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ALAMEDA COUNTY

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10 [Plaintiff's Counsel Continued on Attached]

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF ALAMEDA
13

14
15 THE PEOPLE OF THE STATE OF
CALIFORNIA,

16 Plaintiff,

17 v.

18
19 DIRECTV, LLC, a California Limited
Liability Company,

20 Defendant.
21

Case No. **CG17880964**

COMPLAINT FOR PERMANENT
INJUNCTION, CIVIL PENALTIES AND
OTHER EQUITABLE RELIEF

(Health & Saf. Code, Div. 20, Chapter 6.5;
Bus & Prof. Code, § 17200, *et*
seq.)

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

3 **PLAINTIFF**

4 1. Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, brings this action by
5 and through Xavier Becerra, Attorney General of the State of California ("Attorney General"),
6 Margarita Padilla, Supervising Deputy Attorney General, Edward H. Ochoa, Deputy Attorney
7 General, John W. Everett, Deputy Attorney General; Nancy E. O'Malley, District Attorney for
8 Alameda County ("Alameda DA"), Kenneth A. Mifsud, Assistant District Attorney and Kevin
9 Wong, Deputy District Attorney (collectively referred to herein as "the People" or "Plaintiff").

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

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

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

24 **DEFENDANT**

25 5. Defendant DIRECTV, LLC is now, and at all times mentioned in this Complaint was,
26 a California limited liability company (hereinafter "Defendant"). Defendant does and did
27 business in its own capacity and/or through affiliates in the State of California at twenty-five
28 facilities owned and operated by Defendant, also referred to as "owned and operated" or "O & O"

1 facilities, identified in **Exhibit A**, which is incorporated herein by reference (collectively referred
2 to as "Covered Facilities" and further described in paragraph 18 below). Defendant managed
3 certain "target waste" (defined in paragraph 19 below) that constitutes hazardous wastes,
4 including universal wastes, at, or in connection with, Defendant's Covered Facilities throughout
5 California, including one or more Covered Facilities in Alameda County.

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

10 7. Defendant is a "person" as defined in California Health and Safety Code section
11 25118.

12 8. In this Complaint when reference is made to any act or omission of "Defendant,"
13 such allegations shall include the acts and omissions of owners, officers, directors, agents,
14 employees, contractors, vendors, affiliates, and/or representatives of DIRECTV, LLC while
15 acting within the course and scope of their employment or agency on behalf of the above
16 referenced entity.

17 JURISDICTION AND VENUE

18 9. Venue is proper in this county pursuant to California Health and Safety Code section
19 25183, in that the violations alleged in this Complaint occurred in the County of Alameda and
20 throughout the State of California. This court has jurisdiction pursuant to Article 6, section 10 of
21 the California Constitution and section 393 of the Code of Civil Procedure.

22 10. Plaintiff and Defendant have entered into a series of agreements to toll any applicable
23 statutes of limitation. As a result of those agreements, a total of 1,686 days (the "Tolling Period")
24 will not be included in computing the time limited by any statutes of limitation applicable to the
25 causes of action brought against Defendant based on claims covered by the tolling agreement.
26 Those claims include the claims alleged in this action against Defendant.

STATUTORY AND REGULATORY BACKGROUND

11. The State of California has enacted a comprehensive statutory and regulatory framework governing the generation, handling, treatment, storage, transportation, and disposal of hazardous waste. This framework, contained in Chapter 6.5 and its implementing regulations, which are found at California Code of Regulations, title 22, section 66260.1 et seq., mandates a “cradle to grave” system known as the Hazardous Waste Control Law (“HWCL”). The HWCL system is maintained to record the generation, registration, tracking, storage, treatment, and disposal of hazardous waste and to provide for the protection of the public and the environment from the potential risks posed by hazardous waste. Except where otherwise expressly defined in this Complaint, all terms shall be interpreted consistent with Chapter 6.5 and the Title 22 California Code of Regulations promulgated under that chapter.

