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9 People of the State of California

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF LOS ANGELES

13 PEOPLE OF THE STATE OF CALIFORNIA,)
ex rel Kenneth L. Nelson, City)
14 Attorney of the City of Torrance,)

15 Plaintiff,)

16 vs.)

17 MOBIL OIL CORPORATION, a New York)
Corporation, MOBIL OIL REFINING)
18 CORPORATION, a Delaware)
Corporation, WYMAN ROBB, and)
19 DOES 1 through 25,)

20 Defendants.)
21

CASE NO. C

719953

COMPLAINT FOR
PUBLIC NUISANCE
ABATEMENT,
INJUNCTIVE AND
DECLARATORY RELIEF

22 The People of the State of California, for its complaint
23 against the Mobil Oil Corporation and the Mobil Oil Refining
24 Corporation ("Mobil"), Wyman Robb ("Robb"), and Does 1 through
25 25, inclusive, allege as follows:

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INTRODUCTORY ALLEGATIONS

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2 1. Plaintiff, the People of the State of California,
3 prosecute this action by and through Kenneth L. Nelson, the
4 City Attorney for the City of Torrance pursuant to the
5 authority conferred on him by California law, including
6 Section 731 of the Code of Civil Procedure, and Sections 3479,
7 3480 and 3494 of the Civil Code.

8 2. Plaintiff is informed and believes, and based
9 thereon alleges, that defendant Mobil Oil Corporation is and
10 at all times mentioned herein was, a corporation organized and
11 existing under the laws of the State of New York and is
12 authorized to do business and is doing business in
13 California, with its principal places of business in this
14 state, a regional headquarters and a refinery, located in the
15 County of Los Angeles. Defendant Mobil Oil Refining
16 Corporation is a Delaware Corporation qualified to do business
17 in California which, at all relevant times hereto, was doing
18 business in California.

19 3. Plaintiff is informed and believes, and based
20 thereon alleges, that Wyman Robb is, and at all times
21 mentioned herein was, a resident of Los Angeles County and
22 that Robb is the General Manager of Mobil's Torrance Refinery.

23 4. Plaintiff is unaware of the true names and
24 capacities, whether individual, corporate, associate, or
25 otherwise, of defendants sued herein as Does 1 through 25,
26 inclusive, and therefore sues said defendants by such
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1 fictitious names. Plaintiff will seek leave of Court to
2 amend this complaint to alleges the true names and capacities
3 of said fictitiously named defendants when the same have been
4 ascertained.

5 5. Plaintiff is informed and believes, and based
6 thereon alleges, that each of the defendants named herein was
7 the agent, employee, employer, partner, manager or controlled
8 entity of the other defendants, and in so doing the things
9 hereinafter alleged was acting within the course and scope of
10 such agency, employment, partnership, management or control
11 with the full knowledge and consent of the other defendants.

12 6. Mobil operates an oil refinery ("the Refinery") in
13 the City of Torrance, in the southwestern portion of Los
14 Angeles County, a geologically active and densely populated
15 urban area. The Refinery occupies an area of approximately
16 750 acres and is located across the street from a residential
17 neighborhood and within a few miles of the Torrance-Wilmington
18 earthquake fault. Plaintiff is informed and believes, and
19 based thereon alleges, that Mobil employs 800 full-time
20 employees and also employs a variety of contractors, whose
21 presence at the Refinery at times increases the number of
22 workers on-site to as many as 3,000. The Refinery is designed
23 to process 125,000 barrels per calendar day of crude oil to
24 produce gasoline, motor oil, jet fuel and other products and
25 byproducts, some of which, plaintiff is informed and believes

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1 and based thereon alleges, are volatile hazardous chemicals,
2 materials and wastes.

3 7. Plaintiff is informed and believes and based
4 thereon alleges, that the Refinery "handles," as that term is
5 defined in California Health and Safety Code Section 25501(h),
6 at least fourteen chemicals classified as both acutely
7 hazardous materials and hazardous substances by the State of
8 California and that at least five of these chemicals --
9 hydrofluoric acid, hydrogen sulfide, sulfur dioxide, chlorine
10 and ammonia -- would pose serious and possibly lethal health
11 and safety risks to surrounding communities in the event of
12 an accidental uncontrollable or inadequately contained release
13 of a large amount of any of these chemicals. The
14 toxicological properties of these chemicals, the hazardous
15 effects of their release into the atmosphere, the nature of
16 their use at the Refinery and reported incidents at the
17 Refinery involving these chemicals are described below.

18 8. Plaintiff is informed and believes, and based
19 thereon alleges, that, with respect to Mobil's storage, use
20 and handling of hazardous materials, unsafe conditions at the
21 Refinery, inadequate safety mechanisms, poor quality work,
22 carelessness, and poor adherence to Mobil's own safety
23 procedures, all combine with the inherently toxic
24 characteristics of these materials to create an unreasonable
25 risk of danger to the life and health of persons living and

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1 working in, traveling through, or otherwise present in areas
2 adjacent to the Refinery.

3 9. Specifically, plaintiff is informed and believes,
4 and based thereon alleges, that an accidental, uncontrollable
5 or inadequately contained release of such hazardous materials
6 in substantial amounts could cause a disaster of Bhopal-like
7 proportions.

8 10. Plaintiff is also informed and believes, and based
9 thereon alleges, that in its refinery operations, Mobil
10 releases toxic chemicals, odors, fumes, gases, vapors,
11 pollutants and other noxious materials into the atmosphere,
12 including, but not limited to, sulfur dioxide, hydrogen
13 sulfide, carbon monoxide, various oxides of nitrogen,
14 hydrocarbons, and particulates, often in excess of the
15 amounts legally permitted by state health and safety laws and
16 the rules and regulations of the South Coast Air Quality
17 Management District. Over the past 5 years, Mobil has been
18 noticed with an average of 13 violations each year, many of
19 which involved multiple infractions. Plaintiff is informed
20 and believes, and based thereon alleges, that Mobil's routine
21 payments of fines for these violations amounts to the purchase
22 of a license to pollute in excess of state standards set to
23 protect the health of California citizens.

