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Superior Court of California  
County of Los Angeles

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11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 THE PEOPLE OF THE STATE OF  
15 CALIFORNIA,

16 Plaintiff,

17 vs.

18 SOUTHERN CALIFORNIA GAS  
19 COMPANY, and DOES 1-50, inclusive,

20 Defendants.

Case No.:

BC 6 02 973

COMPLAINT FOR EQUITABLE  
RELIEF AND CIVIL PENALTIES FOR:

(1) PUBLIC NUISANCE; AND

(2) VIOLATION OF THE CALIFORNIA  
UNFAIR COMPETITION LAW (Bus. and  
Prof. Code § 17200, *et seq.*)

1 Plaintiff, People of the State of California ("People"), allege on information and belief as  
2 follows:

### 3 NATURE OF THE CASE

4 1. An ongoing public health emergency caused by an enormous leak in a gas well  
5 has rendered a significant portion of the Porter Ranch community in the City of Los Angeles  
6 unlivable. By this lawsuit, Plaintiff, the People of the State of California, seeks to put into effect  
7 judicially enforceable steps: 1) to ensure the leak is repaired as quickly as possible; 2) to ensure  
8 the causes of the leak, and the reasons for the inordinate delay in fixing it, are fully understood  
9 and action plans put in place to prevent a reoccurrence of this type of event; 3) to ensure that any  
10 systemic deficiencies in the operation of all wells and other infrastructure at the Aliso Canyon  
11 and similar storage facilities are appropriately addressed; 4) to address the consequences of the  
12 emission of a massive volume of greenhouse gas from this site into the environment; and 5) to  
13 impose appropriate civil penalties as allowed by law for the conduct that caused this disaster.

14 2. On or about October 23, 2015, the Aliso Canyon underground gas storage  
15 facility owned and operated by Southern California Gas Company ("So Cal Gas") in a location  
16 adjacent to the Porter Ranch neighborhood of the City of Los Angeles suffered a well failure  
17 resulting in a catastrophic gas leak. The leak continues, undiminished, to this day. The leak is  
18 enormous; it has caused over a million metric tons (in excess of two billion pounds) of methane,  
19 a highly flammable and toxic greenhouse gas, and other dangerous substances including toluene  
20 and benzene, to be released into the atmosphere. Among the components of the escaping toxic  
21 gas is mercaptan, which is also highly flammable and produces a nauseating and repulsive rotten  
22 egg smell. Mercaptan now envelops the Porter Ranch neighborhood and beyond.

23 3. The failure of the well should never have happened. The incredible duration of  
24 this crisis should have been avoided, and would have been avoided had So Cal Gas established  
25 and promptly implemented appropriate contingency plans for such an event, and pre-placed  
26 adequate mechanical and technical resources at the site to swiftly end the leak. Instead, So Cal  
27 Gas engaged in unlawful and unfair business practices, creating the conditions which allowed the  
28 well to fail, and exacerbating the effects of that failure by allowing the acute odor and health

1 problems faced by the community to persist for more than one month, to say nothing about the  
2 indefinite time it will persist into the future.

3           4. As a result of the leak, City residents are currently subjected to a nuisance in  
4 the form of intolerably foul odors and the presence in their community of toxins causing nausea,  
5 dizziness, nosebleeds, headaches, and other ill health effects. These residents face potential  
6 significant risks to their long term health as well as potential contamination to the groundwater.  
7 As a result of this nuisance, hundreds of City residents, including children, the elderly, and  
8 persons with disabilities, have been forced to indefinitely leave their homes, with many having to  
9 pull their children out of local schools. There is no end in sight to the harms caused by this  
10 release. So Cal Gas has itself admitted that it will likely take at least several months to stop this  
11 mega leak.

12           5. The natural gas leak at So Cal Gas' Aliso Canyon storage well is an immediate  
13 threat to the health and well-being of City residents. The County of Los Angeles Department of  
14 Public Health has recently described this exposure as a "long-term event" and acknowledged that  
15 this event creates the prospect of significant long-term health effects. Families have had to flee  
16 from their homes in response to the high levels of mercaptan and other toxins constantly  
17 befouling the air in their community.

18           6. The harm caused to the residents of the City of Los Angeles, however, will not  
19 end when the leak is stopped and the odor is no longer detectable by City residents. Methane,  
20 which constitutes 80% of the escaping substances, is a potent greenhouse gas that contributes  
21 significantly to climate change.