ENFORCEMENT AUTHORITY UNDER THE HWCL AND THE UCL

12. Section 25189 of the Health and Safety Code provides for civil liability for any negligent or intentional violation of the HWCL, or for any violation of any permit, rule, regulation, standard, or requirement issued or promulgated pursuant to the HWCL. Section 25189.2 of the Health and Safety Code is an alternative strict liability provision, which provides for civil liability for any violation of the HWCL, or for any violation of any permit, rule, regulation, standard, or requirement issued or promulgated pursuant to the HWCL. However, pursuant to section 25189.2, subdivision (f), a person may not be held liable for a civil penalty imposed under section 25189 and for a civil penalty imposed under section 25189.2 for the same act.

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

14. Health and Safety Code section 25184 provides that in civil actions brought pursuant to the HWCL in which an injunction or temporary restraining order is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur

1 should the temporary restraining order, preliminary injunction, or permanent injunction not be
2 issued; or that the remedy at law is inadequate, and the temporary restraining order, preliminary
3 injunction, or permanent injunction shall issue without such allegations and without such proof.

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

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

14 **GENERAL ALLEGATIONS**

15 17. The allegations in this Complaint relate solely to Defendant’s compliance with the
16 HWCL and UCL at, or in connection with, Defendant’s Covered Facilities in California and
17 pertain only to the management of “target waste” as further described in paragraph 19 below.
18 Nothing in this Complaint relates to or pertains to any existing or potential claims or causes of
19 action arising out of either or both (a) Defendant’s ownership or operation of any non-Covered
20 Facility in California; or (b) the management or disposal of any non-target waste items at or from
21 any facility owned or operated by Defendant in California, including, but not limited to,
22 Defendant’s Covered Facilities, and such claims or causes of action, if any, are reserved by
23 Plaintiff. This Complaint has been filed within five years of the People discovering the HWCL
24 violations alleged herein and the HWCL related allegations in this Complaint cover the period
25 from on or about January 1, 2005 until on or about May 31, 2017, exclusive of any applicable
26 tolling periods, including those set forth in paragraph 10 herein. The UCL related allegations in
27 this Complaint cover the four years prior to the date of filing of this Complaint, exclusive of any
28 applicable tolling periods.

1 18. At all times relevant hereto and continuing from and after the date of filing of this
2 Complaint, Defendant owned and/or operated, and continues to own and/or operate, twenty-five
3 Covered Facilities throughout California. The term “**Covered Facilities**” as used herein shall
4 means those facilities in California which are owned or operated by Defendant, also referred to as
5 “owned and operated” or “O & O” facilities, or were operated for a portion of the period covered
6 by this Complaint, and listed on the attached **Exhibit A**.

7 19. Defendant provides satellite video services to residential and business customers in
8 California. In providing these services, Defendant, by and through its employees at Defendant’s
9 Covered Facilities, including but not limited to warehouse personnel and field technicians,
10 manage large volumes of electronic equipment (such as remote controls, splitters, splitter filters,
11 transformers, power adapters, power supplies, customer premises equipment, network interface
12 cards, remote terminals, low noise block down converters (“LNBS”), B-band converter modules,
13 multi-switches, field testing equipment, and devices containing printed circuit boards), batteries
14 (such as lead-acid, lithium-ion, nickel-cadmium, nickel-metal hydride, and alkaline batteries), and
15 aerosol cans, as well as certain gels, liquids and other items used or carried by technicians
16 (specifically: adhesives and glues, caulking, and sealants,) that have become hazardous waste
17 within the meaning of Health and Safety Code sections 25117 and 25124, and the corresponding
18 title 22 California Code of Regulations (collectively the “**target waste**”). Defendant and its
19 technicians use these items in the course of their duties and still other items are leased to
20 customers and reclaimed by Defendant at the end of a contract or when upgrading equipment. At
21 all times relevant hereto and continuing from and after the date of filing of this Complaint, target
22 waste, including electronic equipment, batteries and aerosol cans handled by Defendant at
23 Defendant’s Covered Facilities or in the field in the course and scope of field technicians
24 employment, was rendered unusable for their intended purpose as the result of usage, damage,
25 age, wear, obsolescence and other causes, and must be handled and recycled or disposed of in
26 compliance with the HWCL.