24 11. Plaintiff is informed and believes, and based
25 thereon alleges, that inhalation of the fumes from these
26 releases has had and continues to have short- and long-range
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1 adverse effects on the mental and physical health of persons
2 residing and present in the off-site areas surrounding the
3 Refinery.

4 12. Parents, teachers, concerned citizens, employees,
5 and local businesses have expressed their fears and concerns
6 to Torrance city officials regarding both the potential for a
7 catastrophic accidental, uncontrollable or inadequately
8 contained release of hazardous chemicals and fumes and the
9 health dangers associated with Mobil's frequent emissions of
10 toxic pollutants into the atmosphere adjacent to the Refinery.

11 13. Plaintiff brings this action to require Mobil to
12 adjust its operations as they pertain to the handling and
13 emissions of hazardous materials, toxic pollutants, and
14 particulates to account for the fact that the Refinery is
15 located in one of the nation's most densely populated
16 metropolitan areas and to recognize that the pecuniary gain
17 derived from its current operating methods does not constitute
18 sufficient justification to subject hundreds of thousands of
19 its neighbors to both known and unknown, and potentially
20 lethal, risks and extensive damage to their health, peace of
21 mind and welfare.

22 MOBIL'S QUESTIONABLE SAFETY RECORD

23 14. Over the past ten years, approximately 127 safety
24 incidents at the Refinery were reported to the Torrance Fire
25 Department. The mere frequency of such incidents, many of
26 which are attributable to human error, indicates severe
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1 problems with safety conditions and procedures at the
2 Refinery.

3 15. The following list of major explosions, fires and
4 toxic chemical releases, and the injuries resulting therefrom,
5 indicates that the potential for a massive disaster at the
6 Refinery is far from remote:

7 (a) Plaintiff is informed and believes, and
8 based thereon alleges, that on March 21,
9 1989, three workers were burned when they
10 were hit by a blast of pressurized 300°F
11 oil and steam when a plug failed during a
12 routine maintenance procedure;

13 (b) On March 8, 1989, eight students and two
14 teachers from Torrance's Magruder Middle
15 School were hospitalized with headaches,
16 nausea and chest pains, as a result of a
17 noxious odor and fumes which plaintiff is
18 informed and believes, and based thereon
19 alleges, were released from the Refinery;
20 other teachers, students, and persons in
21 the area were overcome by headaches,
22 nausea, dizziness and respiratory problems
23 but were not hospitalized;

24 (c) Plaintiff is informed and believes, and
25 based thereon alleges, that on February 9,
26 1989, a gauge fitting failed, causing a
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fire in the Unsaturated Gas Plant;

(d) Plaintiff is informed and believes, and based thereon alleges, that on January 20, 1989, a failure of instrumentation tubing, and possibly human error, caused a fire in the Hydrocracker Unit;

(e) Plaintiff is informed and believes, and based thereon alleges, that on December 8, 1988, operator error led to the release of noxious fumes and odors from an over-pressurized tank, and that 89 nearby residents complained to the South Coast Air Quality Management District about these foul odors;

(f) Plaintiff is informed and believes, and based thereon alleges, that on September 1, 1988, an operator's failure to install a gasket caused a coke drum leak;

(g) Plaintiff is informed and believes and based thereon alleges, that on August 5, 1988, three people were injured, one seriously, when a contractor, supervised by a Mobil employee, opened the wrong line while replacing a valve; the subsequent hydrocarbon leak caused a fire in the Crude Unit;

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(h) Plaintiff is informed and believes, and based thereon alleges, that also on August 5, 1988, one person died and another was seriously burned as a result of an explosion which occurred during the treatment of "sour water sludge";

(i) Plaintiff is informed and believes, and based thereon alleges, that due to human error on July 15, 1988, one person was killed and seven were injured, one seriously, when an inadequately supervised outside contractor ignited highly flammable gas, causing a fire;

(j) On November 24, 1987, four persons were injured as a result of a large explosion and fire at the Refinery; plaintiff is informed and believes, and based thereon alleges, that the accident was caused by human error and non-functioning equipment which caused Mobil employees to introduce too much hydrofluoric acid into a reactor vessel, causing the reactor vessel to explode and catch fire and a subsequent release of hydrofluoric acid, sulfur dioxide and asbestos;

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1 (k) On December 3, 1979, three people were
2 killed as a result of an explosion and
3 fire at the Refinery's tank farm.
4 Plaintiff is informed and believes, and
5 based thereon alleges, that due to
6 operator error during the gasoline
7 blending process, a large vapor cloud of
8 butane was released; the butane cloud
9 drifted across a highway and was ignited
10 by a passing motorist, killing the driver
11 and causing a fireball and explosion which
12 flashed back to the Refinery; and

13 (l) On September 18, 1979, several persons
14 were injured when a ruptured liquified
15 petroleum gas line caused a tremendous
16 explosion and fire; plaintiff is informed
17 and believes, and based thereon alleges,
18 that the rupture was attributable to
19 defective piping.

20 THE GAGE-BABCOCK AND MITTELHAUSER SAFETY AUDIT

21 16. Because of the increasing frequency of incidents
22 occurring at the Refinery, the City of Torrance requested that
23 Mobil evaluate the safety of its operations as well as the
24 efficacy of the safety equipment, materials, personnel,
25 procedures and training at the Refinery.

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1 17. Mobil agreed to pay for a third-party safety audit
2 conducted by the engineering firms of Gage-Babcock and
3 Associates and Mittelhauser Corporation. The stated purpose
4 of the audit was to identify the safety measures in use at the
5 Refinery, to determine if they are adequate and, if not, to
6 recommend specific improvements.

7 18. Investigators from the engineering firms spent five
8 months conducting the audit. They met with various of the
9 Refinery's personnel, as directed by the Refinery's
10 management, and they made numerous visits and inspections of
11 the Refinery and its equipment.

