

COPY

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SUM-100

(CITACION JUDICIAL)

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

SOUTHERN CALIFORNIA GAS CO.; SEMPRA ENERGY; and DOES 1-100, inclusive.

ORIGINAL FILED

APR 10 2007

LOS ANGELES SUPERIOR COURT

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ENVIRONMENTAL LAW FOUNDATION, Individually and in the public interest

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

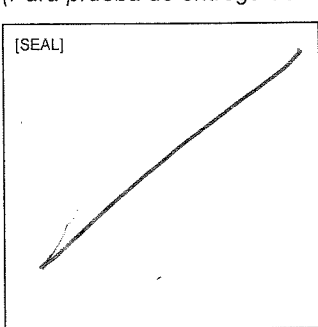
(El nombre y dirección de la corte es): SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF LOS ANGELES 111 N. Hill Street Los Angeles, CA 90012 Central Judicial District

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): CHRISTOPHER P. RIDOUT (SBN 143931) (213) 623-7755 ALEXIS B. DJIVRE (SBN 245138) Rose, Klein & Marias LLP 801 S. Grand Avenue, 11th Floor Los Angeles, CA 90012

DATE: APR 10 2007 Clerk, by CECILIA LOVEJOY, Deputy (Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- 1. [] as an individual defendant.
2. [] as the person sued under the fictitious name of (specify):
3. [] on behalf of (specify):
under: [] CCP 416.10 (corporation) [] CCP 416.60 (minor)
[] CCP 416.20 (defunct corporation) [] CCP 416.70 (conservatee)
[] CCP 416.40 (association or partnership) [] CCP 416.90 (authorized person)
[] other (specify):
4. [] by personal delivery on (date):

1 ENVIRONMENTAL LAW FOUNDATION
JAMES R. WHEATON (State Bar No. 115230)
2 PHILIP SHAKHNI, Of Counsel (State Bar No. 199461)
LYNNE R. SAXTON (State Bar No. 226210)
3 DAN GILDOR (State Bar No. 223027)
1736 Franklin Street, 9th Floor
4 Oakland, California 94612
(510) 208-4555
5 (510) 208-4562 Fax

6 ROSE, KLEIN & MARIAS LLP
CHRISTOPHER P. RIDOUT (State Bar No. 143931)
7 ALEXIS B. DJIVRE (State Bar No. 245138)
801 S. Grand Avenue
8 Eleventh Floor
Los Angeles, California 90017-4645
9 (213) 626-0571
(213) 623-7755 Fax

10 LAW OFFICES OF SABRINA VENSUS
11 SABRINA D. VENSUS (State Bar No. 219153)
171 Pier Avenue, #204
12 Santa Monica, California 90405
(213) 482-4200
13 (213) 482-4246 Fax

14 Attorneys for Plaintiff ENVIRONMENTAL LAW FOUNDATION

15

16

SUPERIOR COURT OF THE STATE OF CALIFORNIA

17

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

18

19 ENVIRONMENTAL LAW FOUNDATION,
Individually and in the public interest,

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Plaintiff,

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vs.

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23 SOUTHERN CALIFORNIA GAS CO.;
SEMPRA ENERGY; and DOES 1-100,
inclusive.

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Defendants.

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ORIGINAL FILED

APR 10 2007

**LOS ANGELES
SUPERIOR COURT**

) CASE NO. BC364555

) **FIRST AMENDED COMPLAINT FOR
CIVIL PENALTIES, STATUTORY,
EQUITABLE AND INJUNCTIVE RELIEF**

) **VIOLATIONS OF CAL. HEALTH AND
SAFETY CODE §§ 25249.5, et seq.**

) Complaint Filed: January 7, 2007

1 Plaintiff Environmental Law Foundation (hereinafter "Plaintiff" or "ELF") brings this
2 action on its own behalf and in the public interest, and hereby alleges as follows:

3 **INTRODUCTION**

4 1. In California, water is our most precious natural resource. Unfortunately,
5 Defendants are contaminating or are threatening to contaminate protected sources of
6 drinking water with chemicals that are known to cause cancer and birth defects. These
7 actions violate California's Safe Drinking Water and Toxic Enforcement Act ("Proposition
8 65"). Health and Safety Code § 25249.5, *et. seq.*

9 2. Defendants operate Southern California Gas Company's underground
10 natural gas storage facility ("facility"), which is located in the Playa del Rey region of Los
11 Angeles. See Exhibit 1. The natural gas is stored in a partially depleted oilfield that is
12 located approximately 6,000 feet below ground level. Therein, the stored natural gas
13 mixes with the remaining crude oil from the oilfield and the gas becomes enriched with
14 Benzene, Toluene and Ethylbenzene ("BTEX"), chemicals known by the State of
15 California to cause cancer and birth defects.

16 3. The underground reservoir is connected to the surface by over 200 wells¹.
17 This action concerns twelve of those Wells, located in Playa del Rey and Marina del Rey
18 areas in Los Angeles.² The Wells were drilled in the 1920's and 1930's and extend the
19 6,000 feet from the reservoir to the surface level. In their path, they intersect the Ballona,
20 Silverado and Gage Aquifers³, which are protected sources of drinking water under the
21 Los Angeles Region's Water Quality Control Plan or "Basin Plan". As these 70 year old

22
23 ¹ For the purposes of this complaint, "Wells" is defined as all types of wells that are owned by or
24 are under the responsibility of the Defendants, including those that were used to extract oil, dry wells,
25 wells that are or have been used for the facility's natural gas operations (*i.e.*, injection, extraction and
26 monitoring), and all well-associated equipment.

27 ² The specific Wells that are subject to this complaint are Wells 13-1, 23-1, 29-1, 29-2, Champ 1,
28 Hisey 1, Joyce 1, Lor Mar 1, Merrill 1, O&M 1, Samarkand 1 and Troxel 1.

³ Wells 13-1, 23-1, 29-1, 29-2, Champ 1, Hisey 1, Joyce 1, Lor Mar 1, Merrill 1, O&M 1 and
Samarkand 1 intersect the Silverado and Gage Aquifers. Well Troxel 1 intersects the Silverado and
Ballona Aquifers.

1 Wells deteriorate, they develop cracks and leaks and BTEX is released from the Wells.
2 The BTEX then migrates upward to the surface, contaminating or threatening to
3 contaminate the aquifers.

4 4. Defendants have not only failed to prevent their gas from leaking from the
5 reservoir to the surface, they have been unable to prevent the gas from migrating
6 laterally underground to reach additional Wells. The conditional use permit that
7 authorizes this facility expressly requires that the company confine the gas to a section of
8 the underground reservoir that measures approximately 240 acres. See Exhibit 2.
9 However, the company stores the gas under extremely high pressure and, consequently,
10 the gas has migrated laterally far beyond the 240 acre footprint to an area that measures
11 roughly 2,000 acres. See Exhibit 3. In fact, natural gas has migrated to many Wells that
12 are located beyond the 240 acre footprint identified in its permit, including most if not all
13 of the Wells at issue in this action. See Exhibit 4.

