

ALEXANDER G. CROCKETT (Bar No. 193910)

General Counsel

ALEXANDRA KAMEL (Bar No. 282295)

Senior Assistant Counsel

MARCIA RAYMOND (SBN 215655)

Assistant Counsel

Email: mraymond@baaqmd.gov

375 Beale Street, Suite 600

San Francisco, CA 94105

Telephone: (415) 749-4920

*Attorneys for Plaintiff, the People of the State of California  
ex rel. Bay Area Air Quality Management District*

[Additional counsel appearing on following page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA**

THE PEOPLE OF THE STATE OF  
CALIFORNIA *ex rel.* BAY AREA AIR  
QUALITY MANAGEMENT DISTRICT;  
PEOPLE OF THE STATE OF CALIFORNIA *ex*  
*rel.* URSULA JONES DICKSON, ALAMEDA  
COUNTY DISTRICT ATTORNEY,

Plaintiff,

vs.

RADIUS RECYCLING, INC., an Oregon  
corporation, formerly known as SCHNITZER  
STEEL INDUSTRIES, INC., an Oregon  
corporation, doing business as SCHNITZER  
STEEL PRODUCTS CO. and RADIUS  
RECYCLING, and DOES Nos. 1-10,

Defendants.

Case No.

**COMPLAINT FOR CIVIL PENALTIES,  
INJUNCTION, AND OTHER RELIEF**  
**Health & Safety Code sections 41513 and**  
**42402 *et seq.*; Civil Code sections 3479 and**  
**3480; Business & Professions Code sections**  
**17200 *et seq.***

***Exempt from fees pursuant to Gov't. Code***  
***Section 6103***

1 URSULA JONES DICKSON

District Attorney of Alameda County

2 ANDRES H. PEREZ (Bar No. 186219)

3 Assistant District Attorney

Email: andres.perez@acgov.org

4 HUY LUONG (Bar No. 251507)

Deputy District Attorney

5 Consumer, Environmental and Worker Protection Division

Email: huy.luong@acgov.org

6 7677 Oakport Street, Suite 650

7 Oakland, CA 94621-1934

Telephone: (510) 383-8600

8 *Attorneys for Plaintiff, the People of the State of California,*

9 *ex rel. Ursula Jones Dickson, Alameda County District Attorney*

10 MATTHEW C. MACLEAR (Bar No. 209228)

Email: mcm@atalawgroup.com

11 HARRISON BECK (Bar No. 341717)

Email: hmb@atalawgroup.com

12 AQUA TERRA AERIS LAW GROUP

13 8 Rio Vista Ave.

14 Oakland, CA 94611

Telephone: (415) 568-5200

15 *Attorneys for Plaintiff, the People of the State of California*

16 *ex rel. Bay Area Air Quality Management District*

1 PLAINIFFS, THE PEOPLE OF THE STATE OF CALIFORNIA, by and through the  
2 BAY AREA AIR QUALITY MANAGEMENT DISTRICT (“AIR DISTRICT”) and URSULA  
3 JONES DICKSON, DISTRICT ATTORNEY OF ALAMEDA COUNTY (“DISTRICT  
4 ATTORNEY”) (collectively “THE PEOPLE”), acting to protect public health, welfare, and air  
5 resources of the State of California, bring this action seeking civil penalties and injunctive relief  
6 against RADIUS RECYCLING, INC., an Oregon corporation, formerly known as SCHNITZER  
7 STEEL INDUSTRIES, INC., an Oregon corporation, doing business as SCHNITZER STEEL  
8 PRODUCTS CO. and RADIUS RECYCLING (“DEFENDANT” or “RADIUS”), and DOES 1  
9 through 10 (collectively “DEFENDANTS”) for violations of AIR DISTRICT Regulations (“District  
10 Regulations”) 5-301, 6-4-301.1, 6-1-301, and 1-301, Health and Safety Code section 41700, and  
11 Business and Professions Code section 17200 *et seq.*, among other relief. Wherefore, the PEOPLE  
12 allege as follows:

13 **INTRODUCTION AND SUMMARY OF ACTION**

14 1. DEFENDANTS own and operate a metal recycling facility located at 1101  
15 Embarcadero West in Oakland, California that collects, processes, and recycles raw scrap metal, and  
16 provides processed scrap metal to mills and foundries (“the FACILITY”).

17 2. On August 9, 2023, at approximately 5:30 p.m., a large fire ignited at the FACILITY  
18 in a pre-shredder infeed pile created and maintained by RADIUS. The fire burned until  
19 approximately 8:30 a.m. on August 10, 2023. The smoke, and air contaminants created by the blaze,  
20 negatively impacted communities across the East Bay including West Oakland.

21 3. Prior to the fire starting on August 4, 2023, the metals shredder at the FACILITY  
22 broke down and remained offline until the night of August 10, 2023.

23 4. Nonetheless, RADIUS continued to receive incoming recyclable and recoverable  
24 metals from suppliers even though the FACILITY would not be able to process the scrap metal  
25 through its only metal shredder.

26 5. Because RADIUS received so much incoming metals, it started a new pile in a  
27 location within the FACILITY, referred to as the “alligator,” that was not equipped with fire  
28 detection devices, including infrared or Forward Looking Infrared (“FLIR”) cameras to monitor for

temperature fluctuations within the pile, or water cannons in case a fire broke out within the alligator-infeed pile.

6. As a result, during the time leading up to the fire, no stationary monitoring for temperature with an infrared camera was performed, as required.

7. RADIUS failed to conduct hourly temperature monitoring using a handheld FLIR camera, as required.

8. Further, RADIUS also failed to regularly water the storage pile that ignited on August 9, 2023, in advance of the fire, as needed.

9. The pile that ignited had not been watered for at least 2.5 hours before the alarm was reported to the Oakland Fire Department.



**Figure 1**

10. The FACILITY had similar fires in 2018 and 2020 occurring in piles created and maintained by RADIUS.

11. The FACILITY is located in West Oakland, a community that experiences disproportionate environmental harms and risks due to exposures or cumulative impacts from

1 environmental hazards and qualifies as an overburdened community by the United States  
2 Environmental Protection Agency and according to District Regulation 2-1-243.

3 12. The smoke, containing toxic air contaminants, exacerbated the already elevated  
4 cumulative air pollution impacts within this community and had similar deleterious effects on many  
5 other Bay Area communities.

6 13. For the reasons discussed *infra*, the fire itself, the air emissions it caused, and  
7 DEFENDANTS' conduct before, during, and after the fire violated AIR DISTRICT Regulations 5-  
8 301, 6-4-301.1, 6-1-301, and 1-301; Health and Safety Code section 41700; Civil Code sections  
9 3749 and 3480. and Business and Professions Code section 17200 *et seq.*

### 10 **THE PARTIES**

#### 11 **A. THE PEOPLE OF THE STATE OF CALIFORNIA**

12 14. The AIR DISTRICT is, and has been at all relevant times alleged in this Complaint, a  
13 body corporate and politic, organized pursuant to Chapter 4 of Part 3 of Division 26 of the California  
14 Health and Safety Code ("Health & Saf. Code") with the power to bring this action in the name of  
15 the People of the State of California and on behalf of the AIR DISTRICT. (Health & Saf. Code §§  
16 40700, 40701, 41513, and 42403(a).)

