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MANAGEMENT DISTRICT
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Attorney for Plaintiff, PEOPLE OF THE
STATE OF CALIFORNIA ex rel. SOUTH COAST
AIR QUALITY MANAGEMENT DISTRICT

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

JAN 26 2016

Sherri R. Carter, Executive Officer/Clerk
By: Moses Soto, Deputy

COPY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

PEOPLE OF THE STATE OF CALIFORNIA
ex rel. SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT, a Public Entity,

Plaintiff,

vs.

SOUTHERN CALIFORNIA GAS COMPANY,
and DOES 1-50, inclusive,

Defendants.

CASE NO. **BC 6 0 8 3 2 2**

**COMPLAINT FOR CIVIL PENALTIES
FOR PUBLIC NUISANCE**

Health and Safety Code §§41700, 42402
through 42402.2; and District Rule 402

*Exempt From Filing Fees
Gov't Code §6103*

The People of the State of California, on the relation of the South Coast Air Quality
Management District, seek to recover civil penalties from defendants and allege as follows:

COMMON ALLEGATIONS

1. At all times herein mentioned, plaintiff People of the State of California, on the
relation of the South Coast Air Quality Management District ("District" or "Plaintiff"), was and is
organized and existing pursuant to Division 26, Part 3, Chapter 5.5 of the California Health and

1 Safety Code. The District is the sole and exclusive local agency within the South Coast Basin
2 with the responsibility for comprehensive air pollution control.

3 2. Plaintiff is informed and believes, and thereon alleges, that at all times relevant to
4 this lawsuit, defendant Southern California Gas Company (“Defendant” or “SoCalGas”) was and
5 is a California corporation duly organized and existing under the laws of the state of California
6 and doing business within the jurisdiction of this Court. Plaintiff is further informed and believes
7 and on that basis alleges that SoCalGas is a public utility engaged in the transmission, storage, and
8 distribution of natural gas in the jurisdiction of the District and of this Court.

9 3. The true names and capacities, whether individual, corporate, associate, or
10 otherwise, of defendants sued as Does 1 through 50, are unknown to Plaintiff. For that reason the
11 Doe defendants are sued by fictitious names. Plaintiff requests that when the true names and
12 capacities of the Doe defendants are ascertained, this complaint and all other proceedings be
13 amended by inserting the true names and capacities of the Doe defendants. Plaintiff alleges on
14 information and belief that each of the Doe defendants is responsible in some manner for the
15 violations alleged in this lawsuit and that the violations were caused by their conduct.

16 4. At all times relevant to this lawsuit, defendants, and each of them, are legal entities
17 having residence, contacts, and authorization to do and doing business within the jurisdiction of
18 this Court.

19 5. Plaintiff is informed and believes, and thereon alleges, that at all times relevant to
20 this lawsuit, defendants, and each of them, were the agents, servants and employees of each of the
21 other defendants and were authorized by each other to act, and have acted, as the agents of each
22 other defendant and were acting within the scope of their authority as such agents, servants, and
23 employees and with the permission and consent of each of their co-defendants.

24 6. At all times herein mentioned, SoCalGas owned and operated the Aliso Canyon
25 Storage Facility located at 12801 Tampa Avenue, Northridge, California (the “Facility”). The
26 Facility is located within the jurisdiction of the District and subject to the District’s regulatory
27 authority. SoCalGas injects natural gas through injection wells into underground reservoirs at the
28 Facility during warmer months when demand for gas is low and supplies are plentiful. During

1 colder months, when demand is high and supplies are scarce, SoCalGas withdraws natural gas
2 from the Facility and distributes the gas to its customers. SoCalGas stores up to 160 billion cubic
3 feet of gas at the Facility.

4 7. Plaintiff is informed and believes and on that basis alleges that SoCalGas uses Well
5 SS-25 to inject natural gas into underground reservoirs at the Facility and also to withdraw natural
6 gas. Well SS-25 extends approximately 8,500 feet below the surface of the earth and is one of
7 approximately 115 storage wells at the 3,600-acre Facility.

8 8. Beginning on or about October 24, 2015, SoCalGas discovered a leak at Well SS-
9 25. Natural gas has leaked from Well SS-25 at an estimated rate of up to approximately 127,868
10 pounds per hour. To date, SoCalGas has not stopped the leak.

