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[Exempt from fees pursuant to Government Code Section 6103]

FILED
2007 NOV 26 P 2:

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF CONTRA COSTA

07-02593

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

GOLDEN GATE PETROLEUM CO., a California Corporation; BAY AREA/DIABLO PETROLEUM, CO., a California corporation; DENNIS O'KEEFE, an individual; NORTHGATE PETROLEUM COMPANY, a California Corporation; WESTGATE PETROLEUM COMPANY, INC., a California Corporation; and DOES 1 through 100,

Defendants.

Case No. _____

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.)

PER LOCAL RULES 5 THIS CASE IS ASSIGNED TO DEPT. 9

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Attorneys for Plaintiff, People of the State of California

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

PLAINTIFF

1. Plaintiff, PEOPLE OF THE STATE OF CALIFORNIA ("People"), brings its actions by and through Edmund G. Brown Jr., Attorney General of the State of California ("Attorney General"), and by and through the District Attorneys in the Counties of Alameda, Butte, Colusa, Contra Costa, Glenn, Humboldt, Kings, Lake, Mendocino, Monterey, San Luis Obispo, San Mateo, Santa Clara, Solano, Sonoma, Sutter, and Yuba (collectively "Local Prosecutors").

2. Pursuant to California Health and Safety Code section 25145.4, the Attorney General may bring a civil action in the name of the People of the State of California to enjoin any violation of Chapter 6.5 of Division 20 of the California Health and Safety Code (hereinafter "Chapter 6.5") and seek civil penalties for violations of the provisions of Chapter 6.5.

3. Pursuant to California Health and Safety Code section 25182, the Local Prosecutors at a request of a unified program agency may bring a civil action in the name of the People of the State of California to enjoin any violation of Chapter 6.5 and to seek civil penalties for violations of the provisions of Chapter 6.5 which are under the jurisdiction of the unified program agency.

4. Pursuant to California Health and Safety Code section 25299.02, the Attorney General and the Local Prosecutors 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").

5. Pursuant to California Health and Safety Code section 25299.01, the Attorney General and the Local Prosecutors may apply to a superior court for an injunction or an order directing compliance against any person who has engaged in, is engaged in, or is about to engage in any acts or practices which violate Chapter 6.7.

6. Pursuant to the California Health and Safety Code section 25514, the Local Prosecutors may bring an action for civil penalties for violations of California Health and Safety Code sections 25503.5 to 25505, inclusive, or sections 25508 to 25520, inclusive. Pursuant to California Health and Safety Code section 25516, the Local Prosecutors, when requested by an administering agency, may bring an action to enjoin a violation of Chapter 6.95 of Division 20 of the California Health and Safety Code (hereinafter "Chapter 6.95").

7. Pursuant to California Business and Professions Code sections 17203, 17204, and 17206, the Attorney General and the Local Prosecutors may bring actions in the name of the People of the State of California in a superior court for an injunction against any person who engages, had engaged, or proposes to engage in unfair competition and for civil penalties for each act of unfair competition.

8. Plaintiff brings this action without prejudice to any other action or claims which it may have based on separate, independent and unrelated violations of Chapters 6.5, 6.7, or 6.95 of Division 20 of the California Health and Safety Code by the Defendants and/or on facts which are not alleged in this Complaint.

DEFENDANTS

9. Defendant Golden Gate Petroleum Co. is a California corporation which does business in the State of California at the UST facilities identified in Exhibit "A" which are incorporated

herein by reference (hereinafter collectively referred to as "Covered Facilities"). Golden Gate Petroleum owns and/or operates underground tank systems at the Covered Facilities that are used to store hazardous materials and hazardous substances, including motor vehicle fuel, gasoline and diesel, for retail sale, and Defendant uses, handles, and manages hazardous materials and hazardous waste products, including but not limited to waste motor oil and waste oil filters, that are generated by its operation of these underground tank systems and from vehicle maintenance services that it provides at the Covered Facilities. Golden Gate Petroleum's principal business address is 501 Shell Avenue, Martinez, California.