12 19. The engineering firms' combined December 30, 1988
13 report, entitled "Mobil Torrance Refinery Safety Audit" (the
14 "G-B&M Safety Audit") found that:

15 (a) the number of safety incidents occurring
16 at the Refinery is too high;

17 (b) past incidents were caused by poor quality
18 work, carelessness, and failure to follow
19 the Refinery's safety program and
20 procedures;

21 (c) in the units which handle acutely hazardous
22 chemicals, unsafe conditions exist which could
23 pose an immediate danger to the life and health
24 of persons in the surrounding areas;

25 (d) with respect to the units which handle
26 acutely hazardous chemicals, the Refinery
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1 does not employ adequate additional safety
2 measures, above and beyond the minimum
3 baseline requirements, to reflect the
4 increased risk posed by an accidental
5 release of these extremely toxic
6 substances;

7 (e) the Refinery's fire and safety staff is
8 not adequately trained to contain a
9 release of hydrofluoric acid or other
10 acutely hazardous chemicals and would be
11 unable to adequately control a major
12 chemical release; and

13 (f) in recent years, to save money, the
14 Refinery has reduced the size of its
15 operation and maintenance staff and has
16 become more dependant upon the Torrance
17 Fire Department for protection and safety.

18 20. In a letter dated February 3, 1989, the City of
19 Torrance asked Mobil specific questions regarding said
20 dangerous conditions and Mobil's intentions regarding the
21 implementation of the safety measures described in the G-B&M
22 Safety Audit.

23 21. Not only did Mobil publicly repudiate the G-B&M
24 Safety Audit as being untrue and without verification, but it
25 has expressly refused to answer any of the City's questions.

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DEFICIENCIES IN MOBIL'S RMPP

1
2 22. Section 25531 of the California Health and Safety
3 Code contains a legislative finding that a significant number
4 of chemical industrial facilities handle hazardous materials
5 and, because of the nature and volume of chemicals handled at
6 these facilities, some of their operations may represent a
7 threat to public health and safety if those chemicals are
8 accidentally released. The legislature further found that
9 because the potential for explosions, fires or releases of
10 toxic chemicals into the environment also exists, the
11 protection of the public from such releases or explosions of
12 hazardous materials is of statewide concern.

13 23. The legislature determined that programs and plans
14 designed to protect against such accidents are the most
15 effective way of protecting health, safety and the
16 environment.

17 24. Pursuant to § 25502 of the Health and Safety Code,
18 the Torrance Fire Department was designated by the City of
19 Torrance to administer implementation and enforcement of the
20 hazardous materials release response plan and inventory laws.

21 25. In accordance with its statutory mandate, on March
22 17, 1988, the Torrance Fire Department required Mobil to
23 submit a Risk Management Prevention Program ("RMPP")
24 regarding its use and handling of hydrofluoric acid.

25 26. Despite the fact that the necessary elements
26 required to be addressed in an RMPP are clearly delineated in
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1 § 25534 of the Health and Safety Code, the RMPP submitted by
2 Mobil after one year of study and preparation contains glaring
3 deficiencies, most notably the complete omission of a "worst-
4 case scenario" analysis of the various off-site consequences,
5 including, but not limited to health hazards, from an
6 accidental or uncontrollable, inadequately contained release
7 of hydrofluoric acid.

8 27. Plaintiff is informed and believes, and based
9 thereon alleges, that Mobil has not made adequate emergency
10 plans and does not have the necessary emergency equipment on-
11 site to adequately contain an uncontrollable release of
12 hydrofluoric acid so as to prevent the catastrophic
13 consequences of an off-site release of hydrofluoric acid.

14 28. Plaintiff is informed and believes, and based
15 thereon alleges, that Mobil's failure to have in place
16 adequate emergency equipment to contain an accidental or
17 uncontrollable release and its refusal to provide the City of
18 Torrance with either an off-site consequences analysis or
19 responses to the City's inquiries regarding Mobil's emergency
20 preparedness in the event of an accidental or uncontrollable
21 release demonstrates that Mobil is both callous and
22 indifferent to the safety of others, in light of:

- 23 (a) the extremely toxic properties of
24 hydrofluoric acid and the other hazardous
25 chemicals used and handled at the
26 Refinery;

- 1 (b) unsafe conditions at Refinery units which
2 use, and handle hazardous chemicals;
- 3 (c) the Refinery's past incidents which led to
4 the release of certain of these hazardous
5 chemicals, causing damage to the health of
6 persons in the area; and
- 7 (d) Mobil's decision, in spite of the huge
8 profits generated by the Refinery, to save
9 money at the expense of safety by
10 reducing the size of its operation and
11 maintenance staff.

12 MOBIL'S USE AND HANDLING OF HAZARDOUS MATERIALS

13 AND ATMOSPHERIC RELEASES ARISING THEREFROM

14 Hydrofluoric Acid

15 29. In the Refinery's Alkylation Unit, hydrofluoric acid
16 is used as a catalyst in the refining process to boost the
17 octane level of gasoline. Plaintiff is informed and
18 believes, and based thereon alleges, that Mobil handles well
19 over a 100,000 gallons of hydrofluoric acid per year and, at
20 any one time, thousands of gallons of hydrofluoric acid are
21 stored at the Refinery.

22 30. Hydrofluoric acid is a highly volatile and dangerous
23 chemical. It is classified as both a hazardous substance and
24 an acutely hazardous material by the State of California.

25 31. Plaintiff is informed and believes, and based
26 thereon alleges: (i) that generally, hydrofluoric acid is a
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1 marked irritant to all surfaces of the body and to the
2 respiratory tract; (ii) that exposure to hydrofluoric acid in
3 relatively low concentrations results in lung, eye and skin
4 damage and irritation and can be lethal; and (iii) that
5 chronic exposure to low levels of hydrofluoric acid causes
6 permanent damage and injury to the body.

7 32. Plaintiff is informed and believes, and based
8 thereon alleges, that recent scientific data now indicates
9 that an accidental or uncontrollable release of 1,000 gallons
10 of hydrofluoric acid could have a devastating effect on
11 persons and property adjacent to the Refinery. Depending upon
12 wind direction and velocity and other weather conditions, the
13 damage could extend to other areas of Los Angeles County.