11 9. Natural gas in its pure state is mostly methane. The natural gas leaking from Well
12 SS-25 contains tetra-butyl mercaptan and tetrahydrothiophene. These are odorants that produce
13 highly offensive rotten-egg odors. Short-term exposure to tetra-butyl mercaptan can cause
14 adverse health effects including, but not limited to, headaches, dizziness, nausea, vomiting,
15 pulmonary irritation, expiratory wheezing, rapid heartbeat, and irritation of the eyes, skin, and
16 mucus membranes. Short-term exposure to tetrahydrothiophene can cause adverse health effects
17 including, but not limited to, nausea, vomiting, headaches, and irritation of the skin and mucus
18 membranes.

19 10. Natural gas, tetra-butyl mercaptan, and tetrahydrothiophene are air contaminants
20 within the meaning of Health and Safety Code section 41700 and District Rule 402. (District Rule
21 402 is attached hereto as Exhibit A.)

22 11. Beginning on or about October 24, 2015, and continuing through the present, the
23 District has received over 2,000 odor complaints from the public living or working near the
24 Facility alleging the Facility as the source of the odor. The District has traced some of the odors
25 back to the Facility and to Well SS-25.

26 12. As the result of the odors and adverse health effects caused by the natural gas leak
27 from Well SS-25, thousands of people living in the communities near the Facility have been
28 forced to leave their homes, local schools have been closed, and thousands of students have been

1 relocated. The District is informed and believes and on that basis alleges that if people had stayed
2 in their homes and students had remained in their schools, they would have continued to suffer
3 significant or substantial injuries from odors from the leaking gas.

4 13. On November 23, 2015, the District issued Notice of Violation P62646 to
5 SoCalGas for causing an ongoing public nuisance in violation of Rule 402 and Health and Safety
6 Code section 41700 due to odors from the natural gas leak from Well SS-25.

7 14. Each day on which defendants, and each of them, violate District Rule 402 or
8 Sections 41700, 42402, 42402.1, or 42402.2 of the Health and Safety Code, defendants, and each
9 of them, commit a separate violation giving rise to civil penalties.

10 15. In addition to harming persons living, working, and attending school in the
11 communities near the Facility, SoCalGas' leak has contributed to global warming by emitting
12 billions of cubic feet of methane into the atmosphere. Methane is a greenhouse gas, which warms
13 the earth by absorbing heat energy from the sun and slowing the rate at which heat energy escapes.
14 The United States Environmental Protection Agency has developed a standard to compare the
15 global warming impacts of different greenhouse gases. The standard is called the Global
16 Warming Potential. The Global Warming Potential of carbon dioxide (CO₂), which is the most
17 common greenhouse gas, is 1. The United States Environmental Protection Agency estimates that
18 the Global Warming Potential for methane is between 28 and 36 over a 100-year period. Global
19 warming has caused significant harm to animals, plants, and people around the globe and poses
20 the risk of greater harm in the future. SoCalGas' methane leak from Well SS-25 has increased the
21 risk of harm in the future from global warming.

22 **FIRST CAUSE OF ACTION**

23 **BY THE DISTRICT AGAINST ALL DEFENDANTS FOR**

24 **VIOLATION OF DISTRICT RULE 402 AND**

25 **HEALTH AND SAFETY CODE §§41700 AND 42402(a), (b)(1)**

26 16. Plaintiff refers to and by this reference incorporates herein the foregoing allegations
27 of this Complaint with the same force and to the same extent as though set forth at length herein.

28 17. Health and Safety Code Section 42402(a) and (b)(1) prohibit any person from

1 violating Part 4, Division 26, of the Health and Safety Code, which includes Section 41700, or any
2 rule, regulation, permit, or order of an air district, which includes District Rule 402.

3 18. At all times pertinent hereto, the District had authority to enforce Health and Safety
4 Code section 41700 and had in full force and effect District Rule 402. Both District Rule 402 and
5 Health and Safety Code section 41700 are public nuisance provisions prohibiting any person from
6 discharging air contaminants or other material that, among other things, causes detriment,
7 nuisance or annoyance to any considerable number of persons or to the public, or which endanger
8 the comfort or repose of any such person, or causes or has a natural tendency to cause injury or
9 damage to business or property.

