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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

**AND RELATED CONSOLIDATED
CASES.**

Case No. BC602973 (Consolidated with Lead
Case No. BC601844 and Case Nos. BC603602,
BC604099, BC604353, BC604414, BC604592,
BC605084, BC605085, BC605173, BC605406,
BC605407, BC605892, 606427, BC606555,
606844, 606941, 607057, 607347, 607540,
607541, 607841, 607542, 607697, 607839, and
607840)

**SECOND AMENDED COMPLAINT FOR
CIVIL PENALTIES, PERMANENT
INJUNCTION, AND OTHER EQUITABLE
RELIEF**

- 1. PUBLIC NUISANCE;**
- 2. HEALTH & SAFETY CODE, § 41700;**
- 3. HEALTH & SAFETY CODE, § 25510;**
- 4. BUS. & PROF. CODE, § 17200; AND**
- 5. GOVERNMENT CODE, § 12607**

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1 The People of the State of California (“the People”), acting by and through Kamala D.
2 Harris, Attorney General (“Attorney General”) in her independent capacity and on behalf of the
3 California Air Resources Board (“ARB”); Michael N. Feuer, City Attorney for the City of Los
4 Angeles (“City Attorney”); and Mary C. Wickham, County Counsel for the County of Los
5 Angeles (“County Counsel”), allege as follows:

6 INTRODUCTION

7 1. A natural gas leak near the community of Porter Ranch in the City of Los Angeles has
8 caused an ongoing public health and environmental emergency, sickening residents of Porter
9 Ranch and compelling thousands to relocate, and threatening to undermine statewide efforts by
10 the State of California to reduce greenhouse gas (“GHG”) emissions and mitigate the pace and
11 effects of climate change. By this lawsuit, the People seek: (1) to ensure the leak is repaired as
12 quickly as possible; (2) to ensure the causes of the leak, and the reasons for the difficulties in
13 fixing it, are fully understood and action plans put in place to prevent a recurrence of this type of
14 event; (3) to ensure that any systemic deficiencies in the operation of all natural gas-injection
15 wells and other infrastructure at similar storage facilities are appropriately addressed; (4) to
16 mitigate the impacts of the uncontrolled emission of a massive quantity of GHGs into the
17 environment; and (5) to impose appropriate civil penalties as allowed by law for the conduct that
18 caused this disaster.

19 2. The leak was discovered on or about October 23, 2015, at an injection well at the
20 Aliso Canyon Natural Gas Storage Facility (“Facility”) owned and operated by Defendant
21 Southern California Gas Company (“SoCalGas”). The leak, which continues to this day, has
22 caused the release of significant quantities of natural gas, the primary constituent of which is
23 methane. Other constituents of the leaking natural gas include several federally-listed hazardous
24 air pollutants: benzene (a known carcinogen and reproductive toxin), toluene (a reproductive
25 toxin), ethylbenzene (a carcinogen), and xylene (collectively, “BTEX”). The natural gas also
26 contains tert-butyl mercaptan and tetrahydrothiophene (“mercaptan”), chemical compounds that
27 are added to natural gas to give it a detectable odor.

1 3. As a result of the leak, City residents have been subjected to a nuisance in the form of
2 intolerably foul odors and have suffered physiological symptoms, including nausea, vomiting,
3 dizziness, nosebleeds, headaches, and other adverse health effects. These residents face potential
4 risks to their long-term health as well as potential contamination to the groundwater. As a result
5 of this nuisance, thousands of City residents, including children, elderly persons, and persons with
6 disabilities, have been compelled to leave their homes indefinitely, and several of the
7 community's schools have been transferred to alternative facilities.

8 4. The major constituent of the natural gas being released is methane, a potent GHG. It
9 has been estimated that the leak has already emitted more than 80,000 metric tons of methane,
10 with additional emissions to come. The uncontrolled release of this quantity of methane into the
11 atmosphere will have a significant negative impact on California's statewide GHG-reduction
12 efforts, long after the release is abated. California is already experiencing the deleterious impacts
13 of climate change, which is caused by the accumulation of GHGs in the atmosphere, and the
14 massive gas leak will exacerbate those effects. Given the unprecedented nature, duration, and
15 magnitude of the natural gas release and its negative impact on California's efforts to reduce
16 GHG emissions and to mitigate the pace and effects of climate change, the leak is an
17 environmental matter of statewide concern.

