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**ENDORSED
FILED
ALAMEDA COUNTY**
DEC 15 2015
CLERK OF THE SUPERIOR COURT
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

RG15796782

THE PEOPLE OF THE STATE OF CALIFORNIA,

COMCAST CABLE COMMUNICATIONS LLC, a Delaware Limited Liability Company,

Plaintiff,

v.

Defendant.

Case No. _____

COMPLAINT FOR PERMANENT INJUNCTION, CIVIL PENALTIES AND OTHER EQUITABLE RELIEF

(Health & Saf. Code, Div. 20, Chapter 6.5; Civil Code, Div. 3, title 1.81; Bus & Prof. Code, § 17200, et seq.)

**Attorney General's Office
Copy**

1 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, based on information and
2 belief, allege as follows:

3 **PLAINTIFF**

4 1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, brings this action by
5 and through Kamala D. Harris, Attorney General of the State of California (“Attorney General”),
6 Margarita Padilla and David A. Zonana, Supervising Deputy Attorneys General, Edward H.
7 Ochoa, Deputy Attorney General; Nancy E. O’Malley, District Attorney for Alameda County
8 (“Alameda DA”), Kenneth A. Mifsud, Assistant District Attorney and Kevin Wong, Deputy
9 District Attorney (collectively referred to herein as “the People” or “Plaintiff”).

10 2. Pursuant to California Health and Safety Code sections 25145.4 and 25182, the
11 Attorney General, together with the Alameda DA, may bring a civil action in the name of the
12 People of the State of California to enjoin any violation of Chapter 6.5 of Division 20 of the
13 California Health and Safety Code (“Chapter 6.5”) and to seek civil penalties for violations of
14 Chapter 6.5.

15 3. Pursuant to California Business and Professions Code sections 17203, 17204 and
16 17206, the Attorney General and the Alameda DA may bring a civil action in the name of the
17 People of the State of California to enjoin any person who engages, has engaged, or proposes to
18 engage in unfair competition, as defined in California Business and Professions Code section
19 17200, and for civil penalties for each act of unfair competition.

20 4. Plaintiff brings this action without prejudice to any other actions or claims which
21 Plaintiff may have based upon separate, independent and unrelated violations arising out of
22 matters or allegations that are not set forth in this Complaint.

23 **DEFENDANT**

24 5. Defendant Comcast Cable Communications LLC is now, and at all times mentioned
25 in this Complaint was, a Delaware limited liability company. Defendant does and did business in
26 its own capacity and/or through affiliates in the State of California at the facilities identified in
27 **Exhibit A**, which is incorporated herein by reference (collectively referred to as “Covered
28 Facilities” and further described in paragraph 21 below). Defendant managed certain “target

1 waste” (defined in paragraph 25 below) that constitutes hazardous wastes, including universal
2 wastes, at, or in connection with, Covered Facilities throughout California, including one or more
3 Covered Facilities in Alameda County. Defendant managed “customer records” (defined in Civil
4 Code section 1798.80) at, or in connection with, Covered Facilities throughout California,
5 including one or more Covered Facilities in Alameda County.

6 6. Defendant is, and at all times relevant to the claims in this Complaint was, legally
7 responsible for compliance with the provisions of the California Health and Safety Code, Chapter
8 6.5 of Division 20, and the corresponding implementing regulations, in connection with
9 Defendant’s ownership and/or operation of the Covered Facilities.

10 7. Defendant is, and at all times relevant to the claims in this Complaint was, legally
11 responsible for compliance with the provisions of the Civil Code, Title 1.81 of Part 4 of Division
12 3, in connection with Defendant’s operation of a business with custody of customer records in
13 California.

14 8. Defendant is a “business” as defined in Civil Code section 1798.90.

15 9. Defendant is a “person” as defined in California Health and Safety Code section
16 25118.

17 10. In this Complaint when reference is made to any act or omission of “Defendant,”
18 such allegations shall include the acts and omissions of owners, officers, directors, agents,
19 employees, contractors, vendors, affiliates, and/or representatives of Comcast Cable
20 Communications LLC, while acting within the course and scope of their employment or agency
21 on behalf of any of the above entities.

22 JURISDICTION AND VENUE

23 11. Venue is proper in this county pursuant to California Health and Safety Code section
24 25183, and California Code of Civil Procedure section 393, in that the violations alleged in this
25 Complaint occurred in the County of Alameda and throughout the State of California. This court
26 has jurisdiction pursuant to Article 6, section 10 of the California Constitution and section 393 of
27 the Code of Civil Procedure.