17 15. The AIR DISTRICT is, and has been at all relevant times alleged in this Complaint,  
18 the governmental agency charged with the primary responsibility for controlling air pollution from  
19 non-vehicular sources in all or part of the nine Bay Area counties, including all of Alameda County.  
20 (Health and Saf. Code §§ 39002, 40000, 40001(a), 40200, 40702 and 42402 *et seq.*)

21 16. The AIR DISTRICT is, and has been at all relevant times alleged in this Complaint, a  
22 special district pursuant to Government Code section 16271(d) and is the agency responsible for the  
23 enforcement of air quality laws and regulations for Alameda County and other Bay Area counties.

24 17. Business and Professions Code section 17206, subdivision (a), provides that actions  
25 to enforce the Unfair Competition Law ("UCL"), , Sections 17200 *et seq.*, may be brought by any  
26 district attorney in the name of the people of the State of California.

27 18. The DISTRICT ATTORNEY is authorized under Business and Professions Code  
28 section 17203, among other laws, to seek an injunction of violations of Health and Safety Code

1 section 41700, Civil Code sections 3479 and 3480, and to seek civil penalties pursuant to Health and  
2 Safety Code sections 42402, 42402.1, and 42403.

3 19. THE PEOPLE bring this action, acting in the public interest to protect the public health  
4 and environment against violations of California's air pollution control laws. By this action, THE  
5 PEOPLE seek to impose civil penalties and injunctive relief for DEFENDANTS' violations.

6 **B. DEFENDANTS**

7 20. THE PEOPLE are informed and believe and thereon allege that RADIUS has its  
8 principal place of business at 299 Southwest Clay Street, Suite 400 in Portland, Oregon.

9 21. THE PEOPLE are informed and believe and thereon allege that, at all times relevant  
10 herein, RADIUS owned and operated a metal recycling FACILITY located at 1101 Embarcadero  
11 West in Oakland, California that collects, processes, and recycles raw scrap metal, and provides  
12 processed scrap metal to mills and foundries. Once the scrap metal is received by RADIUS, it is  
13 processed by sorting, storing, shearing, shredding, torching, and baling for melting and use in the  
14 production of new steel and other metal products.

15 22. THE PEOPLE are informed and believe and thereon allege that RADIUS is now,  
16 and has been, at all times relevant herein, responsible for the violative conduct alleged herein,  
17 including, but not limited to, the management, direction, supervision, and/or decisions of RADIUS  
18 and its officers, employees and/or agents, and/or related to its business operations, management, and  
19 environmental compliance and associated with its FACILITY, operations thereof, and fires located  
20 thereupon.

21 23. THE PEOPLE are informed and believe and thereon allege that RADIUS is now,  
22 and was at all times relevant herein, a corporation that was formed under the laws of Oregon and  
23 conducts business in California including at the FACILITY.

24 24. THE PEOPLE are informed and believe and thereon allege that on February 1, 2024,  
25 SCHNITZER STEEL INDUSTRIES, INC. amended its articles of incorporation to change its name  
26 to RADIUS RECYCLING, INC. RADIUS, through its predecessor entity SCHNITZER STEEL  
27 INDUSTRIES, INC., also does business as SCHNITZER STEEL PRODUCTS CO. and RADIUS  
28 RECYCLING.

1           25.     THE PEOPLE are informed and believe and thereon allege that RADIUS employs  
2 approximately 3,500 employees across approximately one hundred (100) operating locations  
3 (including over fifty recycling facilities) in North America.

4           26.     Any act of RADIUS, alleged herein to have constituted a violation of California law  
5 or AIR DISTRICT Regulations, was carried out by RADIUS, or at its direction, or with its  
6 knowledge, supervision, ratification, or acquiescence. Any failure to act or any omission alleged  
7 herein constituting a violation of California law resulted from DEFENDANTS' failure to act or  
8 failure to direct or authorize others to act. RADIUS failed to exercise reasonable individual and/or  
9 business judgments, and/or failed to inquire and/or perform due diligence regarding individual  
10 and/or business activities.

11           27.     THE PEOPLE do not know the true names, capacities, and liabilities of DOES Nos.  
12 1-10, inclusive, and therefore sue them under fictitious names. THE PEOPLE will amend this  
13 Complaint to allege the true name and capacities of the DOE DEFENDANTS upon being  
14 ascertained. Each of these DEFENDANTS was in some way legally responsible for the acts,  
15 omissions and/or violations alleged herein.

16                                   **VENUE AND JURISDICTION**

17           28.     This Court has jurisdiction over the subject matter giving rise to this Complaint  
18 because it is a court of general jurisdiction. (California Constitution, Article VI, § 10.)

19           29.     This Court has personal jurisdiction over RADIUS because RADIUS conducts  
20 business within the State of California, including but not limited to Alameda County, on a substantial,  
21 continuous, and systematic basis.

22           30.     THE PEOPLE are informed and believe and thereon allege that the Court has personal  
23 jurisdiction over defendant DOES 1 through 10 because each DOE defendant is either domiciled,  
24 incorporated, and/or has its regular place of business in the State of California, and/or is conducting  
25 business within the State of California on a substantial, continuous, and systematic basis.

26           31.     Venue is proper in this Court because the violations of state laws and AIR DISTRICT  
27 Regulations, which are the subject of the claims asserted in this Complaint, arose within the County  
28 of Alameda. (Code of Civ. Proc. §§ 393(a), 395(a).)

1 **TRIAL-SETTING PREFERENCE**

2 32. An action brought by the AIR DISTRICT on behalf of THE PEOPLE in this Court  
3 pursuant to Health & Safety Code section 42403 shall take precedence over all civil matters on the  
4 calendar of this Court, except as to those matters that granted by law take equal precedence on the  
5 calendar. (Health & Saf. Code § 42404.)

6 **STATUTORY AND REGULATORY FRAMEWORK**

7 33. Pursuant to Health & Safety Code section 39013, “‘[a]ir contaminant’ or ‘air  
8 pollution’ means any discharge, release, or other propagation into the atmosphere and includes, but  
9 is not limited to, smoke, charred paper, dust, soot, grime, carbon, fumes, gases, odors, particulate  
10 matter, acids, or any combination thereof.”

11 34. Pursuant to Health & Safety Code section 39665, subdivision (a), “‘[t]oxic air  
12 contaminant’ means an air pollutant which may cause or contribute to an increase in mortality or in  
13 serious illness, or which may pose a present or potential hazard to human health.”

14 **A. AIR DISTRICT Rules Regulating Fires**

15 35. Pursuant to AIR DISTRICT Regulation 5-301.1, except as provided in circumstances  
16 not applicable here, entities, like DEFENDANTS, “shall not ignite, cause to be ignited, permit to be  
17 ignited, or suffer, allow, or maintain any fires within the District.” (AIR DISTRICT Regulation 5-  
18 301 is available at <https://www.baaqmd.gov/~media/dotgov/>.)

19 **B. AIR DISTRICT Regulations Regarding Emissions Minimization Plans**

20 36. Pursuant to AIR DISTRICT Regulation 6-4-301.1, ninety (90) days from the date that  
21 an Emissions Minimization Plan (“EMP”) is approved by the AIR DISTRICT pursuant to AIR  
22 DISTRICT Regulation 6-4-405.5, “the owner or operator of a metal recycling facility [like  
23 DEFENDANT] shall operate the facility at all times in accordance with its approved EMP[.]”