18 5. By failing to prevent and to promptly contain the uncontrolled release of natural gas
19 from the Facility, SoCalGas and other defendants ("Defendants") violated Health and Safety
20 Code section 41700 and California's Unfair Competition Law (Bus. & Prof. Code, § 17200, et
21 seq.) ("UCL"). Defendants also failed to properly and/or timely report the release to appropriate
22 authorities, in violation of Health and Safety Code section 25510. Defendants are also liable
23 under Civil Code sections 3479, et seq. and Code of Civil Procedure section 731 for creating a
24 public nuisance, and Government Code section 12607 for polluting, impairing, and/or destroying
25 natural resources of the State. To remedy these claims, the People seek injunctive and other
26 equitable relief, civil penalties, and attorneys' fees.

PARTIES

6. Plaintiff is the People of the State of California. The People bring this action by and through Kamala D. Harris, Attorney General acting in her independent capacity and on behalf of ARB; Michael N. Feuer, City Attorney for the City of Los Angeles; and Mary C. Wickham, County Counsel for the County of Los Angeles.

7. The Attorney General, as the chief law enforcement officer of the State of California, is charged with ensuring that the laws of this state are adequately and uniformly enforced. The Attorney General has broad independent powers under the California Constitution and the California Government Code to participate in all legal matters in which the State is interested, and she has special and explicit statutory authority to participate in cases involving the protection of California's environment. (Cal. Const., art. V, § 13; Gov. Code, §§ 12511, 12600-12612.) The Attorney General also is authorized by California Civil Code sections 3479, 3480, 3490, 3491, 3494, and the California Code of Civil Procedure section 731, to abate a public nuisance, and by Business and Professions Code sections 17204, 17206, and 17207 to enjoin any person who violates the UCL and to obtain mandatory civil penalties for each act of unfair competition. The Attorney General is also authorized to enjoin violations of Health and Safety Code sections 25110 and 41700 and obtain civil penalties for each violation pursuant to Health and Safety Code sections 42403 and 25515.7.

8. The City of Los Angeles is and was, at all relevant times, a charter city and a political subdivision of the State of California organized and existing under Government Code sections 34000, et seq. The City Attorney brings its action in the name of the People by and through Michael N. Feuer, City Attorney, under the authority granted to him by California Civil Code sections 3479, 3480, 3490, 3491, 3494, and the California Code of Civil Procedure section 731, to abate a public nuisance. The Los Angeles City Attorney further brings this action in the name of the People pursuant to Business and Professions Code sections 17203, 17204, and 17206, to enjoin any person who violates the UCL, and to obtain mandatory civil penalties for each act of unfair competition.

1 9. The County of Los Angeles ("County") is and was at all relevant times, a political
2 subdivision of the State of California organized and existing under Government Code sections
3 23000, et seq. The County joins this action by and through County Counsel Mary C. Wickham,
4 under the authority granted to her by California Civil Code sections 3479, 3480, 3490, 3491,
5 3494, and the California Code of Civil Procedure section 731, to abate a public nuisance.

6 10. The California Air Resources Board is a public agency of the State of California
7 within the California Environmental Protection Agency. ARB is responsible for the
8 implementation and enforcement of California air pollution control laws (Division 26 of the
9 Health and Safety Code).

10 11. Defendant Southern California Gas Company is a California Corporation doing
11 business in California. SoCalGas is a natural gas distribution utility that stores, sells, and
12 transmits natural gas in California. SoCalGas's principal place of business is in Los Angeles,
13 California.

14 12. DOES 1 through 25, inclusive, are persons whose names and identities are unknown
15 to the People at this time, and the People therefore sue them under these fictitious names. The
16 People will amend this Complaint to allege the true names and capacities of DOES 1 through 25
17 as soon as they are discovered. DOES 1 through 25 are, and at all times relevant to the claims in
18 this Complaint were, creating a public nuisance as defined in California Civil Code sections 3479,
19 et seq., and were violating the UCL, and Health and Safety Code sections 41700 and section
20 25510, subdivision (a).

21 13. At all relevant times, DOES 26 through 50 were in a position of responsibility
22 allowing them to influence corporate policies or activities with respect to SoCalGas's compliance
23 with California laws and regulations at its facilities and in the conduct of its business in the State
24 of California, and had, by reason of their position in the corporation, responsibility and authority
25 either to prevent in the first instance, or promptly correct, the violations complained of herein, but
26 failed to do so. In addition to any direct personal liability of these individuals, DOES 26 through
27 50, also are personally liable under the "responsible corporate officer doctrine" for violations of
28 law committed by SoCalGas as alleged herein.