27 20. At all times relevant to this Complaint, Defendant is or was responsible for the
28 operation of Defendant’s Covered Facilities in California. At all times relevant to this Complaint,

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

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

9 22. Plaintiff alleges that Defendant at all times relevant hereto and continuing from and
10 after the date of filing of this Complaint, caused and/or performed each of the acts and/or
11 omissions in violation of the HWCL in the ownership and/or operation of Defendant's Covered
12 Facilities, and with regard to target waste, as alleged below:

13 ***Disposal Violations***

14 a. Disposed, or caused the disposal of, target waste that constitutes hazardous
15 waste at a point not authorized, in violation of Health and Safety Code sections 25203;

16 b. Disposed, or caused the disposal of new electronic equipment and batteries of
17 the types described in paragraph 19 above, that by virtue of their disposal became a hazardous
18 waste, at a point not authorized, in violation of Health & Safety Code section 25203;

19 ***Waste Determination Violations***

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

26 ***Storage and Accumulation Time Limit Violations***

27 d. Stored target waste that constitutes hazardous waste onsite beyond the time
28 permitted by law at a facility which did not have a hazardous waste storage permit from the

1 California Department of Toxic Substances Control ("DTSC"), in violation of California Code of
2 Regulations, title 22, section 66262.34, and California Health and Safety Code section 25123.3,
3 subdivision (h);

4 ***Labeling and Container Violations***

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

8 f. Failed to maintain containers holding target waste that constitutes hazardous
9 waste at Defendant's Covered Facilities capable of being closed while in storage, in violation of
10 California Code of Regulations, title 22, section 66265.173;

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

13 ***Transportation and Manifest Violations***

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

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

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

23 k. Failed to submit to DTSC a legible copy of each manifest used within thirty
24 (30) days of each shipment of target waste that constitutes hazardous waste off-site or into
25 California, in violation of California Code of Regulations, title 22, section 66262.23, subdivision
26 (a)(4);

1 ***Training Violations***

2 1. Failed to comply with employee training obligations for employees who are
3 assigned to Defendant's Covered Facilities and who handled target waste that constitutes
4 hazardous waste, as set forth in California Code of Regulations, title 22, section 66265.16,
5 including but not limited to the requirements to maintain training documentation as specified in
6 these regulations for each employee involved in the handling of hazardous waste;

7 ***Universal Waste Violations***

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

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

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

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

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

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

26 s. Failed to comply with employee training obligations for employees who are
27 assigned to Covered Facilities and who handled target waste that constitutes universal waste, as
28 set forth in California Code of Regulations, title 22, section 66273.36, including but not limited to

1 the requirements to maintain training documentation as specified in these regulations for each
2 employee involved in the handling of universal waste; and

3 ***Generator ID Violations***

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

8
9 **FIRST CAUSE OF ACTION**

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

11 **(Health & Safety Code §§ 25203 and 25189, subd. (c))**

12 23. Plaintiff realleges paragraphs 1 through 21, and paragraph 22, subparagraphs (a) and
13 (b), inclusive.

14 24. Health and Safety Code section 25203 prohibits the disposal of hazardous waste at an
15 unauthorized point.

16 25. Defendant has intentionally disposed or caused the disposal of target waste that
17 constitutes hazardous waste at unauthorized points, in violation of California Health and Safety
18 Code section 25203, and unless enjoined by order of the Court, Defendant may or will continue in
19 the course of conduct as alleged herein.

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

23 27. Based on the above, Plaintiff requests injunctive relief against Defendant under
24 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
25 Safety Code section 25189, subdivision (c), as set forth in Plaintiff's prayer for relief.

1 **SECOND CAUSE OF ACTION**

2 **(Negligent Disposal of Hazardous Waste at a Point Not Authorized)**

3 **(Health & Safety Code §§ 25203 and 25189, subd. (d))**

4 28. Plaintiff realleges paragraphs 1 through 21, and paragraph 22, subparagraphs (a) and
5 (b), inclusive.

