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Per Government Code §6103, State of California is exempt from filing fee

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

JIFFY LUBE INTERNATIONAL, INC.,

Defendant

CASE NO.
COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES

19 PLAINTIFF, PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

PLAINTIFF

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21 1. Pursuant to Health and Safety Code section 25182, the Attorney General, a district
22 attorney, and a city attorney may bring an action in the name of the People of the State of
23 California to enforce the Hazardous Waste Control Act ("HWCA"), chapter 6.5 of division 20 of
24 the California Health and Safety Code sections 25100 *et seq.*, and regulations thereunder.
25 2. Pursuant to Health & Safety Code section 25516.1, the Attorney General, a
26 district attorney, and a city attorney may bring an action in the name of the People of the State of
27 California, to enforce the provisions of Health & Safety Code Chapter 6.95 and applicable
28 regulations.

1 25189 by virtue of the acts described herein, each of which constitutes an unfair and/or unlawful
2 business practice.

3 8. The unlawful acts committed by the defendant include, but are not limited to:

4 a. Defendant failed to operate and maintain its facilities so as
5 to minimize the possibility of a fire, explosion, or any
6 unplanned release of hazardous waste to air, soil, or surface
7 water that could threaten human health or the environment
8 in violation of title 22 California Code of Regulations,
9 section 66262.34, subdivision (d).

10 b. Defendant failed to implement its contingency plan in
11 response to a release of anti-freeze to secondary
12 containment in violation of title 22 California Code of
13 Regulations, section 66265.51, subdivision (b).

14 c. Defendant failed to handle tanks and containers storing
15 hazardous waste so as to avoid spills or leaks in violation of
16 title 22 California Code of Regulations, section 66262.34,
17 subdivision (d).

18 d. Defendant failed to manage used oil filters as hazardous
19 wastes or per applicable regulations in violation of title
20 22 California Code of Regulations, section 66266.130.

21 e. Defendant failed to mark and label tanks and containers
22 storing hazardous waste in violation of title 22 California
23 Code of Regulations, sections 66262.34, subdivisions (d)
24 and (f).

25 f. Defendant failed to conduct weekly inspections of areas
26 used for container storage or transfer of hazardous wastes
27 for leaks and corrosion in violation of title 22 California
28 Code of Regulations, section 66262.34, subdivision (d).

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- g. Defendant failed to conduct daily inspections of tanks containing waste oil and used anti-freeze in violation of title 22 California Code of Regulations, section 66265.195.
- h. Defendant failed to maintain proper manifests for hazardous wastes transported off-site in violation of title 22 California Code of Regulations, sections 66262.23 and 66262.40.
- i. Defendant failed to adequately train personnel in the proper management of hazardous waste in violation of title 22 California Code of Regulations, section 66265.16 (as referenced by 66262.34(a)(3)).

SECOND CAUSE OF ACTION

VIOLATION OF HEALTH & SAFETY CODE CHAPTER 6.95

9. Paragraphs 1 through 8, above are incorporated herein by reference. Chapter 6.95 requires businesses storing defined hazardous materials, such as hazardous waste or flammable materials, to annually report the amounts and locations of such materials, and to develop emergency response plans. (Sections 25503.5, 25504, 25505, 25509.) Amended reports are required when new materials or significantly increased quantities are handled. (Section 25510.) Such reports are intended for the benefit of regulatory agencies and firefighters.

10. Businesses violating those requirements are liable for penalties of up to \$2,000 per day or \$5,000 per day for "knowing" violations after reasonable notice.

11. Defendant violated Health and Safety Code sections 25505, 25509, 25509.3, and 25510, by failing to file complete business plans with certain Certified Unified Program Agencies ("CUPAs") in California. Each of those violations constitutes an unfair and unlawful business practice.

12. Pursuant to Health and Safety Code section 25514, Defendant is liable to certain CUPAs for a penalty of up to \$2,000 for each day of violation.