24 37. Pursuant to AIR DISTRICT Regulation 6-4-401.1, the “owner or operator of any metal  
25 recycling facility[.]” like RADIUS, must “develop and submit to the [AIR DISTRICT] ... an [EMP]  
26 that details management practices, measures, equipment and procedures that are employed or will be  
27 implemented to minimize fugitive emissions.”

28 38. Pursuant to AIR DISTRICT Regulation 6-4-404, regulated entities, like RADIUS,



1 were obligated to submit their draft EMPs to the AIR DISTRICT for review, and the AIR DISTRICT  
2 was then obligated to determine whether or not the draft EMPs were “complete” and, if not, notify  
3 regulated entities about how to complete them. Following that process, pursuant to AIR DISTRICT  
4 Regulation 6-4-405, submitted EMPs are subject to a public notice-and-comment period.

5 39. Pursuant to AIR DISTRICT Regulation 6-4-409, within ninety (90) days of the  
6 following events: the AIR DISTRICT’s determination that a metal recycling facility “violated Section  
7 6-4-301” or the AIR DISTRICT’s determination that the “owner or operator violated District, State  
8 or federal air quality regulations pertaining to emissions of [particulate matter],” the AIR DISTRICT  
9 “may notify the owner or operator of a metal recycling facility where the triggering event occurred  
10 ... [and demand that they] submit a complete and accurate revised EMP to the [AIR DISTRICT] that  
11 updates the EMP to include the modified operation or source or to prevent a future violation of the  
12 EMP or applicable law or regulation specified herein, in accordance with schedule set forth in Section  
13 6-4-404.” (AIR DISTRICT Regulation 6, Rule 4 is available at [www.baaqmd.gov/~media/dotgov/](http://www.baaqmd.gov/~media/dotgov/).)

14 **C. AIR DISTRICT Rules Regulating Visible Emissions**

15 40. Pursuant to AIR DISTRICT Regulation 6-1-301, subject to exceptions not applicable  
16 here, entities like DEFENDANTS “shall not emit from any source for a period or aggregate periods  
17 of more than three minutes in any hour, a visible emission that is as dark or darker than No. 1 on the  
18 Ringelmann Chart, or of such opacity as to obscure an observer’s view to an equivalent or greater  
19 degree.” (AIR DISTRICT Regulation 6, Rule 1 is available at [www.baaqmd.gov/~media/dotgov/](http://www.baaqmd.gov/~media/dotgov/).)

20 **D. Public Nuisance**

21 41. Pursuant to Health and Safety Code § 41700, subject to exceptions not applicable here,  
22 entities, like DEFENDANTS, “shall not discharge from any source whatsoever quantities of air  
23 contaminants or other material that cause injury, detriment, nuisance, or annoyance to any  
24 considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety  
25 of any of those persons or the public, or that cause, or have a natural tendency to cause, injury or  
26 damage to business or property.”

27 42. Likewise, pursuant to AIR DISTRICT Regulation 1-301, “[n]o person shall discharge  
28 from any source whatsoever such quantities of air contaminants or other material which cause injury,

1 detriment, nuisance or annoyance to any considerable number of persons or the public; or which  
2 endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or  
3 has a natural tendency to cause, injury or damage to business or property.” (AIR DISTRICT  
4 Regulation 1-301 is available at <https://www.baaqmd.gov/~media/dotgov/>.)

5 43. A “nuisance” is defined in Civil Code section 3479 as “[a]nything which is injurious  
6 to health, ... or is indecent or offensive to the senses, or an obstruction to the free use of property, so  
7 as to interfere with the comfortable enjoyment of life or property....”

8 44. A “public nuisance” is defined in Civil Code section 3480 as a nuisance “which affects  
9 at the same time an entire community or neighborhood, or any considerable number of persons,  
10 although the extent of the annoyance or damage inflicted upon individuals may be unequal.”

11 45. The maintenance of a business that unlawfully discharges or emits air contaminants  
12 at, and outside the boundaries of, its facilities is a threat to public health and safety and to the  
13 environment, and to the people of California, and constitutes a continuing nuisance to the surrounding  
14 community pursuant to Civil Code section 3479 and 3480. Pursuant to Code of Civil Procedure  
15 section 731 and Civil Code section 3491, the District Attorney may bring an action to abate a public  
16 nuisance.

17 **E. Strict Liability Penalties for Violations of Air District Regulations**

18 46. Pursuant to Health & Safety Code section 42402, subdivision (a), any entity, like  
19 DEFENDANTS, “who violates this part ... or any rule, regulation, permit, or order of a district, ... is  
20 strictly liable for a civil penalty of not more than five thousand dollars (\$5,000).” Maximum penalty  
21 amounts are adjusted annually based on changes in the California Consumer Price Index, such that  
22 the maximum penalty under Health & Safety Code section 42402, subdivision (a) is now \$6,275.  
23 (Health and Saf. Code § 42411.)

24 47. Pursuant to Health & Safety Code section 42402, subdivisions (b)(1) and (b)(2)(A),  
25 “a person who violates any provision of this part, ... or any rule, regulation, permit or order of a  
26 district, ... is strictly liable for a civil penalty of not more than ten thousand dollars (\$10,000)[,]”  
27 unless the “person accused of the violation alleges by affirmative defense and establishes that the  
28 violation was by an act that was not the result of intentional conduct or negligent conduct.” Adjusted

1 to 2025 rates based on the California Consumer Price Index, the maximum penalty under Health &  
2 Safety Code section 42402, subdivisions (b)(1) and (b)(2)(A), is now \$12,550. (Health and Saf. Code  
3 § 42411.)

4  
5 **F. Penalties for Negligent Emissions of Air Contaminants**

6 48. Pursuant to Health & Safety Code section 42402.1, subdivision (a), “[a]ny person  
7 who negligently emits an air contaminant in violation of this part or any rule, regulation, permit, or  
8 order of the state board or of a district, including a district hearing board, pertaining to emission  
9 regulations or limitations is liable for a civil penalty of not more than twenty-five thousand dollars  
10 (\$25,000).” The maximum penalty amount for a violation of Health & Safety Code section 42402.1,  
11 subdivision (a), based on adjustments to the California Consumer Price Index, is now \$31,375.  
(Health and Saf. Code § 42411.)

12  
13 **G. Unfair Competition Law**

14 49. Business and Professions Code section 17200 provides that “unfair competition shall  
15 mean and include any unlawful, unfair or fraudulent business act or practice[.]” Business and  
16 Professions Code section 17203 provides that “(a)ny person performing or proposing to perform an  
17 act of unfair competition within this state may be enjoined in any court of competent jurisdiction.”

18 50. Unlawful acts under the UCL include any act that is unlawful that is conducted as  
19 part of business activity and therefore include violations of statutory law including the Health and  
20 Safety Code. Violation of a permit obligation or an applicable regulation or administrative rule is  
21 also an unlawful act under the UCL.

22 51. Business and Professions Code section 17206, subdivision (a) provides that any  
23 person violating Section 17200 “shall be liable for a civil penalty not to exceed two thousand five  
24 hundred dollars (\$2,500) for each violation, which shall be assessed and recovered in a civil action  
25 brought in the name of the People of the State of California ... by any district attorney.” Under  
26 Section 17205, these penalties are “cumulative to each other and to any other remedies or penalties  
27 available under all other laws of this state.”  
28

**GENERAL ALLEGATIONS**

52. DEFENDANTS, at all times relevant to the claims in this Complaint, and continuing through the present, were legally responsible for compliance with the California Health & Safety Code and regulations promulgated thereunder, including the AIR DISTRICT's regulations and rules.