6 29. Health and Safety Code section 25203 prohibits the disposal of hazardous waste at an
7 unauthorized point.

8 30. Defendant has negligently disposed or caused the disposal of target waste that
9 constitutes hazardous waste at unauthorized points in violation of California Health and Safety
10 Code section 25203, and unless enjoined by order of the Court, Defendant may or will continue in
11 the course of conduct as alleged herein.

12 31. Each negligent disposal of target waste that constitutes hazardous waste at an
13 unauthorized point, subjects Defendant to a separate and additional civil penalty under Health and
14 Safety Code section 25189, subdivision (d).

15 32. Based on the above, Plaintiff requests injunctive relief against Defendant under
16 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
17 Safety Code section 25189, subdivision (d), as set forth in Plaintiff's prayer for relief.

18 **THIRD CAUSE OF ACTION**

19 **(Strict Liability for Disposal of Hazardous Waste at a Point Not Authorized)**

20 **(Health & Safety Code, §§ 25203 and 25189.2, subd. (c))**

21 33. Plaintiff realleges paragraphs 1 through 21, and paragraph 22, subparagraphs (a) and
22 (b), inclusive.

23 34. Health and Safety Code sections 25203 prohibits the disposal of hazardous waste at
24 an unauthorized point.

25 35. Defendant has disposed or caused the disposal of target waste that constitutes
26 hazardous waste at unauthorized points, in violation of California Health and Safety Code section
27 25203, and unless enjoined by order of the Court, Defendant may or will continue in the course of
28 conduct as alleged herein.

1 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
2 sections 66262.11 and 66260.200(c), with regard to the target waste at Defendant's Covered
3 Facilities, as set forth in Plaintiff's prayer for relief.

4 **FIFTH CAUSE OF ACTION**

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

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

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

8 43. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraph (c),
9 inclusive.

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

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

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

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

1 **SIXTH CAUSE OF ACTION**

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

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

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

5 48. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraph (c),
6 inclusive.

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

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

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

19 52. Based on the above, Plaintiff requests injunctive relief against Defendant under
20 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
21 Safety Code section 25189.2, subdivision (b), for each violation of the hazardous waste
22 determination requirement of Chapter 6.5 of Division 20 of the Health and Safety Code section
23 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations
24 sections 66262.11 and 66260.200(c), with regard to the target waste at Defendant's Covered
25 Facilities, as set forth in Plaintiff's prayer for relief.
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SEVENTH CAUSE OF ACTION
(Intentional Violations of Hazardous Waste Storage, Container, Labeling, Marking and
Accumulation Time Limits Requirements)
(Health & Safety Code, §§ 25100, et seq., and 25189, subd. (b);
Cal. Code Regs., Tit. 22, § 66260.1 et seq.)

53. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (d), and (e)-(f), inclusive.

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

55. Each intentional violation by Defendant of the hazardous waste storage, container, labeling, marking and accumulation time limits requirements with regard to target waste at Defendant's Covered Facilities subjects Defendant to a separate and additional civil penalty under Health and Safety Code section 25189, subdivision (b).

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

1 **EIGHTH CAUSE OF ACTION**

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

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

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

6 57. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (d), and
7 (e)-(f), inclusive.

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

14 59. Each negligent violation by Defendant of the hazardous waste storage, container,
15 labeling, marking, and accumulation time limits requirements with regard to target waste at
16 Defendant's Covered Facilities subjects Defendant to a separate and additional civil penalty under
17 Health & Safety Code section 25189, subdivision (b).

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

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

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

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

6 61. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (d), and
7 (e)-(f), inclusive.

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

14 63. Each violation by Defendant of the hazardous waste storage, container, labeling,
15 marking, and accumulation time limits requirements with regard to target waste at Defendant's
16 Covered Facilities, subjects Defendant to a separate and additional civil penalty under Health and
17 Safety Code section 25189.2, subdivision (b).

