Electronically FILED by Superior Court of California, County of Los Angeles on 04/09/2021 02:44 PM Sherri R. Carter, Executive Officer/Clerk of Court, by R. Clifton, Deputy Clerk 21STCV13609

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8	ex rel. Meredith Williams, Director of the California PER GOV. CODE § 6103		EXEMPT FROM FILING FEES PER GOV. CODE § 6103		
9	Department of Toxic Substances Control				
10	SUPERIOR COURT OF THE	E STATE O	F CALIFORNIA		
11	COUNTY OF LOS ANGELES				
12					
13	PEOPLE OF THE STATE OF	Case No.	21STCV13609		
14	CALIFORNIA, ex rel. Meredith Williams, Director of the CALIFORNIA	COMPLA	AINT FOR CIVIL PENALTIES		
15	DEPARTMENT OF TOXIC SUBSTANCES CONTROL,	AND INJ	UNCTIVE RELIEF		
16	Plaintiff,	(Health & 25189.2)	z Saf. Code, §§ 25181, 25184, and		
17	v.				
18					
19	HARRY J. HOTTEL, individually and doing business as DICK'S AUTO WRECKERS,				
20	Defendant.				
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Plaintiff, the People of the State of California, *ex rel*. Meredith Williams, Director of the Department of Toxic Substances Control ("DTSC"), alleges as follows:

I. STATEMENT OF THE CASE

This is a civil action by DTSC against Harry J. Hottel, an individual doing business as
 Dick's Auto Wreckers ("Hottel"). Hottel is now, and at all times mentioned in this Complaint was
 a metal recycler in the State of California. Hottel owns and operates a metal recycling facility
 located at 15185 Whittram Ave, Fontana, California 92335, which receives and processes
 automobiles and other metal items ("Facility").

9 2. In conducting its operations at the Facility, Hottel violated the California Hazardous 10 Waste Control Law (Health & Saf. Code, § 25100 et seq.) ("HWCL") and its implementing 11 regulations, California Code of Regulations, title 22, section 66260.1 et seq. ("Title 22 12 regulations"), by, *inter alia*: unlawfully storing, treating, or causing the storage and/or treatment 13 of, hazardous waste; failing to minimize the possibility of any release of hazardous waste or 14 hazardous waste constituents to the environment; failing to make a hazardous waste 15 determination on wastes it generates; failing to properly complete hazardous waste manifests; and 16 failing to comply with employee training requirements.

17 3. DTSC seeks injunctive relief against and civil penalties from Hottel for violations of
18 the HWCL and the Title 22 regulations pursuant to sections 25181, 25184, and 25189.2 of the
19 Health and Safety Code.

4. Pursuant to Health and Safety Code sections 25181, subdivision (a), and 25182, the
Attorney General of California is authorized, at DTSC's request, to commence an action in the
name of the People for injunctive relief and civil penalties under the HWCL. DTSC has
requested that the Attorney General bring this action pursuant to the HWCL against Hottel.

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## **II. THE PARTIES**

5. DTSC is a public agency of the State of California organized and existing under and
pursuant to Health and Safety Code section 58000 et seq. DTSC is the state agency responsible
for administering and enforcing the provisions of the HWCL and the Title 22 regulations.