53. THE PEOPLE are informed and believe and thereon allege that DEFENDANTS, at all times relevant to the claims in this Complaint, operated the FACILITY, which is bounded to the south by the Oakland Inner Harbor, to the east and west by the Port of Oakland, and to the north by Embarcadero West and Union Pacific Railroad tracks.

54. The FACILITY is located 0.35 miles from the nearest hospital, 0.12 miles from the nearest school, 0.39 miles from the closest day care facility, and 0.23 miles from the nearest residences.

55. RADIUS failed to store its scrap metal properly and in accordance with Air District requirements, and as a result DEFENDANTS caused a major fire with significant adverse impact in the neighboring community and throughout many parts of the Bay Area.

**A. The August 2023 Fire**

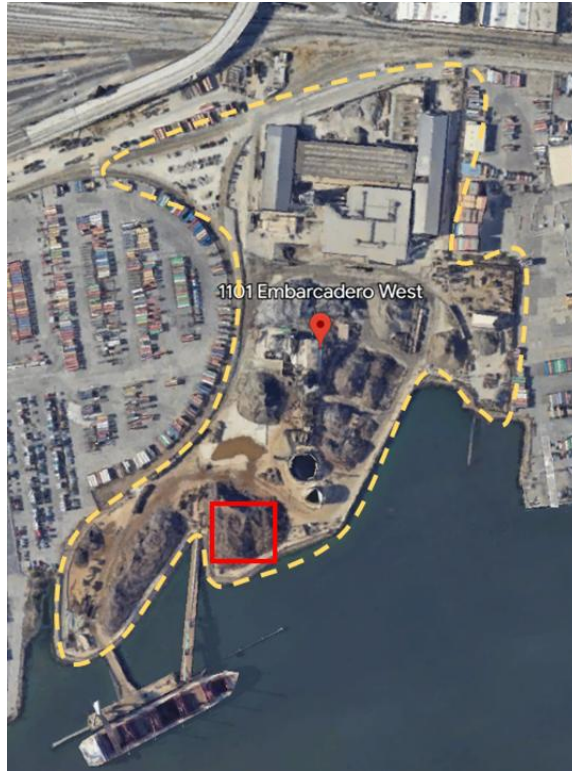
56. On August 9, 2023, at or around 5:30 p.m., DEFENDANTS, through negligent acts and omissions, started a fire at the FACILITY.

57. The Oakland Fire Department responded to the fire alarm arising from ignition of the infed "tin/light iron" materials pile at DEFENDANTS' FACILITY, which was then stored in a location onsite referred to as "the alligator."

58. The metal shredder at the FACILITY broke down on August 4, 2023, and remained offline until the night of August 10, 2023.

59. Nonetheless, RADIUS continued to accept and/or purchase incoming recyclable and recoverable metal from suppliers even though the FACILITY would not be able to process the scrap metal through its only metal shredder.

60. The PEOPLE are informed and believe and thereon allege that, due to the inoperability of the FACILITY'S metal shredder during this time period, RADIUS stockpiled excess incoming material in an alternate location at the FACILITY, referred to as the "alligator,"



**Figure 2 (Red square indicates location of fire at tin/light iron pile, aka “alligator”)**

since the primary location for the pre-shred scrap pile near the shredder was full.

61. This alternatively located infeed pile, where the fire started, was not monitored by FLIR cameras, watered as needed during hours of operation, and was not equipped with, or accessible by, water cannons.

62. RADIUS placed and stored pre-shred infeed materials at this alternative location from August 7 through August 9, 2023.

63. As a result, by the time the fire broke out at the “alligator” pile, it was approximately 112 ft. long, 95 ft. wide, and 30 ft. high, and was comprised of approximately 1,800 tons of material.

64. The pile was largely comprised of light metal scrap such as tin, iron, aluminum, and steel, and also contained nonmetallic materials such as plastics, upholstery, and foam.

65. Starting around 6:00 p.m. on August 9, 2023, and continuing through 8:30 a.m. on August 10, 2023, when the Oakland Fire Department extinguished the fire, residents in the communities surrounding the FACILITY submitted complaints to the AIR DISTRICT regarding the

1 odor and health impacts caused by the fire's smoke.

2       66.     The AIR DISTRICT received a total of fifty (50) odor and smoke complaints related  
3 to the fire. Thirty-three (33) of the complaints were reported as having occurred on August 9, 2023,  
4 and seventeen (17) complaints were reported as having occurred on August 10, 2023.

5       67.     According to wind data, northerly/westerly winds present when the fire started  
6 pushing the smoke south and east of Oakland, and then the winds started shifting blowing to the  
7 north and east. Accordingly, complaints were received from as far south as Milpitas, as far east as  
8 Livermore, and as far north as the cities of Crockett (Contra Costa County) and Benicia (Solano  
9 County).

10       68.     The majority of complaints described the odor as having a "burning plastic,"  
11 "electrical fire," or "fire/smoke" smell. Multiple complainants reported experiencing acute  
12 symptoms from inhalation of the odors/smoke, including nausea, headaches, burning eyes, and  
13 throat irritation.

14       69.     The AIR DISTRICT issued an air quality advisory on August 9, 2023, for smoke  
15 from the FACILITY, stating that winds were expected to push the smoke south and east with  
16 potential impacts as far south as San Jose.

17       70.     On August 10, 2023, the AIR DISTRICT extended the air quality advisory, stating  
18 that smoke impacts had shifted north and east and were expected to impact parts of Alameda and  
19 Contra Costa Counties.

20       71.     In addition to the subject fire discussed *infra*, two other large scrap metal pile fires  
21 have occurred at the FACILITY since 2018 (one in August 2018 and another in July 2020), both of  
22 which resulted in the unlawful discharge/emission of smoke and other air contaminants into the  
23 surrounding communities.

24       **B.     DEFENDANTS' Failure to Comply with the Emissions Minimization Plan**

25       72.     Pursuant to AIR DISTRICT Regulations 6-4-401.1, 6-4-404, and 6-4-405, RADIUS  
26 prepared and submitted an EMP for the FACILITY for approval in May 2021. On July 31, 2022,  
27 the AIR DISTRICT approved the EMP for the FACILITY.

28       73.     Pursuant to AIR DISTRICT Regulation 6, Rule 4, Section 301.1, by October 29,

1 2022, RADIUS shall operate the FACILITY at all times in accordance with its approved EMP.

2 74. AIR DISTRICT Regulation 6-4-301 required RADIUS to comply with its EMP since  
3 when the EMP became effective, on or about October 29, 2022.

4 75. The EMP requires RADIUS to install and operate stationary infrared cameras to  
5 monitor the temperature of the shredder infeed storage piles onsite twenty-four (24) hours per day,  
6 seven (7) days per week

7 76. The EMP also requires RADIUS to manually monitor the infeed materials piles via  
8 handheld FLIR cameras on an hourly basis.

9 77. The EMP, in relevant parts, further requires RADIUS to take other actions to prevent  
10 and minimize the severity of fires onsite, including but not limited to requirements that  
11 DEFENDANTS store fire suppression foam in an easily accessible location onsite to be used by the  
12 Oakland Fire Department in case of fire; spray water on all unprocessed materials piles during all  
13 hours of operation as needed; and minimize the size of all processed material piles.