18 64. Based on the above, Plaintiff requests injunctive relief against Defendant under
19 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
20 Safety Code section 25189.2, subdivision (b), for each violation of the hazardous waste storage,
21 container, labeling, marking, and accumulation time limits requirements of Chapter 6.5 of
22 Division 20 of the Health and Safety Code section 25100 et seq., and its implementing regulations
23 at Title 22 of the California Code of Regulations sections 66260.1 et seq., with regard to the
24 target waste at Defendant's Covered Facilities, as set forth in Plaintiff's prayer for relief.

1 and manifest requirements of Health and Safety Code section 25163 and Title 22 of the California
2 Code of Regulations section 66263.23, with regard to the target waste, as set forth in Plaintiff's
3 prayer for relief.

4 **ELEVENTH CAUSE OF ACTION**

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

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

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

8 70. Plaintiff realleges paragraphs 1 through 21, and paragraph 22, subparagraphs (h)-(k),
9 inclusive.

10 71. Chapter 6.5 of the Health and Safety Code prohibits the unauthorized transfer or
11 transportation of hazardous waste. Section 25163 prohibits the transfer of hazardous waste to a
12 transporter who does not have a valid registration from DTSC. Title 22 of the California Code of
13 Regulations section 66263.23, subdivision (b), further prohibits the transportation of hazardous
14 waste to a location not permitted or otherwise authorized by DTSC to receive the waste. And,
15 title 22 of the California Code of Regulations section 66263.23, subdivision (a)(4), further
16 requires that the generator submit to DTSC a legible copy of each manifest used within thirty
17 days of each shipment of hazardous waste off-site or into California.

18 72. Defendant has negligently transferred target waste that constitutes hazardous waste
19 from Defendant's Covered Facilities to transporters who did not have valid registrations from
20 DTSC, for transportation to unauthorized locations, in violation of Health and Safety Code
21 section 25163 and Title 22 of the California Code of Regulations section 66263.23, without
22 providing a manifest to DTSC within thirty days of each shipment, and unless enjoined by order
23 of the Court, Defendant may or will continue in the course of conduct as alleged herein.

24 73. Each act of unauthorized transfer of target waste or transportation or failure to
25 manifest target waste subjects Defendant to a separate and additional civil penalty under Health
26 and Safety Code section 25189, subdivision (b), for each negligent violation of Health and Safety
27 Code section 25163 and Title 22 of the California Code of Regulations section 66263.23.

1 74. Based on the above, Plaintiff requests injunctive relief against Defendant under
2 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
3 Safety Code section 25189, subdivision (b), for each negligent violation of the transportation and
4 manifest requirements of Health and Safety Code section 25163 and Title 22 of the California
5 Code of Regulations section 66263.23, with regard to the target waste, as set forth in Plaintiff's
6 prayer for relief.

7 **TWELFTH CAUSE OF ACTION**

8 **(Strict Liability for Violations of Hazardous Waste Transportation and Manifest**
9 **Requirements)**

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

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

12 75. Plaintiff realleges paragraphs 1 through 21, and paragraph 22, subparagraphs (h)-(k),
13 inclusive.

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

22 77. Defendant has transferred target waste that constitutes hazardous waste from the
23 Covered Facilities to transporters who did not have valid registrations from DTSC, for
24 transportation to unauthorized locations, in violation of Health and Safety Code section 25163
25 and Title 22 of the California Code of Regulations section 66263.23, without providing a
26 manifest to DTSC within thirty days of each shipment, and unless enjoined by order of the Court,
27 Defendant may or will continue in the course of conduct as alleged herein.
28

78. Each act of unauthorized transfer or transportation of target waste or failure to manifest target waste subjects Defendant to a separate and additional civil penalty under Health and Safety Code section 25189.2, subdivision (b), for each violation of Health and Safety Code section 25163 and Title 22 of the California Code of Regulations section 66263.23.