10 19. Plaintiff is informed and believes and on that basis alleges that beginning on or
11 about October 24, 2015 and continuing to a currently unknown date, SoCalGas has discharged and
12 continues to discharge air contaminants from Well SS-25 causing detriment, nuisance, or
13 annoyance to a considerable number of persons or to the public, or that have endangered the
14 comfort and repose of such persons or the public, so as to be in violation of District Rule 402 and
15 Health and Safety Code section 41700.

16 **SECOND CAUSE OF ACTION BY THE DISTRICT**

17 **AGAINST ALL DEFENDANTS FOR CAUSING ACTUAL INJURY**

18 **IN VIOLATION OF HEALTH AND SAFETY CODE §§41700 AND 42402(c)**

19 20. Plaintiff refers to and by this reference incorporates herein the foregoing allegations
20 of this Complaint with the same force and to the same extent as though set forth at length herein.

21 21. Health and Safety Code Section 42402(c) prohibits any person who owns or
22 operates any source of air contaminants in violation of Section 41700 from causing actual injury to
23 the health and safety of a considerable number of persons or to the public.

24 22. Plaintiff is informed and believes and on that basis alleges that beginning on or
25 about October 24, 2015 and continuing to a currently unknown date, SoCalGas has owned and
26 operated the Facility in violation of Health and Safety Code Section 41700 due to colors, and odors
27 from gas leaking from Well SS-25 at the Facility have caused actual injury to a considerable
28 persons or to the public living and working near the Facility, including, but not limited to,

1 headaches, dizziness, nausea, nose bleeds, and respiratory distress including coughing and
2 wheezing.

3 **THIRD CAUSE OF ACTION BY THE DISTRICT**
4 **AGAINST ALL DEFENDANTS FOR**
5 **NEGLIGENT EMISSION OF AIR CONTAMINANTS IN**
6 **VIOLATION OF DISTRICT RULE 402**
7 **AND HEALTH AND SAFETY CODE §§41700 AND 42402.1(a)**

8 23. Plaintiff refers to and by this reference incorporates the forgoing allegations of this
9 Complaint with the same force and to the same extent as though set forth at length herein.

10 24. Health and Safety Code Section 42402.1(a) prohibits the negligent emission of an
11 air contaminant in violation of Part 4, Division 26, of the Health and Safety Code, which includes
12 Section 41700, or of any rule, regulation, permit, or order of an air district, which includes District
13 Rule 402.

14 25. Plaintiff is informed and believes and on that basis alleges that SoCalGas'
15 negligence caused the leak from Well SS-25 by, including, but not limited to, negligently
16 designing Well SS-25, including the well casing; negligently constructing Well SS-25, including
17 the well casing; negligently operating the Facility; negligently operating Well SS-25; negligently
18 inspecting the Facility; negligently inspecting Well SS-25; negligently responding to the leak from
19 Well SS-25; negligently hiring contractors and others to design, construct, inspect, or operate the
20 Facility or Well SS-25; and negligently overseeing contractors and others who designed,
21 constructed, inspected, or operated the Facility or Well SS-25.

22 26. Plaintiff alleges that beginning on or about October 24, 2015 and continuing to a
23 currently unknown date SoCalGas's negligence has resulted in the negligent emission of an air
24 contaminant in violation of Health and Safety Code section 41700 and District Rule 402.

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1 **FOURTH CAUSE OF ACTION BY THE DISTRICT**
2 **AGAINST ALL DEFENDANTS FOR NEGLIGENT EMISSION OF**
3 **AIR CONTAMINANTS CAUSING GREAT BODILY INJURY**
4 **IN VIOLATION OF HEALTH AND SAFETY CODE §§41700 AND 42402.1(b)**

5 27. Plaintiff refers to and by this reference incorporates the foregoing allegations of this
6 Complaint with the same force and to the same extent as though set forth at length herein.

7 28. Health and Safety Code section 42402.1(b) prohibits any person who negligently
8 emits an air contaminant in violation of Health and Safety Code Section 41700 from causing great
9 bodily injury.

10 29. Plaintiff is informed and believes and on that basis alleges that SoCalGas'
11 negligent emission of an air contaminant from the Facility in violation of Health and Safety Code
12 section 41700 beginning on or about October 24, 2015 and continuing to a currently unknown date
13 has caused great bodily injury to persons living, working, or attending school near the Facility.