6. Meredith Williams is the Director of DTSC.

1 7. Defendant Harry Hottel is an individual doing business as Dick's Auto Wreckers. 2 8. Defendant is a "person," as defined in Health and Safety Code section 25118. 3 Defendant is also a "generator" and an "owner or operator" as those terms are defined in section 4 66260.10 of the Title 22 regulations. 5 9. DTSC is informed and believes and thereupon alleges that Hottel is a resident of the 6 State of California and resides at 10842 Wilderness Drive, Rancho Cucamonga, California. 7 Hottel is sued in his individual capacity. 8 **III. JURISDICTION AND VENUE** 9 10. This Court has jurisdiction pursuant to the California Constitution, article VI, section 10 10, and Health and Safety Code section 25181. Venue in this Court is proper under Health and 11 Safety Code section 25183. The principal office of Hottel is in Fontana, California, in San 12 Bernardino County. Los Angeles County is the county in which the Attorney General has an 13 office nearest to the county in which the principal office of Hottel is located. 14 **IV. HWCL STATUTORY AND REGULATORY BACKGROUND** 15 The State of California has enacted a comprehensive statutory and regulatory 11. 16 framework for the generation, handling, treatment, transportation, storage, and disposal of 17 hazardous wastes. The HWCL's framework mandates a "cradle-to-grave" registration, tracking, 18 storage, treatment, and disposal system for the protection of the public from the risks posed by 19 hazardous wastes. 20 Pursuant to Health and Safety Code sections 25101, subdivision (d), and 25159 to 12. 21 25159.9, DTSC administers the HWCL in lieu of federal administration of the Resource 22 Conservation and Recovery Act, 42 U.S.C. section 6901 et seq. ("RCRA"). Federal law prohibits 23 California from imposing any requirements less stringent than those authorized under RCRA. (42) 24 U.S.C. § 6929.) The HWCL has stricter requirements than RCRA for regulating hazardous waste 25 in California. 26 The HWCL requires DTSC to adopt standards and regulations for the management of 13. 27 hazardous waste to protect the public health and environment. (Health & Saf. Code, § 25150.) 28 Accordingly, DTSC has promulgated the Title 22 regulations setting forth numerous and

extensive environmental and health-protective requirements for the day-to-day operation of
 hazardous waste generators and transporters, as well as owners and operators of hazardous waste
 facilities.

4 14. A "hazardous waste" is a waste that meets any of the criteria established by DTSC.
5 (Health & Saf. Code, §§ 25117 and 25141.) Those criteria consist of lists of particular hazardous
6 wastes, and characteristics of hazardous wastes—including ignitability, corrosivity, reactivity,
7 and toxicity. (Cal. Code Regs., tit. 22, §§ 66261.20-24.)

8 15. "Recycled material" means a recyclable material which has been used or reused, or
9 reclaimed. (Health & Saf. Code, § 25121, subd. (a).) Recyclable material means a hazardous
10 waste that is capable of being recycled. (Health & Saf. Code, § 25120.5.) Recyclable material is
11 subject to full regulation as hazardous waste unless it can qualify for one of the recycling
12 exemptions in Health and Safety Code, section 25143.2. Even hazardous waste that qualifies for
13 a recycling exemption is regulated because it must initially meet, and continue to meet, certain
14 requirements under the HWCL.

15 16. It is unlawful for any person to manage any hazardous waste except as provided in
16 the HWCL or the regulations adopted pursuant to the HWCL. (Health & Saf. Code, § 25154.)

17 17. A person who generates a hazardous waste is subject to the requirements prescribed
18 in the HWCL. (Cal. Code Regs., tit. 22, § 66262.10.)

19 18. A person that generates a waste must determine if the waste is hazardous using the
20 methods outlined in California Code of Regulations, title 22, sections 66262.11 and 66260.200.
21 If the waste is hazardous, the generator must manage it in accordance with the Title 22
22 regulations governing generators of hazardous wastes. (Cal. Code Regs., tit. 22, §§ 66262.11,
23 subd. (d) and 66260.200, subd. (c).)

19. Any "person generating hazardous waste that is transported, or submitted for
transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall
complete a manifest prior to the time the waste is transported or offered for transportation . . . ."
(Health & Saf. Code, § 25160, subd. (b)(1).) For all shipments of hazardous waste initiated on or
after September 5, 2006, a generator "shall use the Uniform Hazardous Waste Manifest printed

by a source registered with the United States Environmental Protection Agency." (*Ibid.*)
 California Code of Regulations, title 22, section 66262.20 states the same requirements for the
 use of Uniform Hazardous Waste Manifests.