10. Defendant Bay Area/Diablo Petroleum, Co., is a California corporation which does business in the State of California at the facilities identified in Exhibit "A" which are incorporated herein by reference (hereinafter collectively referred to as "Covered Facilities"). Bay Area Diablo Petroleum owns and/or operates underground tank systems at the Covered Facilities that are used to store hazardous materials and hazardous substances, including motor vehicle fuel, gasoline and diesel, for retail sale, and Defendant uses, handles, and manages hazardous materials and hazardous waste products, including but not limited to waste motor oil and waste oil filters, that are generated by its operation of these underground tank systems and from vehicle maintenance services that it provides at the Covered Facilities. Bay Area Diablo Petroleum's principal business address is 501 Shell Avenue, Martinez, California.

11. Defendant Northgate Petroleum Company is a California corporation which does business in the State of California at the facilities identified in Exhibit "A" which are incorporated herein by reference (hereinafter collectively referred to as "Covered Facilities"). Northgate Petroleum Company owns and/or operates underground tank systems at the Covered Facilities that are used to store hazardous materials and hazardous substances, including motor vehicle fuel, gasoline and diesel, for retail sale, and Defendant uses, handles, and manages hazardous materials and hazardous waste products, including but not limited to waste motor oil and waste oil filters, that are generated by its operation of these underground tank systems and from vehicle maintenance services that it provides at the Covered Facilities. Northgate Petroleum's principal business address is 426 Broadway Street, Chico, California.

12. Defendant Westgate Petroleum Company, Inc., is a California corporation which does business in the State of California at the facilities identified in Exhibit "A" which are incorporated herein by reference (hereinafter collectively referred to as "Covered Facilities"). Westgate Petroleum owns and/or operates underground tank systems at the Covered Facilities that are used to store hazardous materials and hazardous substances, including motor vehicle fuel, gasoline and diesel, for retail sale, and Defendant uses, handles, and manages hazardous materials and hazardous waste products, including but not limited to waste motor oil and waste oil filters, that are generated by its operation of these underground tank systems and from vehicle maintenance services that it provides at the Covered Facilities. Westgate Petroleum's principal business address is 3740 Highland Springs Road, Lakeport, California.

13. Defendant Dennis O'Keefe is an individual, and is sued in that capacity for his personal ownership and/or operation of the underground tank systems at the facilities identified in Exhibit "A" which are incorporated herein by reference, that are used to store hazardous materials and hazardous substances, including motor vehicle fuel, gasoline and diesel, for retail sale, and Defendant Dennis O'Keefe uses, handles, and manages hazardous materials and hazardous waste products, including but not limited to waste motor oil and waste oil filters, that are generated by his operation of these underground tank systems and from vehicle maintenance services that he provides at the Covered Facilities. Defendant Dennis O'Keefe at all relevant times is and was the owner of Golden Gate Petroleum Co., Bay Area/Diablo Petroleum Company, Northgate Petroleum Company, and Westgate Petroleum Company, Inc.

14. Defendant Dennis O'Keefe was personally responsible for decisions relative to the management of the USTs and hazardous waste at the Covered Facilities. Defendant Dennis O'Keefe was personally responsible for decisions and controlled and was actively involved in the day-to-day operations of the Covered Facilities. Any act of Defendant Dennis O'Keefe alleged herein to have constituted a violation of California law was carried out personally by Defendant Dennis O'Keefe, or at his direction, or with his knowledge and acquiescence. Any failure to act alleged herein to have constituted a violation of California law resulted from Defendant Dennis O'Keefe's failure to act, or failure to direct or authorize others to act.

15. Defendants and each of them are or, at all times relevant to the claims in this Complaint, were legally responsible for compliance with the provisions of the California Health and Safety Code including Chapters 6.5, 6.7, and 6.95 of Division 20 at its Covered Facilities.

16. In this Complaint, when reference is made to any act of Defendants, such allegations shall mean that the owners, officers, directors, agents, employees, contractors, or representatives of Defendants did, or Defendants authorized, such acts, or negligently failed and omitted to adequately or properly supervise, control or direct its employees and agents while engaged in the management, direction, operation or control of the affairs of the business organization.