14 33. In 1986, the Amoco Oil Company sponsored a series of
15 toxic cloud dispersion tests, conducted by the Lawrence
16 Livermore National Laboratories at Frenchman's Flats, Nevada.
17 Test results indicated: (i) that under circumstances similar
18 to the test conditions; almost 100% of the released
19 hydrofluoric acid could be borne downwind toward population
20 centers, 80% as an aerosol and 20% as a vapor; (ii) that
21 because the cloud of hydrofluoric acid would be denser than
22 air, it could travel long distances, hugging the contours of
23 the ground; and (iii) that within 2 minutes, a 1,000 gallon
24 release of hydrofluoric acid could possibly be lethal to
25 persons within a 5-mile radius and be immediately dangerous to
26 the life and health of persons within a 7.5-mile radius.

1 34. Plaintiff is informed and believes, and based
2 thereon alleges, that a hydrofluoric acid toxic cloud has
3 behavioral characteristics similar to those of the deadly
4 cloud which caused, and continues to cause, the catastrophic
5 loss of life and serious health problems in areas surrounding
6 Bhopal, India. Because they currently lack sufficient
7 scientific, engineering and technical data, neither Mobil nor
8 various governmental authorities are in a position to advise
9 persons in areas adjacent to the Refinery as to how to protect
10 themselves if hydrofluoric acid fumes and/or a toxic cloud
11 were released from the Refinery.

12 35. The Refinery is located in a densely populated urban
13 area, with countless numbers of homes, schools, day care
14 centers, hospitals, governmental offices, businesses and
15 freeways located within a 5-mile radius of the Refinery.
16 Plaintiff is informed and believes, and based thereon alleges,
17 that if there was a substantial release from the Refinery,
18 hundreds of thousands of persons could be killed and double
19 that number could be seriously injured.

20 36. Mobil contends that the risk of fatalities from an
21 off-site release of hydrofluoric acid is 1.21 deaths per 100
22 years. This assessment ignores the risk of mental and
23 physical damages to persons in areas adjacent to the Refinery.

24 37. Plaintiff is informed and believes, and based
25 thereon alleges, that the risk of fatalities and the risk of
26 mental and physical injuries due to an accidental
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1 uncontrollable, inadequately contained off-site release of
2 hydrofluoric acid is far greater than Mobil admits, and
3 constitutes a clear and present danger to persons in the area
4 surrounding the Refinery, in that:

5 (a) the G-B&M Safety Audit reported that
6 certain unsafe conditions existed in
7 Refinery units that handle hydrofluoric
8 acid, including that certain KOH Treaters
9 posed a safety hazard, and that Mobil did
10 not employ adequate additional safety
11 measures in those units in consideration
12 of the extremely hazardous nature of
13 hydrofluoric acid;

14 (b) Mobil failed to provide responses to
15 questions raised by Torrance, with respect
16 to the G-B&M Safety Audit findings, which
17 would have assured the City that unsafe
18 conditions do not exist in these Refinery
19 units and that Mobil employs adequate
20 additional safety measures in these units
21 in deference to hydrofluoric acid's
22 extremely hazardous nature;

23 (c) Mobil has admitted that hydrofluoric acid
24 is sporadically released into the
25 atmosphere either as a result of flange
26 and valve leaks or leaks occurring when
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1 pipes and hoses handling hydrofluoric acid
2 are disconnected; and

3 (d) as a result of the November 24, 1987
4 explosion and fire, described in paragraph
5 15(j) above, 100 pounds of hydrofluoric
6 acid were accidentally released.

7 38. Plaintiff is informed and believes, and based
8 thereon alleges, that the November 24, 1987 accident was
9 directly attributable to human error and to equipment which
10 Mobil allowed to deteriorate and/or which Mobil did not
11 properly install, maintain and/or service, despite Mobil's
12 knowledge of the extremely lethal nature of the chemicals
13 involved.

14 39. While Mobil claims it was able to contain the
15 hydrofluoric acid release to the Refinery facilities,
16 plaintiff is informed and believes, and based thereon alleges,
17 that the Refinery has no adequate monitoring devices which
18 determine whether or the extent to which a released substance
19 has travelled beyond the Refinery's boundaries.

20 40. In light of the acutely hazardous nature of
21 hydrofluoric acid, the complexity of the myriad of operations
22 at the Refinery, and the lack of scientific and engineering
23 information regarding reliable methods for the containment of
24 a substantial accidental or uncontrollable release of
25 hydrofluoric acid, a serious question is raised as to whether
26 state-of-the-art technology is adequate to protect a densely
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1 populated area from the catastrophic consequences of a serious
2 accidental and uncontrollable release of hydrofluoric acid.

3 Hydrogen Sulfide

4 41. Hydrogen sulfide is formed at various units in the
5 Refinery's processes. Plaintiff is informed and believes, and
6 based thereon alleges, that the Refinery handles hundreds of
7 thousands of pounds of hydrogen sulfide daily.

8 42. Plaintiff is informed and believes, and based
9 thereon alleges that short-term exposure to hydrogen sulfide
10 may be lethal and poses an immediate danger to health, causing
11 severe eye and respiratory tract irritation and a loss of
12 one's sense of smell.

13 43. Plaintiff is informed and believes, and based
14 thereon alleges, that over the past several years, on numerous
15 occasions, the Refinery has released and continues to release,
16 hydrogen sulfide into the atmosphere and that the fumes and
17 odors have drifted into and permeated the off-site areas
18 surrounding the Refinery.

19 44. Hydrogen sulfide fumes have a foul, offensive and
20 noxious odor which causes people in areas surrounding the
21 Refinery to become ill each time a release occurs.

22 45. Specifically, in addition to the release on March 8,
23 1989, referred to in paragraph 15(b) above, plaintiff is
24 informed and believes, and based thereon alleges, that in
25 December 1988 and in February 1989, hydrogen sulfide releases

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1 from the Refinery engulfed nearby neighborhoods, causing
2 residents to experience nausea and become ill.

3 46. Plaintiff is informed and believes, and based
4 thereon alleges, that the hydrogen sulfide releases described
5 in paragraphs 15(b) and 45 were either uncontrollable
6 releases due to human error and/or faulty equipment,
7 intentional and/or negligent releases caused by improperly
8 maintained or inadequate pollution control devices, or
9 periodic types of releases, known in the industry as "fugitive
10 releases" (leaks) and "belches," both of which occur during
11 the normal operations of the Refinery.