4 20. Health and Safety Code section 25189.2 precludes any person from treating or
5 storing, or causing the treatment or storage of hazardous waste at a point not authorized by law.
6 (*Id.*, § 25189.2, subd. (d).)

7 21. A "generator who treats, stores, or disposes of hazardous waste on-site shall comply
8 with the applicable standards and permit requirements" for owners and operators of hazardous
9 waste transfer, treatment, storage and disposal facilities, among others. (Cal. Code Regs., tit. 22, §
10 66262.10, subd. (h).)

22. A generator who treats, stores, or disposes hazardous waste on-site may not "accept,
treat, store, or dispose of a hazardous waste at the facility, area, or site, unless the owner or
operator holds a hazardous waste facilities permit or other grant of authorization from [DTSC] to
use and operate the facility, area, or site . . . ." (Health & Saf. Code, § 25201, subd. (a); Cal.
Code Regs., tit. 22, § 66262.10, subd. (h).)

16 23. A generator who accumulates or stores any hazardous waste on-site without a permit,
17 must contain the waste and the containers must be labeled to show, among other things: the date
18 upon which accumulation began; the words "hazardous waste"; the composition and physical
19 state of the waste; and the name and address of the person producing the waste. (Cal. Code
20 Regs., tit. 22, § 66262.34, subd. (f).)

21 24. A generator of hazardous waste who treats, stores, or disposes hazardous waste on22 site must comply with the personnel training requirements applicable to owners or operators of
23 hazardous waste transfer, treatment, storage or disposal facilities. (Cal. Code Regs., tit. 22, §§
24 66262.10, subd. (h); 66265.16.)

25 25. A generator of hazardous waste who treats, stores, or disposes hazardous waste on26 site "shall ensure that facility personnel take part in annual review of the initial training required"
27 by the HWCL and "shall maintain . . . documents and records at the facility" indicating
28 compliance with the training requirements, including:

1 (1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) a written 2 job description for each position . . .; (3) a written description, including a syllabus and/or outline, of the type and amount of ... training that will be 3 given to each person filling the position . . .; (4) employee-signed or -certified records that document that the training required ... has been given to and 4 completed by each employee. (Id., § 66265.16, subds. (c), (d).) Hazardous waste must be managed in a manner to minimize the possibility of any 5 26. 6 unplanned release of the hazardous waste or hazardous waste constituents to the air, soil, or 7 surface water. (Cal. Code Regs., tit. 22, §§ 66265.31 and 66262.10, subd. (h).) 27. The HWCL authorizes the Court to impose civil penalties for each separate violation 8 9 and, for continuing violations, for each day that the violations continue, under two distinct and alternative provisions. Health and Safety Code section 25189, subdivision (b), imposes liability 10 for any negligent or intentional violation of the HWCL and any permit, rule, regulation, standard, 11 or requirement issued or adopted thereunder. Section 25189.2, subdivision (b), is a strict liability 12 provision, which imposes liability for any violation of the HWCL and any permit, rule, 13 regulation, standard, or requirement issued or adopted thereunder. A person may not be held 14 liable for both a civil penalty imposed under section 25189 and under section 25189.2 for the 15 16 same act. (Health & Saf. Code, §§ 25189, subd. (g), and 25189.2, subd. (f).) For violations occurring before January 1, 2018, Health and Safety Code sections 17 28. 25189 and 25189.2 authorize the Court to impose civil penalties of up to \$25,000 for each 18 separate violation or, for continuing violations, for each day that the violations continue. For 19 20 violations occurring after January 1, 2018, Health and Safety Code sections 25189 and 25189.2 21 authorize the Court to impose civil penalties of up to \$70,000 for each separate violation or, for 22 continuing violations, for each day that the violations continue. 29. Health and Safety Code sections 25181 and 25184 authorize the Court to enjoin any 23 ongoing or potential violation of the HWCL, or any applicable rule, regulation, permit, standard, 24 25 requirement, or order issued or promulgated pursuant to the HWCL. 26 30. Health and Safety Code section 25181 provides that, when DTSC determines that any person has engaged in, is engaged in, or is about to engage in any acts or practices that constitute 27 or will constitute a violation of any provision of the HWCL, or any rule, regulation, permit, 28