14 5. In failing to adequately contain their underground storage of natural gas,
15 Defendants have caused the discharge or release of BTEX from their Wells and,
16 consequently, have contaminated or threaten to contaminate the Ballona, Silverado and
17 Gage Aquifers - protected sources of drinking water - with chemicals known to cause
18 cancer and birth defects. See Exhibit 5. These activities are in violation of Health and
19 Safety Code § 25249.5, *et. seq.* Each release from each Well is a violation of Health
20 and Safety Code § 25249.5. The penalty for these violations is up to \$2,500 per violation
21 per day. Health and Safety Code § 25249.7(b)(1).

22 6. This action seeks civil penalties and injunctive and declaratory relief to
23 redress Defendants' knowing discharge or release of chemicals that cause cancer or
24 birth defects into land or water where such chemicals pass or probably will pass into a
25 source of drinking water, in violation of Health and Safety Code § 25249.5, *et. seq.*

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PARTIES

A. THE PLAINTIFF

7. Plaintiff ENVIRONMENTAL LAW FOUNDATION (“ELF”) is a California nonprofit organization founded on Earth Day in 1991. ELF has a longstanding interest in reducing health hazards to the public posed by exposure to toxic chemicals, and particularly to protect those with the least choice and greatest vulnerability to toxic risks: children and inner-city dwellers. ELF is dedicated to the preservation and enhancement of human health and the environment. ELF brings this action in the public interest, pursuant to California Health and Safety Code § 25249.7(d). Plaintiff does not allege, nor has it suffered, an “injury” cognizable under Article III of the United States Constitution.

B. THE DEFENDANTS

8. Defendant SOUTHERN CALIFORNIA GAS COMPANY (“SoCalGas”) is a California corporation with its principal place of business in San Diego, California. SoCalGas owns and operates the Playa Del Rey Storage Facility, the underground storage facility that is the subject of this action, which is located at 8141 Gulana Ave., Playa Del Rey, California 90293. SoCalGas has employed ten (10) or more persons at all times relevant to this action, and is thus a “person in the course of doing business” within the meaning of the Act. Health and Safety Code § 25249.11.

9. Defendant SEMPRA ENERGY (“Sempra”) is a California corporation with its principal place of business in San Diego, California. Sempra is the parent company of SoCalGas and is responsible in whole or in part for the conduct alleged in this Complaint. Sempra has employed ten (10) or more persons at all times relevant to this action, and is thus a “person in the course of doing business” within the meaning of the Act. Health and Safety Code § 25249.11.

10. The true names and capacities of Defendants sued herein under California Code of Civil Procedure § 474 as DOE Defendants 1 through 100, inclusive, are presently unknown to Plaintiff, who therefore sues these Defendants by such fictitious

1 names. Each of the fictitiously named Defendants is responsible in some manner for the
2 conduct alleged herein and for the injuries suffered by the general public. Plaintiff will
3 seek to amend this Complaint and include these Doe Defendants' true names and
4 capacities when they are ascertained, and after they have been properly given notice
5 under Proposition 65.

6 11. SoCalGas, Sempra, and DOE Defendants 1 through 100 will collectively be
7 referred to as "Defendants." When, in this Complaint, reference is made to any act by a
8 Defendant or by Defendants, such allegations and reference shall also be deemed to
9 mean the acts and failures of each Defendant acting individually, jointly and severally.

10 12. At all times relevant to this action, each Defendant was an agent or
11 employee of each other Defendant. In conducting the activities alleged in this Complaint,
12 each Defendant was acting within the course and scope of this agency or employment,
13 and was acting with the consent, permission, and authorization of each of the remaining
14 Defendants. All actions of each Defendant alleged in this Complaint were ratified and
15 approved by every other Defendant or their officers or managing agents, and by agreeing
16 to actively conceal the true facts as alleged herein. Alternatively, Defendants aided,
17 conspired with and/or facilitated wrongful conduct of other Defendants.

18 **JURISDICTION AND VENUE**

19 13. This Court has jurisdiction over all causes of action asserted herein
20 pursuant to California Constitution, Article VI, Section 10, because this case is a cause
21 not given by statute to other trial courts. This Court also has jurisdiction over this action
22 pursuant to Health & Safety Code § 25249.7, which allows enforcement of violations of
23 Proposition 65 in any Court of competent jurisdiction.

24 14. This Court has jurisdiction over Defendants named herein because they are
25 California corporations, corporations authorized to do business in California and
26 registered with the California Secretary of State, do sufficient business with sufficient
27 minimum contacts in California, or otherwise intentionally avail themselves of the
28 California market through the processing, sale and distribution of natural gas and

1 electricity in California, to render the exercise of jurisdiction over Defendants by the
2 California courts consistent with traditional notions of fair play and substantial justice.

3 15. Venue is proper in this Court because the discharges or releases occurred
4 in Los Angeles County. Furthermore, venue is proper in this Court under Health and
5 Safety Code § 25249.7.

6 16. With respect to violations of Health and Safety Code § 25249.5, *et seq.*, on
7 October 11, 2006, pursuant to Health and Safety Code § 25249.7, Plaintiff served
8 appropriate Notices of Violations of Proposition 65 to each of the named Defendants.
9 The Notices of Violation of Proposition 65 were also served to the California Attorney
10 General, the Los Angeles County District Attorney, and the Los Angeles City Attorney.
11 Each Notice of Violation included a Certificate of Service by Mail and a document entitled
12 "The State Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65) A
13 Summary." Health and Safety Code § 25249.7(d).

14 17. None of these public prosecutors have commenced or is diligently
15 prosecuting an action against the violations alleged herein.

16 **STATUTORY AND REGULATORY BACKGROUND**

17 18. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative
18 statute that was placed before the California electorate as "Proposition 65." It was
19 approved by the voters by nearly a two-to-one margin. Health and Safety Code
20 § 25249.5, *et seq.*

21 19. Health and Safety Code § 25249.5 absolutely prohibits any business from
22 contaminating California's drinking water supplies. Section 25249.5 provides:

23 No person in the course of doing business shall knowingly
24 discharge or release a chemical known to the state to cause
25 cancer or reproductive toxicity into water or onto or into land
where such chemical passes or probably will pass into any
source of drinking water. . .

26 20. Proposition 65 establishes a procedure by which the Governor lists
27 chemicals known to the state to cause cancer or reproductive toxicity. Health and Safety
28 Code § 25249.8. Pursuant to this authority, on February 27, 1987, Benzene was listed

1 as a known carcinogen. On December 26, 1997, Benzene was also listed as a known
2 reproductive toxicant. On January 1, 1991, Toluene was listed as a known reproductive
3 toxicant. On June 11, 2004, Ethylbenzene was listed as a known carcinogen. Each of
4 these chemicals became subject to the prohibitions under Health and Safety Code
5 § 25249.5 twenty months after they were listed. Health and Safety Code § 25249.9(a).