12 47. Plaintiff is informed and believes and based thereon
13 alleges, that individuals in the surrounding community have
14 suffered and will continue to suffer serious short-term and
15 long-term mental and physical health problems, including, but
16 not limited to those described in paragraph 42 above, as a
17 result of the Refinery's releases of this acutely hazardous
18 chemical into the atmosphere.

19 48. Despite Mobil's knowledge of the acutely hazardous
20 nature of hydrogen sulfide, the G-B&M Safety Audit reported
21 that the Refinery did not employ adequate additional safety
22 measures in the units which handled hydrogen sulfide in
23 consideration of the chemical's toxicity.

24 49. Plaintiff is informed and believes, and based
25 thereon alleges, that an accidental, uncontrollable or
26 inadequately contained release of hydrogen sulfide would wreak
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1 havoc on areas surrounding the Refinery because of the
2 properties of this acutely hazardous chemical, including that
3 hydrogen sulfide is heavier than air, and can therefore travel
4 considerable distances to a source of ignition and flashback
5 and that hydrogen sulfide forms an explosive mixture with air.

6 50. Mobil has refused to provide responses to Torrance's
7 inquiries, regarding the findings of the G-B&M Safety Audit,
8 which would assure the City that unsafe conditions do not
9 exist in the units handling hydrogen sulfide and that adequate
10 additional safety measures are employed in these units in
11 deference to hydrogen sulfide's highly toxic nature.

12 51. In light of the acutely hazardous properties of
13 hydrogen sulfide, Mobil's past releases of hydrogen sulfide,
14 and the lack of adequate additional safety measures at the
15 Refinery, the manner in which Mobil currently handles
16 hydrogen sulfide presents a clear and present risk of danger
17 to and causes an apprehension of harm in persons in the areas
18 surrounding the Refinery.

19 Sulfur Dioxide

20 52. Sulfur dioxide is formed at the Refinery as an
21 intermediate product during the conversion of hydrogen sulfide
22 to elemental sulfur in the Sulfur Recovery Units. Plaintiff
23 is informed and believes, and based thereon alleges, that
24 Mobil handles thousands of pounds per day of sulfur dioxide
25 and that it routinely releases sulfur dioxide from tall stacks
26 at the Refinery.

1 53. Plaintiff is informed and believes, and based
2 thereon alleges that: (i) exposure to sulfur dioxide causes
3 toxic effects including irritation of the nose and throat;
4 (ii) low concentrations of sulfur dioxide cause severe toxic
5 effects after only a one-minute exposure; and (iii) children
6 are particularly susceptible to the adverse health effects of
7 sulfur dioxide.

8 54. Plaintiff is informed and believes, and based
9 thereon alleges, that once released into the atmosphere,
10 sulfur dioxide combines with moisture and hydrocarbons to form
11 a mist of sulfuric acid and that the higher the relative
12 humidity, the more sulfuric acid is formed.

13 55. Either through accidental or uncontrollable
14 releases, due to human error and/or faulty equipment, periodic
15 releases, or intentional and/or negligent releases, plaintiff
16 is informed and believes, and based thereon alleges, that
17 Mobil released and continues to release sulfur dioxide in
18 amounts in excess of the South Coast Air Quality Management
19 District's emissions limitations. Plaintiff is informed and
20 believes, and based thereon alleges, that in 1987, the
21 Refinery emitted more sulfur dioxide than any other local
22 source.

23 56. Plaintiff is informed and believes, and based
24 thereon alleges, that individuals in the surrounding community
25 will suffer serious short-term and long-term health problems,
26 including, but not limited to, those described in paragraph 53
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1 above, due to the Refinery's releases of this acutely
2 hazardous chemical into the atmosphere.

3 57. Despite Mobil's knowledge of the acutely hazardous
4 nature of sulfur dioxide, the G-B&M Safety Audit reported that
5 Mobil did not employ adequate additional safety measures in
6 those units which handle sulfur dioxide in consideration of
7 the chemical's toxicity.

8 58. In the past, Mobil has been unable to contain
9 accidental releases of sulfur dioxide; as a result of the
10 November 24, 1987 explosion and fire described in paragraph
11 15(j) above, Mobil reported that 1.5 tons of sulfur dioxide
12 were released into the atmosphere.

13 59. In light of the acutely hazardous nature of sulfur
14 dioxide, Mobil's past releases of sulfur dioxide, and the lack
15 of adequate additional safety measures reported at the
16 Refinery, the manner in which Mobil currently handles sulfur
17 dioxide presents a clear and present risk of harm to and
18 causes an apprehension of harm in persons in the areas
19 surrounding the Refinery.

20 Ammonia

21 60. Ammonia is produced as part of the Refinery process
22 and is also used in Refinery operations. Plaintiff is
23 informed and believes, and based thereon alleges, that Mobil
24 handles in excess of one million pounds of ammonia annually.

25 61. Plaintiff is informed and believes, and based
26 thereon alleges that: (i) after just a few minutes, low level
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1 ammonia exposure causes noticeable irritation of the eye and
2 nasal passages; and (ii) increased levels of ammonia exposure
3 cause serious coughing, bronchial spasms, burning and serious
4 edema, strangulation, asphyxia, burning and blistering of
5 skin and may, in less than a 30-minute exposure, be fatal.

6 62. Plaintiff is informed and believes, and based
7 thereon alleges, that there is substantial risk that an
8 accidental, uncontrollable, inadequately contained release of
9 a large quantity of ammonia would be injurious and likely
10 fatal to the people in the areas surrounding the Refinery
11 because both gaseous and liquid ammonia are lighter than air
12 and water, and a cloud of pure ammonia would rise into the
13 atmosphere and into off-site areas.

14 63. Despite Mobil's knowledge of the acutely hazardous
15 nature of ammonia, the G-B&M Safety Audit reported that the
16 Refinery units which handle ammonia, including the new ammonia
17 storage system, did not employ adequate additional safety
18 measures, in consideration of the toxic nature of ammonia.