22           7. Methane, on a molecule-for-molecule basis, has far more potent warming effect  
23 than carbon dioxide, the most abundant greenhouse gas. Alarmingly, the natural gas release from  
24 the Aliso Canyon well is spewing an estimated 100,000 pounds of methane every hour, adding  
25 some 25% to the rate of the State's daily total of methane emissions from all sources. These  
26 massive quantities of methane will have harmful consequences resulting in increased  
27 temperatures and extreme heat days for the City well into the future.

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**PARTIES**

8. Plaintiff, The People of the State of California, brings this action by and through Michael N. Feuer, City Attorney for the City of Los Angeles, on behalf of the People under the authority granted to him by California Civil Code sections 3479, 3480, 3490, 3491, 3494, and the California Code of Civil Procedure section 731, to abate a Public Nuisance. The Los Angeles City Attorney further brings this action in the name of the People pursuant to Business and Professions Code sections 17203, 17204, and 17206, to enjoin any person who violates, or proposes to violate, the Unfair Competition Law (Business and Profession Code sections 17200 et seq., "UCL"), and to obtain mandatory civil penalties for each act of unfair competition.

9. Defendant SOUTHERN CALIFORNIA GAS COMPANY ("So Cal Gas") is a California Corporation doing business in California. So Cal Gas stores and sells natural gas in California and transmits such through the City of Los Angeles.

10. The identities of DOES 1-25 are unknown to the People at this time. At such time as the identities of DOE defendants become known, the People will amend this Complaint accordingly. DOES 1-25 are, and at all times relevant to the claims in this Complaint were, legally responsible for compliance with Civil Code sections 3479 et seq., Health and Safety Code sections 41700 et seq., Health and Safety Code section 25510(a), and Health and Safety Code section 42402, or any other rule or regulation of the California Air Resources Board ("CARB") or any Air Pollution Control District issued pursuant thereto including but not limited to, South Coast Air Quality Management District Rule 402.

11. At all relevant times, DOES 26-50 were in a position of responsibility allowing them to influence corporate policies or activities with respect to So Cal Gas's compliance with California laws and regulations at its facilities and in the conduct of its business in the State of California, and had, by reason of their position in the corporation, responsibility and authority either to prevent in the first instance, or promptly correct, the violations complained of herein, but failed to do so. In addition to any direct personal liability of these individuals, DOES 26-50,

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1 also are personally liable under the “responsible corporate officer doctrine” for violations of law  
2 committed by So Cal Gas as alleged herein.

### 3 JURISDICTION AND VENUE

4 12. Venue is proper in this county pursuant to Code of Civil Procedure section 731  
5 and Business and Professions Code section 17204 in that the violations alleged in this Complaint  
6 occurred in the City of Los Angeles and the nuisance exists in the City of Los Angeles. The  
7 Court has jurisdiction pursuant to Article VI, section 10 of the California Constitution and  
8 section 393 of the California Code of Civil Procedure.

### 9 FACTUAL ALLEGATIONS

10 13. So Cal Gas crews claim to have discovered a leak on October 23, 2015, at one  
11 of its natural gas storage injection wells, namely the Standard Sesnon-25 well in defendant’s  
12 Aliso Canyon storage field, in the unincorporated area of Los Angeles County adjacent to the  
13 City of Los Angeles. The well is identified by the California Division of Oil, Gas, and  
14 Geothermal Resources (“DOGGR”) as API: 03700776 (“The Well”).

15 14. It has not been determined when the leak at The Well began.

16 15. So Cal Gas did not report the leak immediately as required by law, and instead  
17 waited days to inform the proper authorities, including the Certified Unified Program Agency.

18 16. The Well is used for injection and withdrawal of natural gas. It is one of more  
19 than 100 such wells owned and operated by So Cal Gas in the Aliso Canyon storage field. So  
20 Cal Gas has owned and operated the storage field, including The Well, at all relevant times.

21 17. The natural gas stored in the Aliso Canyon storage field is made up of mostly  
22 methane. Methane and other components of naturally occurring natural gas are colorless and  
23 odorless. To make the gas detectable to the human nose an odorant containing mercaptan is  
24 added to the gas.

25 18. At all relevant times, the affected residential area was a public area in the City  
26 of Los Angeles, California, and open to public travel and use.

27 19. At all relevant times, the City of Los Angeles was located in the County of Los  
28 Angeles, California, and open to public travel and use.

20. As of the date of the filing of this action, So Cal Gas has not stopped the leak. So Cal Gas was not prepared to stop the leak. In fact, much of the equipment necessary to enlist in attempting to stop the leak was located in the Gulf of Mexico area and took days to be brought to the location of The Well. So Cal Gas did not immediately initiate its contingency plan for plugging The Well, which entails construction of a relief well. Rather, more than one month passed from the time So Cal Gas crews state they discovered the leak and the date So Cal Gas began the slow process of constructing the relief well on or about November 25, 2015.