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1 19. SoCalGas crews claim to have discovered the gas leak on or about October 23, 2015,
2 although it has not yet been determined when the leak actually began. Residents of the nearby
3 Porter Ranch community began to complain about the smell of natural gas at approximately the
4 same time. SoCalGas did not report the leak to all appropriate government agencies, including
5 the Governor's Office of Emergency Services ("OES"), until October 26, 2015.

6 20. SoCalGas made several initial efforts to stop the leak, but was unsuccessful.
7 SoCalGas was not prepared to stop a leak of this magnitude. On or about November 25, 2015,
8 more than one month after reporting the leak, SoCalGas began the months-long process of
9 constructing the relief well. The uncontrolled release of natural gas into the atmosphere continues
10 unabated to this day.

11 21. On January 6, 2016, Governor Brown declared a state of emergency ("Proclamation")
12 in connection with the Aliso Canyon natural gas leak. The Proclamation directed immediate
13 response actions, in addition to those actions already being undertaken, and ordered a
14 comprehensive review, utilizing independent experts, of the safety of the storage wells and the air
15 quality of the surrounding community. This review must occur before the primary state agency
16 overseeing the response effort – the Department of Conservation, Division of Oil, Gas and
17 Geothermal Resources (or "DOGGR") – can authorize SoCalGas to resume natural gas injections
18 at the Facility. The Proclamation also stated that SoCalGas shall cover costs related to the natural
19 gas leak and that the company shall fund a program to mitigate the emissions, which is to be
20 developed by ARB by March 31, 2016.

21 **B. Air Contaminants and Health Impacts**

22 22. The gas leak is having an immediate and significant impact on the local community.
23 The wellhead is approximately one mile from the residential community of Porter Ranch, which
24 is home to about 30,500 people, including families with children and senior citizens, as well as
25 disabled persons. At all relevant times, the affected residential area was a public area in the City
26 and County of Los Angeles, California, and open to public travel and use.

27 23. The escaping natural gas from the Facility contains mercaptan, BTEX, and methane.
28 Mercaptan is a chemical compound that is added to the otherwise colorless, odorless natural gas

1 to give it a rotten-egg smell that aids in leak detection. Mercaptan is known to cause short-term
2 neurological, gastrointestinal, and respiratory symptoms. The human nose is incredibly sensitive
3 to mercaptan and can detect it at very low levels. This means that even at small concentrations,
4 people exposed to mercaptan can suffer physiological symptoms for the duration of the exposure,
5 and possibly beyond, in addition to the discomfort caused when subjected to the noxious odor.
6 Mercaptan is heavier than air and thus flows from the Facility down into the residential areas of
7 the City located approximately 1,200 feet below.

8 24. The South Coast Air Quality Management District has received more than 2,000 odor
9 complaints relating to the gas leak from Porter Ranch residents. Residents have also reported
10 physiological symptoms including nausea and vomiting, dizziness, nosebleeds, and headaches,
11 likely attributable to mercaptan exposure. Over four thousand families have been relocated and
12 over 1,000 families are still waiting to be relocated, to escape the odor and adverse health effects
13 caused by the escaping gas, and the community's schools have been transferred to alternative
14 facilities. This relocation causes significant disruption to residents' daily lives. In addition to the
15 disruption of temporarily being displaced (for what is expected to be months), these residents'
16 homes now sit vacant and pose an additional security risk. Local businesses have also been
17 harmed by loss of business.

18 25. The leaking natural gas from the Facility also contains BTEX. Air sampling in the
19 residential areas of the City adjacent to the Facility has detected toluene and benzene. Exposure
20 to elevated levels of toluene can cause acute and chronic damage to the central nervous system;
21 symptoms include fatigue, sleepiness, headaches, and nausea. Benzene is categorized by the
22 Environmental Protection Agency as a carcinogen. Acute exposure to benzene can cause
23 drowsiness, dizziness, and headaches, as well as eye, skin, and respiratory tract irritation, and
24 long-term exposure can cause blood disorders.

25 26. The leaking methane gas from the Facility also creates a significant risk of fire.
26 Methane is a highly flammable and combustible gas. There is a significant risk of a massive fire
27 if the leaking gas is ignited by a spark, which may result in explosions and fire impacting the
28 Porter Ranch community. The potential fire risk has hampered efforts to investigate and address

1 the leaking well, and resulted in limitations on aircraft flying over the Facility. The gas leak has
2 jeopardized the health and safety of persons responding to the leak and/or operating powered
3 equipment in the vicinity of the leak, as well as Porter Ranch residents.