1 regulation, standard, or requirement issued or promulgated pursuant to the HWCL. However,
2 pursuant to section 25189.2, subdivision (f), a person may not be held liable for a civil penalty
3 imposed under section 25189 and for a civil penalty imposed under section 25189.2 for the same
4 act.

5 16. The HWCL, pursuant to Health and Safety Code sections 25145.4, 25181 and 25184,
6 authorizes the Court to issue an order that enjoins any ongoing or potential violation of the
7 HWCL, or any applicable rule, regulation, permit, standard, requirement, or order issued or
8 promulgated pursuant to the HWCL.

9 17. Health and Safety Code section 25184 provides that in civil actions brought pursuant
10 to the HWCL in which an injunction or temporary restraining order is sought, it shall not be
11 necessary to allege or prove at any stage of the proceeding that irreparable damage will occur
12 should the temporary restraining order, preliminary injunction, or permanent injunction not be
13 issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary
14 injunction, or permanent injunction shall issue without such allegations and without such proof.

15 18. Sections 17200 through 17208 of the Business and Professions Code (the “Unfair
16 Competition Law” or “UCL”) provide for civil liability for any person who engages in unfair
17 competition, which section 17200 defines in relevant part to include any “unlawful [or]
18 unfair...business act or practice.”

19 19. The UCL, pursuant to Business and Professions Code sections 17203 and 17204,
20 authorizes the Court to issue an order that enjoins any person who engages, has engaged or
21 proposes to engage in unfair competition. The UCL also provides, pursuant to Business and
22 Professions Code section 17205, that the remedies or penalties provided by the UCL are
23 cumulative to each other and to the remedies or penalties available under all other laws of this
24 state.

25 **GENERAL ALLEGATIONS**

26 20. The allegations in this Complaint relate solely to Defendant’s compliance with the
27 HWCL, Civil Code and UCL at, or in connection with, Defendant’s Covered Facilities in
28 California and pertain only to the management of “target waste,” as further described in

1 paragraph 25 below, and “customer records.” Nothing in this Complaint relates to or pertains to
2 any existing or potential claims or causes of action arising out of any or all of the following: (a)
3 Defendant’s ownership or operation of any non-Covered Facility in California; (b) the
4 management or disposal of any non-target waste items at or from any facility owned or operated
5 by Defendant in California, including, but not limited to, Covered Facilities; or (c) the handling or
6 management of customer records unrelated or prior to disposal; and such claims or causes of
7 action, if any, are reserved by Plaintiff. This Complaint has been filed within five years of the
8 People discovering the HWCL violations alleged herein , exclusive of any applicable tolling
9 period, including those set forth in paragraph 12 herein, and the HWCL related allegations in this
10 Complaint cover the period from on or about January 1, 2005 until on or about December 15,
11 2015. The UCL related allegations in this Complaint cover the four years prior to the date of
12 filing of this Complaint, exclusive of any applicable tolling periods, including those set forth in
13 paragraph 12 herein.

14 21. At all times relevant hereto and continuing from and after the date of filing of this
15 Complaint, Defendant owned and/or operated, and continue to own and/or operate, over ninety
16 Covered Facilities throughout California. The term “**Covered Facilities**” as used herein shall
17 means those facilities in California which are owned or operated by Defendant, or were owned or
18 operated for a portion of the period covered by this Complaint, at which target waste is managed
19 and which are listed on the attached **Exhibit A**, consisting of: (i) warehouses, (ii) facilities that
20 are solely Field Fulfillment Offices (“FFOs”); (iii) Customer Service Centers (stores); (iv)
21 hubsites; and (v) headends.

22 22. Defendant provides internet, voice over internet and video services to residential and
23 business customers in California.

24 23. In providing these services, Defendant obtains and maintains paper records
25 containing the personal information of customers in California that are subject to the specific
26 disposal requirements contained in Civil Code section 1798.81.

27 24. Plaintiff alleges that Defendant at all times relevant hereto and continuing from and
28 after the date of filing of this Complaint, failed to take reasonable steps in the disposal of

1 customer records no longer retained by Defendant at Covered Facilities. Specifically, Defendant
2 caused the disposal of customer records containing personal information without those records
3 having been (a) shredded, (b) erased, or (c) otherwise modified to make it unreadable or
4 undecipherable through any means as required by Civil Code section 1798.81.