6 21. Under Proposition 65, a "source of drinking water" is defined as a present
7 source of drinking water or water that is identified in a water quality control plan or "Basin
8 Plan" as being suitable for domestic or municipal uses. Health and Safety Code §
9 25249.11(d). Moreover, "water" is defined to include both surface and ground water,
10 pursuant to 22 CCR § 12102(w). The State Water Resources Control Board Resolution
11 No. 88-63 states that "[a]ll surface and ground waters of the State are considered to be
12 suitable, or potentially suitable, for municipal or domestic water supply and should be so
13 designated by the Regional Boards." In accordance with this policy, the Los Angeles
14 Regional Water Quality Control Board designated the West Coast sub-basin and the
15 Santa Monica sub-basin, which contain the Ballona, Silverado, and Gage Aquifers, as
16 having existing beneficial use for domestic drinking water.

17 22. Violations of Proposition 65 may be enforced by any person in the public
18 interest, after providing a 60-day notice of the violations to the Attorney General, District
19 Attorney, City Attorney and the alleged violator. Health and Safety Code
20 § 25249.7(d)(1). Remedies include injunctive relief to prevent actual or threatened
21 violations, and penalties of up to \$2,500 per day per violation. Health and Safety Code
22 § 25249.7(a) and (b).

23 FACTUAL BACKGROUND

24 A. THE PLAYA DEL REY FACILITY

25 23. Defendants operate the Southern California Gas Company, which is
26 located in the Playa del Rey region of Los Angeles and supplies natural gas to California
27 customers. The facility is located in a highly developed and populated residential section
28 of Los Angeles. The facility operates an import, storage, transfer and delivery system of

1 natural gas. Part of the operations include the underground storage of natural gas, for
2 which it uses a partially depleted oilfield located approximately 6,000 feet below ground
3 level. The reservoir is connected to the surface by over 200 Wells, which were drilled in
4 the 1920's and 1930's in order to retrieve the oil. Approximately 30% of the original oil
5 from the oilfield was depleted. In 1942, as part of the national war effort, the Federal
6 government allowed the reservoir to be converted into an underground storage facility for
7 natural gas. The oilfield is located under a thick layer of cap rock (a low permeable layer
8 of rock). It was believed that the cap rock would prevent the gas from leaking to the
9 surface, even though it had been punctured over 200 times when the Wells were
10 originally drilled. This belief was based on the assumption that the Wells would not leak.

11 24. Currently, pipelines deliver natural gas from Texas and Oklahoma to the
12 Playa del Rey facility. The imported natural gas is compressed and placed under
13 significant pressure in order to inject it into the underground reservoir. As the reservoir is
14 only partially depleted of crude oil, it has a high concentration of aromatic and volatile
15 organic compounds, including Benzene, Toluene and Ethylbenzene, chemicals that the
16 State of California recognizes as carcinogens and reproductive toxicants. When the
17 natural gas is injected underground under high pressure, it mixes with the crude oil from
18 the reservoir, becomes enriched with BTEX.

19 25. The twelve Wells that are subject to this action were drilled in the 1930's
20 using equipment and materials of the day. These 70 year old Wells have deteriorated
21 over time and have developed cracks and leaks. When leaks in the Wells develop, the
22 leaks allow BTEX to be released from the Well casings and into the soil and rock
23 formations that surround the Wells. The BTEX then moves vertically toward the surface,
24 passing into or threatening to pass into the Ballona, Silverado and Gage Aquifers, and
25 contaminating or threatening to contaminate these protected sources of drinking water.

26 26. Moreover, under the conditional use permit issued by the City of Los
27 Angeles Planning Commission, the company is required to confine the gas in the
28 reservoir to an area that measures approximately 240 acres. However, because the

1 company stores the gas under such high pressure, the gas has migrated outside of the
2 240 acre footprint and spans across an area that is roughly 2,000 acres. In fact, tests
3 have detected BTEX around the heads of Wells that are located outside of the 240 acre
4 footprint, including most if not all of the Wells at issue in this action, indicating that the
5 gas has not only migrated laterally, but that the Wells themselves leak.

6 **B. THE WELLS**

7 27. This action concerns releases or discharges from twelve (12) individual
8 Wells. Each of these Wells has and continues to discharge or release BTEX, which pass
9 or probably will pass into sources of drinking water in violation of Health and Safety Code
10 § 25249.5. The surface location of each of the Wells is located on a lot which the
11 Defendants are in the process of selling, presumably for more residential development.

12 28. Well "13-1" is located in Playa del Rey, which is within the City and County
13 of Los Angeles, California. Well 13-1 was drilled in 1935 to a depth of approximately
14 6,400 feet and it intersects the Silverado and Gage Aquifers. Well 13-1 was operated
15 periodically until it was abandoned in 1992.

16 29. Well "23-1" is located in Playa del Rey, which is within the City and County
17 of Los Angeles, California. Well 23-1 was drilled in 1935 to a depth of approximately
18 6,500 feet, and it intersects the Silverado and Gage Aquifers. Well 23-1 was abandoned
19 in 1940, but in 1955 it was reworked and operated periodically until it was re-abandoned
20 in 1993.

21 30. Well "29-1" is located in Playa del Rey, which is within the City and County
22 of Los Angeles, California. Well 29-1 was drilled in 1935 to a depth of approximately
23 6,200 feet, and it intersects the Silverado and Gage Aquifers. Well 29-1 was abandoned
24 in 1941, but in 1956 it was reworked and operated periodically until it was re-abandoned
25 in 1994.

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1 31. Well "29-2" is located in Playa del Rey, which is within the City and County
2 of Los Angeles, California. Well 29-2 was drilled in 1936 to a depth of approximately
3 6,300 feet, and it intersects the Silverado and Gage Aquifers. Well 29-2 was operated
4 until it was abandoned in 1994.

5 32. Well "Champ 1" is located in Playa del Rey, which is within the City and
6 County of Los Angeles, California. Champ 1 was drilled in 1935 to a depth of
7 approximately 6,900 feet, and it intersects the Silverado and Gage Aquifers. Champ 1
8 was abandoned in 1937, and re-abandoned in 1958.

9 33. Well "Hisey 1" is located in Playa del Rey, which is within the City and
10 County of Los Angeles, California. Hisey 1 was drilled in 1935 to a depth of
11 approximately 6,500 feet, and it intersects the Silverado and Gage Aquifers. Hisey 1 was
12 abandoned in 1939, but in 1956 it was reworked and operated periodically until it was re-
13 abandoned in 1992.

14 34. Well "Joyce 1" is located in Playa del Rey, which is within the City and
15 County of Los Angeles, California. Joyce 1 was drilled in 1935 to a depth of
16 approximately 6,700 feet, and it intersects the Silverado and Gage Aquifers. Joyce 1
17 was abandoned in 1941, but in 1956 it was reworked and operated until it was re-
18 abandoned in 1993.

19 35. Well "Lor Mar 1" is located in Playa del Rey, which is within the City and
20 County of Los Angeles, California. Lor Mar 1 was drilled in 1935 to a depth of
21 approximately 6,800 feet and it intersects the Silverado and Gage Aquifers. Lor Mar 1
22 was abandoned in 1936, but in 1956 it was reworked and operated until it was re-
23 abandoned in 1992.