19 64. In light of the acutely hazardous properties of
20 ammonia and the lack of adequate additional safety measures
21 at the Refinery, Mobil's use, storage and handling of ammonia
22 presents a clear and present risk of danger to persons in the
23 areas surrounding the Refinery.

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1 Chlorine

2 65. Plaintiff is informed and believes, and based
3 thereon alleges, that Mobil handles thousands of pounds of
4 chlorine each year at its Refinery.

5 66. Plaintiff is informed and believes and based
6 thereon alleges: (i) that chlorine is a highly toxic skin and
7 lung irritant and a one-minute exposure to chlorine can cause
8 toxic effects; (ii) that low concentration chlorine exposure
9 over a 30-minute period poses an immediate danger to life and
10 health; and (iii) after a few deep breaths, higher
11 concentration chlorine exposure is fatal.

12 67. Plaintiff is informed and believes, and based
13 thereon alleges, that there is a substantial risk that an
14 accidental, uncontrollable, inadequately contained release of
15 a large quantity of chlorine from the Refinery would be
16 injurious and likely fatal to people in the areas surrounding
17 the Refinery because chlorine is denser than air and tends to
18 stay close to the ground when released into the atmosphere.

19 MOBIL'S RELEASES OF OTHER TOXIC SUBSTANCES AND POLLUTANTS

20 68. Plaintiff is informed and believes, and based
21 thereon alleges, that either through accidental,
22 uncontrollable, periodic, intentional or negligent releases,
23 Mobil has emitted and continues to emit particulates and
24 various pollutants, including, but not limited to carbon
25 monoxide, various oxides of nitrogen and hydrocarbons, into
26 the atmosphere.

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1 69. Plaintiff is informed and believes, and based
2 thereon alleges, that for almost a two-year period, in 1985
3 and 1986, Mobil failed to repair a pollution control device in
4 its Fluid Catalytic Cracking Unit ("FCCU"), thereby causing
5 the Refinery to release particulates into the atmosphere in
6 amounts in violation of the South Coast Air Quality Management
7 District's emissions limitations.

8 70. Plaintiff is informed and believes, and based
9 thereon alleges, that Mobil cited financial reasons for its
10 failure to repair the pollution control device, stating that
11 closure of the unit for repair was not cost-effective and that
12 the repair was not budgeted until turnaround.

13 71. Plaintiff is informed and believes, and based
14 thereon alleges, that individuals in the surrounding community
15 have suffered and will continue to suffer serious short-term
16 and long-term health problems, including but not limited to
17 respiratory disease, heart disease, cancer and genetic damage,
18 due to the Refinery's atmospheric releases of particulates
19 and the pollutants described in paragraph 68 above.

20 FIRST CAUSE OF ACTION

21 ABATEMENT OF A PUBLIC NUISANCE AND INJUNCTIVE RELIEF

22 AGAINST MOBIL, ROBB AND DOES 1 THROUGH 25

23 72. Plaintiff incorporates herein by reference, as
24 though set forth in full, each of the allegations contained in
25 paragraphs 1 to 71, inclusive, hereinabove.

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1 73. Plaintiff is informed and believes, and based
2 thereon alleges, that on a frequent basis, and often in
3 violation of state emissions standards, defendants, and each
4 of them, cause to be released numerous toxic chemicals, odors,
5 gases, vapors, fumes, pollutants, particulates and other
6 noxious materials from the Refinery into the atmosphere,
7 including, but not limited to, the releases of the various
8 substances described above.

9 74. Plaintiff is informed and believes, and based
10 thereon alleges, that defendants' actions and inactions,
11 described hereinabove, constitute a public nuisance, within
12 the meaning of California Civil Code Sections 3479 and 3480
13 in that the Refinery's releases and emissions of toxic
14 chemicals, odors, gases, vapors, fumes, pollutants,
15 particulates and other noxious materials are harmful,
16 injurious, and annoying to the physical and mental health of
17 persons living and working in, travelling through or otherwise
18 present in Torrance and surrounding communities. Some of the
19 releases have a foul odor which is offensive to the senses and
20 interferes with the comfortable enjoyment of life and property
21 of persons in neighborhoods and communities near the Refinery.
22 Thus, said releases and emissions have been, are, and threaten
23 to be, injurious to the public health of the People of
24 California.

25 75. The residents of Torrance and persons living and
26 working in, traveling through or otherwise present in the
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1 neighborhoods and communities near the Refinery fear a
2 catastrophic result from an accidental, uncontrollable,
3 inadequately contained release of hazardous chemicals from the
4 Refinery. The magnitude and extent of these fears and
5 apprehensions interferes with their comfortable enjoyment of
6 life and/or property.

7 76. Plaintiff is informed and believes, and based
8 thereon alleges, that in light of:

- 9 (a) citizens' fears and concerns;
10 (b) Mobil's poor safety record;
11 (c) Mobil's past releases of hazardous substances;
12 (d) reported dangerous conditions and
13 inadequate safety measures in certain
14 Refinery units;
15 (e) Mobil's failure to produce meaningful
16 emergency plans to adequately contain or
17 to prevent accidental or uncontrollable
18 off-site releases of hazardous chemicals;
19 (f) the toxicological properties of the
20 acutely hazardous chemicals used and
21 handled at the Refinery; and
22 (g) uncertainty in the scientific community
23 regarding the proper way to contain and
24 prevent damages from an accidental or an
25 uncontrollable release;

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1 the manner in which Mobil currently uses, stores and handles
2 acutely hazardous chemicals constitutes a public nuisance
3 pursuant to Civil Code Sections 3479 and 3480.

4 77. Defendants, and each of them, have threatened to and
5 will, unless restrained by this Court, continue to maintain a
6 public nuisance by continuing the acts complained of herein
7 without the consent, against the will, and in violation of
8 the rights of the People of the State of California.

9 78. Plaintiff is informed and believes, and based
10 thereon alleges, that as a proximate result of defendants'
11 nuisance, and their unwillingness to modify and remedy past
12 practices and problems, individuals in the neighborhoods and
13 communities surrounding the Refinery have suffered and will
14 continue to suffer: (i) short-term and/or long-term mental and
15 physical health injuries and problems; (ii) fear, concern and
16 worry that they, their children and other members of their
17 family, or their employees may be inflicted with short-term
18 and/or long-term mental and physical health problems due to
19 exposure to defendants' emissions and/or the threat of an
20 accidental, catastrophic, uncontrollable release of toxic
21 chemicals and fumes; and (iii) annoyance and damages from the
22 foul odors, fumes and noxious materials escaping from the
23 Refinery into their areas of habitation and work.