### Adjacent City Residents

21. The natural gas stored at the Aliso Canyon storage field, and emanating from The Well, contains an odorant to make the natural gas detectable by the human nose. The odorant used by So Cal Gas, mercaptan, contains the putrid sulfur compounds tetrahydrothiophene and tertiary-butyl mercaptan. Mercaptan is known to cause short term neurological, gastrointestinal, and respiratory symptoms. The human nose is incredibly sensitive to mercaptan and can detect it at very low levels. This means that even at small concentrations, people exposed to mercaptan can suffer health problems for the duration of the exposure, and possibly beyond, in addition to the suffering caused when subjected to the indecent and offensive smell.

22. Natural gas stored in The Well and at other wells located at the Aliso Canyon storage field contains additional toxic gases, including toluene, benzene, hydrogen sulfides, sulfur dioxide, ethylbenzene, and xylenes. Air sampling in the residential areas of the City adjacent to the Aliso Canyon storage field has detected toluene and benzene. Exposure to elevated levels of toluene can cause acute and chronic damage to the central nervous system; symptoms include fatigue, sleepiness, headaches, and nausea. Benzene is categorized by the Environmental Protection Agency as a carcinogen and exposure can cause drowsiness, dizziness, and headaches, as well as eye, skin, and respiratory tract irritation with acute exposure, and blood disorders can be caused by long term exposure.

23. Mercaptan is heavier than air and thus flows from the Aliso Canyon storage field down into the residential areas of the City located approximately 1,200 feet below.

1           24. According to 2008 data, the population in Porter Ranch is 30,571 residents with  
2 a population density of 4,462 people per square mile. Residents include families with children  
3 and senior citizens, as well as disabled persons.

4           25. The City residents who live adjacent to the Aliso Canyon storage field in Porter  
5 Ranch have been continually subjected to the fetid odor of mercaptan since the release began.  
6 This odor has been detected by residents in their homes and at their schools. The South Coast  
7 Air Quality Management District has received over 870 complaints from City residents since the  
8 leak began.

9           26. These City residents have suffered numerous adverse health effects, including  
10 nausea, dizziness, headaches, and nosebleeds, all caused by the leak. The odor is pervasive,  
11 intense, and inescapable. The odor and adverse health effects caused by the escaping gas has  
12 made large portions of Porter Ranch unlivable. Hundreds of City residents have been forced to  
13 leave their homes as a result; hundreds more are in the process of doing so.

14           27. Because the leak has prevented the comfortable enjoyment of their residences,  
15 City residents have been forced to uproot from their homes and move into hotel rooms,  
16 relocating their families and pets. This relocation causes significant disruption to their daily  
17 lives, as the residents must still take their children to school and get to work, and are unable to  
18 access the possessions they left behind in their homes. In addition to the disruption of  
19 temporarily living in a hotel room (for what is expected to be months), these residents' homes  
20 now sit vacant and pose an additional security risk.

21           28. As but one example: a resident family has been forced to relocate to two hotel  
22 rooms at a hotel approximately 10 miles from their home because of the children's nosebleeds,  
23 dizziness, and coughs since crews discovered the leak at The Well. Other residents have  
24 reported their dogs have been vomiting since the leak began.

25           **Climate Change and the Impact of The Well's Methane Release on the City**

26           29. The earth's climate is changing at an extraordinary rate as a result of  
27 anthropogenic emissions of greenhouse gases. By mid-century, Los Angeles will be 3°  
28 Fahrenheit warmer. This means that Los Angeles will experience 73 to 91 days with hotter than

1 average current temperatures. By 2050, the number of extreme heat days, days with  
2 temperatures over 95° Fahrenheit, will more than triple from the average of 6 days experienced  
3 from 1981-2000. If no changes are made, the number of extreme heat days are predicted to  
4 double again by 2100 to 54 extreme heat days. Similar fates await communities across  
5 California.

6 30. California has long been a leader in pollution reduction and set landmark  
7 pollution reduction targets with California's Global Warming Solutions Act of 2006 which  
8 requires approximately a 15% reduction of expected emissions. In 2012, the City of Los  
9 Angeles created the Los Angeles Regional Collaborative for Climate Change and Sustainability  
10 ("LARC"). That institution published a series of assessments that detail how climate change will  
11 directly affect the City of Los Angeles and study the impacts and necessary responses to the  
12 impact of climate change.