4 **C. Greenhouse Gas Emissions**

5 27. The gas leak will have significant long-term and widespread environmental impacts.
6 Methane plays a significant role in accelerating climate change. Methane is the second largest
7 component of GHG emissions in California, behind carbon dioxide. It has a relatively short
8 lifespan, but its “global warming potential” is approximately 25 times greater than an equivalent
9 weight of carbon dioxide over a 100-year time period, and its relative potency is approximately
10 72 times greater than carbon dioxide over a 20-year timeframe.

11 28. A preliminary report by ARB on November 20, 2015 – nearly a month after the
12 rupture was detected – estimated that the leak was releasing 110,000 pounds of methane per hour.
13 The release rate is believed to have peaked at around 132,000 pounds per hour on November 28,
14 2015, at which point the leak represented 25% of California’s total daily methane emissions.

15 29. As of January 8, 2016 – eleven weeks after the leak was discovered – it was estimated
16 that cumulative methane emissions, assuming a 100-year global warming potential, amounted to
17 more than two million metric tons of carbon dioxide equivalent (MMTCO₂e) (approximately two
18 percent of estimated statewide GHG emissions over the same period), and this cumulative total
19 will grow as the leak continues. Against the backdrop of California’s ongoing efforts to reduce
20 GHG emissions generally, this gas leak is a monumental environmental disaster.

21 **D. Climate Change Impacts**

22 30. The State of California (“State”) has already experienced significant harm as a result
23 of climate change. One of the more noticeable impacts has been increased average temperatures.
24 By mid-century, Los Angeles will be 3° Fahrenheit warmer than average temperatures
25 experienced from 1981-2000. This means that Los Angeles will experience 73 to 91 days with
26 hotter than average current temperatures. By 2050, the number of extreme heat days – days with
27 temperatures over 95° Fahrenheit – will more than triple from the average of 6 days experienced
28 in Downtown Los Angeles today. If no changes are made, the number of extreme heat days is

1 predicted to double again by 2100 to 54 extreme heat days. Similar fates await communities
2 across California.

3 31. The average winter temperature in the Sierra Nevada region has increased by almost
4 4 degrees Fahrenheit in the last 70 years. As a result, average annual snowpack in the Sierras has
5 declined: Since 1950, snow accumulation, as represented by “April 1 snow water equivalent” (a
6 measure taken annually), has decreased by approximately 10%. The Sierra Nevada snowpack
7 serves as a vital water storage and supply system for California, providing approximately 35% of
8 the State’s annual water supply. Reduced snowpack and earlier runoff affect late-season
9 availability of water for agriculture and domestic uses, and also impairs the State’s ability to
10 consistently ensure sufficient in-stream flows to meet water-quality standards and to support fish
11 populations, including salmon, trout, smelt, and other threatened and endangered species.

12 32. California has approximately 1,075 miles of coastline (excluding inland bays,
13 estuaries, and off-shore islands). Rising sea levels resulting from thermal expansion of sea water
14 due to increased ocean temperature and the addition of freshwater from the melting of glaciers
15 and ice sheets have increased beach erosion and impacted low-lying coastal properties. The State
16 has incurred millions of dollars in response to erosion and in preparation for further impacts from
17 sea level rise. The State is responsible for managing several beaches, including all of the Sonoma
18 State Beaches, Asilomar State Beach, and Huntington State Beach. Tourism has already been
19 impacted by beach closures necessitated by erosion and high storm surges.

20 33. Rising sea levels will also increase salt infiltration into the fresh water areas of the
21 Bay-Delta. The State is currently working on plans to address this threat, by, for example, re-
22 enforcing and increasing the height of Bay-Delta levees. The State has already expended millions
23 of dollars on these projects; it will ultimately need to spend billions of dollars to ensure that sea
24 level rise does not destroy the levee system. Infrastructure that comprises two massive water
25 projects – the State Water Project and the Central Valley Project, upon which approximately 20
26 million Californians rely for flood management, water supplies, environmental protection, and
27 recreational use – are similarly threatened.

1 34. The State and its residents will suffer additional harm proportional to the magnitude
2 and rate of further climate change. For example, as water levels rise and beaches erode, the
3 protective buffer provided by beaches will narrow and disappear. The State will have to invest in
4 measures to artificially armor its coasts to prevent exposed shore platforms and other
5 infrastructure from being submerged, and to defend the built environment from the impacts of
6 widespread flooding and other catastrophic events.