24 36. Well "Merrill 1" is located in Playa del Rey, in the City and County of
25 California. Merrill 1 was drilled in 1935 to a depth of approximately 6,200 feet, and it
26 intersects the Silverado and Gage Aquifers. Merrill 1 was abandoned in 1942, but in
27 1956 it was reworked and operated periodically until it was re-abandoned in 1992.

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1 37. Well "O&M 1" is located in Playa del Rey, which is within the City and
2 County of Los Angeles, California. O&M 1 was drilled in 1935 to a depth of
3 approximately 6,600 feet, and it intersects the Silverado and Gage Aquifers. O&M 1 was
4 abandoned in 1936 and it was re-abandoned in 1956.

5 38. Well "Samarkand 1" is located in Playa del Rey, which is within the City and
6 County of Los Angeles, California. Samarkand 1 was drilled in 1939 to a depth of
7 approximately 6,400 feet, and it intersects the Silverado and Gage Aquifers. Samarkand
8 1 was abandoned in 1992.

9 39. Well "Troxel 1" is located in Marina del Rey, which is within the City and
10 County of Los Angeles, California. Troxel 1 was drilled in 1930 to a depth of
11 approximately 5,900 feet, and it intersects the Ballona and Silverado Aquifers. Troxel 1
12 was abandoned in 1993, but required re-abandonment in 1994.

13 **C. DEFENDANTS' KNOWLEDGE OF THE LEAKING STORAGE WELLS**

14 40. Defendants have known that there were and are continuing to be leaks of
15 BTEX from each of the subject Wells. This activity has resulted in the continuous
16 discharge or release of chemicals known to cause cancer and birth defects into water or
17 into or onto land where the chemicals pass or probably will pass into sources of drinking
18 water.

19 41. Defendants' own soil gas testing in areas adjacent to the Wells made them
20 aware that BTEX has and continues to migrate up and out of their Wells. Additionally,
21 the abandonment history of Defendants' Wells reveal the inadequacy of the
22 abandonment procedures for Wells connected to a high-pressure natural gas storage
23 facility, as many of Defendants' Wells continue to leak subsequent to their abandonment.
24 In fact, internal memoranda specifically describe the ways in which Well leaks occur at
25 the Playa del Rey facility.

26 42. In addition, the Playa del Rey storage facility loses at least one (1) pound or
27 gas per square inch per day, or approximately 1% of reservoir gas per year. In fact,
28 SoCalGas admits that the reservoir leaks millions of cubic feet of gas annually.

1 47. Defendants are "person[s] in the course of doing business", as that phrase
2 is defined under Health and Safety Code § 25249.11, because they are businesses with
3 ten (10) or more employees.

4 48. Defendants know and have known that discharges or releases of BTEX
5 from each Well have and continue to occur.

6 49. Proposition 65 provides that any person "violating or threatening to violate"
7 the statute may be enjoined in any court of competent jurisdiction. Health and Safety
8 Code § 25249.7. In addition, violators are liable for civil penalties of up to \$2,500 per day
9 per violation, recoverable in a civil action. *Id.*, § 25249.7(b). By the described acts,
10 Defendants are liable for a civil penalty of up to \$2,500 per day per for each discharge or
11 release of BTEX from each Well described in each Cause of Action. *Id.*, § 25249.7(b).

12 **FIRST CAUSE OF ACTION**

13 **Violations of California Health and Safety Code § 25249.5, *et seq.***
14 **(Against All Defendants, as to Well 13-1)**

15 50. Plaintiff incorporates by reference all of the above paragraphs as if fully set
16 forth herein.

17 51. Defendants own Well 13-1. Well 13-1 has and continues to discharge or
18 release BTEX, chemicals known to the State of California to cause cancer and/or birth
19 defects. These chemicals are discharged or released through leaks in Well 13-1 and
20 migrate vertically towards the surface through the Well casing or natural points of least
21 resistance in the rock and soil which surround the Well. BTEX passes or probably will
22 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
23 water.

24 52. Therefore, Defendants in the course of doing business knowingly
25 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
26 into water or onto or into land where these chemicals pass or probably will pass into a
27 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 **SECOND CAUSE OF ACTION**

2 **Violations of California Health and Safety Code § 25249.5, et seq.**
3 **(Against All Defendants, as to Well 23-1)**

4 53. Plaintiff incorporates by reference all of the above paragraphs as if fully set
5 forth herein.

6 54. Defendants own Well 23-1. Well 23-1 has and continues to discharge or
7 release BTEX, chemicals known to the State of California to cause cancer and/or birth
8 defects. These chemicals are discharged or released through leaks in Well 23-1 and
9 migrate vertically towards the surface through the Well casing or natural points of least
10 resistance in the rock and soil which surround the Well. BTEX passes or probably will
11 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
12 water.

13 55. Therefore, Defendants in the course of doing business knowingly
14 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
15 into water or onto or into land where these chemicals pass or probably will pass into a
16 source of drinking water, in violation of Health and Safety Code § 25249.5.

17 **THIRD CAUSE OF ACTION**

18 **Violations of California Health and Safety Code § 25249.5, et seq.**
19 **(Against All Defendants, as to Well 29-1)**

20 56. Plaintiff incorporates by reference all of the above paragraphs as if fully set
21 forth herein.

22 57. Defendants own Well 29-1. Well 29-1 has and continues to discharge or
23 release BTEX, chemicals known to the State of California to cause cancer and/or birth
24 defects. These chemicals are discharged or released through leaks in Well 29-1 and
25 migrate vertically towards the surface through the Well casing or natural points of least
26 resistance in the rock and soil which surround the Well. BTEX passes or probably will
27 pass into the Silverado and Gage Aquifers, which are protected sources of drinking
28 water.

1 Champ 1 and migrate vertically towards the surface through the Well casing or natural
2 points of least resistance in the rock and soil which surround the Well. BTEX passes or
3 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
4 drinking water.

5 64. Therefore, Defendants in the course of doing business knowingly
6 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
7 into water or onto or into land where these chemicals pass or probably will pass into a
8 source of drinking water, in violation of Health and Safety Code § 25249.5.

9 **SIXTH CAUSE OF ACTION**

10 **Violations of California Health and Safety Code § 25249.5, et seq.**
11 **(Against All Defendants, as to Well Hisey 1)**

12 65. Plaintiff incorporates by reference all of the above paragraphs as if fully set
13 forth herein.

14 66. Defendants own Well Hisey 1. Well Hisey 1 has and continues to
15 discharge or release BTEX, chemicals known to the State of California to cause cancer
16 and/or birth defects. These chemicals are discharged or released through leaks in Well
17 Hisey 1 and migrate vertically towards the surface through the Well casing or natural
18 points of least resistance in the rock and soil which surround the Well. BTEX passes or
19 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
20 drinking water.

21 67. Therefore, Defendants in the course of doing business knowingly
22 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
23 into water or onto or into land where these chemicals pass or probably will pass into a
24 source of drinking water, in violation of Health and Safety Code § 25249.5.

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1 **SEVENTH CAUSE OF ACTION**

2 **Violations of California Health and Safety Code § 25249.5, et seq.**
3 **(Against All Defendants, as to Well Joyce 1)**

4 68. Plaintiff incorporates by reference all of the above paragraphs as if fully set
5 forth herein.