17. Plaintiff is ignorant of the names of those defendants identified as Does 1 through 100, 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 of each Doe defendant in place of the fictitious names.

VENUE

18. Venue is proper in this county pursuant to California Health and Safety Code section 25299.03 in that certain of the violations of Chapter 6.7 alleged in the Complaint occurred in the County of Contra Costa and that the other violations alleged in the Complaint which occur at locations outside this county are related to such violations. Venue would also be proper in this county pursuant to California Health and Safety Code section 25183 in that certain of the violations of Chapter 6.5 alleged in the Complaint occurred in the County of Contra Costa and that the other violations alleged in the Complaint which occur at locations outside this county are related to such violations. This court has jurisdiction pursuant to Article 6, section 10 of the California Constitution.

GENERAL ALLEGATIONS

19. Plaintiff and Defendants entered into a series of agreements to toll any applicable statute of limitations. As a result of these agreements, the period of time from October 1, 2006, through the date of the filing of the Complaint herein, inclusive, (the "Tolling Period"), will not be included in computing the time limited by any statute of limitations under the causes of action

against Defendants that may arise out of claims covered by the tolling agreement. Those claims include the claims that are brought in this action against Defendants.

20. The allegations in this Complaint relate solely to Defendants' compliance with laws and regulations governing (a) the operation and maintenance of underground storage tanks ("USTs") and UST systems and (b) the handling of hazardous wastes and hazardous substances generated by operation of USTs, UST systems, and motor vehicle maintenance, at Defendants' facilities in California on or before November 21, 2007. Nothing in this Complaint relates to or pertains to any claims or causes of action arising out of past or future releases, spills, leaks, discharges from or as a cause of operation of USTs, UST systems, or disposal of hazardous wastes or hazardous substances caused or contributed to by Defendants that may have occurred or may occur at Defendants' Covered Facilities listed in Exhibit A, and such claims or causes of action, if any, are reserved by the People of the State of California.

21. Plaintiff is informed and believes and thereupon alleges that Defendants have engaged in the following actions at one or more of the Covered Facilities:

a. Performed work on underground storage tank (UST) systems without permits or authorization from the appropriate permitting agencies.

b. Changed monitoring procedures, such as replacing the leak sensor detection equipment and/or monitoring system without notification of the appropriate authority so as to ensure that only leak detection equipment approved by the California State Water Resources Control Board was installed.

c. Improperly raised, altered the position of, tampered with, disabled or otherwise rendered nonfunctional, sensors in spill boxes, under dispenser containment, and sumps which prevented the sensors from providing continuous monitoring for leak detection in violation of California Code of Regulations, title 23, section 2636(f)(1).

d. Improperly raised, altered the position of, tampered with, disabled or otherwise rendered nonfunctional, the sensors in spill boxes, under dispenser containment and sumps so that the sensors were unable to detect a leak at the earliest possible opportunity in violation of California Code of Regulations, title 23, section 2630(d).

e. Failed to submit a Monitoring Response Plan pursuant to California Code of Regulations, title 23, section 2632.

f. Failed to test secondary containment systems installed prior to January 1, 2001, by January 1, 2003, in accordance with California Code Regulations, title 23, section 2637(a).

g. Failed to test every thirty-six months secondary containment systems installed prior to January 1, 2001, in accordance with California Code of Regulations, title 23, section 2637(a).

h. Failed to test secondary containment systems installed on or after January 1, 2001, in accordance with the schedule required by California Code of Regulations, title 23, section 2637(a).

i. Failed to repair UST systems within a reasonable time after the systems were found to have failed a secondary containment test performed pursuant to California Code of Regulations, title 23, section 2637 thus disabling the integrity of the tank systems ability to comply with Health and Safety Code section 25291(b) by being an UST system that is no longer designed and constructed with a monitoring system capable of detecting the entry of the hazardous substance stored in the primary containment into the secondary containment.

j. Failed to have documentation regarding monitoring system alarms and corrective action taken in response to alarms, if any, available for review in violation of California Code of Regulations, title 23, section 2712.