7 35. Climate change is also having severe impacts on the health and well-being of
8 California's residents, which, in turn, burdens the State's health-care system. Climate change
9 increases the frequency, duration, and intensity of extreme heat events. As temperatures rise, and
10 the number of days of extreme heat events increases, the risk of injury or death caused by
11 dehydration, heatstroke, and heart attack increases. Warmer temperatures also accelerate the
12 formation and accumulation of criteria pollutants – "smog" – which causes and exacerbates
13 respiratory problems. Children, the elderly, and those individuals with pre-existing health issues
14 are particularly vulnerable to these adverse conditions. So, too, are the poor, as they do not have
15 the means to purchase and operate air conditioners or to relocate to more favorable environments.

16 36. Dozens of other climate change impacts have been observed or are anticipated with a
17 high level of certainty, including increased risk and intensity of wildfires, risk of prolonged heat
18 waves, loss of moisture due to earlier snowpack melt and related impacts on forests and other
19 ecosystems, and a change in ocean ecology as water warms.

20 37. The State is spending and will continue to spend considerable funds to study, prepare
21 for, and mitigate the impacts of climate change on California's communities, public
22 infrastructure, and natural resources.

23 **E. State Efforts to Reduce Greenhouse Gas Emissions**

24 38. California has long been an international leader in recognizing the contribution of
25 GHGs to climate change and working to reduce the State's GHG emissions. Starting in 2002,
26 California implemented GHG emission standards for vehicles and a renewable portfolio standard
27 ("RPS") which requires utilities to procure 33% of their energy from renewable sources by 2020.
28 In 2015, SB 350 was passed expanding the RPS requirement to 50% renewables by 2030. The

1 Global Warming Solutions Act of 2006, or AB 32, is a landmark law that establishes a statewide
2 emissions limit at 1990 levels by 2020 and tasks ARB with adopting regulations to reduce GHG
3 emissions. The Governor's Executive Orders S-3-05 and B-30-15 also call for further GHG
4 emission reductions, including reductions to 80% below 1990 levels by 2050. To that end, ARB
5 has developed and implemented a suite of programs for reduction of GHG emissions, including a
6 regulation for the mandatory reporting of GHG emissions ("MRR"), and a Cap and Trade
7 Program that requires each covered entity to surrender to ARB a compliance instrument in the
8 form of an allowance or an offset credit for every ton of carbon-dioxide equivalent (CO₂e) it
9 emits. Given methane's significant contribution to global warming, reducing methane emissions
10 is a particularly high priority for ARB. By reducing GHG emissions generally, California hopes
11 to slow climate change, to enable the State to better prepare for and adapt to changing
12 environmental conditions.

13 **FIRST CAUSE OF ACTION**
14 **(Violation of Health and Safety Code § 41700, Brought by Attorney General)**

15 39. The allegations in paragraphs 1 through 38 are realleged and incorporated by
16 reference herein as though set forth in full.

17 40. California Health and Safety Code section 41700 prohibits the discharge from any
18 source whatsoever of such quantities of air contaminants or other material which cause injury,
19 detriment, nuisance, or annoyance to any considerable number of persons or to the public, or
20 which endanger the comfort, repose, health, or safety of any such persons or the public, or which
21 cause, or have a natural tendency to cause, injury or damage to business or property.

22 41. Commencing on or about October 23, 2015, and continuing to the present,
23 Defendants' operations at well number SS-25 used for injection/withdrawal of natural gas at the
24 Facility have discharged and continue to discharge air contaminants and/or other materials,
25 including methane, mercaptans, and BTEX.

26 42. Defendants' operations have discharged air contaminants and/or other materials in
27 quantities which have caused or have a natural tendency to cause injury, detriment, nuisance, or
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1 annoyance to a considerable number of persons or to the public, and/or have endangered the
2 comfort, repose, health, or safety of any such persons or the public.

3 43. Many residents have been sickened by the leaking gas, have sought medical care for
4 their symptoms, and have been compelled to evacuate to alleviate the adverse health effects.

5 44. Defendants' discharges from the Facility have violated, and continue to violate,
6 Health and Safety Code section 41700.

7 45. Pursuant to Health and Safety Code section 42402, Defendants are liable for civil
8 penalties for each day during any portion of which Defendants violated Section 41700.

9 46. Defendants' discharges have caused and continue to cause injury, including great
10 bodily injury, and to date, Defendants have failed to terminate the emission violation. Therefore,
11 under Health and Safety Code sections 42402 and 42402.2, Defendants are liable for civil
12 penalties of up to \$250,000 per day that the violation is ongoing.