1	covenant, standard, requirement, or order issued, promulgated, or executed thereunder, and when	
2	requested by DTSC, the Attorney General may apply to the superior court for an order enjoining	
3	such acts or practices or for an order directing compliance. Upon DTSC's showing that a person	
4	has engaged in or is about to engage in such acts or practices, the Court may issue a permanent or	
5	temporary injunction, a restraining order, or other appropriate order.	
6	31. Health and Safety Code section 25184 provides that in civil actions brought pursuant	
7	to the HWCL in which DTSC seeks an injunction or temporary restraining order:	
8	[I]t shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order	
9	that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.	
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12	V. GENERAL ALLEGATIONS	
13	32. During all times relevant to the allegations set forth in the Complaint, Hottel	
14	conducted metal recycling activities at the Facility, including, but not limited to cutting, shearing,	
15	crushing, sorting, and baling of metals. Hottel accepted and continues to accept various metal	
16	waste items, including, but not limited to, end-of-life automobiles.	
17	33. When this Complaint alleges that Hottel committed any action, such allegations shall	
18	mean Hottel committed such acts and is responsible for the actions of his employees or agents;	
19	Hottel's employees or agents performed or authorized such acts while acting within the course	
20	and scope of their employment or agency for Hottel, or Hottel failed to adequately advise or	
21	properly supervise, control, or direct his employees or agents in the management, direction,	
22	operation, or control of his affairs.	
23	34. DTSC conducted investigations at the Facility on October 17, 2016 and November	
24	15, 2016 (2016 investigations).	
25	35. During the October 17, 2016 investigation of the Facility, DTSC observed several	
26	large piles of soil mixed with metal and debris at the Facility. DTSC also observed soil and debris	
27	in a bin located at the Facility. DTSC collected eight sets of samples of dust, debris, and	
28	contaminated soil from the piles, bin and at various areas of the Facility for laboratory testing.	

1	The laboratory results showed that the samples exceeded hazardous waste regulatory levels for		
2	cadmium, copper, lead and/or zinc.		
3	36. During the October 17, 2016 investigation, DTSC also observed a shaker table at the		
4	yard and was informed that Hottel had been using the shaker table to separate metal pieces and		
5	debris that had been embedded in the contaminated soil at the Facility.		
6	37. During the November 15, 2016 investigation, DTSC again observed several piles of		
7	contaminated soil at the Facility.		
8	38. On April 10, 2017, DTSC issued a Summary of Violations ("SOV") to Hottel for the		
9	violations observed during the 2016 investigations.		
10	39. On January 16, 2018, DTSC issued to Hottel a request for information and documents		
11	under Health and Safety Code section 25185.6 seeking additional information relating to the 2016		
12	investigations of the Facility. Hottel responded to the request for information and documents on		
13	March 7, 2018.		
14	40. On March 29, 2018, DTSC issued an Amended SOV to Hottel.		
15	41. The Amended SOV cited violations of the HWCL observed during the 2016		
16	investigations of the Facility and based on the information provided in Hottel's March 7, 2018		
17	response to DTSC's request for information and documents.		
18			
19	FIRST CAUSE OF ACTION (Illegal Storage of Hazardous Waste)		
20	(Health & Saf. Code, §§ 25154 and 25189.2, subd. (d))		
21	42. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth		
22	herein.		
23	43. Health and Safety Code section 25189.2, subdivision (d), in relevant part, states that it		
24	is unlawful to store, or to cause the storage of hazardous waste at an unauthorized point. At all		
25	relevant times, Hottel did not have a permit or other authorization from DTSC to store hazardous		
26	waste at the Facility.		
27	44. Health and Safety Code section 25154 states that it is unlawful for any person to		
28	manage hazardous waste in a manner not authorized by the HWCL.		
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45. In relevant part, Health and Safety Code section 25123.3, subdivision (b)(4)(A),
 provides that a hazardous waste "storage facility" is a facility where hazardous waste is held
 onsite for any period of time, unless the hazardous waste is held in a container, tank, drip pad, or
 containment building in accordance with DTSC's regulations.