79. Based on the above, Plaintiff requests injunctive relief against Defendant under Health and Safety Code section 25181, and civil penalties against Defendant under Health and Safety Code section 25189.2, subdivision (b), for each strict liability violation of the transportation and manifest requirements of Health and Safety Code section 25163 and Title 22 of the California Code of Regulations section 66263.23, with regard to the target waste, as set forth in Plaintiff's prayer for relief.

THIRTEENTH CAUSE OF ACTION

(Intentional Violation Hazardous Waste and Universal Waste Training Requirements)

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

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

80. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (l) and (s), inclusive.

81. California Code of Regulations, title 22, section 66265.16 requires that the generator of hazardous waste provide annual training pertaining to the handling of hazardous waste and maintain training documentation as specified in section 66265.16 for each employee involved in the handling of hazardous waste. California Code of Regulations, title 22, section 66273.36 requires that universal waste handlers provide annual training pertaining to the management of universal waste to all personnel who manage universal waste and maintain training documentation as specified in section 66273.36.

82. Through its operations, Defendant generates target waste that constitutes hazardous waste, including universal waste, at Defendant's Covered Facilities and has intentionally failed to train field technicians and other employees who handle that target waste, in violation of the training requirements of California Code of Regulations, title 22, sections 66265.16 and

1 66273.36, and unless enjoined by order of the Court, Defendant may or will continue in the
2 course of conduct as alleged herein.

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

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

13 **FOURTEENTH CAUSE OF ACTION**

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

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

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

17 85. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (l) and
18 (s), inclusive.

19 86. California Code of Regulations, title 22, section 66265.16 requires that the generator
20 of hazardous waste provide annual training pertaining to the handling of hazardous waste and
21 maintain training documentation as specified in section 66265.16 for each employee involved in
22 the handling of hazardous waste. California Code of Regulations, title 22, section 66273.36
23 requires that universal waste handlers provide annual training pertaining to the management of
24 universal waste to all personnel who manage universal waste and maintain training
25 documentation as specified in section 66273.36.

26 87. Through its operations, Defendant generates target waste that constitutes hazardous
27 waste, including universal waste, at Covered Facilities and has negligently failed to train field
28 technicians and other employees who handle that target waste, in violation of the training

1 requirements of California Code of Regulations, title 22, sections 66265.16 and 66273.36, and
2 unless enjoined by order of the Court, Defendant may or will continue in the course of conduct as
3 alleged herein.

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

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

14 **FIFTEENTH CAUSE OF ACTION**

15 **(Strict Liability for Violation of Hazardous Waste and Universal Waste Training** 16 **Requirements)**

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

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

19 90. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (l) and
20 (s), inclusive.

21 91. California Code of Regulations, title 22, section 66265.16 requires that the generator
22 of hazardous waste provide annual training pertaining to the handling of hazardous waste and
23 maintain training documentation as specified in section 66265.16 for each employee involved in
24 the handling of hazardous waste. California Code of Regulations, title 22, section 66273.36
25 requires that universal waste handlers provide annual training pertaining to the management of
26 universal waste to all personnel who manage universal waste and maintain training
27 documentation as specified in section 66273.36.

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

93. Each violation by Defendant of the hazardous waste and universal waste training requirements with respect to target waste subjects Defendant to a separate and additional civil penalty under Health and Safety Code section 25189.2, subdivision (b).

94. Based on the above, Plaintiff requests injunctive relief against Defendant under Health and Safety Code section 25181, and civil penalties against Defendant under Health and Safety Code section 25189.2, subdivision (b), for each violation of the hazardous waste and universal waste training requirements of Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations sections 66265.16 and 66273.36, with regard to employees handling the target waste at or in connection with Defendant's Covered Facilities, as set forth in Plaintiff's prayer for relief.

SIXTEENTH CAUSE OF ACTION

(Intentional Violations of Hazardous Waste Control Laws for Universal Waste Disposal, Management, Labeling, Marking, Accumulation Time Limits, Sending and Tracking Requirements)

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

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

95. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (m)-(r), inclusive.