5 25. In providing the services described in paragraph 22 above, Defendant, by and through
6 its employees at the Covered Facilities, including but not limited to warehouse personnel and
7 field technicians, manage large volumes of electronic equipment (such as set top boxes, modems,
8 embedded multimedia terminal adapters (“EMTAs”), routers, remote controls, transformers,
9 customer premises equipment (“CPE”), power adapters, CPE power supplies, remote terminals,
10 field testing equipment, devices containing meters, splitters, cable filters, taps, AB switches,
11 network interface cards and printed circuit boards), batteries (such as lead-acid, lithium-ion and
12 alkaline batteries), aerosol cans, lamps, mercury-added lamps, cable, amplifiers, scrap metal, as
13 well as certain other items used or carried by technicians (specifically: adhesives and glues,
14 caulking and sealants, petroleum based greases & lubricants, paints, freon, lighter fluid, propane,
15 machine polish, denatured alcohol, and printer cartridges) that have become hazardous waste
16 within the meaning of Health and Safety Code sections 25117 and 25124, and the corresponding
17 title 22 California Code of Regulations (collectively the “target waste”). Defendant uses some of
18 these items to maintain and power its network, while other items are used by technicians in the
19 course of their duties, and still other items are leased to customers and reclaimed by Defendant at
20 the end of a contract or when upgrading equipment. At all times relevant hereto and continuing
21 from and after the date of filing of this Complaint, electronic equipment, batteries and aerosol
22 cans handled by Defendant at the Covered Facilities or in the field in the course and scope of field
23 technicians employment, were and are rendered unusable for their intended purpose as the result
24 of usage, damage, age, wear, obsolescence and other causes, and must be handled and recycled or
25 disposed of in compliance with the HWCL.

26 26. At all times relevant to this Complaint, Defendant is or was responsible for the
27 operation of the Covered Facilities in California. At all times relevant to this Complaint,
28 Defendant was aware of and did or does conduct, approve and/or control hazardous waste

1 management activities for the target waste at the Covered Facilities. At all times relevant to this
2 Complaint, Defendant's actions and/or omissions, as part of a continuing course of conduct, are
3 or were the legal cause of the violations alleged herein, and Defendant reasonably could have
4 taken action to prevent the unlawful actions and/or omissions.

5 27. Plaintiff is informed and believes, and thereupon alleges, that at all times relevant to
6 this Complaint, Defendant generated hazardous waste at each of the Covered Facilities during
7 every ninety (90) day period.

8 28. Plaintiff alleges that Defendant at all times relevant hereto and continuing from and
9 after the date of filing of this Complaint, caused and/or performed each of the acts and/or
10 omissions in violation of the HWCL in the ownership and/or operation of the Covered Facilities
11 as alleged below:

12 ***Disposal Violations***

13 a. Disposed, or caused the disposal of, target waste that constitutes hazardous
14 waste at a point not authorized, in violation of Health and Safety Code section 25189.5,
15 subdivision (a);

16 b. Disposed, or caused the disposal of new or unused electronic equipment and
17 batteries of the types described in paragraph 25 above, that by virtue of their disposal became a
18 hazardous waste, at a point not authorized, in violation of Health & Safety Code section 25189.5,
19 subdivision (a);

20 ***Waste Determination Violations***

21 c. Failed to determine if a generated target waste was a "hazardous waste" as
22 required by California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), and,
23 where such target waste was hazardous, failed to handle the hazardous waste in accordance with
24 the requirements of Chapter 6.5 of the Health and Safety Code and its implementing regulations
25 in California Code of Regulations, title 22, including but not limited to section 66265.172
26 (compatible contents), and section 66265.177 (placing incompatible waste streams in the same
27 container);

28

1 ***Storage and Accumulation Time Limit Violations***

2 d. Stored target waste that constitutes hazardous waste onsite beyond the time
3 permitted by law at a facility which did not have a hazardous waste storage permit from the
4 California Department of Toxic Substances Control (“DTSC”), in violation of California Code of
5 Regulations, title 22, section 66262.34, and California Health and Safety Code section 25123.3,
6 subdivision (h);

7 ***Labeling and Container Violations***

8 e. Failed to properly label containers of accumulated target waste that constitutes
9 hazardous waste, in violation of California Code of Regulations, title 22, section 66262.34,
10 subdivision (f);

11 f. Failed to maintain containers holding target waste that constitutes hazardous
12 waste at the Covered Facilities capable of being closed while in storage, in violation of California
13 Code of Regulations, title 22, section 66265.173;

14 g. Failed to properly manage, mark, and store hazardous waste aerosol cans, in
15 violation of section 25201.16 of the California Health and Safety Code;

16 ***Transportation and Manifest Violations***

17 h. Delivered, or otherwise transferred custody or possession of, target waste that
18 constitutes hazardous waste to a person or entity that was not properly licensed and registered to
19 transport hazardous waste, in violation of California Health and Safety Code section 25163,
20 subdivision (a)(1);