13 31. Methane, when released into the air, absorbs the sun's heat and traps it in the  
14 earth's atmosphere. Methane is very efficient at absorbing heat, and therefore is a far more  
15 destructive greenhouse gas than others, such as carbon dioxide. CARB has estimated that  
16 approximately 100,000 pounds per hour of methane is being released by the gas leak at The  
17 Well. CARB, in its Aliso Canyon Natural Gas Leak Preliminary Estimate of Greenhouse Gas  
18 Emissions to Date (as of November 20 2015), estimates that each day the leak exists it adds 25%  
19 to the regular daily rate of California statewide emissions.

20 32. The release of methane from The Well will have a detrimental impact on the  
21 City's infrastructure and the health and well-being of the People. The increased extreme heat  
22 days will have the greatest impact on the elderly and young children. The increase in warmer  
23 days and extreme heat days increases the risk of injury or death caused by dehydration,  
24 heatstroke, and heart attack. The longer summers and additional warmer days will place a  
25 substantial burden on the City's infrastructure, in particular on the City's energy needs as more  
26 power will be required to power air conditioning, and as more infrastructure repairs become  
27 necessary due to heat damage. Similar burdens will be borne by communities across California.

28 ///



1 **FIRST CAUSE OF ACTION**

2 **(Public Nuisance – Adjacent Residents)**

3 33. The People hereby allege and incorporate each and every paragraph above.

4 34. Defendants, and each of them, are liable under California Civil Code sections  
5 3479 et seq. and California Code of Civil Procedure section 731.

6 35. Under California Civil Code section 3479, a “nuisance” is “anything which is  
7 injurious to health . . . or an obstruction to the free use of property, so as to interfere with the  
8 comfortable enjoyment of life or property . . . .”

9 36. Under California Civil Code section 3480, “a public nuisance is one which  
10 effects at the same time an entire community or neighborhood, or any considerable number of  
11 persons, although the extent of the annoyance or damage inflicted upon individuals may be  
12 unequal.”

13 37. Defendants have engaged and continue to engage in conduct that is injurious to  
14 the health and interferes with the comfortable enjoyment of life and property in a manner that  
15 impacts the City of Los Angeles, its residents, its environment, and its economy, and Defendants  
16 are therefore liable under California Civil Code sections 3479 et seq.

17 38. Defendants’ emissions are not in the public interest.

18 39. Defendants’ emissions are a direct and proximate contributing cause of the  
19 injuries and harms sustained by City residents causing them to suffer immediate ill health effects  
20 due to the release into their neighborhood of mercaptans and other toxic chemicals.

21 40. Defendants, and each of them, by their emissions of Natural Gas containing  
22 mercaptans and other toxic gases from their Aliso Canyon storage facility, DOGGR API  
23 03700776, beginning on or about October 23, 2015, have created a public nuisance, injurious to  
24 the City of Los Angeles, its citizens and residents.

25 **SECOND CAUSE OF ACTION**

26 **(California Business and Professions Code sections 17200 et seq. (“the UCL”))**

27 41. The People hereby allege and incorporate each and every paragraph above.  
28

1           42. Beginning on or about October 23, 2015, Defendants, and each of them,  
2 violated the UCL by engaging in one or more of the following unlawful business acts and  
3 practices:

- 4           a. Created a condition that is “injurious to health . . . or an obstruction to the  
5 free use of property, so as to interfere with the comfortable enjoyment of  
6 life or property . . .” in violation of California Civil Code section 3479, as  
7 described in paragraphs 40 through 46.
- 8           b. Created a condition that is “injurious to health . . . or an obstruction to the  
9 free use of property, so as to interfere with the comfortable enjoyment of  
10 life or property . . .” in violation of California Civil Code section 3479,  
11 through the emissions of methane gas that greatly increases greenhouse  
12 gases in the atmosphere.
- 13           c. Discharged “quantities of air contaminants or other materials that cause  
14 injury, detriment, nuisance, or annoyance to any considerable number of  
15 persons or to the public, or that endanger the comfort, repose, health, or  
16 safety of any of those persons or the public, or that cause, or have a natural  
17 tendency to cause, injury or damage to business or property” in violation  
18 of Health and Safety Code section 41700(a).
- 19           d. Created a condition that is “injurious to health . . . or an obstruction to the  
20 free use of property, so as to interfere with the comfortable enjoyment of  
21 life or property . . .” in violation of California Penal Code section 370.
- 22           e. Maintained or permitted the nuisance after “reasonable notice in writing  
23 form a health officer or district attorney or city attorney or prosecuting  
24 attorney to remove, discontinue or abate the same. . .” in violation of  
25 California Penal Code section 373a. “The existence of such nuisance for  
26 each and every day after the service of such notice” is a separate and  
27 distinct offense Pursuant to California Penal Code section 373a.  
28

1 f. Failed to comply with South Coast Air Quality Management District Rule  
2 402.