k. Failed to have secondary containment systems for product lines constructed so that any releases to the secondary containment system will flow to a collection sump in violation of California Code of Regulations, title 23, section 2636(c)(1).

l. Failed to annually perform on-line leak detection tests in violation of California Code of Regulation, title 23, section 2636(f)(2).

m. Failed to annually perform pipeline integrity tests in violation of California Code of Regulation, title 23, section 2636(f)(4).

n. Failed to annually perform tightness test on pressurized piping and be equipped with an automatic line leak detector in violation of Health and Safety Code section 25291(f).

o. Failed to annually test and certify UST monitoring systems in accordance with California Code of Regulations, title 23, section 2638.

p. Failed to notify appropriate local agencies of upgrades of UST systems, including but not limited to replacement of spill containers, which prevented the local agency from determining whether the requirements of California Code of Regulations, title 23, section 2660(k) were satisfied and thereby violated California Code of Regulations, title 23, section 2662.

q. Improperly allowed liquid and debris to accumulate in containment sumps in violation of California Code of Regulations, title 23, sections 2630, 2631, 2632, and 2635.

r. Failed to maintain monitoring and maintenance records pursuant to California Code of Regulations, title 23, section 2712(b).

s. Failed to provide adequate training of all employees to respond to a hazardous material spill or release from a UST system, including the failure to familiarize employees with the UST monitoring plan and release report procedures in the business response plan pursuant to California Health and Safety Code section 25504.

t. Failed to provide adequate training to employees pursuant to California Code of Regulations, title 22, section 66265.16.

u. Failed to maintain documentation of training of employees pursuant to California Code of Regulations, title 22, section 66265.16.

v. Failed to have a means of monitoring for water intrusion by precipitation or infiltration into secondary containment in violation of California Code of Regulations, title 23, section 2630(d) and California Health and Safety Code section 25291(e).

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w. Failed to label or properly label containers of hazardous waste in violation of California Code of Regulations, title 22, section 66262.34.

x. Failed to keep containers of hazardous waste closed except when removing or adding hazardous waste in violation of California Code of Regulations, title 22, section 66265.173.

y. Failed to maintain adequate aisle space in hazardous waste accumulation areas in violation of California Code of Regulations, title 22, section 66265.35.

z. Failed to notify the local permitting authority of changes in the usage of the UST, including a change in the storage of new hazardous substances, in violation of California Health and Safety Code section 25286.

aa. Failed to maintain UST components and systems in proper working order and conditions at all times in violation of California Health and Safety Code section 25292.1(a).

bb. Failed to timely notify local authorities of unauthorized releases from a diesel vent line and to provide a report describing the release and the corrective actions in violation of California Health and Safety Code section 25295 and California Code of Regulations, title 23, sections 2650 and 2652.

cc. Failed to comply with the applicable requirements of Health and Safety Code section 25294 or 25295 upon notification of an unauthorized release in violation of Health and Safety Code section 25295.5.

dd. Failed to have an overfill prevention system for its UST systems which did not allow for manual override in violation of California Code of Regs., title 23, section 2635(b)(2).

ee. Failed to submit accurate as-built drawings for variations to the approved plans including but not limited to remote monitoring sumps, remote fill lines for waste oil tanks, remote alarm panels, and monitoring sensors in violation of California Code of Regulations, title 23, section 2711(a)(8).

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ff. Failed to submit documentation to show compliance with state and federal financial responsibility requirements applicable to underground storage tanks containing petroleum in violation of California Code of Regulations, title 23, section 2711(a)(11).

gg. Failed to designate a designated underground storage tank operator by January 1, 2005 in violation of California Code of Regulations, title 23, section 2715(a).

hh. Failed to inform local authorities of changes to designated underground storage tank operator in violation of California Code of Regulations, title 23, section 2715 (a) - (f).

ii. Failed to provide facility employee training in violation of California Code of Regulations, title 23, section 2715(f).

jj. Failed to maintain a list of facility employees who have been trained by the designated underground storage tank operator and failed to provide a list of facility employees who have been trained to the local agency upon request in violation of California Code of Regulations, title 23, section 2715(f)(3).