46. A generator that generates 1,000 kilograms or more of hazardous waste per month is
allowed to accumulate hazardous waste on site for 90 days or less from the initial date of
generation of the waste without a permit or grant of interim status from DTSC only if it complies
with certain requirements including, but not limited to, placing the hazardous waste in proper
containers or tanks and properly assessing and labeling the containers or tanks. (See Cal. Code
Regs., tit. 22, § 66262.34, subds. (a) and (f).)

47. Hottel unlawfully stored hazardous waste without authorization from DTSC in
violation of Health and Safety Code sections 25154 and 25189.2, subdivision (d), in that: (a) on
or about October 17, 2015 and continuing until on or about August 21, 2017, Hottel stored
hazardous waste consisting of soil and debris in a pile(s) on the unpaved floor of the Facility; and
(b) on or about October 17, 2016, Hottel unlawfully stored hazardous waste consisting of soil and
debris in an open, uncovered, and unlabeled metal box/bin at the Facility.

<sup>17</sup> 48. Pursuant to Health and Safety Code section 25189.2, subdivision (d), Hottel is strictly
<sup>18</sup> liable for civil penalties of up to \$25,000 for each instance illegal storage. Health and Safety
<sup>19</sup> Code section 25189.2, subdivision (d) authorizes the Court to impose civil penalties for each
<sup>20</sup> separate violation or, for continuing violations, for each day that the violations continue.

49. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also
 be enjoined by the Court from continuing to operate the Facility in violation of this requirement
 to obtain a permit or other authorization from DTSC prior to storing hazardous waste.

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SECOND CAUSE OF ACTION (Illegal Treatment of Hazardous Waste) (Health & Saf. Code, §§ 25154 and 25189.2, subd. (d))

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27 50. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth
28 herein.

1	51. Health and Safety Code section 25189.2, subdivision (d), in relevant part, states that it		
2	is unlawful to treat, or to cause the treatment of, hazardous waste at an unauthorized point. At all		
3	relevant times, Hottel did not have a permit or other authorization from DTSC to treat hazardous		
4	waste at the Facility.		
5	52. Health and Safety Code section 25154 states that it is unlawful for any person to		
6	manage hazardous waste in a manner not authorized by the HWCL.		
7	53. Health and Safety Code section 25123.5 defines treatment of a hazardous waste to		
8	include any method, technique, or process which is designed to change the physical, chemical, or		
9	biological character or composition of the hazardous waste, or which removes or reduces its		
10	harmful properties or characteristics for any purpose.		
11	54. On or about September 30, 2016 and continuing until on or about October 21, 2016,		
12	Hottel violated Health and Safety Code sections 25154 and 25189.2, subdivision (d) in that it		
13	treated without authorization at its Facility hazardous soil by mechanically separating pieces of		
14	metal and debris from the contaminated soil it had excavated at the Facility by using a shaker		
15	table.		
16	55. Pursuant to Health and Safety Code section 25189.2, subdivision (d), Hottel is strictly		
17	liable for each instance of unlawful treatment of hazardous waste. Health and Safety Code		
18	section 25189.2, subdivision (b) authorizes the Court to impose civil penalties for each separate		
19	violation or, for continuing violations, for each day that the violations continue.		
20	56. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also		
21	be enjoined by the Court from continuing to operate the Facility in violation of these requirements		
22	regarding the storage of hazardous waste.		
23	THIRD CAUSE OF ACTION		
24	(Failure to Minimize the Possibility of Any Release of Hazardous Waste or Hazardous Waste Constituents to the Environment)		
25	(Cal. Code Regs., tit. 22, §§ 66262.10, subd. (h), and 66265.31)		
26	57. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth		
27	herein.		
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58. Under California Code of Regulations, title 22, section 66265.31, hazardous waste
 transfer, treatment, storage, and disposal facilities shall be maintained and operated to minimize
 the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous
 waste constituents to air or soil that could threaten human health or the environment. As the
 owner and operator of the Facility, Hottel is subject to this regulation.