6 69. Defendants own Well Joyce 1. Well Joyce 1 has and continues to
7 discharge or release BTEX, chemicals known to the State of California to cause cancer
8 and/or birth defects. These chemicals are discharged or released through leaks in Well
9 Joyce 1 and migrate vertically towards the surface through the Well casing or natural
10 points of least resistance in the rock and soil which surround the Well. BTEX passes or
11 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
12 drinking water.

13 70. Therefore, Defendants in the course of doing business knowingly
14 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
15 into water or onto or into land where these chemicals pass or probably will pass into a
16 source of drinking water, in violation of Health and Safety Code § 25249.5.

17 **EIGHTH CAUSE OF ACTION**

18 **Violations of California Health and Safety Code § 25249.5, et seq.**
19 **(Against All Defendants, as to Well Lor Mar 1)**

20 71. Plaintiff incorporates by reference all of the above paragraphs as if fully set
21 forth herein.

22 72. Defendants own Well Lor Mar 1. Well Lor Mar 1 has and continues to
23 discharge or release BTEX, chemicals known to the State of California to cause cancer
24 and/or birth defects. These chemicals are discharged or released through leaks in Well
25 Lor Mar 1 and migrate vertically towards the surface through the Well casing or natural
26 points of least resistance in the rock and soil which surround the Well. BTEX passes or
27 probably will pass into the Silverado and Gage Aquifers, which are protected sources of
28 drinking water.

1 82. Therefore, Defendants in the course of doing business knowingly
2 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
3 into water or onto or into land where these chemicals pass or probably will pass into a
4 source of drinking water, in violation of Health and Safety Code § 25249.5.

5 **TWELFTH CAUSE OF ACTION**

6 **Violations of California Health and Safety Code § 25249.5, et seq.**
7 **(Against All Defendants, as to Well Troxel 1)**

8 83. Plaintiff incorporates by reference all of the above paragraphs as if fully set
9 forth herein.

10 84. Defendants own Well Troxel 1. Well Troxel 1 has and continues to
11 discharge or release BTEX, chemicals known to the State of California to cause cancer
12 and/or birth defects. These chemicals are discharged or released through leaks in Well
13 Troxel 1 and migrate vertically towards the surface through the Well casing or natural
14 points of least resistance in the rock and soil which surround the Well. BTEX passes or
15 probably will pass into the Silverado and Ballona Aquifers, which are protected sources
16 of drinking water.

17 85. Therefore, Defendants in the course of doing business knowingly
18 discharged or released BTEX, chemicals known to cause cancer and/or birth defects,
19 into water or onto or into land where these chemicals pass or probably will pass into a
20 source of drinking water, in violation of Health and Safety Code § 25249.5.

21 **DECLARATORY RELIEF**

22 86. There is a present and actual existing controversy between Plaintiff and
23 Defendant regarding the legality of Defendants' ongoing business operations as
24 described herein, such that declaratory relief is proper.

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1 **INJUNCTIVE RELIEF**

2 87. By committing the acts alleged herein, Defendants have caused irreparable
3 harm for which there is no plain, speedy, or adequate remedy at law. In the absence of
4 equitable relief, Defendants' Wells will continue to discharge or release chemicals that
5 cause cancer and birth defects into the Ballona, Silverado and Gage aquifers, which
6 creates a substantial risk of irreparable contamination to these protected sources of
7 drinking water.

8 **PRAYER FOR RELIEF**

9 88. WHEREFORE, Plaintiff respectfully requests this Court to grant the
10 following relief:

11 A. A declaration by this Court that Defendants have been, are and continue to
12 violate Health and Safety Code §§ 25249.5, *et seq.*;

13 B. A temporary restraining order, and preliminary and permanent injunction
14 enjoining Defendants from threatening to violate or in fact violating Health and Safety
15 Code section 25249.5 *et seq.* by releasing and/or discharging Benzene, Toluene and
16 Ethylbenzene into water or into or onto land where it has passed or probably will pass
17 into any source of drinking water;

18 C. An order mandating that Defendants take every action necessary to assure
19 that all relief requested herein is obtained and fully funded;

20 D. An award of statutory civil penalties of \$2,500 per day for each separate
21 violation of Health and Safety Code § 25249.5, *et seq.*;

22 E. Plaintiff's fees and costs, including reasonable attorneys' and expert
23 witness fees, as authorized by California Code of Civil Procedure § 1021.5 and any other
24 applicable provisions of law; and

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1 F. Such other and further relief as this Court may deem necessary and
2 proper.

3 Respectfully submitted,

4 **ENVIRONMENTAL LAW FOUNDATION**
5 JAMES R. WHEATON
6 LYNNE R. SAXTON
7 DAN GILDOR
8 PHILLIP SHAKHNIS

9 **ROSE, KLEIN & MARIAS LLP**
10 CHRISTOPHER P. RIDOUT
11 ALEXIS B. DJIVRE

12 **LAW OFFICES OF SABRINA VENSUS**
13 SABRINA D. VENSUS

14 DATED: April 10, 2007

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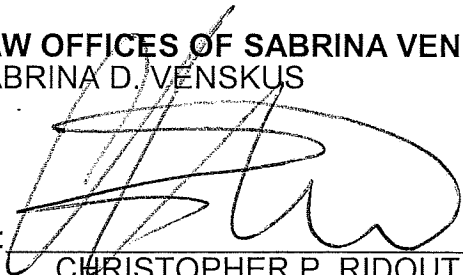
By: 
CHRISTOPHER P. RIDOUT
Attorneys for Plaintiff
Environmental Law Foundation

EXHIBIT "1"