24 79. For a period in excess of 5 years, Mobil has been
25 given notice of its failure to comply with various provisions
26 of California's health and safety laws and South Coast Air
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1 Quality Management District rules and regulations. Despite
2 receiving approximately 70 notices of violation in the last 5
3 years, including 17 in 1988 alone, Mobil has not made a good
4 faith effort to comply with California law, but instead
5 continues the same course of conduct in defiance of the law.

6 80. Mobil's history of releases and emissions and its
7 record of repeated violations of the laws, rules and
8 regulations established to protect the health of California
9 residents, makes plaintiff's remedy at law inadequate.

10 Because Mobil's flagrant disregard of the law threatens the
11 People of California with irreparable injury, Torrance City
12 Attorney Kenneth L. Nelson is specifically authorized to seek
13 abatement of this public nuisance pursuant to Code of Civil
14 Procedure Sections 731 and 3494.

15 81. Unless defendants, and each of them, are
16 preliminarily and permanently enjoined from releasing toxic
17 chemicals, odors, fumes, gases, vapors, pollutants,
18 particulates and other noxious materials, into the atmosphere
19 of the surrounding neighborhoods and communities, in violation
20 of the rights of persons in those neighborhoods and
21 communities, and in violation of state law and South Coast Air
22 Quality Management District rules and regulations, persons who
23 live and work in, travel through, or are otherwise present in
24 the areas surrounding the Refinery are threatened with and
25 will suffer irreparable injury.

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1 82. Unless defendants, and each of them, are
2 preliminarily and permanently enjoined from using, storing
3 and handling dangerous quantities of acutely hazardous
4 chemicals at the Refinery in a manner which infringes upon the
5 rights of persons in the surrounding communities and
6 neighborhoods, persons who live and work in, travel through,
7 or are otherwise present in the areas surrounding the Refinery
8 are and will be threatened by the involuntary risk of an
9 accidental and/or uncontrolled catastrophic off-site release
10 of these acutely hazardous chemicals.

11 83. Plaintiff requests that this Court abate the public
12 nuisance by:

13 (a) preliminarily and permanently enjoining
14 defendants from permitting toxic
15 chemicals, odors, fumes, gases, vapors,
16 pollutants, particulates and other noxious
17 materials to be released by or to escape
18 from the Refinery in such quantities so
19 that said toxic chemicals, odors, fumes,
20 gases, vapors, pollutants, particulates
21 and other noxious materials are deposited
22 on the persons and/or property of the
23 surrounding communities and
24 neighborhoods, interfering with the rights
25 of persons therein to a comfortable
26 enjoyment of life and property;

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(b) ordering defendants to implement any and all changes or modifications to its facilities and/or operations that are necessary or required to eliminate or fully control the release from the Refinery of toxic chemicals, odors, fumes, gases, vapors, pollutants, particulates and other noxious materials, which damage and harm the health and welfare of persons living and working in, passing through or otherwise present in the areas adjacent to the Refinery, including, but not limited to, the installation and maintenance of monitoring and control equipment;

(c) ordering defendants to comply in good faith with all California health and safety laws, rules and regulations; and

(d) preliminarily and permanently enjoining Mobil from operating the Refinery in any manner which threatens a Bhopal-type catastrophic release of toxic fumes.

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1 requiring a determination by this Court concerning the off-
2 site consequences and risks to public health and safety caused
3 by the Refinery's continued violations of law and by the
4 releases, emissions and odors from the Refinery.

5 87. Plaintiff is informed and believes, and based
6 thereon alleges, that there is not sufficient scientific,
7 technical, and engineering information and knowledge for
8 defendants to safely use, store, dispose of and handle
9 hydrofluoric acid and other acutely hazardous chemicals in a
10 densely populated urban area such as Torrance.

11 88. Plaintiff is informed and believes, and based
12 thereon alleges, that the complex equipment and intricately
13 structured environment of the Refinery increases the
14 possibility of multiple causes of malfunctions and chain
15 reactions from accidents, thereby making the manner in which
16 the Refinery currently uses, stores and handles large
17 quantities of hydrofluoric acid inappropriate.

18 89. Plaintiff is informed and believes, and based
19 thereon alleges that the fact that acutely hazardous chemicals
20 are used, stored and/or handled in very close proximity to
21 each other increases the dangers associated with an
22 accidental or uncontrollable release due to a fire, explosion,
23 equipment malfunction or a leak because of the possibility
24 that these dangerous chemicals will react with each other to
25 become even more toxic and more dangerous.

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1 90. Plaintiff is informed and believes, and based
2 thereon alleges, that Mobil cannot now establish with
3 reasonable certainty and a margin of safety that a fire,
4 explosion, malfunctioning equipment or some other accident or
5 uncontrollable release would not cause an uncontrollable
6 release of acutely hazardous chemicals into the atmosphere
7 causing damage to off-site areas.

8 91. Plaintiff is informed and believes, and based
9 thereon alleges, that there is a consensus of expert
10 geological opinion that there will be an earthquake of
11 substantial magnitude in the Los Angeles Basin in the near
12 future; and that defendants cannot now predict with reasonable
13 certainty that an earthquake of substantial magnitude would
14 not cause the Refinery's equipment to malfunction in such a
15 way so as to cause the accidental or uncontrollable release of
16 a substantial amount of acutely hazardous chemicals into the
17 atmosphere which would cause extensive harm and damage to off-
18 site areas.

19 92. Plaintiff contends that dangerous conditions exist
20 at certain Refinery units which use, store or handle acutely
21 hazardous chemicals; that defendants do not employ adequate
22 safety measures in these units to account for the
23 ultrahazardous nature of the chemicals being used, stored or
24 handled; that past incidents at its Refinery were attributed
25 to human error, carelessness, poor management and a failure to
26 follow prescribed safety procedures; and that defendants have
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1 dangerously reduced the size of the Refinery's operation and
2 maintenance staff.