59. Pursuant to California Code of Regulations, title 22, section 66262.10, subdivision
(h), generators who treat, store or dispose of hazardous waste on-site shall comply with applicable
standards set forth in the HWCL.

9 60. On or about October 17, 2016, and on or about November 15, 2016, Hottel violated
 10 California Code of Regulations, title 22, sections 66265.31 and 66262.10 in that hazardous waste
 11 consisting of contaminated soil and debris was piled on the unpaved ground at the Facility and
 12 dismantling, electric or gas torching operations, or handling of metal at the Facility was
 13 conducted on bare soil.

Pursuant to Health and Safety Code section 25189.2, subdivision (b), Hottel is strictly
liable for each instance of failure to minimize releases. Health and Safety Code section 25189.2
authorizes the Court to impose civil penalties for each separate violation or, for continuing
violations, for each day that the violations continue.

62. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also be enjoined by the Court from continuing to operate the Facility in violation of this requirement.

## FOURTH CAUSE OF ACTION

(Failure to Make Hazardous Waste Determination) (Cal. Code Regs., tit. 22, §§ 66260.200, subd. (c), 66262.11)

23 63. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth
24 herein.

25 64. California Code of Regulations, title 22, section 66262.11 requires a person who
26 generates waste, as defined in California Code of Regulations, title 22, section 66261.2, to

- 27 determine if the waste is a hazardous waste using the methods specified in that regulation.
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1	California Code of Regulations, title 22, section 66260.200, subdivision (c), similarly provides	
2	that it is the generator's responsibility to determine if the waste is classified as a hazardous waste.	
3	65. On or about October 17, 2016, Hottel violated California Code of Regulations, title	
4	22, sections 66260.200, subdivision (c), and 66262.11 in that it failed to classify hazardous waste	
5	consisting of contaminated soil and piles of debris and soil at the Facility.	
6	66. Pursuant to Health and Safety Code section 25189.2, subdivision (b), Hottel is strictly	
7	liable for each instance of failure to make a hazardous waste determination. Health and Safety	
8	Code section 25189.2 authorizes the Court to impose civil penalties for each separate violation or,	
9	for continuing violations, for each day that the violations continue.	
10	67. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also	
11	be enjoined by the Court from continuing to operate the Facility in violation of this requirement	
12	to make hazardous waste determinations.	
13 14	<b>FIFTH CAUSE OF ACTION</b> (Failure to Properly Complete Hazardous Waste Manifests) (Health & Saf, Cada & 251(2) with (h)(1); Cala David, tit 22, 8 ((2)(2)22)	
15	(Health & Saf. Code, § 25160, subd. (b)(1); Cal. Code Regs., tit. 22, § 66262.23)	
15 16	68. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth	
	herein.	
17	69. Health and Safety Code section 25160, subdivision (b), and California Code of	
18	Regulations, title 22, section 66262.23, subdivision (a), require a generator of waste to prepare	
19	complete and accurate hazardous waste manifests when it transports, or offers for transport,	
20	hazardous waste offsite for treatment, storage, or disposal.	
21	70. On or about December 5-9, 12 and 14, 2016; February 24, 2017; March 8 and 11,	
22	2017; July 26, 2017; and August 21, 2017, Hottel violated Health and Safety Code section 25160,	
23	subdivision (b), and California Code of Regulations, title 22, section 66262.23 in that it failed to	
24	properly complete hazardous waste manifests for shipments of hazardous waste from the Facility	
25	by using incorrect California waste codes, improper shipping names, inaccurate or illegible EPA	
26	identification numbers for the transporters of the hazardous waste, and failing to provide the	
27	quantity of waste shipped.	
28		