kk. Failed to provide to the local authorities the bi-annual line integrity test results for the J Care waste oil and the Oil Water Separator remote fill lines in violation of California Code of Regulations, title 23, section 2643(e).

ll. Failed to submit UST permit application-Form A and UST application-Form B to the local agency in violation of California Code of Regulations, title 23, sections 2711(e) and 2711(c).

mm. Failed to submit documentation showing compliance with financial responsibility in violation of California Code of Regulations, title 23, section 2711(e).

nn. Failed to correct previous violations within 30 days after receiving an inspection report in violation of California Code of Regulations, title 23, section 2712(f).

oo. Failed to establish/implement a business emergency plan in violation of Health and Safety Code section 25503.5.

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pp. Failed to submit/update a business emergency plan in violation of Health and Safety Code section 25505.

qq. Failed to have an operational audible/visual alarm system connected for continuous monitoring in violation of California Code of Regulations, title 23, sections 2632 (c)(2)(B) and 2636(f)(1).

rr. Failed to have an overfill device installed and operational in violation of California Code of Regulations, title 23, section 2635(b)(2).

ss. Failed to monitor the UST system as specified on the permit in violation of Health and Safety Code section 25293.

tt. Failed to determine if a waste is a hazardous waste in violation of California Code of Regulations, title 23, section 66262.11.

uu. Failed to have an emergency coordinator in violation of California Code of Regulations, title 23, section 66265.55.

vv. Managed hazardous waste without an Environmental Protection Agency Identification number in violation of California Code of Regulations, title 23, section 66262.12(a).

ww. Failed to keep required copies of a consolidated manifest for three (3) years in violation of California Health and Safety Code section 25160.2(b)(3).

xx. Stored hazardous waste on-site longer than ninety (90) days without a permit in violation of California Health and Safety Code section 25201(a).

22. Defendants' noncompliance threatened and continues to threaten public health and safety, and the environment.

FIRST CAUSE OF ACTION

23. Plaintiff realleges Paragraphs 1 through 22, inclusive.

24. To the extent that Defendants are the operator(s) of the underground tank systems and USTs at the Covered Facilities, each Defendant is liable for civil penalties as set forth in California Health and Safety Code section 25299, subdivision (a), for each violation of the rules, regulations, standards or requirements applicable to each underground storage tank which

occurred within five years after the discovery of the facts constituting the grounds for commencing the action on these claims, exclusive of any applicable tolling periods and those set forth in Paragraph 19 herein.

25. To the extent that Defendants are the owner(s) of the underground tank systems at the Covered Facilities, each Defendant is liable for civil penalties as set forth in California Health and Safety Code section 25299, subdivision (b), for each violation of the rules, regulations, standards or requirements applicable to each underground storage tank which occurred within five years after the discovery of the facts constituting the grounds for commencing the action on these claims, exclusive of any applicable tolling periods and those set forth in Paragraph 19 herein.

26. On or about May 8, 2007, the State Water Resources Control Board (the "SWRCB") inspected a Covered Facility located at 8285 Brentwood Boulevard, Brentwood, California, in the County of Contra Costa, to determine compliance with California Health and Safety Code section 25299, subdivisions (a) and (b), and the rules, regulations, standards or requirements applicable to each underground storage tank and UST system. During the investigation, investigators for the SWRCB and the County of Contra Costa observed that line leak detector tests for a tank turbine failed; that a line leak detector for one tank did not function; a leak was observed from a turbine piping elbow of one tank; that product piping secondary containment was plugged so no liquid could drain into the sump; that a turbine sump sensor was raised above the liquid in the sump of one tank; that fuel or liquid was observed in spill buckets and sumps in the tanks; and that there were no monitoring on lines from the retail dispensers.

27. On numerous other dates, which are unknown to Plaintiff at this time but when discovered will be identified in an Amended Complaint, Plaintiff and other governmental agencies inspected other Covered Facilities located throughout California to determine compliance with California Health and Safety Code section 25299, subdivisions (a) and (b), and the rules, regulations, standards or requirements applicable to each underground storage tank and UST system. During these inspections, investigators observed additional and/or continuing violations of the statutes and UST regulations occurring at Defendants' Covered Facilities.