14 78. Yet, according to emails sent by RADIUS to the AIR DISTRICT and the AIR  
15 DISTRICT's own investigation, RADIUS violated AIR DISTRICT Regulation 6-4-301.1 by failing  
16 to conduct any handheld FLIR camera temperature monitoring before the fire (let alone handheld  
17 FLIR monitoring of material stockpiles on an hourly basis), failing to position any stationary  
18 infrared camera on the shredder infeed pile where the fire occurred, and failing to keep the pile size  
19 of the shredder infeed materials to a minimum by shredding the maximum amount possible on a  
20 daily basis. The infeed materials pile that caught fire on August 9, 2023, was not watered as needed,  
21 monitored for temperature, nor limited in size, as required by the FACILITY's Emissions  
22 Minimization Plan.

23 79. On August 22, 2023, AIR DISTRICT staff observed that RADIUS had a total of six  
24 (6) stationary FLIR infrared cameras: four (4) located at the shredded storage piles and two (2)  
25 located at the pre-shred infeed storage piles (with one aimed at the normal pre-shred tin/light iron  
26 scrap pile and one aimed at the pre-shred auto pile). None of these cameras were situated so as to  
27 monitor the alternatively located pre-shred tin/light iron ("alligator") pile that burned on August 9  
28 and 10, 2023.

1           80.     DEFENDANTS further violated AIR DISTRICT Regulation 6-4-301.1 by failing to  
2 store, in an easily accessible location onsite, fire suppression foam of the kind needed to treat metal  
3 fires, as required by the FACILITY's EMP and/or by the Oakland Fire Department.

4           81.     DEFENDANTS also violated the EMP by failing to water the infeed materials pile  
5 that caught fire on August 9, 2023, as needed, during hours of operation leading up to the fire.  
6 DEFENDANTS failed to water the pile that caught fire for at least 2.5 hours before the initial ignition  
7 of the fire.

8           82.     Upon information and belief, and likely to be supported by evidence at trial, had  
9 RADIUS complied with the strictures of its EMP by monitoring the pre-shed storage pile with FLIR  
10 cameras, storing usable firefighting foam onsite, watering the infeed materials storage pile, and  
11 minimizing the size of the infeed materials storage pile, as required, it would have prevented or  
12 substantially reduced the severity of the fire that erupted on August 9, 2023. DEFENDANTS' failures  
13 to comply with the EMP, in addition to failing to make personnel, water, and equipment available for  
14 responding to the fire, were all substantial factors in causing and prolonging the fire and consequent  
15 air pollutant emissions and nuisance conditions.

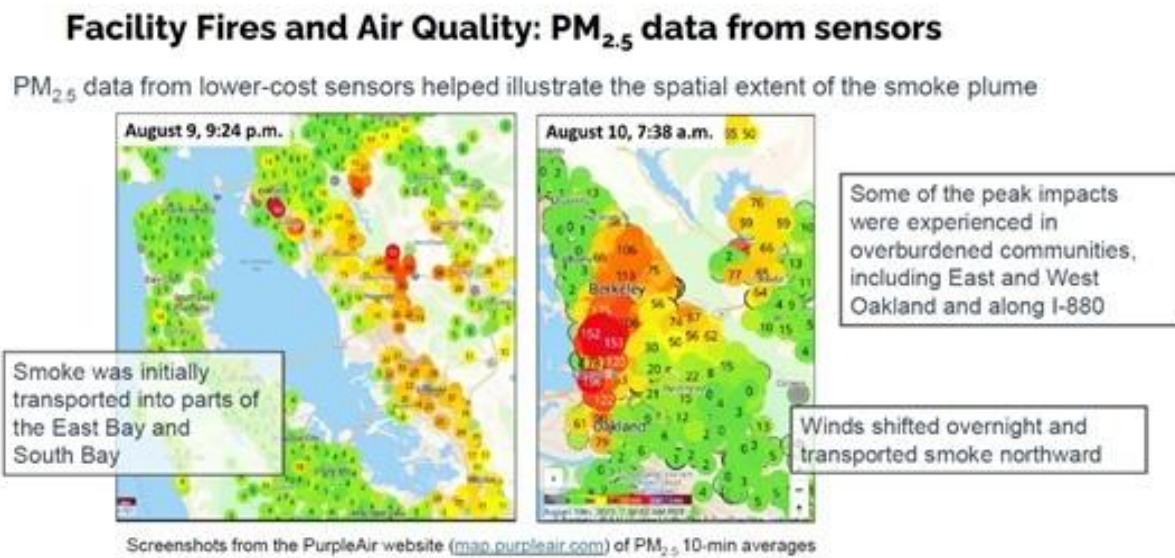
16           83.     THE PEOPLE are informed and believe, and thereon allege, that DEFENDANTS  
17 failed to comply with the EMP in the manner and methods described herein on multiple days between  
18 the date when that EMP became effective (October 29, 2022) and the dates when the fire occurred  
19 (August 9-10, 2023), including but not limited to fifty-nine (59) separate days when RADIUS failed  
20 to comply with its EMP.

21           **C.     Unlawful Emissions from the 2023 Fire**

22           84.     Burning metal scrap generates emissions of air pollutants including volatile organic  
23 compounds ("VOCs"), particulate matter ("PM"), carbon monoxide ("CO"), and other toxic air  
24 contaminants, depending on the material being burned.

25           85.     AIR DISTRICT monitoring data shows that on August 9, 2023, hourly  
26 concentrations of PM sized 2.5 microns or smaller ("PM<sub>2.5</sub>") increased sharply from 3 µg/m<sup>3</sup> during  
27 the 5:00 p.m. hour to 266 µg/m<sup>3</sup> during the 6:00 p.m. hour at the Laney College monitoring site,  
28 downwind when the fire started. Hourly PM<sub>2.5</sub> concentrations increased at other AIR DISTRICT





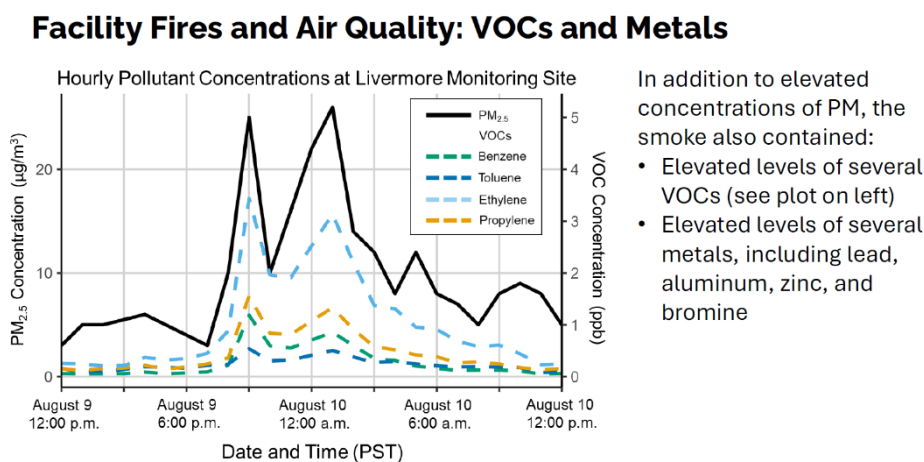
**Figure 31**

other monitoring sites on August 10, 2023, as winds shifted and transported smoke to additional locations. Peak hourly PM<sub>2.5</sub> concentrations on August 10, 2023, reached 94 µg/m<sup>3</sup> at the Oakland – West monitoring site, 47 µg/m<sup>3</sup> at the San Pablo monitoring site, 35 µg/m<sup>3</sup> at the Pleasanton monitoring site, and 26 µg/m<sup>3</sup> at the Livermore monitoring site.