1 THIRD CAUSE OF ACTION

2 VIOLATION OF BUSINESS AND PROFESSIONS
3 CODE SECTIONS 17200 - 17208
4 UNLAWFUL AND/OR UNFAIR COMPETITION

5 13. Paragraphs 1 through 12, above are incorporated herein by reference. Plaintiff is
6 informed and believes and based on such information and belief alleges that beginning at an
7 exact date that is unknown to plaintiff, but within four (4) years prior to the filing of this
8 complaint, defendant engaged in acts of unlawful and/or unfair competition prohibited by
9 Business and Professions Code sections 17200 - 17208 by virtue of the acts described herein,
10 each of which constitutes an unfair and/or unlawful business practice.

11 14. The use of such unlawful and/or unfair business practices constitutes unfair
12 competition within the meaning of section 17200 of the Business and Professions Code. The
13 unlawful and/or unfair business practices committed by the defendant include, but are not limited
14 to:

- 15 a. Defendant failed to operate and maintain its facilities so as
16 to minimize the possibility of a fire, explosion, or any
17 unplanned release of hazardous waste to air, soil, or surface
18 water that could threaten human health or the environment
19 in violation of title 22 California Code of Regulations,
20 section 66262.34, subdivision (d).
- 21 b. Defendant failed to implement its contingency plan in
22 response to a release of anti-freeze to secondary
23 containment in violation of title 22 California Code of
24 Regulations, section 66265.51, subdivision (b).
- 25 c. Defendant failed to handle tanks and containers storing
26 hazardous waste so as to avoid spills or leaks in violation of
27 title 22 California Code of Regulations, section 66262.34,
28 subdivision (d).

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- d. Defendant failed to manage used oil filters as hazardous wastes or per applicable regulations in violation of title 22 California Code of Regulations, section 66266.130.
- e. Defendant failed to mark and label tanks and containers storing hazardous waste in violation of title 22 California Code of Regulations, sections 66262.34, subdivisions (d) and (f).
- f. Defendant failed to conduct weekly inspections of areas used for container storage or transfer of hazardous wastes for leaks and corrosion in violation of title 22 California Code of Regulations, section 66262.34, subdivision (d).
- g. Defendant failed to conduct daily inspections of tanks containing waste oil and used anti-freeze in violation of title 22 California Code of Regulations, section 66265.195.
- h. Defendant failed to maintain proper manifests for hazardous wastes transported off-site in violation of title 22 California Code of Regulations, sections 66262.23 and 66262.40.
- i. Defendant failed to adequately train personnel in the proper management of hazardous waste in violation of title 22 California Code of Regulations, section 66265.16 (as referenced by 66262.34(a)(3)).

1 **PRAYER**

2 WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

3 1. Defendant be immediately and permanently restrained and enjoined from
4 engaging in or performing, directly or indirectly, any and all of the following acts:

- 5 a. Failing to operate and maintain its facilities so as to
6 minimize the possibility of a fire, explosion, or any
7 unplanned release of hazardous waste to air, soil, or surface
8 water that could threaten human health or the environment.
- 9 b. Failing to implement its contingency plan in response to a
10 release of anti-freeze to secondary containment
- 11 c. Failing to handle tanks and containers storing hazardous
12 waste so as to avoid spills or leaks.
- 13 d. Failing to manage used oil filters as hazardous wastes or
14 per applicable regulations.
- 15 e. Failing to mark and label tanks and containers storing
16 hazardous waste.
- 17 f. Failing to conduct weekly inspections of areas used for
18 container storage or transfer of hazardous wastes for leaks
19 and corrosion.
- 20 g. Failing to conduct daily inspections of tanks containing
21 waste oil and used anti-freeze.
- 22 h. Failing to maintain proper manifests for hazardous wastes
23 transported off-site.
- 24 i. Failing to adequately train personnel in the proper
25 management of hazardous waste.
- 26 j. Failing to file and keep updated a business plan as
27 required by Health and Safety Code Chapter 6.95.
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