96. Defendant has intentionally violated, the universal waste disposal, management, labeling, marking, accumulation time limits, sending and tracking requirements of Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations sections 66273.1 et seq., with regard to the

1 target waste at Defendant's Covered Facilities, and unless enjoined by order of the Court,
2 Defendant may or will continue in the course of conduct as alleged herein.

3 97. Each intentional violation by Defendant of the universal waste disposal, management,
4 labeling, marking, accumulation time limits, sending and tracking requirements with respect to
5 target waste subjects Defendant to a separate and additional civil penalty under Health and Safety
6 Code section 25189, subdivision (b).

7 98. Based on the above, Plaintiff requests injunctive relief against Defendant under
8 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
9 Safety Code section 25189, subdivision (b), for each intentional violation of the universal waste
10 disposal, management, labeling, marking, accumulation time limits, sending and tracking
11 requirements of Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq.,
12 and its implementing regulations at Title 22 of the California Code of Regulations sections
13 66273.1 et seq., with regard to the target waste at or in connection with Defendant's Covered
14 Facilities, as set forth in Plaintiff's prayer for relief.

15 **SEVENTEENTH CAUSE OF ACTION**

16 **(Negligent Violations of Hazardous Waste Control Laws for Universal Waste Management,**
17 **Disposal, Labeling, Marking, Accumulation Time Limits, Sending and Tracking**
18 **Requirements)**

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

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

21 99. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (m)-(r),
22 inclusive.

23 100. Defendant has negligently violated, , the universal waste disposal, management,
24 labeling, marking, accumulation time limits, sending and tracking requirements of Chapter 6.5 of
25 Division 20 of the Health and Safety Code section 25100 et seq., and its implementing regulations
26 at Title 22 of the California Code of Regulations sections 66273.1 et seq., with regard to the
27 target waste at Defendant's Covered Facilities, and unless enjoined by order of the Court,
28 Defendant may or will continue in the course of conduct as alleged herein.

101. Each negligent violation by Defendant of the universal waste disposal, management, labeling, marking, accumulation time limits, sending and tracking requirements with respect to target waste subjects Defendant to a separate and additional civil penalty under Health and Safety Code section 25189, subdivision (b).

102. Based on the above, Plaintiff requests injunctive relief against Defendant under Health and Safety Code section 25181, and civil penalties against Defendant under Health and Safety Code section 25189, subdivision (b), for each negligent violation of the universal waste disposal, management, labeling, marking, accumulation time limits, sending and tracking requirements of Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its implementing regulations at Title 22 of the California Code of Regulations sections 66273.1 et seq., with regard to the target waste at or in connection with Defendant's Covered Facilities, as set forth in Plaintiff's prayer for relief.

EIGHTEENTH CAUSE OF ACTION

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

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

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

103. Plaintiff realleges Paragraphs 1 through 21, and paragraph 22, subparagraphs (m)-(r), inclusive.

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

105. Each violation by Defendant of the universal waste disposal, management, labeling, marking, accumulation time limits, sending and tracking requirements with respect to target waste

1 subjects Defendant to a separate and additional civil penalty under Health and Safety Code
2 section 25189.2, subdivision (b).

3 106. Based on the above, Plaintiff requests injunctive relief against Defendant under
4 Health and Safety Code section 25181, and civil penalties against Defendant under Health and
5 Safety Code section 25189.2, subdivision (b), for each violation of the universal waste disposal,
6 management, labeling, marking, accumulation time limits, sending and tracking requirements of
7 Chapter 6.5 of Division 20 of the Health and Safety Code section 25100 et seq., and its
8 implementing regulations at Title 22 of the California Code of Regulations sections 66273.1 et
9 seq., with regard to the target waste at or in connection with Defendant's Covered Facilities, as
10 set forth in Plaintiff's prayer for relief.

11 **NINETEENTH CAUSE OF ACTION**
12 **(Violations of Unfair Competition Laws)**
13 **(Bus. & Prof. Code §§ 17200 - 17208)**

14 107. Plaintiff realleges paragraphs 1 through 106, inclusive.