28. Each Defendant, as an operator and/or as an owner of the USTs and underground tank systems, must immediately and permanently be enjoined from further violations of Chapter 6.7.

SECOND CAUSE OF ACTION

29. Plaintiff realleges Paragraphs 1 through 22, inclusive.

30. Each Defendant is liable for civil penalties as set forth in California Health and Safety Code section 25189, subdivision (b), for each intentional or negligent violation of rules, regulations, standards, or requirements regarding hazardous waste which occurred within five years after the discovery of the facts constituting the grounds for commencing the action on these claims, exclusive of any applicable tolling periods and those set forth in Paragraph 19 herein.

31. On or about May 24, 2007, the Butte County Division of Environmental Health inspected a Covered Facility located at 2549 Scott Avenue, Chico, California, in the County of Butte, to determine compliance with California Health and Safety Code sections 25100 *et seq.*, and the rules, regulations, standards or requirements pertaining to the Hazardous Waste Control Law (the "HWCL"). During the investigation, investigators observed that hazardous waste storage containers were not properly labeled, that hazardous waste storage containers were not properly managed, that used oil was not properly managed as a hazardous waste, and that hazardous waste transportation requirements and records were not properly maintained.

32. On numerous other dates, which are unknown to Plaintiff at this time but when discovered will be identified in an Amended Complaint, Plaintiff and other governmental agencies inspected other Covered Facilities located throughout California to determine compliance with California Health and Safety Code section 25100 *et seq.*, and the rules, regulations, standards or requirements applicable to the HWCL. During these inspections, investigators observed additional and/or continuing violations of the statutes and HWCL regulations occurring at Defendants' Covered Facilities.

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

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THIRD CAUSE OF ACTION

34. Plaintiff realleges Paragraphs 1 through 22, inclusive.

35. Each Defendant is liable for civil penalties as set forth in California Health and Safety Code section 25189.2, subdivision (b), for each violation of the rules, regulations, standards or requirements regarding hazardous waste which occurred within five years after the discovery of the facts constituting the grounds for commencing the action on these claims, exclusive of any applicable tolling periods and those set forth in Paragraph 19 herein.

36. On or about April 27, 2007, the Humboldt County Division of Environmental Health inspected a Covered Facility located at 3505 Broadway, Eureka, California, in the County of Humboldt, to determine compliance with California Health and Safety Code sections 25100 *et seq.*, and the rules, regulations, standards or requirements pertaining to the Hazardous Waste Control Law (the "HWCL"). During the investigation, investigators observed that hazardous waste storage containers were not properly labeled, that hazardous waste storage containers were not properly managed, and that hazardous waste transportation requirements and records were not properly maintained.

37. On numerous other dates, which are unknown to Plaintiff at this time but when discovered will be identified in an Amended Complaint, Plaintiff and other governmental agencies inspected other Covered Facilities located throughout California to determine compliance with California Health and Safety Code section 25100 *et seq.*, and the rules, regulations, standards or requirements applicable to the HWCL. During these inspections, investigators observed additional and/or continuing violations of the statutes and HWCL regulations occurring at Defendants' Covered Facilities.

38. Defendants must immediately and permanently be enjoined from further violations of Chapter 6.5.

FOURTH CAUSE OF ACTION

39. Plaintiff realleges Paragraphs 1 through 22, inclusive.

40. Pursuant to Health and Safety Code section 25516, the district attorney, at the request of an administering agency, or on the district attorney's own motion, may apply to the superior

court for an order directing compliance with Chapter 6.95.

41. The district attorneys and the Attorney General are authorized to bring this cause of action pursuant to California Health and Safety Code section 25516.1.

42. On or about May 24, 2007, the Butte County Division of Environmental Health inspected a Covered Facility located at 2549 Scott Avenue, Chico, California, in the County of Butte, to determine compliance with California Health and Safety Code sections 25500 *et seq.*, and the rules, regulations, standards or requirements pertaining to those statutes. During the investigation, investigators observed that required forms for the Hazardous Materials Business Plan were incomplete or not current, that hazardous materials storage and containment conditions had not been updated, that the business plan had not been reviewed or certified once every three years, and that required training of employees had not been documented or completed.