3 g. Failed to immediately report the release as required by Health and Safety  
4 Code section 25510(a).

5 43. Beginning on a date unknown to the People, but within the four years preceding  
6 the filing of this Complaint, Defendants, and each of them, violated the UCL by engaging in one  
7 or more of the following unfair business acts and practices, among others:

- 8 a. Threatened incipient violations of public nuisance law as set forth above.  
9 b. Failed to have appropriate contingency plans in place to mitigate any leak  
10 that might emerge.  
11 c. Failed to pre-position mechanical and technical resources needed in the  
12 event of a leak.  
13 d. Failed to immediately undertake the most effective means to fix the leak  
14 upon its discovery.  
15 e. Violated the established public policies of the State of California and City  
16 of Los Angeles, which seek to reduce greenhouse gas emissions  
17 throughout the State. Specifically, the reduction in methane emissions is  
18 essential to this policy. Methane is the most potent greenhouse gas, and  
19 reductions in methane emissions will have the most immediate impact on  
20 near term reduction of climate change impacts.  
21 f. The conduct of the Defendants as described in this Complaint has been  
22 immoral, unethical, unscrupulous, and oppressive in that Defendants' (1)  
23 operated in a manner that permitted the leak to occur; (2) did not have an  
24 adequate contingency plan to appropriately and swiftly address the leak  
25 once it occurred; (3) did not have the necessary equipment in place to stop  
26 the leak once it occurred; and (4) the unwarranted methane emissions have  
27 significantly impacted the State of California's methane emissions  
28 targeted reductions for the year, and has placed additional burdens on the

1 rest of the citizens and businesses throughout the state by and through  
2 these excessive methane emissions.

3 44. The acts and practices of Defendants, and each of them, as alleged in this  
4 Complaint have a detrimental impact on the City of Los Angeles and its residents and the People  
5 of the State of California. The increased emissions of methane, a potent greenhouse gas, from  
6 Defendants' well will worsen the impact of climate change in the City of Los Angeles and the  
7 health and well-being of its residents. This detrimental impact is not outweighed by any  
8 countervailing reasons, justifications, or motives of Defendants, and each of them.

9 **PRAYER**

10 The People request that this Court:

- 11 1. Hold Defendants liable for creating, contributing to, and maintaining a public  
12 nuisance;
- 13 2. Order Defendants to immediately abate the public nuisance;
- 14 3. Enter judgment for abatement, at the expense of Defendants, of the ongoing and  
15 future nuisance to the City of Los Angeles and City residents due to the release of toxic and  
16 harmful chemicals into the City;
- 17 4. Issue injunctive relief, pursuant to Business and Professions Code section 17203,  
18 prohibiting Defendants, and each of them, that prohibits Defendants from engaging in the  
19 activities that led to and created the public nuisance as set forth herein and in violation of Civil  
20 Code sections 3479 et seq., and prohibiting all other business acts or practices which constitute  
21 unfair competition within the meaning of Business and Professions Code section 17200;
- 22 5. Issue injunctive relief, pursuant to Business and Professions Code section 17203,  
23 requiring Defendants, and each of them, at their expense, to mitigate the harmful impacts of the  
24 methane emissions to the City and State as set forth herein;
- 25 6. Order that Defendants, and each of them, restore all persons any money or  
26 property, plus interest, Defendants acquired by means of the unlawful business acts and practices  
27 in this Complaint, pursuant to Business and Professions Code sections 17203 and 17204;

1           7.       Award civil penalties against Defendants, and each of them, pursuant to Business  
2 and Professions Code sections 17206 and 17206.1 for each act of unlawful, unfair, or fraudulent  
3 competition engaged in by Defendants, and each of them, in an amount according to proof;

4           8.       Award Plaintiff all costs and expenses; and

5           9.       Award such other relief as this Court deems just and proper.

6  
7 Dated: December 7, 2015

8                   MICHAEL N. FEUER, City Attorney  
9                   THOMAS H. PETERS, Chief Assistant City Attorney  
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14                  CRIMINAL BRANCH  
15                  COMPLEX & SPECIAL LITIGATION SECTION

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By: \_\_\_\_\_

JESSICA B. BROWN

Attorneys for Plaintiff,

The People of the State of California