13 47. Pursuant to Health and Safety Code section 41513, Defendants should be enjoined
14 from conduct violating Health and Safety Code section 41700.

15 **SECOND CAUSE OF ACTION**

16 **(Public Nuisance -**

17 **Civil Code, § 3479, et seq.; Code Civ. Proc., § 731, Brought by all Plaintiffs)**

18 48. The allegations in paragraphs 1 through 47 are realleged and incorporated by
19 reference herein as though set forth in full.

20 49. Under California Civil Code section 3479, a "nuisance" is "anything which is
21 injurious to health, ... or an obstruction to the free use of property, so as to interfere with the
22 comfortable enjoyment of life or property"

23 50. Under California Civil Code section 3480, "a public nuisance is one which affects at
24 the same time an entire community or neighborhood, or any considerable number of persons,
25 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

26 51. Defendants have engaged and continue to engage in conduct that is injurious to health
27 and that interferes with the comfortable enjoyment of life and property of a considerable number
28 of persons.

1 52. Commencing on or about October 23, 2015, and continuing to the present,
2 Defendants' conduct caused a natural gas leak to occur at the Facility resulting in significant
3 emissions of air contaminants, including methane, mercaptans, and BTEX. These air
4 contaminants are having a significant negative impact on the State of California, its citizens, and
5 the environment, and will continue to have a detrimental impact even after the uncontrolled
6 release of natural gas is abated.

7 53. The emissions caused by Defendants' conduct are a direct and proximate contributing
8 cause of the injuries and harms sustained by the State and its citizens, the City, the County, the
9 environment, and the economy.

10 54. The emissions of air contaminants caused by Defendants' conduct have resulted in
11 injuries, including adverse health effects suffered by citizens of the State.

12 55. The emissions caused by Defendants' conduct have created a significant risk of fire
13 or explosion in the vicinity of the breached well at the Facility, which has jeopardized the health
14 and safety of persons responding to the leak and/or operating powered equipment in the vicinity
15 of the leak, including aircraft overhead, as well as residents living in the nearby Porter Ranch
16 community. In the event of a fire or explosion, the health and safety of first responders would
17 also be jeopardized, and State and local governments would incur significant response costs.

18 56. The emissions of methane caused by Defendants' conduct have a detrimental impact
19 on the State, its citizens, the City, the County, the environment, and the economy. The increased
20 emissions of methane, a potent greenhouse gas, will exacerbate the impacts of climate change in
21 the State and the health and well-being of its citizens, even after the leak has been stopped.

22 57. Defendants maintain a number of other wells at the Facility that may also be at risk of
23 failure, threatening future uncontrolled releases of natural gas into the atmosphere.

24 58. Defendants by their emissions have created a public nuisance injurious to the State,
25 its citizens, the environment, and the economy.

26 59. Defendants' emissions are not in the public interest.

27 60. Defendants, and each of them, are liable under California Civil Code sections 3479, et
28 seq. and Code of Civil Procedure section 731 for creating a public nuisance.

61. Defendants must abate the public nuisance caused by the uncontrolled release of natural gas from the Facility. Defendants must also abate the ongoing nuisance posed by the released air contaminants, including methane, mercaptans, and benzene, the persistence of the released GHGs in the atmosphere, and the risk of future natural gas releases posed by other wells at the Facility.

THIRD CAUSE OF ACTION
(Violation of Health and Safety Code § 25510,
Brought by Attorney General and City Attorney)

62. The allegations in paragraphs 1 through 61 are realleged and incorporated by reference herein as though set forth in full.

63. California Health and Safety Code section 25510, subdivision (a), requires that Defendants shall “upon discovery, immediately report any release or threatened release of a hazardous material to the unified program agency, and to the [OES].”

64. On or about October 23, 2015, Defendants discovered a release or threatened release of natural gas at the Facility, and the release has continued unabated.

65. The release of natural gas from the Facility contains hazardous materials as defined under Health and Safety Code section 25501, including methane and benzene.

66. Defendants did not report the release of hazardous materials from the Facility to the appropriate unified program agency or OES until October 26, 2015.

67. Defendants' failure to immediately report the release of hazardous materials violates Health and Safety Code section 25510.

68. As a consequence of Defendants' violation of Section 25510, Defendants are liable for a civil penalty for each separate violation in an amount up to \$2,000 for each day during which the violation occurred, pursuant to Health and Safety Code section 25514, subdivision (a).