SoCalGas Storage Facility and Surrounding Area

Exhibit 1

MAP LEGEND

■ SoCal Gas Facility

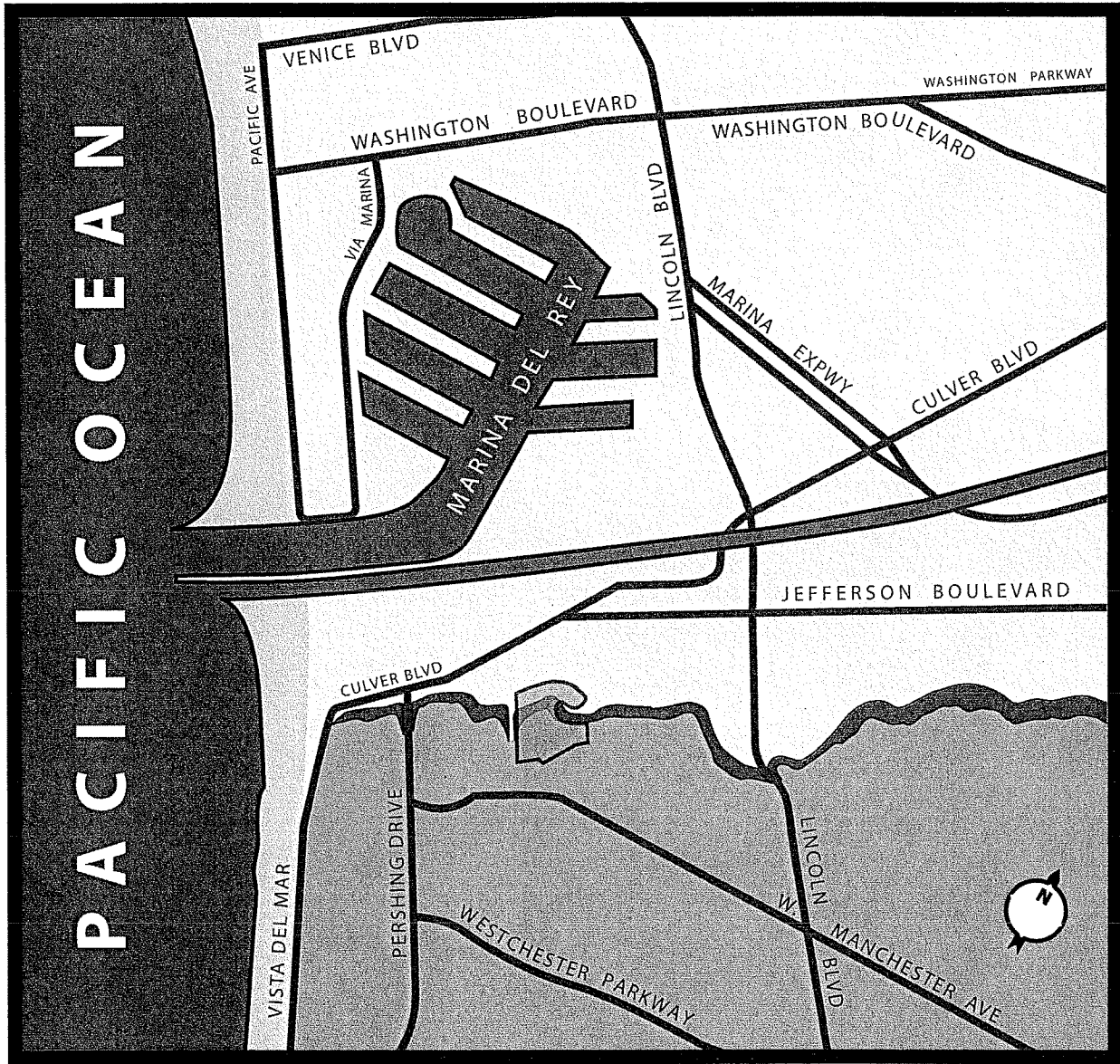




EXHIBIT "2"

SoCalGas Storage Facility and Surrounding Area

Exhibit 2

MAP LEGEND

-  SoCal Gas Facility
-  Conditional Use Permit Boundaries

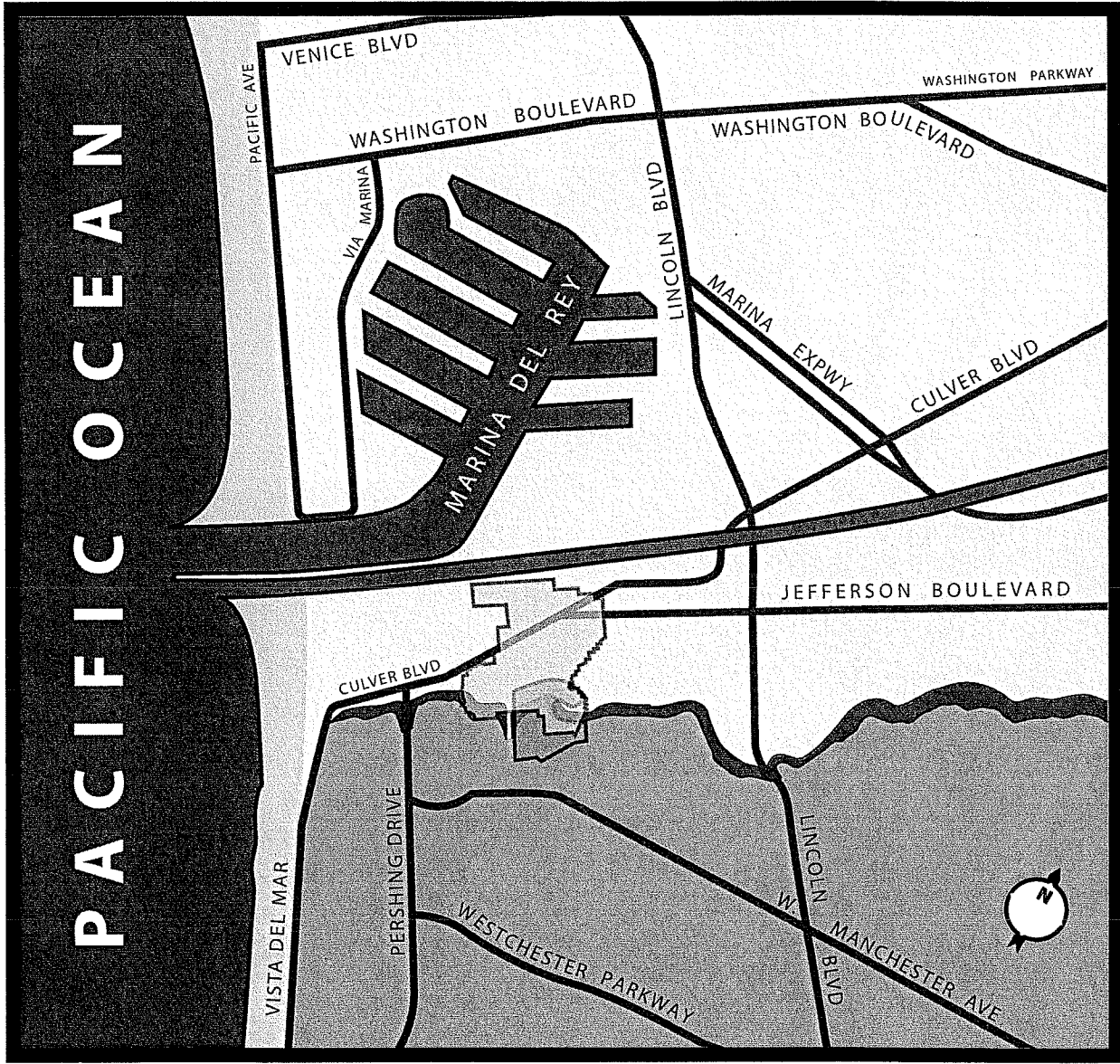






EXHIBIT "3"

SoCalGas Storage Facility and Surrounding Area

Exhibit 3

MAP LEGEND

-  **SoCal Gas Facility**
-  **Conditional Use Permit Boundaries**
-  **Gas Migration (Documented)**
-  **Gas Migration (Estimated for illustrative purposes only)**

