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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v.

ANTERRA CORPORATION;
ANTERRA ENERGY SERVICES, INC.;
ANTERRA TRANSPORTATION, INC.

Defendants.

COURT NO.

COMPLAINT FOR INJUNCTION,
CIVIL PENALTIES AND OTHER
EQUITABLE RELIEF

(Health & Saf. Code, Div. 20, Chapters
6.5 and 6.95; Bus. & Prof. Code, § 17200
et seq.)

Exempt from fees per Gov. Code, § 6103

Plaintiff, The People of the State of California, by and through Gregory D. Totten,
District Attorney of the County of Ventura, State of California, is informed and believes and
based thereon alleges:

VENUE AND JURISDICTION

1. Gregory D. Totten, District Attorney for the County of Ventura, State of
California, brings this action in the public interest in the name of the People of the State of
California pursuant to sections 17204 and 17206 of the Business and Professions Code, and
sections 25181 and 25182 of the Health and Safety Code. Plaintiff, by this action, seeks to
enjoin defendants from engaging in the anti-competitive business acts and practices alleged
herein and from violating the laws and regulations related to the management of hazardous

1 waste as further alleged herein, and seeks civil penalties for the defendants' violations of
2 applicable statutes and regulations. This court has jurisdiction pursuant to Article 6, section 10,
3 of the California Constitution.

4 2. Venue is proper in this county pursuant to Health and Safety Code section
5 25183, and Code of Civil Procedure section 393, in that violations alleged in this Complaint
6 occurred in the County of Ventura.

7 **DEFENDANTS**

8 3. Defendant ANTERRA CORPORATION is a California corporation, registered
9 on April 14, 2011, with offices at 918 Mission Rock Road, Suite C-1, Santa Paula, California
10 and 2221 Sturgis Road, Suite E, Oxnard, California. After April 14, 2011, ANTERRA
11 CORPORATION owned, operated and provided management services to co-defendants
12 ANTERRA ENERGY SERVICES, INC., and ANTERRA TRANSPORTATION, INC.
13 (collectively "ANTERRA COMPANIES").

14 4. At times relevant hereto, the ANTERRA COMPANIES operated what they
15 referred to as an "oilfield waste management business" and "disposal facility" at 1933 East
16 Wooley Road, Oxnard, California (the "Anterra Facility" or "Facility").

17 5. Defendant ANTERRA ENERGY SERVICES, INC. ("ANTERRA ENERGY"),
18 is a California corporation, registered on August 24, 2001, with offices at 918 Mission Rock
19 Road, Suite C-1, Santa Paula, California and 2221 Sturgis Road, Suite E, Oxnard, California,
20 and is a wholly-owned subsidiary of Defendant ANTERRA CORPORATION. At times
21 relevant hereto, ANTERRA ENERGY provided transportation, processing and disposal
22 services for hazardous and nonhazardous wastes from oil and gas exploration and production-
23 generated wastes received at the Anterra Facility.

24 6. Defendant ANTERRA TRANSPORTATION, INC. ("ANTERRA
25 TRANSPORTATION"), is a California corporation, registered on April 14, 2011, with offices
26 at 918 Mission Rock Road, Suite C-1, Santa Paula, California and 2221 Sturgis Road, Suite E,
27 Oxnard, California, and is a wholly-owned subsidiary of ANTERRA CORPORATION. At all
28

1 times relevant hereto, ANTERRA TRANSPORTATION provided storage equipment rentals to
2 oil and gas exploration and production facilities, as well as transportation services for
3 hazardous and non-hazardous waste via a fleet of vacuum trucks. At various times relevant
4 hereto, Defendants ANTERRA ENERGY SERVICES and ANTERRA TRANSPORTATION
5 applied to be registered as transporters of hazardous waste, under Health & Safety Code section
6 25160.

7 STATUTORY AND REGULATORY BACKGROUND

8 7. This action is brought under Chapter 6.5 of Division 20 of the Health and Safety
9 Code, sections 25100 et seq. ("Chapter 6.5"). Chapter 6.5's implementing regulations are set
10 forth in California Code of Regulations, title 22, division 4.5, section 66260.1 et seq. ("Title
11 22"). Except where otherwise expressly stated in this Complaint, terms should be interpreted
12 consistently with the Chapter 6.5 and Title 22. Additionally, This action is also brought under
13 California's "Unfair Competition Law," codified at Chapter 5, Part 2 of Division 7 of Business
14 and Professions Code sections 17200 et seq. ("UCL"). Pursuant to Business and Professions
15 Code section 17204, the District Attorney may bring a civil action in the name of the People of
16 the State of California for relief as provided in the UCL.

17 GENERAL ALLEGATIONS

18 8. The Anterra Facility has two non-producing oil wells that are used for the
19 disposal of oilfield wastes received via tanker trucks from other oil and gas production
20 facilities. At all times relevant hereto, the Anterra Facility and the ANTERRA COMPANIES
21 were not authorized to receive, handle, treat or store hazardous waste. Anterra did have a
22 "Project Approval Letter" ("PAL") issued on April 4, 2002, by the California Department of
23 Conservation, Department of Oil, Gas & Geothermal Resources ("DOGGR"). The PAL
24 allowed the Anterra Facility to dispose only nonhazardous "Class II" material into the wells at

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1 the Anterra Facility. Class II material, per the DOGGR's website, is "nonhazardous" material
2 produced from oil or gas wells.¹

3 I.

4 **FIRST CAUSE OF ACTION**

5 **Violations of Chapter 6.5 of Division 20 the Health & Safety Code**

6 **(Against All Defendants)**

7 9. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 8,
8 inclusive, as though fully set forth here.