69. As a consequence of Defendants' knowing violation of Section 25510, Defendants are liable for a civil penalty for each separate violation in an amount up to \$5,000 for each day during which the violation occurred, pursuant to Health and Safety Code section 25514, subdivision (b).

FOURTH CAUSE OF ACTION
(Violation of UCL - Gov. Code, § 17200, et seq.,
Brought by Attorney General and City Attorney)

70. The allegations in paragraphs 1 through 69 are realleged and incorporated by reference herein as though set forth in full.

71. Defendants, and each of them, have engaged in and continue to engage in, have aided and abetted and continue to aid and abet, and have conspired to and continue to conspire to engage in business acts or practices that constitute unfair competition as defined in the UCL, Business and Professions Code sections 17200, et seq., in that such business acts and practices are unlawful, unfair, and fraudulent within the meaning of that statute.

72. The business acts and practices engaged in by Defendants that violate the UCL include:

- a. Defendants created a condition that is “injurious to health or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” in violation of California Civil Code section 3479, through the release of air contaminants including methane, mercaptans, and/or BTEX causing residents of the Porter Ranch community to suffer adverse health effects (as described in paragraphs 24 and 25).
- b. Defendants created a condition that is “injurious to health or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property” in violation of California Civil Code section 3479, through the release of highly flammable and combustible methane gas causing a significant risk of fire or explosion detrimental to health and safety of first responders, persons operating power equipment in the vicinity of the leak, overhead aircraft, and residents living in the Porter Ranch community (as described in paragraph 26).
- c. Defendants created a condition that is “injurious to health or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life

1 or property” in violation of California Civil Code section 3479, through the
2 release of significant quantities of methane gas, a potent GHG. The increased
3 emissions of methane will exacerbate the pace and effects of climate change in
4 the State and will adversely impact the health and well-being of its citizens (as
5 described in paragraphs 30 through 37).

- 6 d. Defendants discharged “quantities of air contaminants or other materials that
7 cause injury, detriment, nuisance, or annoyance to any considerable number of
8 persons or to the public, or that endanger the comfort, repose, health, or safety
9 of any of those persons or the public, or that cause, or have a natural tendency
10 to cause, injury or damage to business or property” in violation of Health and
11 Safety Code section 41700 (as described in paragraphs 22 through 26).
- 12 e. Defendants created a condition that is “injurious to health . . . or an obstruction
13 to the free use of property, so as to interfere with the comfortable enjoyment of
14 life or property . . .” in violation of California Penal Code section 370.
- 15 f. Defendants maintained or permitted the nuisance after “reasonable notice in
16 writing from a health officer or district attorney or city attorney or prosecuting
17 attorney to remove, discontinue or abate the same . . .” in violation of California
18 Penal Code section 373a. “The existence of such nuisance for each and every
19 day after the service of such notice” is a separate and distinct offense pursuant
20 to California Penal Code section 373a.
- 21 g. Defendants failed to comply with South Coast Air Quality Management District
22 Rule 402.
- 23 h. Defendants failed to properly and/or timely report the natural gas leak to
24 authorities, in violation of state and local requirements, including Health and
25 Safety Code section 25510, subdivision (a) (as described in paragraph 19).

26 73. Pursuant to Business and Professions Code section 17206, Defendants, and each of
27 them, are liable for civil penalties up to \$2,500 for each and every separate act of unlawful
28 competition alleged herein.

1 74. Pursuant to Business and Professions Code section 17203, Defendants, and each of
2 them, must be permanently enjoined from engaging in acts or practices that violate the UCL, as
3 alleged in this Complaint.

4 **FIFTH CAUSE OF ACTION**
5 **(Equitable Relief - Gov. Code, § 12607,**
6 **Brought by Attorney General)**

7 75. The allegations in paragraphs 1 through 74 are realleged and incorporated by
8 reference herein as though set forth in full.

9 76. Government Code section 12607 provides: “The Attorney General may maintain an
10 action for equitable relief in the name of the People against any person for the protection of the
11 natural resources of the state from pollution, impairment, or destruction.”

12 77. The actions of Defendants as alleged above have polluted, impaired and destroyed,
13 and continue to pollute, impair and destroy, the natural resources of the State.

14 78. Government Code section 12610 provides: “In granting temporary and permanent
15 equitable relief, the Court may impose such conditions upon Defendants as are required to protect
16 the natural resources of the state from pollution, impairment, and destruction.”

17 79. The People are entitled to an order requiring Defendants to take all measures
18 necessary to prevent the continued pollution, impairment, and destruction of the natural resources
19 of the State, and to remedy the pollution, impairment, or destruction to the natural resources
20 caused by Defendants’ actions.