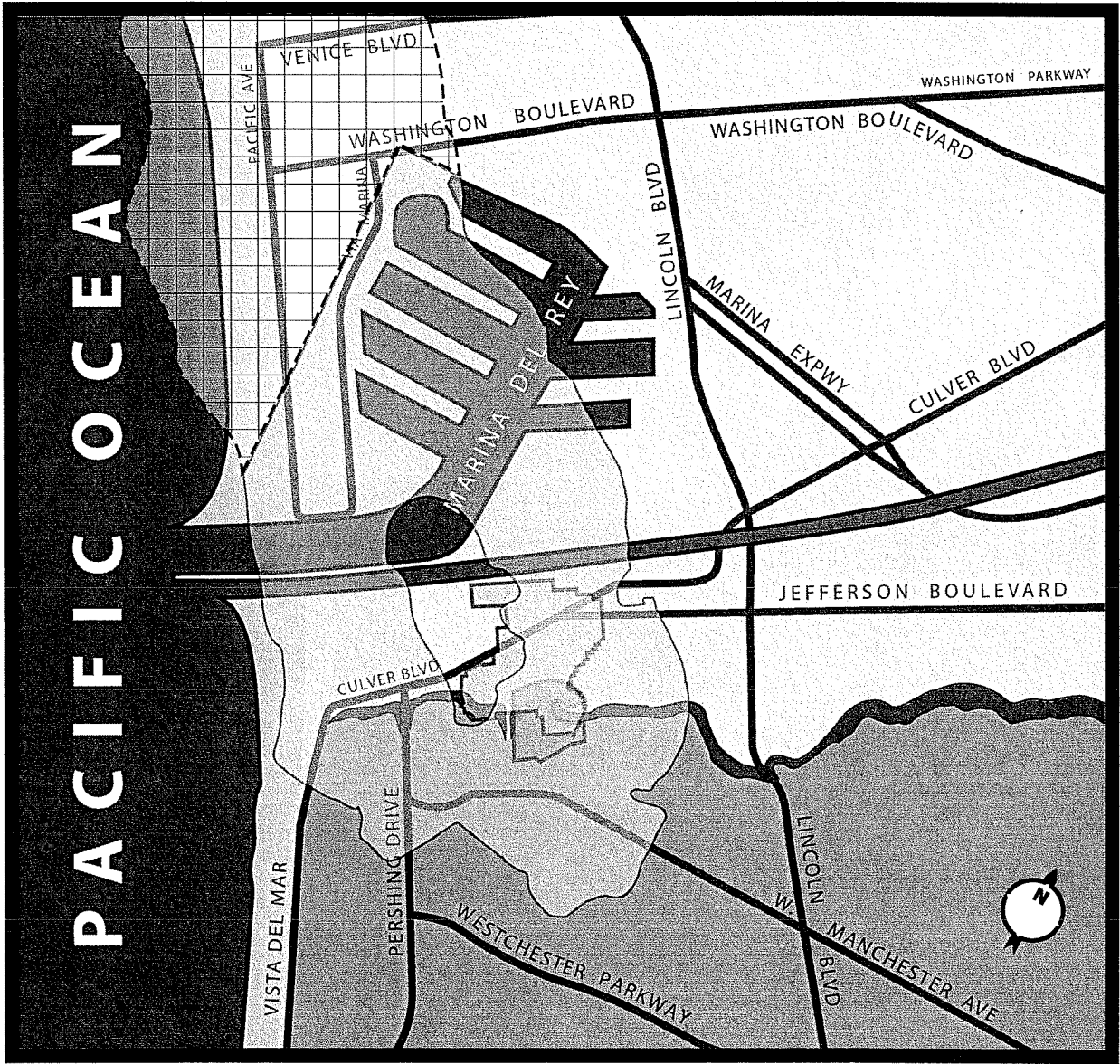








EXHIBIT "4"

SoCalGas Storage Facility and Surrounding Area

Exhibit 4

MAP LEGEND

-  SoCal Gas Facility
-  Conditional Use Permit Boundaries
-  Gas Migration (Documented)
-  Gas Migration (Estimated for illustrative purposes only)
-  Wells in litigation— ELF v. SoCal Gas
-  Wells