87. PM<sub>2.5</sub> data are typically reported to the public using the Air Quality Index (“AQI”). The AQI relates concentrations of different pollutants to levels of health concern (good, moderate, unhealthy for sensitive groups, unhealthy, etc.) using a scale of 0 to 500 based on federal air quality standards. The AQI for PM<sub>2.5</sub> is based on a 24-hour, midnight-to-midnight average. Since a 24-hour, midnight-to-midnight average, is not available in real-time, real-time AQI levels for PM<sub>2.5</sub> are reported using the NowCast method developed by the U.S. Environmental Protection Agency. Per AIR DISTRICT data, at the Laney College monitoring site, the NowCast PM<sub>2.5</sub> AQI increased from 19 during the 5:00 p.m. hour to 192 during the 6:00 p.m. hour on August 9, 2023. An AQI level between 151 and 200 corresponds to the “unhealthy” range on the AQI scale, and AQI levels remained in the “unhealthy” range at the Laney College monitoring site from the 6:00 p.m. hour through the 10:59 p.m. In addition, at the Oakland – East monitoring site, the NowCast PM<sub>2.5</sub> AQI levels reached 147 (which corresponds to the “unhealthy for sensitive groups” range) for the 9:00

p.m. hour on August 9, 2023. NowCast PM<sub>2.5</sub> AQI levels also reached 152 (in the “unhealthy” range) at the Oakland – West monitoring site for the 2:00 a.m. hour on August 10, 2023. Several other AIR DISTRICT monitoring sites, including Livermore, Pleasanton, and San Pablo had NowCast PM<sub>2.5</sub> AQI levels in the “moderate” range, on the evening of August 9, 2023, or the morning of August 10, 2023.

88. AIR DISTRICT monitoring data for speciated PM<sub>2.5</sub> on August 10, 2023, showed elevated levels of several metals, including lead, aluminum, zinc, and bromine, in particular at the Oakland – West monitoring site. In addition, AIR DISTRICT monitoring data for speciated VOCs at the Livermore monitoring site showed increases in concentrations of certain VOCs, including benzene, toluene, propylene, and ethylene, on the evening of August 9, 2023, and the morning of August 10, 2023, coincident with increases in PM<sub>2.5</sub>.



**Figure 43**

89. It is therefore evident that communities throughout the Bay Area were exposed to elevated concentrations and unhealthy levels of toxic air contaminants in the form of particulate matter emitted from the fire. Such exposures are associated with adverse health effects, including but not limited to acute and chronic bronchitis, exacerbated asthma, emergency room visits, and respiratory symptoms.

90. A multitude of complainants reported experiencing acute symptoms from inhalation of the odors/smoke, including nausea, headaches, burning eyes, and throat irritation.

1           91.     The high concentrations of air contaminants emitted by DEFENDANTS from the  
2 fire at RADIUS'S FACILITY caused significant community and public-health impacts, beyond  
3 those recorded in complaints and including, but not limited to, those endured by communities not  
4 near air monitoring stations.

5           92.     Therefore, by igniting or creating the conditions that led to ignition of the 2023 fire,  
6 DEFENDANTS violated AIR DISTRICT Regulation 1-301 and Health and Safety Code section  
7 41700, which prohibit DEFENDANTS from "discharg[ing] from any source whatsoever such  
8 quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance  
9 to any considerable number of persons or the public; or which endangers the comfort, repose, health  
10 or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury  
11 or damage to business or property."

12           93.     During the fire, AIR DISTRICT staff, certified in plume evaluations, evaluated the  
13 visible emissions emanating from the fire, and documented eleven (11) consecutive minutes of  
14 visible emissions as dark as No. 5 on the Ringelmann scale, the equivalent of 100% opacity.

15           94.     DEFENDANTS therefore violated AIR DISTRICT Regulation 6-1-301, which  
16 prohibits DEFENDANTS from "emit[ing] from any source for a period or aggregate periods of more  
17 than three minutes in any hour, a visible emission that is as dark or darker than No. 1 on the  
18 Ringelmann Chart, or of such opacity as to obscure an observer's view to an equivalent or greater  
19 degree."

20           **D.     The AIR DISTRICT's Issuance of Notices of Violation to DEFENDANTS**

21           95.     As a result of the above acts and omissions, the AIR DISTRICT issued three (3)  
22 Notices of Violation to RADIUS for the fire and for its operations related thereto, citing violations  
23 of four separate regulatory requirements.

24           96.     Because the fire created a public nuisance, the AIR DISTRICT issued Notice of  
25 Violation No. 61931 on October 10, 2023, for violations of AIR DISTRICT Regulation 1-301 and  
26 Health and Safety Code § 41700.

27           97.     Because DEFENDANTS ignited, caused to be ignited, permitted ignition, and/or  
28 allowed a prohibited fire at the FACILITY, and because DEFEDANTS created smoke exceeding

1 the visible emissions limits allowed by applicable regulations, the AIR DISTRICT issued Notice of  
2 Violation No. 61932, dated August 10, 2023, citing two separate violations, one for the illegal fire  
3 in violation of AIR DISTRICT Regulation 5-301, and one violation for exceeding opacity limits in  
4 violation of AIR DISTRICT Regulation 6-1-301.

5 98. Because DEFENDANTS failed to follow the FACILITY's EMP by not maintaining  
6 and operating FLIR cameras at the infeed shredder pile that ignited on August 9, 2023, by not  
7 complying with pile watering requirements and frequency intervals, and by failing to store onsite fire  
8 suppressant foam appropriate for the type of fire occurring on August 9 and 10, 2023, and useful for  
9 firefighting by the Oakland Fire Department, the AIR DISTRICT issued Notice of Violation No.  
10 62739, dated September 14, 2023, for violation of AIR DISTRICT Regulation 6-4-301.1.

11 **FIRST CAUSE OF ACTION**

12 Negligent Emissions of Air Contaminants Causing a Public Nuisance  
13 Health & Safety Code section 41700 and AIR DISTRICT Regulation 1-301  
14 Penalties Pursuant to Health & Safety Code Sections 42402.1(a), 42402(b)(1), 42402(a), and 42411

15 99. THE PEOPLE re-allege and incorporate by reference the above paragraphs, as though  
16 fully set forth herein.

17 100. DEFENDANTS, and each of them, negligently emitted air contaminants in violation  
18 of Health & Safety Code section 41700 and AIR DISTRICT Regulation 1-301, by causing or  
19 otherwise creating and allowing for the conditions to cause a fire on August 9, 2023, which continued  
20 to burn on August 10, 2023, and which, by burning scrap metal and other materials, emitted  
21 dangerous quantities of air contaminants into the surrounding communities, thereby creating and  
22 constituting a public nuisance within the confines of Health & Safety Code section 41700 and AIR  
23 DISTRICT Regulation 1-301. These violations lasted for two days, from August 9 to August 10,  
24 2023, and impacted a considerable number of persons.