3 93. Plaintiff contends that even if defendants did not
4 have the serious safety problems at the Refinery described
5 above, and that even if defendants managed the Refinery with
6 the most stringent standards of care, the inevitability of
7 human error mandates against defendants' present manner of
8 using, storing, and handling large quantities of hydrofluoric
9 acid and other acutely hazardous chemicals at the Refinery.

10 94. Plaintiff contends that the risk of catastrophic
11 consequences following an accidental, uncontrollable,
12 inadequately contained off-site release is too great in the
13 densely populated Torrance area to allow defendants to use,
14 store or handle acutely hazardous chemicals in their current
15 manner because somehow, sometime Refinery equipment will break
16 down, be damaged or malfunction and somehow, sometime Mobil
17 employees or contractors will falter or err.

18 95. Plaintiff contends that due to scientific
19 uncertainty, defendants cannot now claim that the Refinery is
20 adequately equipped to prevent an uncontrollable or accidental
21 release of a large quantity of hydrofluoric acid and/or other
22 acutely hazardous chemicals and to contain the release within
23 the confines of the Refinery.

24 96. Plaintiff contends that the Refinery's fire brigade
25 does not have sufficient equipment and knowledge to handle an
26 uncontrollable or accidental release of hydrofluoric acid or
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1 other acutely hazardous chemicals and that defendants have not
2 formulated adequate emergency plans for the protection of
3 persons in off-site areas from the danger of an accidental or
4 uncontrollable release from the Refinery.

5 97. Plaintiff contends that defendants do not possess
6 adequate scientific data to enable them to advise persons in
7 nearby areas how to best protect themselves and their property
8 or to evacuate so as to avoid injury as a result of an
9 accidental or uncontrollable, inadequately contained release
10 of hydrofluoric acid or other acutely hazardous chemicals from
11 the Refinery.

12 98. Plaintiff contends that in light of the sheer
13 potential for catastrophic damage due to the dangerous
14 behavioral characteristics of hydrofluoric acid and the other
15 acutely hazardous chemicals used, stored or handled at the
16 Refinery and defendants' unsafe conduct of the Refinery's
17 operations, defendants' present handling of these chemicals
18 is unsafe.

19 99. Plaintiff further contends that a decree of this
20 Court is necessary to protect the rights of the People of the
21 State of California to the full benefit, use, and enjoyment of
22 their persons, homes, property and environment from the
23 failure of defendants to conduct the Refinery's operations in
24 a manner consistent with the reasonable protection of the
25 health and welfare of persons living and working in, traveling

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1 through, and otherwise present in the neighborhoods and
2 communities adjacent to the Refinery.

3 100. Plaintiff is informed and believes, and based
4 thereon alleges, that defendants deny each of plaintiff's
5 contentions and allegations contained in paragraphs 85 through
6 99, inclusive, hereinabove.

7 101. Plaintiff is informed and believes, and based
8 thereon alleges, that defendants contend that the risk of harm
9 to and the apprehension of harm in persons living and working
10 in, traveling through, or otherwise present in the
11 neighborhoods and communities adjacent to the Refinery, from
12 both the Refinery's current releases and emissions and a
13 potential accidental, uncontrollable release of an acutely
14 hazardous chemical, is acceptable and that the Refinery can
15 continue its operations in accordance with its current
16 practices, equipment and procedures.

17 102. Plaintiff is informed and believes, and based
18 thereon alleges, that defendants admit that there is a
19 possible risk of harm to persons living and working in,
20 traveling through, or otherwise present in the areas adjacent
21 to the Refinery, but that they are willing to unilaterally
22 impose those risks on persons in the surrounding neighborhoods
23 and communities to make a greater profit.

24 103. Plaintiff is informed and believes and based thereon
25 alleges that defendants contend that those persons in the
26 adjacent off-site areas who are unwilling to accept the risks
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1 and the apprehension of the risks must move their residences
2 and businesses away from the neighborhoods and communities
3 surrounding the Refinery.

4 104. Plaintiff is informed and believes, and based
5 thereon alleges, that defendants have determined what they
6 believe to be acceptable risks for harmful emissions and/or an
7 accidental, uncontrollable release of acutely hazardous
8 chemicals; plaintiff contends that defendants should not be
9 permitted to unilaterally and involuntarily impose such risks
10 upon persons outside the confines of the Refinery and that
11 persons living and working in, traveling through or otherwise
12 present in the surrounding areas have the right to live, work,
13 travel and be present in said areas without the fear and
14 apprehension of injury to their health and/or a catastrophic
15 explosion or an uncontrollable release.

16 105. A dispute currently exists requiring a decree of
17 this Court to determine how and in what manner persons living
18 and working in, traveling through or otherwise present in
19 adjacent areas must accept the risks imposed by defendants.

20 106. Plaintiff requests a declaration of this Court that
21 the known and unknown health, safety and welfare threats to
22 persons in Torrance and the surrounding communities, from
23 harmful emissions and/or an accidental, uncontrollable,
24 inadequately contained release of acutely hazardous chemicals
25 caused by defendants' operations, are too great; that the
26 Refinery cannot continue its operations under current
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1 conditions and practices; and that a substantial change is
2 required in the manner of defendants' use and handling of
3 dangerous, offensive and hazardous chemicals and wastes to
4 ensure the safety and well being of the residents of Torrance
5 and adjacent communities.

6 WHEREFORE, plaintiff prays judgment against defendants as
7 follows:

8 1. An order of abatement and an injunction as requested
9 in the First Cause of Action;

10 2. A declaration of rights as requested in the Second
11 Cause of Action;


12 3. For costs of suit; and

13 4. For such further relief as may be deemed just and
14 equitable.

15 Dated: April 7, 1989

KENNETH L. NELSON
CITY ATTORNEY
CITY OF TORRANCE

LAW OFFICES OF RALPH H. NUTTER
Ralph H. Nutter
Robin B. Howald,

By: 
Ralph H. Nutter
Attorneys for Plaintiff
The People of the State of
California