9 10. Defendants violated California Health and Safety Code sections 25189 and
10 25189.2 by accepting, transferring, storing, treating or disposing of hazardous waste before
11 obtaining a detailed chemical and physical analysis of a representative sample of the waste, in
12 violation of Title 22, section 66264.13, subdivision (a);

13 11. Defendants violated California Health and Safety Code sections 25189 and
14 25189.2 by accepting, storing, treating and disposing of hazardous waste at a facility that did not
15 hold a hazardous-waste facilities permit or other grant of authorization from the Department of
16 Toxic Substances Control ("DTSC") or was otherwise authorized or exempted pursuant to the
17 HWCL, in violation of Health and Safety Code sections 25114, 25117.1, 25154, 25158 and
18 25201.

19 12. Defendants violated California Health and Safety Code sections 25189 and
20 25189.2 by acting as a facility operator accepting hazardous waste without a uniform hazardous
21 waste manifest and without being authorized to accept such waste pursuant to a hazardous waste
22 permit from DTSC, nor in compliance with Title 22 regulations applicable to receiving
23 hazardous waste under such circumstances, in violation of Health and Safety Code
24 sections 25160(e)(3) and 25154; and

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28 ¹ (See General Information Oil, Gas & Geothermal – Injection Wells,
http://www.conservation.ca.gov/dog/general_information/Pages/class_injection_wells.aspx.)

13. Defendants violated California Health and Safety Code sections 25189 and 25189.2 by transporting or causing the transportation of hazardous waste to a facility which was not authorized to receive hazardous waste, and which did not have a permit from DTSC, in violation of Health and Safety Code section 25154.

14. Based on the above, the People request injunctive relief against Defendants under Health and Safety Code section 25181, and civil penalties under Health and Safety Code section 25189 or 25189.2, as described in the People's prayer for relief.

II.

SECOND CAUSE OF ACTION

Violations of UCL; Business and Professions Code §§ 17200-17208

(Against All Defendants)

15. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 14, inclusive, as though fully set forth here.

16. Defendants have engaged in separate acts of unlawful and/or unfair competition prohibited by California Business and Professions Code §§17200 through 17208, each of which constitutes an unlawful and/or unfair business practice actionable under the UCL. The unlawful and/or unfair business practices committed by Defendants include, but are not limited to, the violations of Health and Safety Code sections 25189 and 25189.2, of Chapter 6.5, and of Title 22, as alleged in the first cause of action.

17. The above unlawful conduct, acts, and omissions of Defendants in violation of section 17200 of the Business and Professions Code demonstrate the necessity and legal basis for granting injunctive relief and civil penalties pursuant to sections 17203 and 17206 of the Business and Professions Code.

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1 PRAYER

2 WHEREFORE, plaintiff prays for judgment as follows:

3 1. For a permanent injunction, issued pursuant to Health and Safety Code sections
4 25181 and 25184, requiring the Defendants to comply with the above-cited provisions of Health
5 and Safety Code, Division 20, Chapter 6.5, and Title 22;

6 2. For a permanent injunction, issued pursuant to Business and Professions Code
7 section 17203, prohibiting Defendants from engaging in any act that violates 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 unlawful, unfair or fraudulent practices or unfair competition within the
10 meaning of Business and Professions Code section 17200 et seq.;

11 3. Pursuant to Health and Safety Code sections 25189 and 25189.2, that Defendants
12 be ordered to pay a civil penalty in the amount of not more than Twenty-Five Thousand Dollars
13 (\$25,000) for each separate violation of law occurring on or before December 31, 2017 and
14 Seventy Thousand Dollars (\$70,000)² for each separate violation of law occurring on or after
15 January 1, 2018, as alleged in the First Cause of Action, according to proof;

16 4. Pursuant to section 17206 of the Business and Professions Code, that Defendants
17 be ordered to pay a civil penalty in the amount of Two Thousand Five Hundred Dollars
18 (\$2,500) for each violation of section 17200 of the Business and Professions Code perpetrated
19 by Defendants as alleged in the Second Cause of Action, according to proof;

20 5. That Plaintiff have such other and further relief as the nature of the case may
21 require and the Court finds appropriate to dissipate the effects of the unlawful and unfair acts
22 complained of herein;

23 6. That the Court require Defendants to provide restitution to all government
24 agencies that have expended resources in investigating Defendants' violations of law; and
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27 ² Effective January 1, 2018, Health and Safety Code section 25189 and 25189.2 were amended
28 so that the applicable civil penalty is not to exceed seventy thousand dollars (\$70,000) for each
violation of a separate provision or, for continuing violations, for each day that the violation
continues. (Stats.2017, c. 499 (A.B. 245) § 2, eff. Jan. 1, 2018.)

1 7. That Plaintiff recover all costs of investigation, enforcement, prosecution, and
2 suit herein; and

3 8. For such other and further relief as the Court deems just and proper.
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5 Respectfully submitted,

6 GREGORY D. TOTTEN, District Attorney
7 County of Ventura, State of California

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9 DATED: December 19, 2018

By



10 MITCHELL F. DISNEY
11 Senior Deputy District Attorney
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