25 101. DEFENDANTS knew of the flammability of the materials stored at the FACILITY by  
26 virtue of previous fires in August 2018 and July 2020, among other reasons. DEFENDANTS acted  
27 negligently by: accepting and/or purchasing additional recyclable and recoverable metal even after  
28 the metal shredder at the FACILITY had been shut down; failing to install, maintain, and/or operate  
stationary and handheld FLIR cameras at the infeed materials pile that ignited on August 9, 2023, as

1 required by the EMP; failing to store onsite fire suppression foam usable for responding to metal  
2 fires; failing to limit pile size; and failing to water the alligator pile after 3:00 p.m. on August 9,  
3 among other acts and omissions. All of the foregoing acts and omissions alleged in this cause of  
4 action demonstrate DEFENDANTS deviated from their standard of care (e.g., the EMP), and their  
5 acts and omissions were a substantial factor in creating the conditions that proximately caused the  
6 fire, emissions, and the ensuing public nuisance across multiple Bay Area communities

7 102. As a result, DEFENDANTS, and each of them, negligently emitted air contaminants  
8 in violation of state law and AIR DISTRICT regulations.

9 103. DEFENDANTS are therefore liable for a civil penalty of up to \$31,375 per violation  
10 per day pursuant to Health & Safety Code sections 42402.1(a) and 42411.

11 104. In the alternative, to the extent that DEFENDANTS are not liable under Health and  
12 Safety Code section 42402.1(a) for the negligent emission of air contaminants, DEFENDANTS are  
13 strictly liable for a civil penalty of up to \$12,550 per violation per day pursuant to Health and Safety  
14 Code sections 42402(b)(1) and 42411, since DEFENDANTS, and each of them, engaged in acts and  
15 omissions in violation of Health & Safety Code section 41700 and AIR DISTRICT Regulation 1-  
16 301 by causing or otherwise creating and allowing for the conditions to cause a fire on August 9,  
17 2023, which continued to burn on August 10, 2023, and which, by burning scrap metal and other  
18 materials, emitted dangerous quantities of air contaminants into the surrounding communities,  
19 thereby creating and constituting a public nuisance within the confines of Health & Safety Code  
20 section 41700 and AIR DISTRICT Regulation 1-301.

21 105. Finally, and in the alternative, to the extent that DEFENDANTS are not liable under  
22 either Health and Safety Code section 42402.1(a) for the negligent emission of air contaminants or  
23 Health and Safety Code section 42402(b)(1) for violation AIR DISTRICT rules and regulations,  
24 DEFENDANTS are liable for a civil penalty of up to \$6,275 per violation per day pursuant to  
25 Health and Safety Code sections 42402(a) and 42411 since DEFENDANTS, and each of them,  
26 engaged in acts and omissions in violation of Health & Safety Code section 41700 and AIR  
27 DISTRICT Regulation 1-301 by causing or otherwise creating and allowing for the conditions to  
28 cause a fire on August 9, 2023, which continued to burn on August 10, 2023, and which, by burning

1 scrap metal, emitted dangerous quantities of air contaminants into the surrounding communities,  
2 thereby creating and constituting a public nuisance within the confines of Health & Safety Code  
3 section 41700 and AIR DISTRICT Regulation 1-301.

4 **SECOND CAUSE OF ACTION**

Negligent Emissions of Dark Smoke

AIR DISTRICT Regulation 6-1-301

6 Penalties Pursuant to Health & Safety Code Sections 42402.1(a), 42402(b)(1), 42402(a), and 42411

7 106. THE PEOPLE re-allege and incorporate by reference the above paragraphs, as though  
8 fully set forth herein.

9 107. DEFENDANTS, and each of them, negligently emitted air contaminants in violation  
10 of AIR DISTRICT Regulation 6-1-301 by emitting visible emissions (smoke) on August 9, 2023,  
11 and continuing into August 10, 2023, that were “darker than No. 1 on the Ringelmann Chart, or of  
12 such opacity as to obscure an observer’s view to an equivalent or greater degree,” for a period of  
13 longer than three minutes.

14 108. DEFENDANTS are therefore liable for a civil penalty of up to \$31,375 per violation  
15 per day pursuant to Health & Safety Code sections 42402.1(a) and 42411.

16 109. In the alternative, to the extent that DEFENDANTS are not liable under Health and  
17 Safety Code section 42402.1(a) for the negligent emission of air contaminants, DEFENDANTS are  
18 strictly liable for a civil penalty of up to \$12,550 per violation per day pursuant to Health and Safety  
19 Code sections 42402(b)(1) and 42411 since DEFENDANTS, and each of them, violated AIR  
20 DISTRICT Regulation 6-1-301 by emitting visible emissions (smoke) on August 9, 2023, and  
21 continuing into August 10, 2023, that were “darker than No. 1 on the Ringelmann Chart, or of such  
22 opacity as to obscure an observer’s view to an equivalent or greater degree,” for a period of longer  
23 than three minutes.

24 110. Finally, and in the alternative, to the extent that DEFENDANTS are not liable under  
25 either Health and Safety Code section 42402.1(a) for the negligent emission of air contaminants or  
26 Health and Safety Code section 42402(b)(1) for violation AIR DISTRICT rules and regulations,  
27 DEFENDANTS are strictly liable for a civil penalty of up to \$6,275 per violation per day pursuant  
28 to Health and Safety Code sections 42402(a) and 42411 since DEFENDANTS, and each of them,

1 violated AIR DISTRICT Regulation 6-1-301 by emitting visible emissions (smoke) on August 9,  
2 2023, and continuing into August 10, 2023, that were “darker than No. 1 on the Ringelmann Chart,  
3 or of such opacity as to obscure an observer’s view to an equivalent or greater degree,” for a period  
4 of longer than three minutes.

5 **THIRD CAUSE OF ACTION**

6 Negligent Emissions of Air Contaminants From a Prohibited Fire  
7 AIR DISTRICT Regulation 5-301

8 Penalties Pursuant to Health & Safety Code Sections 42402.1(a), 42402(b)(1), 42402(a), and 42411

9 111. THE PEOPLE re-allege and incorporate by reference the above paragraphs, as though  
10 fully set forth herein.

11 112. DEFENDANTS, and each of them, negligently emitted air contaminants in violation  
12 of AIR DISTRICT Regulation 5-301, which prohibits “ignit[ing], caus[ing] to be ignited, permit[ting]  
13 to be ignited, [and/or] allow[ing] ... a[] fire[] within the District” that was not permitted under AIR  
DISTRICT Regulations.

14 113. DEFENDANTS negligently emitted these air contaminants in violation of Regulation  
15 5-301 on August 9 and 10, 2023.

16 114. DEFENDANTS are therefore liable for a civil penalty of up to \$31,375 per violation  
17 per day pursuant to Health & Safety Code sections 42402.1(a) and 42411.

18 115. In the alternative, to the extent that DEFENDANTS are not liable under Health and  
19 Safety Code section 42402.1(a) for the negligent emission of air contaminants, DEFENDANTS are  
20 strictly liable for a civil penalty of up to \$12,550 per violation per day pursuant to Health and Safety  
21 Code sections 42402(b)(1) and 42411 since DEFENDANTS, and each of them, violated AIR  
22 DISTRICT Regulation 5-301 by “ignit[ing], caus[ing] to be ignited, permit[ting] to be ignited,  
23 [and/or] allow[ing] ... a[] fire[] within the District” that was not permitted under AIR DISTRICT  
24 Regulations.

