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FILED  
YOLO SUPERIOR COURT  
APR 29 2016  
BY A. SALCIDO  
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF YOLO

9 The People of the State of California,

10 Plaintiff,

11 v.

12  
13  
14 CITY OF WEST SACRAMENTO,  
a California corporation; and  
15 DOES 1 through 20,

16 Defendant(s).

) No. CV16-698  
)  
) VERIFIED COMPLAINT FOR  
) INJUNCTION, CIVIL PENALTIES, AND  
) OTHER RELIEF

) (Health & Safety Code §25100 et seq.)

) *Exempt from fees per Government Code §6103*

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18  
19  
20 1. The authority of the District Attorney of Yolo County to bring this action is derived from  
21 statutory language of the State of California, specifically Health and Safety Code sections 25182,  
22 25189(d), and 25189.1.

23 2. THE PEOPLE OF THE STATE OF CALIFORNIA, by and through JEFF W. REISIG,  
24 District Attorney of Yolo County, bring this action in the public interest and in the name of THE  
25 PEOPLE OF THE STATE OF CALIFORNIA and hereby allege:

26 **JURISDICTION AND VENUE**

27 3. The Defendants transact business within the County of Yolo and elsewhere throughout the  
28 State of California. The alleged violations of the law, hereinafter described, have been carried out

1 within said Yolo County and elsewhere throughout the State of California. The alleged actions of the  
2 Defendants and each of them, jointly and separately, as set out below, are in violation of the law and  
3 public policy of the State of California. Unless enjoined and restrained by an order of this court, the  
4 Defendants will continue to retain the means to engage in unlawful action and practices and courses  
5 of conduct set out below.

#### 6 DEFENDANTS

7 4. Defendant CITY OF WEST SACRAMENTO, is, and at all times relevant has been, a  
8 municipal corporation duly created under the laws of the State of California and located in the  
9 County of Yolo, California with its principal place of business (i.e., City Hall) located at 1110 WEST  
10 CAPITOL AVENUE, WEST SACRAMENTO, CALIFORNIA.

11 5. Defendant DOES ONE through TWENTY are connected and responsible for the acts  
12 complained of below. Their real names are unknown at this time, and the People will amend this  
13 complaint at a later date when the true identities of DOES ONE through TWENTY are discovered.

14 6. Whenever in this Complaint reference is made to any act of Defendants, such allegation  
15 shall be deemed to mean that Defendants and their officers, agents, employees, or representatives,  
16 did or authorized acts while actively engaged in the management, direction, or control of the affairs  
17 of said Defendants, and while acting within the course and scope of their duties.

18 7. All Defendants at all times acted as agents of one another. With regard to the conduct and  
19 omissions alleged in this Complaint, each of the Defendants ratified the actions of the other  
20 Defendants.

#### 21 FIRST CAUSE OF ACTION

#### 22 **VIOLATION OF HEALTH AND SAFETY CODE SECTION 25100 ET SEQ.** 23 **(HAZARDOUS WASTE CONTROL ACT)**

24 8. Plaintiff is informed and believes and based on such information and belief alleges that  
25 beginning at an exact date that is unknown to Plaintiff, but within five (5) years prior to the filing of  
26 this Complaint (CCP §338.1), Defendants engaged in acts or omissions at City facilities and  
27 operating locations (e.g., the George Kristoff Water Treatment Plant, 400 North Harbor Boulevard,  
28 West Sacramento, California), in violation of Health and Safety Code §25100 et seq., including but

1 not limited to the following:

2 a. Failed to determine if that waste is a hazardous waste, in violation of California  
3 Code of Regulations, title 22 section 66262.11.

4 **PRAYER**

5 WHEREFORE, Plaintiff prays that:

6 1. Defendants be permanently restrained and enjoined from engaging in or performing,  
7 directly or indirectly, any and all of the following acts:

8 a. Engaging in any acts in violation of Health and Safety Code section 25100 et seq.,  
9 including but not limited to:

10 1. Violation of California Code of Regulations, title 22 section 66262.11.

11 2. For violation of the First Cause of Action, that Defendants herein be assessed a civil  
12 penalty of TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00), for each violation, in an amount  
13 according to proof, pursuant to Health and Safety Code section 25189.2(b).

14 3. Plaintiff recover its costs and agencies costs.

15 4. Plaintiff have such other and further relief as the nature of the case may require and  
16 that the court deems proper to fully dissipate the effects of the unlawful and unfair acts complained  
17 of herein.

18  
19 DATED:

9/27/16

Respectfully submitted,

JEFF W. REISIG  
DISTRICT ATTORNEY

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23 By: DAVID J. IREY  
Assistant Chief Deputy District Attorney