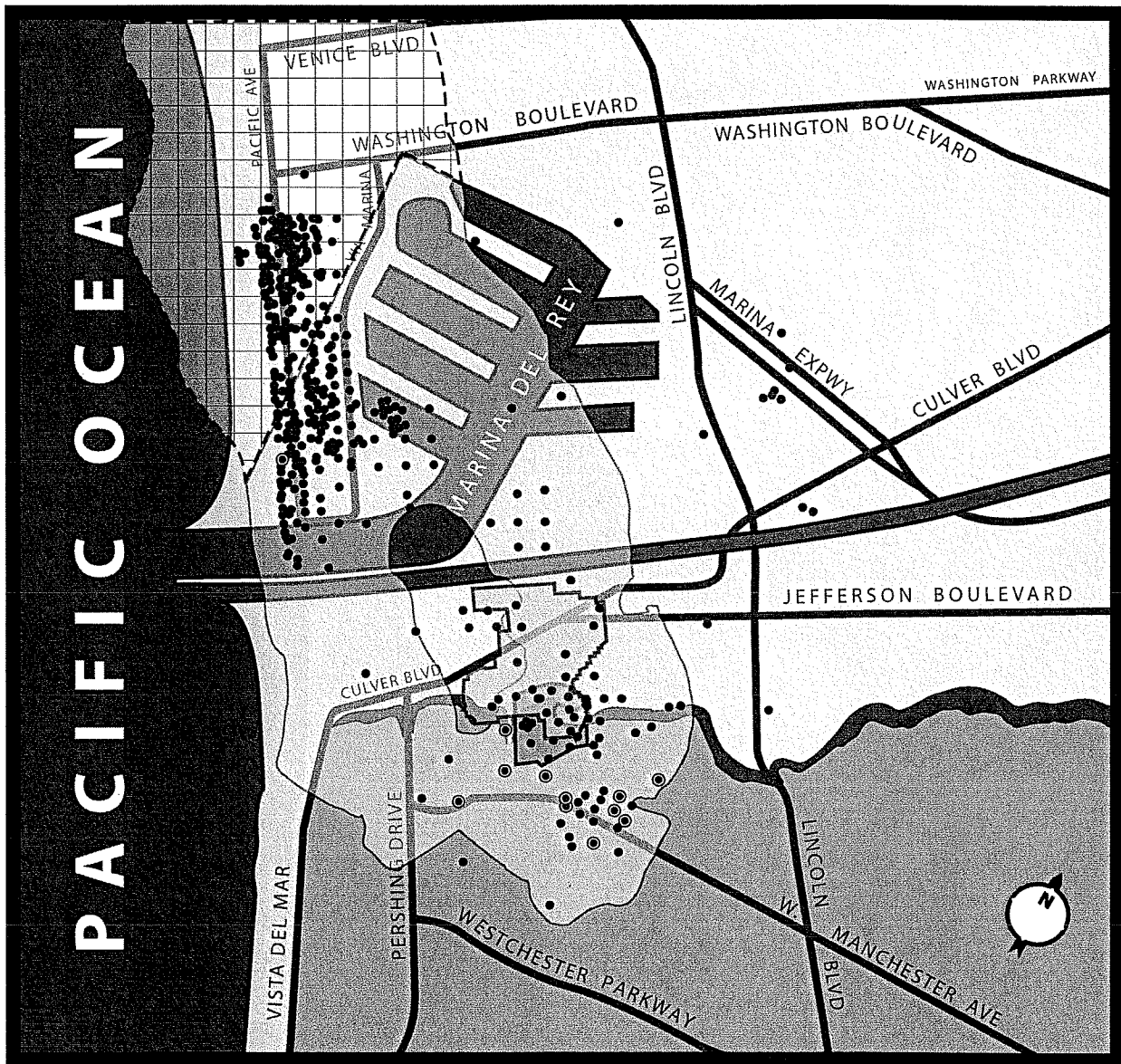
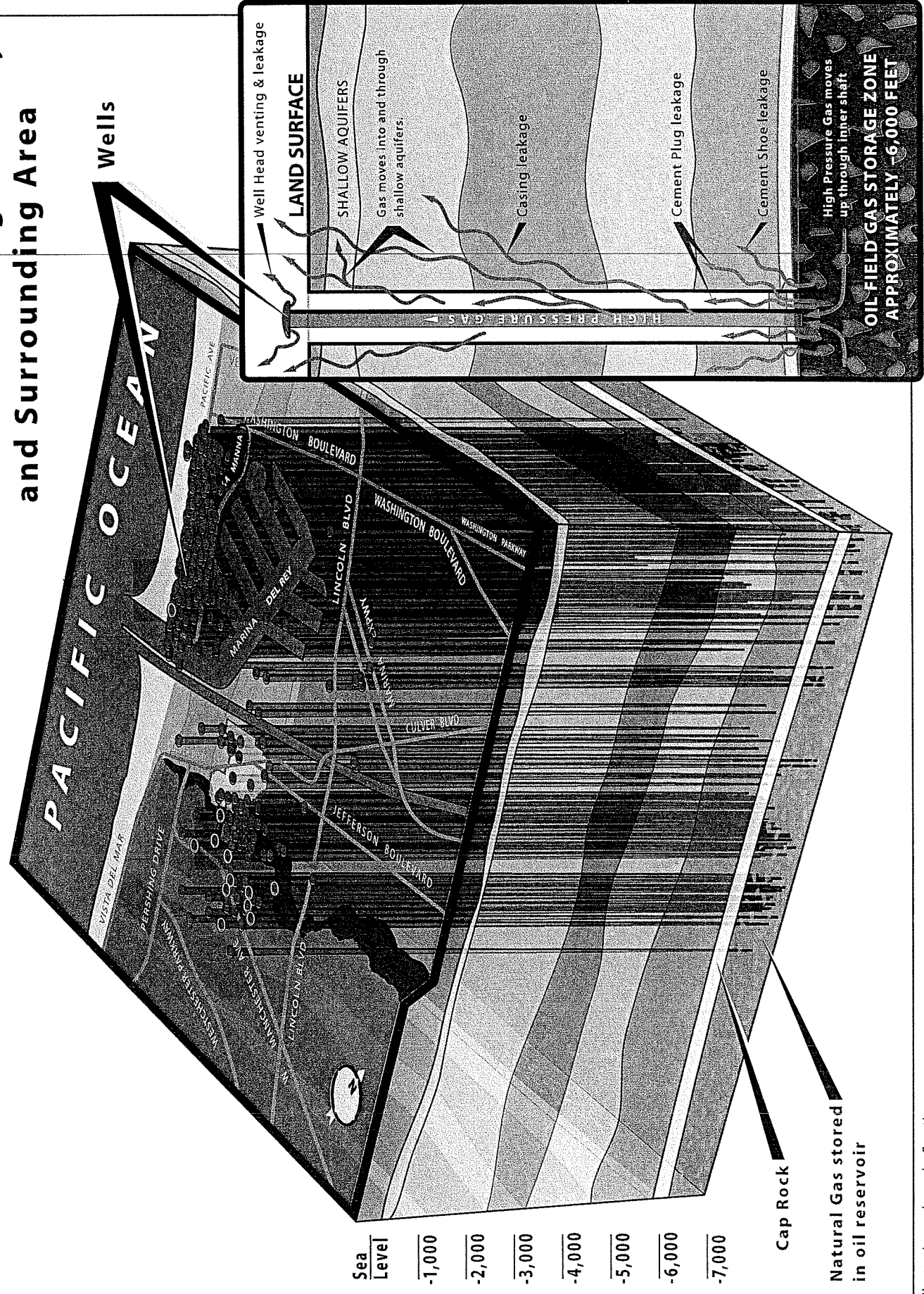


EXHIBIT "5"

Exhibit 5

SoCalGas Storage Facility and Surrounding Area



PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 801 S. Grand Avenue, Eleventh Floor, Los Angeles, California 90017-4645.

On April 10, 2007, I served the foregoing document described as **FIRST AMENDED COMPLAINT FOR CIVIL PENALTIES, STATUTORY, EQUITABLE AND INJUNCTIVE RELIEF- VIOLATIONS OF CAL. HEALTH AND SAFETY CODE §§ 25249.5, et seq** on all interested parties in this action by placing

a true copy
 the original

thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

(BY MAIL, 1013a, 2015.5 C.C.P.)
I am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under that practice, this document will be deposited with the U.S. Postal Service on this date with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY FACSIMILE)
At the time of transmission, I was at least 18 years of age and not a party to this legal proceeding. On April 10, 2007, pursuant to Rule 2008, I transmitted the foregoing document from facsimile machine telephone number (213) 623-7755 to the persons and facsimile telephone numbers identified above. The facsimile machine I used complied with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a record of the transmission.


(BY OVERNIGHT DELIVERY/COURIER)
 I delivered such envelope to an authorized courier or driver authorized by the express service carrier to receive documents in an envelope or package designated by the express service carrier with delivery fees provided for.

I deposited such envelope in a box or facility regularly maintained by the express service carrier in an envelope or package designated by the express service carrier with delivery fees provided for.

(STATE)
I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL)
I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 10, 2007, at Los Angeles, California.


TERRI A. KELLER

SERVICE LIST

Environmental Law Foundation v. Southern California Gas Company, et al.
Los Angeles Superior Court, Central District Case No. BC364555

Marlin E. Howes, Esq. Office of the General Counsel 555 West Fifth Street, Suite 1400 Los Angeles, CA 90013 Telephone: (213) 244-2960 Facsimile: (213) 629-9620	Attorneys for Defendants SOUTHERN CALIFORNIA GAS COMPANY; SEMpra ENERGY
James R. Wheaton, Esq. Philip Shakhnis, Esq. Lynne R. Saxton, Esq. Dan Gildor, Esq. Environmental Law Foundation 1736 Franklin Street, 9 th Floor Oakland, CA 94612 Telephone: (510) 208-4555 Facsimile: (510) 208-4562	Attorneys for Plaintiff ENVIRONMENTAL LAW FOUNDATION
Sabrina D. Venskus, Esq. Law Offices of Sabrina Venskus 171 Pier Avenue, #204 Santa Monica, CA 90405 Telephone: (213) 482-4200 Facsimile: (213) 482-4246	Attorneys for Plaintiff ENVIRONMENTAL LAW FOUNDATION