21 i. Transported target waste that constitutes hazardous waste without being
22 properly licensed and registered to transport hazardous waste, in violation of California Health
23 and Safety Code section 25163, subdivision (a)(1);

24 j. Transported, or caused to be transported, target waste that constitutes hazardous
25 waste to unauthorized locations, in violation of Health and Safety Code section 25189.5;

26 k. Failed to submit to DTSC a legible copy of each manifest used within thirty
27 (30) days of each shipment of target waste that constitutes hazardous waste off-site or into
28

1 California, in violation of California Code of Regulations, title 22, section 66262.23, subdivision
2 (a)(4);

3 ***Training Violations***

4 l. Failed to comply with employee training obligations for employees who are
5 assigned to Covered Facilities and who managed target waste that constitutes hazardous waste, as
6 set forth in California Code of Regulations, title 22, section 66265.16, including but not limited to
7 the requirements to maintain training documentation as specified in these regulations for each
8 employee involved in the management of hazardous waste;

9 ***Universal Waste Violations***

10 m. Stored target waste that constitutes universal waste onsite beyond the time
11 permitted by law, in violation of California Code of Regulations, title 22, section 66273.35;

12 n. Failed to properly label containers of accumulated target waste that constitutes
13 universal waste, in violation of California Code of Regulations, title 22, sections 66273.34 and
14 66273.35, subdivision (b);

15 o. Sent, transported, relinquished, transferred, surrendered or otherwise took target
16 waste that constitutes universal waste to an unauthorized location, in violation of California Code
17 of Regulations, title 22, sections 66273.38, 66273.39, 66273.40 and 66273.41;

18 p. With respect to target waste that constitutes universal waste, failed to comply
19 with notification requirements for a universal waste handler, in violation of California Code of
20 Regulations, title 22, section 66273.32;

21 q. Failed to retain copies of all bills of lading pertaining to shipments of target
22 waste that constitute universal waste for three years, in violation of California Code of
23 Regulations, title 22, section 66273.39;

24 r. Failed to keep a record with the information required by section 66273.39,
25 subdivision (a)(1) – (3), of each shipment of target waste that constitutes universal waste received
26 at the universal waste handler's facility, in violation of California Code of Regulations, title 22,
27 section 66273.39;

1 s. Failed to comply with employee training obligations for employees who are
2 assigned to Covered Facilities and who managed target waste that constitutes universal waste, as
3 set forth in California Code of Regulations, title 22, section 66273.36, including but not limited to
4 the requirements to maintain training documentation as specified in these regulations for each
5 employee involved in the management of universal waste; and

6 ***Generator ID Violations***

7 t. Treated, stored, disposed of, transported, and offered for transportation, target
8 waste that constitutes hazardous waste without having received and used a proper identification
9 number from the U.S. Environmental Protection Agency or DTSC for the originating facility, in
10 violation of California Code of Regulations, title 22, section 66262.12, subdivision (a).

11 29. Each of the acts and/or omissions pleaded in Paragraph 28 of this Complaint is part of
12 a continuing course of conduct by Defendant to violate California environmental laws and
13 regulations, such that the statutes of limitation have not yet begun to run on said acts.

14 **FIRST CAUSE OF ACTION**

15 **(Intentional Disposal of Hazardous Waste at a Point Not Authorized)**

16 **(Health & Safety Code §§ 25189.5, subd. (a) and 25189, subd. (c))**

17 30. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

18 31. Health and Safety Code section 25189.5, subdivision (a), prohibits the disposal of
19 hazardous waste at an unauthorized point.

20 32. Defendant has intentionally disposed or caused the disposal of target waste that
21 constitutes hazardous waste originating from the Covered Facilities at unauthorized points, in
22 violation of California Health and Safety Code section 25189.5, subdivision (a), and unless
23 enjoined by order of the Court, Defendant may or will continue in the course of conduct as
24 alleged herein.

25 33. Each intentional disposal of target waste that constitutes hazardous waste at an
26 unauthorized point, subjects Defendant to a separate and additional civil penalty of not less than
27 one thousand dollars (\$1,000) under Health and Safety Code section 25189, subdivision (c).

28

1 California Health and Safety Code section 25189.5, subdivision (a), and unless enjoined by order
2 of the Court, Defendant may or will continue in the course of conduct as alleged herein.

3 43. Each disposal of target waste that constitutes hazardous waste at an unauthorized
4 point subjects Defendant to a separate and additional civil penalty under Health and Safety Code
5 section 25189.2, subdivision (c).

6 44. Based on the above, Plaintiff requests injunctive relief against Defendant under
7 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
8 Safety Code section 25189.2, subdivision (c), as set forth in Plaintiff's prayer for relief.