43. On numerous other dates, which are unknown to Plaintiff at this time but when discovered will be identified in an Amended Complaint, Plaintiff and other governmental agencies inspected other Covered Facilities located throughout California to determine compliance with California Health and Safety Code section 25500 *et seq.*, and the rules, regulations, standards or requirements applicable to these statutes. During these inspections, investigators observed additional and/or continuing violations of these statutes and regulations occurring at Defendants' Covered Facilities.

44. Defendants are liable for civil penalties as set forth in California Health and Safety Code section 25514 for each violation of Health and Safety Code section 25500 *et seq.*

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

FIFTH CAUSE OF ACTION

46. Plaintiff realleges Paragraphs 1 through 45, inclusive.

47. By the acts described above and herein, each Defendant engaged in daily acts of unlawful and/or unfair competition prohibited by California Business and Professions Code sections 17200-17208. Each act constitutes an unlawful and/or unfair business practice.

///

48. Pursuant to California Business and Professions Code section 17206, each Defendant is liable for civil penalties for each violation which accrued within four years of the filing of this Complaint, exclusive of any applicable tolling periods and those set forth in Paragraph 19 herein.

49. Defendants must immediately and permanently be enjoined from engaging in 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 California Business and Professions Code section 17200.

WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

1. A preliminary and permanent injunction requiring each Defendant to comply with the specific requirements of California Health and Safety Code, Division 20, Chapter 6.5, as alleged in the Complaint;

2. A preliminary and permanent injunction requiring each Defendant to comply with the specific requirements of California Health and Safety Code, Division 20, Chapter 6.7, as alleged in the Complaint;

3. A preliminary and permanent injunction requiring each Defendant to comply with the specific requirements of California Health and Safety Code, Division 20, Chapter 6.95, as alleged in the Complaint;

4. A preliminary and permanent injunction prohibiting each Defendant from engaging in 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 California Business and Professions Code section 17200;

5. Civil penalties according to proof against each Defendant pursuant to California Health and Safety Code section 25299 in an amount no less than TWENTY-FIVE MILLION DOLLARS ($25,000,000);

6. Civil penalties according to proof against each Defendant pursuant to California Health and Safety Code sections 25189 and 25189.2 in an amount no less than TEN MILLION DOLLARS ($10,000,000);

7. Civil penalties according to proof against each Defendant pursuant to California Health and Safety Code section 25514 in an amount no less than FIVE MILLION DOLLARS ($5,000,000);

8. Civil penalties according to proof against each Defendant pursuant to California Business and Professions Code section 17206 for each act of unfair competition engaged in by each Defendant in an amount no less than TEN MILLION DOLLARS ($10,000,000);

9. Grant the Plaintiff its cost of inspection, investigation, attorneys fees, enforcement, prosecution, and suit, herein pursuant to Code of Civil Procedure section 1021.8, and all other authority; and,

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

RESPECTFULLY REQUESTED:

Dated: 11-19-07

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of the State of California
THEODORA P. BERGER
Senior Assistant Attorney General
KEN ALEX
Supervising Deputy Attorney General

Brett J. Morris

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

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Kenneth Mifsud

KENNETH MIFSUD
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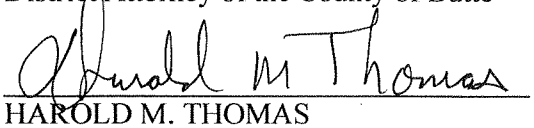
MICHAEL L. RAMSEY
District Attorney of the County of Butte



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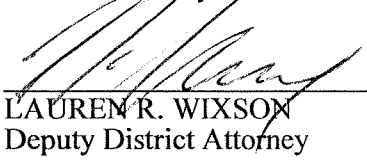

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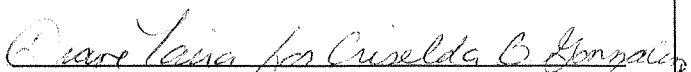

