16 title 23, sections 2630(d), 2636(f)(1), and/or 2641(a). This violation was observed at ONT
17 Terminal 2, ONT Terminal 4, LAX Maintenance, LAX Fire Training Site and VNY Jet Center.

18 k. Failed to provide underground storage tank monitoring, as required by Health
19 and Safety Code sections 25290.1(e), 25290.2(e), 25291(b), and/or 25292(a) and California Code
20 of Regulations, title 23, sections 2635 and/or 2643. This violation was observed at LAX
21 Terminal 1, LAX Fire Training Site and VNY Jet Center.

22 l. Failed to maintain monitoring and maintenance records, as required by Health
23 and Safety Code section 25293 and California Code of Regulations, title 23, section 2712(b).
24 This violation was observed at ONT Fleet.

25 m. Failed to maintain copies of the monitoring plan and/or release response plan
26 on site, as required by California Code of Regulations, title 23, sections 2632(d), 2641(h),
27 2711(a)(9), and/or 2712(i). This violation was observed at ONT Fleet, ONT Terminal 4, VNY Jet
28 Center and VNY Maintenance.

1 n. Failed to provide underground storage tanks with equipment to prevent spills
2 and overfills, functional overfill prevention system, as required by Health and Safety Code
3 sections 25290.1(f), 25290.2(e), 25291(c), and/or 25292(d), and California Code of Regulations,
4 title 23, section 2635(b). This violation was observed at ONT Fleet, ONT Terminal 4 and LAX
5 Terminal 5.

6 o. Failed to maintain evidence of financial responsibility, as required by Health
7 and Safety Code section 25292.2(a) and California Code of regulations, title 23, sections
8 2711(a)(11) and 2712(i). This violation was observed at ONT Fleet, VNY Jet Center and VNY
9 Maintenance.

10 p. Failed to provide, maintain or update the operating permit application,
11 including the facility and tank information, as required by Health and Safety Code section
12 25286(a) and California Code of Regulations, title 23, sections 2711(a) and 2712(i). This
13 violation was observed at ONT Fleet, LAX Terminal 1, LAX Terminal 5, VNY Jet Center and
14 VNY Maintenance.

15 q. Failed to maintain a monitoring system capable of detecting an unauthorized
16 release from any portion of the underground storage tank system at the earliest possible
17 opportunity, as required by Health and Safety Coode sections 25290.1(d), 25290.2(d), 25291(b)
18 and/or 25292(a) and California Code of Regulations, title 23, section 2630(d) and/or 2641(a).
19 This violation was observed at ONT Fleet, ONT Terminal 2, ONT Terminal 4, LAX
20 Maintenance, LAX Vault 1, LAX Fire Training Site and VNY Jet Center.

21 r. Failed to provide adequate corrosion protection for all corrodible underground
22 piping in direct contact with backfill, as required by California Code of Regulations, title 23,
23 section 2636(b). This violation was observed at LAX Terminal 1.

24 s. Failed to maintain underground storage tanks so that the primary and/or
25 secondary containment is "product tight," in accordance with Health and Safety Code sections
26 25290.1(c), 25290.2(c) and/or 25291(a)(1). This violation was observed at VNY Maintenance.

27 t. Failed to conduct integrity testing on suction piping, as required by California
28 Code of Regulations, title 23, section 2643(d). This violation was observed at LAX Terminal 1.

1 u. Failed to monitor and/or maintain records of monitoring for suction piping, as
2 required by California Code of Regulations, title 23, sections 2636(f) and/or 2643(d). This
3 violation was observed at LAX Terminal 1 and LAX Vault 1.

4 **FIRST CAUSE OF ACTION**

5 13. Plaintiff realleges and incorporates by reference as though fully set forth herein all
6 allegations contained in Paragraphs 1 through 12, inclusive.

7 14. Defendant and defendant does 1 through 20, as operators of the UST systems at the
8 Covered Facilities, are strictly liable for civil penalties as set forth in Health and Safety Code
9 section 25299(a) for each daily violation of the rules, regulations, standards or requirements
10 applicable to each UST as set forth above which occurred within five years after discovery of the
11 facts constituting grounds for commencing the action on these claims. The statutes of limitation
12 for the claims and causes of action that are the subject of this action were tolled by agreement of
13 the State Water Board and the Defendant during the period from January 20, 2012 to September
14 30, 2015.

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

18 **SECOND CAUSE OF ACTION**

19 16. Plaintiff realleges and incorporates by reference as though fully set forth herein all
20 allegations contained in Paragraphs 1 through 12, inclusive.

21 17. Defendant and defendant Does 1 through 20, as the owners of the UST systems at the
22 Covered Facilities, are strictly liable for civil penalties as set forth in California Health and Safety
23 Code section 25299(b) for each daily violation of the rules, regulations, standards or requirements
24 applicable to each UST as set forth above which occurred within five years after discovery of the
25 facts constituting grounds for commencing the action on these claims. The statutes of limitation
26 for the claims and causes of action that are the subject of this action were tolled by agreement of
27 the State Water Board and the Defendant during the period from January 20, 2012 to September
28 30, 2015.

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

4 PRAYER

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

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

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

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

17 22. Plaintiff's costs of inspection, investigation, attorney's fees, enforcement,
18 prosecution, and suit herein pursuant to Code of Civil Procedure section 1021.8, and all other
19 authority; and

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

Dated: November 20, 2015

Respectfully Submitted:

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Attorney General of the State of California
ERIK M. KATZ
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ROSS H. HIRSCH
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By: 
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People of the State of California ex rel. State Water Resources Control Board