9 **FOURTH CAUSE OF ACTION**

10 **(Intentional Violation Hazardous Waste Determination Requirement)**

11 **(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);**

12 **Cal. Code Regs., Tit. 22, §§ 66262.11 and 66260.200(c))**

13 45. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

14 46. California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), require
15 that a person who generates a waste determine if that waste is hazardous using the methods
16 proscribed in the regulation.

17 47. Defendant has intentionally failed to determine if the target waste they generated
18 through its operations and managed at Covered Facilities is hazardous, in violation of the
19 hazardous waste determination requirement of Chapter 6.5 of Division 20 of the Health and
20 Safety Code section 25100 et seq., and its implementing regulations at Title 22 of the California
21 Code of Regulations sections 66262.11 and 66260.200(c), and unless enjoined by order of the
22 Court, Defendant may or will continue in the course of conduct as alleged herein.

23 48. Each intentional violation by Defendant of the hazardous waste determination
24 requirement subjects Defendant to a separate and additional civil penalty under Health and Safety
25 Code section 25189, subdivision (b).

26 49. Based on the above, Plaintiff requests injunctive relief against Defendant under
27 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
28 Safety Code section 25189, subdivision (b), for each intentional violation of the hazardous waste

1 determination requirement of Chapter 6.5 of Division 20 of the Health and Safety Code section
2 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
3 sections 66262.11 and 66260.200(c), with regard to the target waste at the Covered Facilities, as
4 set forth in Plaintiff's prayer for relief.

5 **FIFTH CAUSE OF ACTION**

6 **(Negligent Violation Hazardous Waste Determination Requirement)**

7 **(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);**

8 **Cal. Code Regs., Tit. 22, §§ 66262.11 and 66260.200(c))**

9 50. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

10 51. California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), require
11 that a person who generates a waste determine if that waste is hazardous using the methods
12 proscribed in the regulation.

13 52. Defendant has negligently failed to determine if the target waste they generated
14 through its operations and managed at Covered Facilities is hazardous, in violation of the
15 hazardous waste determination requirement of Chapter 6.5 of Division 20 of the Health and
16 Safety Code section 25100 et seq., and its implementing regulations at Title 22 of the California
17 Code of Regulations sections 66262.11 and 66260.200(c), and unless enjoined by order of the
18 Court, Defendant may or will continue in the course of conduct as alleged herein.

19 53. Each negligent violation by Defendant of the hazardous waste determination
20 requirement subjects Defendant to a separate and additional civil penalty under Health and Safety
21 Code section 25189, subdivision (b).

22 54. Based on the above, Plaintiff requests injunctive relief against Defendant under
23 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
24 Safety Code section 25189, subdivision (b), for each negligent violation of the hazardous waste
25 determination requirement of Chapter 6.5 of Division 20 of the Health and Safety Code section
26 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
27 sections 66262.11 and 66260.200(c), with regard to the target waste at the Covered Facilities, as
28 set forth in Plaintiff's prayer for relief.

1 **SIXTH CAUSE OF ACTION**

2 **(Strict Liability for Violation of Hazardous Waste Determination Requirement)**

3 **(Health & Safety Code, §§ 25100, et seq., and 25189.2, subd. (b);**

4 **Cal. Code Regs., Tit. 22, §§ 66262.11 and 66260.200(c))**

5 55. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

6 56. California Code of Regulations, title 22, sections 66262.11 and 66260.200(c), require
7 that a person who generates a waste determine if that waste is hazardous using the methods
8 proscribed in the regulation.

9 57. Defendant has failed to determine if the target waste they generated through its
10 operations and managed at Covered Facilities is hazardous, in violation of the hazardous waste
11 determination requirement of Chapter 6.5 of Division 20 of the Health and Safety Code section
12 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
13 sections 66262.11 and 66260.200(c), and unless enjoined by order of the Court, Defendant may
14 or will continue in the course of conduct as alleged herein.

15 58. Each violation by Defendant of the hazardous waste determination requirement
16 subjects Defendant to a separate and additional civil penalty under Health and Safety Code
17 section 25189.2, subdivision (b).

18 59. Based on the above, Plaintiff requests injunctive relief against Defendant under
19 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
20 Safety Code section 25189.2, subdivision (b), for each violation of the hazardous waste
21 determination requirement of Chapter 6.5 of Division 20 of the Health and Safety Code section
22 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
23 sections 66262.11 and 66260.200(c), with regard to the target waste at the Covered Facilities, as
24 set forth in Plaintiff's prayer for relief.