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EXHIBIT A

Golden Gate Petroleum Facilities	
Location	**Address**
Arcata Texaco	421 J. Street, Arcata 95521
Atascadero Shell	2000 El Camino Real, Atascadero 93422
Brentwood Plant/Store	8285 Brentwood Blvd., Brentwood 94513
Cloverdale Cash Oil	324 N. Cloverdale Blvd., Cloverdale 95425
Cloverdale Shell	1194 S. Cloverdale, Cloverdale 95425
El Sobrante Shell	5329A San Pablo Dam Rd., El Sobrante 94803
Eureka Cash Oil	1679 Myrtle Ave, Eureka 95501
Eureka Texaco	3505 Broadway, Eureka 95503
Hayward Plant/Shell	1565 Industrial Parkway, Hayward 94554
Lakeport Shell	2725 S. Main St., Lakeport 95453
Lemoore Shell	1790 W. Bush St., Lemoore 93245
Los Osos Chevron	995 Los Osos Valley Rd., Los Osos 93402
Martinez Plant	3575 Pacheco Blvd., Martinez 94553
Martinez Store	3520 Pacheco Blvd., Martinez 94553
Oakland	421 23rd Ave., Oakland 94606
Oakland Port	1107 5th Street, Oakland 94607
Paso Robles Plant	820 26th St., Paso Robles 93446
Paso Robles Store	2331 Spring St., Paso Robles 93446
Richmond Store	700 Earlandson Rd., Richmond 94806
S. San Francisco Shell	114-128 Harbor Way 94080
Salinas Plant	1020 Terven Ave., Salinas 93906
San Jose Plant	905 Stockton Ave., San Jose 95110
Santa Rosa Cardlock	1534 Copperhill, Santa Rosa 95402
Ukiah Shell	1105 Airport Park Blvd., Ukiah 95482
Watsonville Cash Oil	13 San Juan Rd., Watsonville 95076

Golden Gate Petroleum Facilities	
Location	**Address**
Willits Circle K Shell	1579 S. Main Street, Willits 95490
Benicia	116 W. Channel Road, Benecia
Fortuna	409 S. Fortuna Blvd., Fortuna
Healdsburg	1496 Healdsburg Ave., Healdsburg
San Luis Obispo	950 Orcutt Road, San Luis Obispo
Chico Cash Oil	111 W 11th Ave., Chico 95926
West Gate Petroleum Facilities	
Location	**Address**
Cobb Texaco	16340 Hwy. 175, Cobb 95426
Two Jacks	5200 Main Street, Two Jacks 95451
North Gate Petroleum Facilities	
Location	**Address**
Al's 5th & E Shell	501 Fifth Street, Marysville 95901
Williams Shell	I-5 & Hwy 20/570 E St., Williams 95987
Willows Shell	1300 W. Wood, Willows 95988
Bridge Street Shell	1280 Bridge St., Yuba City 95991
Oroville Cash Oil	1920 W B St., Oroville 95966
Chico Cash Oil	111 W 11th Ave., Chico 95926

SUM-100

SUMMONS
(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
2007 NOV 26 P 2:

BY: Deputy Clerk

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
GOLDEN GATE PETROLEUM CO.; BAY AREA/DIABLO PETROLEUM, CO., DENNIS O'KEEFE; NORTHGATE PETROLEUM COMPANY; WESTGATE PETROLEUM COMPANY, INC.

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
PEOPLE OF THE STATE OF CALIFORNIA

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
CONTRA COSTA COUNTY SUPERIOR COURT
725 Court Street, P.O. Box 911
Martinez, CA 94553

CASE NUMBER:
(Número del Caso): D 7 - 0 2 5 9 3 4 N

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
ROBERT J. KOCHLY, District Attorney, County of Contra Costa, Lauren R. Wixson, Deputy District Attorney SB 117178, 627 Ferry Street, Martinez, CA 94553 (925) 646-4532

DATE: NOV 26 2007
(Fecha)

Clerk, by S. KRICKEN, Deputy
(Secretario) CLERK OF THE SUPERIOR COURT *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. January 1, 2004]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
American LegalNet, Inc. | www.USCourtForms.com