14 **FIFTH CAUSE OF ACTION BY THE DISTRICT**
15 **AGAINST ALL DEFENDANTS FOR KNOWING EMISSION**
16 **OF AIR CONTAMINANTS IN VIOLATION OF DISTRICT RULE 402**
17 **AND HEALTH AND SAFETY CODE §§41700 AND 42402.2(a)**

18 30. Plaintiff refers to and by this reference incorporates herein the forgoing allegations
19 of this Complaint with the same force and to the same extent as though set forth at length herein.

20 31. Health and Safety Code Section 42402.2(a) prohibits any person from emitting an
21 air contaminant in violation of Part 4, Division 26, of the Health and Safety Code, including
22 Section 41700, or any rule, regulation, permit, or order of an air district, including District Rule
23 402, who knew of the emission and failed to take corrective action within a reasonable period of
24 time under the circumstances.

25 32. Plaintiff alleges that beginning on or about October 24, 2015 and continuing to a
26 currently unknown date, SoCalGas emitted an air contaminant in violation of District Rule 402
27 and Health and Safety Code section 41700; that SoCalGas knew of the emission; and that
28 SoCalGas failed to take corrective action within a reasonable period of time under the

1 circumstances.

2 **SIXTH CAUSE OF ACTION BY THE DISTRICT**
3 **AGAINST ALL DEFENDANTS FOR KNOWING EMISSION OF**
4 **AIR CONTAMINANTS CAUSING GREAT BODILY INJURY**
5 **IN VIOLATION OF HEALTH AND SAFETY CODE §§41700 AND 42402.2(b)**

6 33. Plaintiff refers to and by this reference incorporates herein the foregoing allegations
7 of this Complaint with the same force and to the same extent as though fully set forth at length
8 herein.

9 34. Health and Safety Code Section 42402.2(b) prohibits any person who owns or
10 operates any source of air contaminants in violation of Section 41700 that cause great bodily
11 injury to any person and who knew of the emission from failing to take corrective action within a
12 reasonable period of time under the circumstances.

13 35. Plaintiff alleges that beginning on or about October 24, 2015 and continuing to a
14 currently unknown date, SoCalGas owned and operated a source of air contaminants in violation
15 of Health and Safety Code Section 41700 that caused great bodily injury to a person or persons
16 living, working, or attending school near the Facility; SoCal gas knew of the emission; and
17 SoCalGas failed to take corrective action within a reasonable period of time under the
18 circumstances.

19 **ON PLAINTIFF'S FIRST CAUSE OF ACTION**

20 1. For civil penalties as prescribed in California Health and Safety Code section
21 42402(b)(1) in the amount of Ten Thousand Dollars (\$10,000.00) per violation for each and every
22 day of violation in accordance with the proof;

23 **ON PLAINTIFF'S SECOND CAUSE OF ACTION**

24 2. For civil penalties as prescribed in California Health and Safety Code section
25 42402(c) in the amount of Fifteen Thousand Dollars (\$15,000.00) per violation for each and every
26 day of violation in accordance with the proof;

27 **ON PLAINTIFF'S THIRD CAUSE OF ACTION**

28 3. For civil penalties as prescribed in California Health and Safety Code section

1 42402.1(a) in the amount of Twenty-Five Thousand Dollars (\$25,000.00) per violation for each
2 and every day of violation in accordance with the proof;

3 **ON PLAINTIFF'S FOURTH CAUSE OF ACTION**

4 4. For civil penalties as prescribed in California Health and Safety Code section
5 42402.1(b) in the amount of One Hundred Thousand Dollars (\$100,000.00) per violation for each
6 and every day of violation in accordance with the proof.

7 **ON PLAINTIFF'S FIFTH CAUSE OF ACTION**

8 5. For civil penalties as prescribed in California Health and Safety Code section
9 42402.2(a) in the amount of Forty Thousand Dollars (\$40,000.00) per violation for each and every
10 day of violation in accordance with the proof.

11 **ON PLAINTIFF'S SIXTH CAUSE OF ACTION**

12 6. For civil penalties as prescribed in California Health and Safety Code section
13 42402.2(b) in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) per violation for
14 each and every day of violation in accordance with the proof.

15
16 **ON ALL CAUSES OF ACTION**

- 17 1. For costs of suit incurred herein;
18 2. For such other and further relief as to the Court deems just and proper.

19
20 Dated: January 26, 2016

SOUTH COAST AIR QUALITY
MANAGEMENT DISTRICT

21
22
23 By: 

KURT R. WIESE
General Counsel

(Adopted May 7, 1976)

RULE 402. NUISANCE

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.