1 **SEVENTH CAUSE OF ACTION**

2 **(Intentional Violations of Hazardous Waste Storage, Container, Labeling, Marking and**
3 **Accumulation Time Limits Requirements)**

4 **(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);**

5 **Cal. Code Regs., Tit. 22, § 66260.1 et seq.)**

6 60. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

7 61. Defendant has intentionally violated, and continues to violate, the hazardous waste
8 storage, container, labeling, marking, and accumulation time limits requirements of Chapter 6.5
9 of Division 20 of the Health and Safety Code section 25100 et seq., and its implementing
10 regulations at Title 22 of the California Code of Regulations sections 66260.1 et seq., with regard
11 to the target waste at the Covered Facilities, and unless enjoined by order of the Court, Defendant
12 may or will continue in the course of conduct as alleged herein.

13 62. Each intentional violation by Defendant of the hazardous waste storage, container,
14 labeling, marking and accumulation time limits requirements subjects Defendant to a separate and
15 additional civil penalty under Health and Safety Code section 25189, subdivision (b).

16 63. Based on the above, Plaintiff requests injunctive relief against Defendant under
17 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
18 Safety Code section 25189, subdivision (b), for each intentional violation of the hazardous waste
19 storage, container, labeling, marking, and accumulation time limits requirements of Chapter 6.5
20 of Division 20 of the Health and Safety Code section 25100 et seq., and its implementing
21 regulations at Title 22 of the California Code of Regulations sections 66260.1 et seq., with regard
22 to the target waste at the Covered Facilities, as set forth in Plaintiff's prayer for relief.

23 **EIGHTH CAUSE OF ACTION**

24 **(Negligent Violations of Hazardous Waste Storage, Container, Labeling, Marking and**
25 **Accumulation Time Limits Requirements)**

26 **(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);**

27 **Cal. Code Regs., Tit. 22, §§ 66260.1 et seq.)**

28 64. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

1 manifest to DTSC within thirty days of each shipment, and unless enjoined by order of the Court,
2 Defendant may or will continue in the course of conduct as alleged herein.

3 75. Each act of unauthorized transfer or transportation or failure to manifest subjects
4 Defendant to a separate and additional civil penalty under Health and Safety Code section 25189,
5 subdivision (b), for each intentional violation of Health and Safety Code section 25163 and Title
6 22 of the California Code of Regulations section 66263.23.

7 76. Based on the above, Plaintiff requests injunctive relief against Defendant under
8 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
9 Safety Code section 25189, subdivision (b), for each intentional violation of the transportation
10 and manifest requirements of Health and Safety Code section 25163 and Title 22 of the California
11 Code of Regulations section 66263.23, with regard to the target waste, as set forth in Plaintiff's
12 prayer for relief.

13 **ELEVENTH CAUSE OF ACTION**

14 **(Negligent Violations of Hazardous Waste Transportation and Manifest Requirements)**

15 **(Health & Safety Code, §§ 25163 and 25189, subd. (b);**

16 **Cal. Code Regs., Tit. 22, § 66263.23)**

17 77. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

18 78. Chapter 6.5 of the Health and Safety Code prohibits the unauthorized transfer or
19 transportation of hazardous waste. Section 25163 prohibits the transfer of hazardous waste to a
20 transporter who does not have a valid registration from DTSC. Title 22 of the California Code of
21 Regulations section 66263.23, subdivision (b), further prohibits the transportation of hazardous
22 waste to a location not permitted or otherwise authorized by DTSC to receive the waste. And,
23 title 22 of the California Code of Regulations section 66263.23, subdivision (a)(4), further
24 requires that the generator submit to DTSC a legible copy of each manifest used within thirty
25 days of each shipment of hazardous waste off-site or into California.

26 79. Defendant has negligently transferred target waste that constitutes hazardous waste to
27 transporters who did not have valid registrations from DTSC, from the Covered Facilities for
28 transportation to unauthorized locations, in violation of Health and Safety Code section 25163

1 and Title 22 of the California Code of Regulations section 66263.23, without providing a
2 manifest to DTSC within thirty days of each shipment, and unless enjoined by order of the Court,
3 Defendant may or will continue in the course of conduct as alleged herein.

4 80. Each act of unauthorized transfer or transportation or failure to manifest subjects
5 Defendant to a separate and additional civil penalty under Health and Safety Code section 25189,
6 subdivision (b), for each negligent violation of Health and Safety Code section 25163 and Title
7 22 of the California Code of Regulations section 66263.23.

8 81. Based on the above, Plaintiff requests injunctive relief against Defendant under
9 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
10 Safety Code section 25189, subdivision (b), for each negligent violation of the transportation and
11 manifest requirements of Health and Safety Code section 25163 and Title 22 of the California
12 Code of Regulations section 66263.23, with regard to the target waste, as set forth in Plaintiff's
13 prayer for relief.