25 116. Finally, and in the alternative, to the extent that DEFENDANTS are not liable under  
26 either Health and Safety Code section 42402.1(a) for the negligent emission of air contaminants or  
27 Health and Safety Code section 42402(b)(1) for violation AIR DISTRICT rules and regulations,  
28 DEFENDANTS are strictly liable for a civil penalty of up to \$6,275 per violation per day pursuant to

1 Health and Safety Code sections 42402(a) and 42411 since DEFENDANTS, and each of them,  
2 violated AIR DISTRICT Regulation 5-301 by “ignit[ing], caus[ing] to be ignited, permit[ing] to be  
3 ignited, [and/or] allow[ing] ... a[] fire[] within the District” that was not permitted under AIR  
4 DISTRICT Regulations.

5 **FOURTH CAUSE OF ACTION**

6 Violations of Emissions Minimization Plan Pursuant to AIR DISTRICT Regulation 6-1-301  
7 Penalties Pursuant to Health & Safety Code Sections 42402(b)(1), 42402(a), and 42411

8 117. THE PEOPLE re-allege and incorporate by reference the above paragraphs, as though  
9 fully set forth herein.

10 118. DEFENDANTS, and each of them, engaged in acts and omissions in violation of AIR  
11 DISTRICT Regulation 6-4-301 by violating the FACILITY’s EMP by failing to install, maintain,  
12 and/or operate stationary and handheld FLIR cameras at the infeed shredder “alligator” pile that  
13 ignited on August 9, 2023, by failing to store onsite firefighting foam usable for responding to metal  
14 fires, by neglecting to adequately and timely water the pre-shed infeed materials pile, and by failing  
15 to minimize the size of the pre-shed storage pile, as required (among other violations). THE PEOPLE  
16 are informed and believe and thereon allege that such violations occurred on multiple separate days  
17 between the date on which the EMP became effective (October 29, 2022) and the days on which the  
18 fire occurred (August 9-10, 2023), including, but not limited to, fifty-nine (59) days.

19 119. DEFENDANTS are therefore strictly liable for a civil penalty of up to \$12,550 per  
20 violation per day pursuant to Health & Safety Code Sections 42402(b)(1) and 42411.

21 120. In the alternative, to the extent that DEFENDANTS are not liable under Health and  
22 Safety Code section 42402(b)(1), DEFENDANTS are strictly liable for a civil penalty of up to \$6,275  
23 per violation per day pursuant to Health and Safety Code sections 42402(a) and 42411 since  
24 DEFENDANTS, and each of them, violated AIR DISTRICT Regulation 6-4-301 by violating the  
25 FACILITY’s EMP by failing to install, maintain, and/or operate stationary and handheld FLIR  
26 cameras at the infeed shredder pile that ignited on August 9, 2023, by failing to store onsite  
27 firefighting foam usable for responding to scrap metal fires, by neglecting to adequately and timely  
28 water the pre-shed infeed materials pile, and by failing to minimize the size of the pre-shed storage  
pile, as required (among other violations). THE PEOPLE are informed and believe and thereon allege



that such violations occurred many days between the date on which the EMP became effective (October 29, 2022) and the days on which the fire occurred (August 9-10, 2023), including but not limited to fifty-nine (59) days.

**FIFTH CAUSE OF ACTION**

Public Nuisance  
Civil Code section 3479 and 3480  
[DISTRICT ATTORNEY only]

121. The DISTRICT ATTORNEY re-alleges and incorporates by reference the above paragraphs, as though fully set forth herein.

122. The DISTRICT ATTORNEY alleges that DEFENDANTS have engaged in, and continue to engage in, acts or practices that cause air contaminants to be released in the community or neighborhood outside the FACILITY. These releases are a threat to the public health and safety and to the environment and constitute a public nuisance.

123. Injunctive relief is warranted to prevent ongoing and future violations by DEFENDANTS.

**SIXTH CAUSE OF ACTION**

Violations of the Unfair Competition Law  
Business and Professions Code section 17200 *et seq.*  
[DISTRICT ATTORNEY only]

124. The DISTRICT ATTORNEY re-alleges and incorporates by reference the above paragraphs, as though fully set forth herein.

125. The DISTRICT ATTORNEY alleges that DEFENDANTS have engaged in, and continue to engage in, acts or practices that constitute unfair competition within the meaning of Business and Professions Code sections 17200 through 17208, including but not limited to, the acts, omissions or practices alleged in the First through Fifth Causes of Action, above.

126. Said violations render DEFENDANTS liable for civil penalties not to exceed \$2,500 for each violation, cumulative to all other remedies.

127. Injunctive relief is warranted to prevent future UCL violations by DEFENDANTS.

**PRAYER FOR RELIEF**

WHEREFORE, THE PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* BAY AREA

AIR QUALITY MANAGEMENT DISTRICT and URSULA JONES DICKSON, ALAMEDA COUNTY DISTRICT ATTORNEY, PRAY FOR JUDGMENT AGAINST DEFENDANTS, AND EACH DEFENDANT, GRANTING THE FOLLOWING RELIEF:

1. DEFENDANTS, and each of them, be assessed, and THE PEOPLE recover, the maximum civil penalties for the violations of the Health and Safety Code provisions and Air District regulations alleged above, or in another amount, according to proof presented at trial;

2. DEFENDANTS, and each of them, be assessed, and THE PEOPLE *ex rel.* URSULA JONES DICKSON, ALAMEDA COUNTY DISTRICT ATTORNEY recover, the maximum civil penalties for the violations of the UCL alleged above, or in another amount, according to proof presented at trial;

3. DEFENDANTS, and each of them, be enjoined and prohibited from storing shredder infeed materials at the FACILITY in areas without appropriate and adequate fire prevention and suppression measures including regular watering, coverage by water cannons and monitoring by FLIR cameras;

4. DEFENDANTS, and each of them, be enjoined and prohibited from causing a public nuisance and/or engaging in unlawful, unfair or fraudulent business practices;

5. DEFENDANTS, and each of them, be assessed, and Plaintiffs THE PEOPLE OF THE STATE OF CALIFORNIA *ex rel.* BAY AREA AIR QUALITY MANAGEMENT DISTRICT and URSULA JONES DICKSON, ALAMEDA COUNTY DISTRICT ATTORNEY be awarded, their costs of suit herein, including, without limitation, costs of litigation; and

6. Such other and further relief as the Court deems just and proper.

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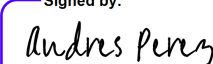
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Respectfully submitted,

Dated: July 17, 2025


BAY AREA AIR QUALITY  
MANAGEMENT DISTRICT  
ALEXANDER G. CROCKETT  
General Counsel  
ALEXANDRA KAMEL  
Senior Assistant Counsel  
MARCIA RAYMOND  
Assistant Counsel

URSULA JONES DICKSON  
ALAMEDA COUNTY DISTRICT  
ATTORNEY

Signed by:  
  
By: D3B58BDDFFC3644B...  
Andres Perez  
Huy Luong

AQUA TERRIS AERIS LAW GROUP

Attorneys for Plaintiff  
The People of the State of California  
*ex rel.* Ursula Jones Dickson, Alameda County  
District Attorney

By:   
Matthew C. Maclear  
Harrison M. Beck

Attorneys for Plaintiff  
The People of the State of California  
*ex rel.* Bay Area Air Quality Management  
District

Note: Pursuant to Code of Civil Procedure section 446(a), when a district, prosecutor, or public agency is a plaintiff in a civil complaint, the answer shall be verified by affidavit.