15 108. Within four (4) years of commencing this action, exclusive of any applicable tolling
16 periods, including those set forth in paragraph 10 herein, Defendant has engaged in, and continues
17 to engage in, acts or practices that constitute unfair competition within the meaning of Business
18 and Professions Code sections 17200 through 17208, including but not limited to, the acts or
19 practices alleged in the First through Eighteenth Causes of Action, above.

20 109. Pursuant to Business and Professions Code section 17206, Defendant is liable for
21 civil penalties for each and every violation as alleged herein.

22 110. Defendant must be immediately and permanently enjoined, pursuant to Business and
23 Professions Code section 17203, from engaging in acts or practices that, as alleged in this
24 Complaint, violate Chapter 6.5 and their implementing regulations, which thereby constitute
25 unfair competition within the meaning of Business and Professions Code section 17200.
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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for the following relief as to Defendant:

3 1. A permanent injunction requiring Defendant to comply with those provisions of
4 Health and Safety Code, Division 20, Chapter 6.5 and implementing regulations, which
5 Defendant is alleged to have violated as set forth in this Complaint;

6 2. A permanent injunction, issued pursuant to Business and Professions Code section
7 17203, prohibiting Defendant from engaging in acts or practices that violate the provisions of
8 Chapter 6.5 of Division 20 of the Health and Safety Code, as alleged in this Complaint, which
9 thereby constitute unfair competition within the meaning of Business and Professions Code
10 section 17200;

11 3. Civil penalties against Defendant pursuant to Health and Safety Code section 25189,
12 subdivisions (b), (c) and (d), in an amount according to proof.

13 4. Civil penalties against Defendant pursuant to Health and Safety Code section
14 25189.2, subdivision (b), in an amount according to proof;

15 5. Civil penalties against Defendant, pursuant to Business and Professions Code section
16 17206, of \$2,500.00 for each violation of unfair competition laws engaged in by Defendant, in an
17 amount according to proof;

18 6. Plaintiff's costs of inspection, investigation, enforcement, prosecution, and suit
19 herein, including but not limited to such attorneys' fees and costs as are authorized to be
20 recovered pursuant to Code of Civil Procedure section 1021.8; and
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7. Such other and further relief as the Court deems just and proper.

Dated: 10-31, 2017

Respectfully Submitted,

XAVIER BECERRA
Attorney General of California
MARGARITA PADILLA
Supervising Deputy Attorney General
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Dated: 10-30, 2017

NANCY E. O'MALLEY
District Attorney of the County of Alameda

KENNETH A. MIFSUD
Assistant District Attorney
*Attorneys for Plaintiff, People of the State of
California*

EXHIBIT A

EXHIBIT A
DIRECTV Covered Facilities List

FACILITY NO.	CITY	STREET ADDRESS		
1	Azusa	1201 Foothill Blvd		
2	Bakersfield	2241 Orpheus Ct		
3	Camarillo	360 Cortez Circle		
4	Concord	2440 Sprig Ct		
5	Cotati	7911 Redwood Dr		
6	El Centro	118 E. Ross Ave		
7	Eureka	2213 3rd St		
8	Fresno	2727 S. Golden State Blvd		
9	Irvine	17182 Armstrong Ave		
10	Lancaster	715 E Ave L8		
11	Manteca	2320 W. Yosemite Ave		
12	McClellan	4522 Parker Ave		
13	Ontario	1055 E. Francis St		
14	Pacoima	12450 Montague St		
15	Rancho Dominguez	19335 S. Laurel Park Rd		
16	Red Bluff	22686 Antelope Road		
17	Ridgecrest	140 Station Ave		
18	Riverside	2990 Myers St		
19	Salinas	1355 Abbott St		
20	San Diego	7518 Carroll Rd		
21	San Jose	775 Commercial St		
22	San Leandro	1916 Doolittle Dr		
23	Santa Maria	2996 Industrial Pkway		
24	Thousand Palms	30695 Hill St		
25	Victorville	15372 Bonanza Rd		