14 **TWELFTH CAUSE OF ACTION**

15 **(Strict Liability for Violations of Hazardous Waste Transportation and Manifest**
16 **Requirements)**

17 **(Health & Safety Code, §§ 25163 and 25189.2, subd. (b);**

18 **Cal. Code Regs., Tit. 22, § 66263.23)**

19 82. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

20 83. Chapter 6.5 of the Health and Safety Code prohibits the unauthorized transfer or
21 transportation of hazardous waste. Section 25163 prohibits the transfer of hazardous waste to a
22 transporter who does not have a valid registration from DTSC. Title 22 of the California Code of
23 Regulations section 66263.23, subdivision (b), further prohibits the transportation of hazardous
24 waste to a location not permitted or otherwise authorized by DTSC to receive the waste. And,
25 title 22 of the California Code of Regulations section 66263.23, subdivision (a)(4), further
26 requires that the generator submit to DTSC a legible copy of each manifest used within thirty
27 days of each shipment of hazardous waste off-site or into California.

28

1 technicians and other employees who manage that target waste, in violation of the training
2 requirements of California Code of Regulations, title 22, sections 66265.16 and 66273.36, and
3 unless enjoined by order of the Court, Defendant may or will continue in the course of conduct as
4 alleged herein.

5 90. Each intentional violation by Defendant of the hazardous waste and universal waste
6 training requirements subjects Defendant to a separate and additional civil penalty under Health
7 and Safety Code section 25189, subdivision (b).

8 91. Based on the above, Plaintiff requests injunctive relief against Defendant under
9 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
10 Safety Code section 25189, subdivision (b), for each intentional violation of the hazardous waste
11 and universal waste training requirements of Chapter 6.5 of Division 20 of the Health and Safety
12 Code section 25100 et seq., and its implementing regulations at Title 22 of the California Code of
13 Regulations sections 66265.16 and 66273.36, with regard to employees handling the target waste
14 at or in connection with the Covered Facilities, as set forth in Plaintiff's prayer for relief.

15 **FOURTEENTH CAUSE OF ACTION**

16 **(Negligent Violation Hazardous Waste and Universal Waste Training Requirements)**

17 **(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);**

18 **Cal. Code Regs., Tit. 22, §§ 66265.16 and 66273.36)**

19 92. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

20 93. California Code of Regulations, title 22, sections 66265.16 and 66273.36, require that
21 the generator of hazardous waste, including universal waste, provide annual training pertaining to
22 the management of hazardous waste or universal waste, as appropriate and maintain training
23 documentation as specified in these regulations for each employee involved in the management of
24 hazardous waste.

25 94. Through its operations, Defendant generates target waste that constitutes hazardous
26 waste, including universal waste, at Covered Facilities and have negligently failed to train field
27 technicians and other employees who manage that target waste, in violation of the training
28 requirements of California Code of Regulations, title 22, sections 66265.16 and 66273.36, and

1 unless enjoined by order of the Court, Defendant may or will continue in the course of conduct as
2 alleged herein.

3 95. Each negligent violation by Defendant of the hazardous waste and universal waste
4 training requirements subjects Defendant to a separate and additional civil penalty under Health
5 and Safety Code section 25189, subdivision (b).

6 96. Based on the above, Plaintiff requests injunctive relief against Defendant under
7 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
8 Safety Code section 25189, subdivision (b), for each negligent violation of the hazardous waste
9 and universal waste training requirements of Chapter 6.5 of Division 20 of the Health and Safety
10 Code section 25100 et seq., and its implementing regulations at Title 22 of the California Code of
11 Regulations sections 66265.16 and 66273.36, with regard to employees managing the target waste
12 at or in connection with the Covered Facilities, as set forth in Plaintiff's prayer for relief.

13 **FIFTEENTH CAUSE OF ACTION**

14 **(Strict Liability for Violation of Hazardous Waste and Universal Waste Training**
15 **Requirements)**

16 **(Health & Safety Code, §§ 25100, et seq., and 25189.2, subd. (b);**

17 **Cal. Code Regs., Tit. 22, §§ 66265.16 and 66273.36)**

18 97. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

19 98. California Code of Regulations, title 22, sections 66265.16 and 66273.36, require that
20 the generator of hazardous waste, including universal waste, provide annual training pertaining to
21 the management of hazardous waste or universal waste, as appropriate and maintain training
22 documentation as specified in these regulations for each employee involved in the management of
23 hazardous waste.