1	71. Pursuant to Health and Safety Code section 25189.2, subdivision (b), Hottel is strictly		
2	liable for each instance of failure to properly complete a hazardous waste manifest. Health and		
3	Safety Code section 25189.2 authorizes the Court to impose civil penalties for each separate		
4	violation or, for continuing violations, for each day that the violations continue.		
5	72. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also		
6	be enjoined by the Court from continuing to operate the Facility in violation of this requirement.		
7 8	<b>SIXTH CAUSE OF ACTION</b> (Failure to Comply with Personnel Training Requirements) (Cal. Code Regs., tit. 22, § 66265.16, subds. (c) and (d))		
9	73. Paragraphs 1 through 38 above are incorporated by reference as though fully set forth		
10	herein.		
11	74. California Code of Regulations, title 22, sections 66262.10, subdivision (h) and		
12	66265.16 require a generator of hazardous waste who treats and stores hazardous waste on-site to		
13	comply with the personnel training requirements applicable to owners or operators of hazardous		
14	waste transfer, treatment, storage or disposal facilities.		
15	75. Pursuant to California Code of Regulations, title 22, section 66265.16, subdivisions		
16	(c) and (d), a generator of hazardous waste who treats and stores hazardous waste on-site "shall		
17	ensure that facility personnel take part in annual review of the initial training required" by the		
18	HWCL and "shall maintain documents and records at the facility" indicating compliance with		
19	the training requirements, including:		
20	(1) the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) a written		
21	job description for each position; (3) a written description, including a syllabus and/or outline, of the type and amount of training that will be given to each person filling the position; (4) employee-signed or -certified records that document that the training required has been given to and		
22			
23	completed by each employee. ( <i>Id.</i> , § 66265.16, subds. (c), (d).)		
24 25	76. On or about October 17, 2016, Hottel violated California Code of Regulations, title		
25 26	22, section 66265.16, subdivisions (c) and (d) in that the five employees who manage hazardous		
26 27	waste at the Facility did not have updated and documented annual refresher training.		
27 28	77. Pursuant to Health and Safety Code section 25189.2, subdivision (b), Hottel is strictly		
28	liable for each instance of failure to comply with personnel training requirements. Health and 13		

1	Safety Code section 25189.2 authorizes the Court to impose civil penalties for each separate		
2	violation or, for continuing violations, for each day that the violations continue.		
3	78. Pursuant to Health and Safety Code section 25181, subdivision (a), Hottel should also		
4	be enjoined by the Court from continuing to operate the Facility in violation of this requirement.		
5	PRAYER FOR RELIEF		
6	DTSC requests that the Court grant the following relief:		
7	1. Enter judgment that Hottel violated the HWCL, as alleged in the First through Sixth		
8	Causes of Action;		
9	2. Enter judgment that Hottel is liable for civil penalties according to proof for those		
10	violations set forth in the First through Sixth Causes of Action as authorized by Health and Safety		
11	Code section 25189.2;		
12	3.	Enter temporary restraining ord	ers, preliminary injunctions, permanent injunctions, or
13	other orders requiring Hottel to comply with the HWCL and the Title 22 regulations;		
14	4.	Grant DTSC its costs of suit; ar	nd
15	5.	Grant such other and further rel	ief as the Court deems just and proper.
16			
17	Datad: A	pril 9, 2021	Respectfully Submitted,
18	Dateu. Aj	pm 9, 2021	MATTHEW RODRIQUEZ
19			Acting Attorney General SARAH E. MORRISON
20			Supervising Deputy Attorney General
21			TIN 1. P
22			Tatiana K. Gaur
23			TATIANA K. GAUR Deputy Attorney General
24 25			Attorneys for Plaintiff, People of the State of California, ex rel. Meredith Williams,
25 26			Director of the California Department of Toxic Substances Control
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