21 **REQUEST FOR RELIEF**

22 The People of the State of California request judgment as follows:

- 23 1. Hold Defendants liable for creating, contributing to, and maintaining a public
24 nuisance;
25 2. Order Defendants to immediately abate the public nuisance;
26 3. Enter judgment for abatement, at the expense of Defendants, of the ongoing and
27 future nuisance to the State and its citizens due to the release and threatened release of air
28 contaminants, including methane, BTEX, and mercaptans;

1 4. Issue injunctive relief, pursuant to Business and Professions Code section 17203,
2 including temporary restraining orders, preliminary injunctions, permanent injunctions, or other
3 orders prohibiting Defendants, their successors, agents, representatives, employees, assigns and
4 all persons who act in concert with Defendants from engaging in unfair competition as defined in
5 Business and Professions Code sections 17200, et seq., including, but not limited to, the acts and
6 practices alleged in this Complaint, under the authority of Business and Professions Code section
7 17203;

8 5. Issue injunctive relief, pursuant to Business and Professions Code section 17203,
9 including such temporary restraining orders, preliminary injunctions, permanent injunctions,
10 mandatory injunctions, or other orders, requiring Defendants to mitigate the harmful impacts of
11 the release of air contaminants (including methane, BTEX, and mercaptans) to the City, County,
12 and the State;

13 6. Make such orders or judgments as may be necessary to prevent the use or
14 employment by any Defendant of any practice which constitutes unfair competition or as may be
15 necessary to restore to any person in interest any money or property, real or personal, which may
16 have been acquired by means of such unfair competition, under the authority of Business and
17 Professions Code section 17203;

18 7. Assess a civil penalty against each Defendant for each violation of Business and
19 Professions Code section 17200, in an amount according to proof, under the authority of Business
20 and Professions Code section 17206;

21 8. Issue injunctive relief, including such temporary restraining orders, preliminary
22 injunctions, permanent injunctions, or other orders pursuant to Health and Safety Code section
23 25515.6, prohibiting Defendants from violating Health and Safety Code section 25510, and
24 requiring Defendants to take all measures necessary to prevent future violations of Section 25510;

25 9. Assess a civil penalty against each Defendant for each violation of Health and
26 Safety Code section 25510, in amount according to proof, under the authority of Health and
27 Safety Code section 25514, subdivision (a);

1 10. Issue injunctive relief, pursuant to Health and Safety Code section 41513,
2 including such temporary restraining orders, preliminary injunctions, permanent injunctions, or
3 other orders, prohibiting Defendants from violating Health and Safety Code section 41700, and
4 requiring Defendants to take all measures necessary to mitigate the harmful impacts of
5 Defendants' violations and to prevent future violations of Section 41700;

6 11. Assess a civil penalty against each Defendant for each violation of Health and
7 Safety Code section 41700, in an amount according to proof, under the authority of Health and
8 Safety Code sections 42400, et seq.;

9 12. Issue injunctive relief, pursuant to Government Code section 12607, including
10 such temporary restraining orders, preliminary injunctions, permanent injunctions, mandatory
11 injunctions, or other orders, requiring Defendants to take all measures necessary to prevent the
12 continued pollution, impairment, and destruction of the natural resources of the State, and to
13 remedy the pollution, impairment, or destruction to the natural resources caused by Defendants'
14 actions;

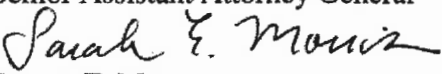
15 13. For costs of this suit;

16 14. For attorney's fees as authorized by Code of Civil Procedure section 1021.8 and
17 other provisions of law; and

18 15. For such other relief as the Court deems just and proper.

19
20 Respectfully Submitted,

21 Dated: February 1, 2016

22 KAMALA D. HARRIS
23 Attorney General of California
24 SALLY MAGNANI
25 Senior Assistant Attorney General
26 
27 SARAH E. MORRISON
28 Supervising Deputy Attorney General

 Attorneys for Plaintiff the People of the State of
 California

1 Dated: February 1, 2016

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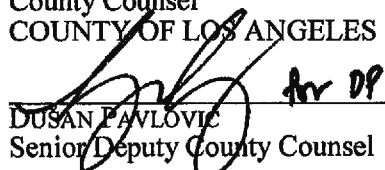
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JESSICA B. BROWN
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*Attorneys for Plaintiff the People of the State of
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Dated: February 1, 2016

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