24 99. Through its operations, Defendant generates target waste that constitutes hazardous
25 waste, including universal waste, at Covered Facilities and have failed to train field technicians
26 and other employees who manage that target waste, in violation of the training requirements of
27 California Code of Regulations, title 22, sections 66265.16 and 66273.36, and unless enjoined by
28 order of the Court, Defendant may or will continue in the course of conduct as alleged herein.

1 disposal, management, labeling, marking, accumulation time limits, sending and tracking
2 requirements of Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq.,
3 and its implementing regulations at Title 22 of the California Code of Regulations sections
4 66273.1 et seq., with regard to the target waste at or in connection with the Covered Facilities, as
5 set forth in Plaintiff's prayer for relief.

6 **EIGHTEENTH CAUSE OF ACTION**

7 **(Strict Liability Violations of Hazardous Waste Control Laws for Universal Waste**
8 **Management, Disposal, Labeling, Marking, Accumulation Time Limits, Sending and**
9 **Tracking Requirements)**

10 **(Health & Safety Code, §§ 25100, et seq., and 25189.2, subd. (b);**

11 **Cal. Code Regs., Tit. 22, §§ 66273.1 et seq.)**

12 110. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

13 111. Defendant has violated, and continues to violate, the universal waste disposal,
14 management, labeling, marking, accumulation time limits, sending and tracking requirements of
15 Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its
16 implementing regulations at Title 22 of the California Code of Regulations sections 66273.1 et
17 seq., with regard to the target waste at the Covered Facilities, and unless enjoined by order of the
18 Court, Defendant may or will continue in the course of conduct as alleged herein.

19 112. Each violation by Defendant of the universal waste disposal, management, labeling,
20 marking, accumulation time limits, sending and tracking requirements subjects Defendant to a
21 separate and additional civil penalty under Health and Safety Code section 25189.2, subdivision
22 (b).

23 113. Based on the above, Plaintiff requests injunctive relief against Defendant under
24 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
25 Safety Code section 25189.2, subdivision (b), for each violation of the universal waste disposal,
26 management, labeling, marking, accumulation time limits, sending and tracking requirements of
27 Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its
28 implementing regulations at Title 22 of the California Code of Regulations sections 66273.1 et

1 seq., with regard to the target waste at or in connection with the Covered Facilities, as set forth in
2 Plaintiff's prayer for relief.

3 **NINETEENTH CAUSE OF ACTION**

4 **(Violations of Unfair Competition Laws – HWCL Predicate Acts or Practices)**

5 **(Bus. & Prof. Code §§ 17200 - 17208)**

6 114. Plaintiff realleges paragraphs 1-6, 9-13, 15-22, and 25-29, inclusive.

7 115. Within four (4) years of commencing this action, exclusive of any applicable tolling
8 periods, including those set forth in paragraph 12 herein, Defendant has engaged in, and continue
9 to engage in, acts or practices that constitute unfair competition within the meaning of Business
10 and Professions Code sections 17200 through 17208.

11 116. Specifically, Defendant engaged in the acts or practices alleged in the First through
12 Eighteenth Causes of Action, above.

13 117. Pursuant to Business and Professions Code section 17206, Defendant is liable for
14 civil penalties for each and every violation as alleged herein.

15 118. Defendant must be immediately and permanently enjoined, pursuant to Business and
16 Professions Code section 17203, from engaging in acts or practices that, as alleged in this
17 Complaint, violate Chapter 6.5 and their implementing regulations, which thereby constitute
18 unfair competition within the meaning of Business and Professions Code section 17200.

19 **TWENTIETH CAUSE OF ACTION**

20 **(Violations of Unfair Competition Laws – Civil Code**

21 **Customer Records Privacy Predicate Acts or Practices)**

22 **(Bus. & Prof. Code §§ 17200 - 17208)**

23 119. Plaintiff realleges paragraphs 1-5, 7-8, 10-12, 14, 18-24, inclusive.

24 120. Within four (4) years of commencing this action, exclusive of any applicable tolling
25 periods, including those set forth in paragraph 12 herein, Defendant has engaged in, and continue
26 to engage in, acts or practices that constitute unfair competition within the meaning of Business
27 and Professions Code sections 17200 through 17208.

1 6. Plaintiff's costs of inspection, investigation, enforcement, prosecution, and suit
2 herein, including but not limited to such attorneys fees and costs as are authorized to be recovered
3 pursuant to Code of Civil Procedure section 1021.8; and,

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

6 Dated: December 11, 2015

Respectfully Submitted,

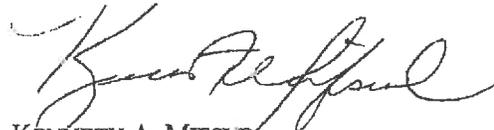
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