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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF CONTRA COSTA**

13 THE PEOPLE OF THE STATE OF
CALIFORNIA, by and through the BAY AREA
14 AIR QUALITY MANAGEMENT DISTRICT,

15 Plaintiff,

16 vs.

17 ACME FILL CORP., a California corporation;
and DOES 1-25, inclusive,

18 Defendants.
19

Case No.

COMPLAINT FOR CIVIL PENALTIES

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

20 PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA ("PEOPLE"), by and
21 through the BAY AREA AIR QUALITY MANAGEMENT DISTRICT ("AIR DISTRICT"), acting
22 to protect the public health, welfare, and resources of the State of California, bring this action in the
23 public interest to recover civil penalties for emissions of harmful air contaminants in violation of law,
24 among other relief. Wherefore, the PEOPLE allege as follows:

25 **INTRODUCTION AND SUMMARY OF ACTION**

26 1. By this action, the PEOPLE seek to recover civil penalties against ACME FILL
27 CORP., ("DEFENDANT"), and DOES 1 THROUGH 25, for emitting methane and non-methane
28 organic compounds ("NMOCs"), including toxic air contaminants, in excess of emission limits

established by the AIR DISTRICT and the California Air Resources Board (“CARB”).

2. The PEOPLE allege that on August 24 and 25, 2023, DEFENDANTS allowed gas generated from waste buried in a landfill to leak through the surface of the landfill and from the landfill gas collection system in concentrations exceeding the leak standards set by the AIR DISTRICT.

3. This action seeks to impose civil penalties on DEFENDANTS for their illegal air pollution and violations of AIR DISTRICT and CARB regulations. Specifically, this action seeks civil penalties pursuant to Health and Safety Code section 42402 for DEFENDANTS' emission of air pollution in excess of these regulatory limits.

THE PARTIES

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

5. The PEOPLE are informed and believe and thereon allege that DEFENDANT ACME
FILL CORP. is and was at all times relevant herein a California corporation, with its personal place
of business at 950 Waterbird Way in Martinez, California.

6. The PEOPLE are informed and believe and thereon allege that at all times relevant herein, DEFENDANT ACME FILL CORP. owned and operated a landfill located at 950 Waterbird Way in Martinez, California.

7. The true names and capacities, whether individual, corporate or otherwise, of DEFENDANTS sued herein as DOES 1 THROUGH 25, and each of them, are unknown to the PEOPLE at this time. For that reason, DEFENDANTS sued as DOES 1 THROUGH 25 are sued by fictitious names. The PEOPLE will seek leave of the Court to amend this Complaint to reflect the true names and capacities of the DEFENDANTS sued as DOES 1 THROUGH 25 when such true names and capacities are ascertained.

JURISDICTION AND VENUE

8. This Court has jurisdiction over the subject matter of this Complaint because it is a

1 court of general jurisdiction (California Constitution, Article VI, § 10); furthermore, pursuant to
2 Health and Safety Code section 42403, an action to recover civil penalties prescribed in sections
3 42402 through 42402.3 may be brought in the name of the People of the State of California by the
4 attorney for any air district in which the violation occurs in any court of competent jurisdiction.

5 9. This Court has personal jurisdiction over DEFENDANTS because DEFENDANT
6 ACME FILL CORP. conducts business within the State of California on a substantial, continuous,
7 and systematic basis.

8 10. The PEOPLE are informed and believe and thereon allege that the Court has personal
9 jurisdiction over DEFENDANTS DOES 1 through 25 because each DOE DEFENDANT is either
10 domiciled, incorporated, and/or has its regular place of business in the State of California, and/or is
11 conducting business within the State of California on a substantial, continuous, and systematic basis.

12 11. Venue is proper in this County because DEFENDANT ACME FILL CORP.'s
13 principal place of business is situated within Contra Costa County and because the violations of the
14 AIR DISTRICT Regulations that are the subject of the claims asserted in this Complaint arose within
15 Contra Costa County. (Code of Civ. Proc., §§ 393(a), 395(a).)

16 **TRIAL-SETTING PREFERENCE**

17 12. An action brought by the AIR DISTRICT on behalf of the PEOPLE in this Court
18 pursuant to Health and Safety Code section 42403 shall take precedence over all civil matters on the
19 calendar of this Court, except those matters that by law take equal precedence on the calendar. (Health
20 & Saf. Code, § 42404.)

21 **STATUTORY AND REGULATORY BACKGROUND**

22 **A. California Clean Air Act**

23 13. The California Legislature has declared that “the people of the State of California have
24 a primary interest in the quality of the physical environment in which they live” and that this interest
25 “shall be safeguarded by an intensive, coordinated state, regional, and local effort to protect and
26 enhance the ambient air quality of the state.” (Health & Saf. Code, §§ 39000 & 39001.) “Since air
27 pollution knows no political boundaries, the Legislature declare[d] that a regional approach to the
28 problem should be encouraged whenever possible and, to this end, the state is divided into air basins.”

1 (Health & Saf. Code, § 39001.)

2 14. Pursuant to Health and Safety Code section 40000, local and regional air districts are
3 responsible for controlling air pollution from all sources within their jurisdiction, other than emissions
4 from motor vehicles, which are regulated by CARB.

5 15. Pursuant to Health and Safety Code section 40001(a), air districts are required to adopt
6 and enforce rules and regulations to achieve and maintain state and federal ambient air quality
7 standards in all areas affected by emissions sources under their jurisdiction.

8 16. As set forth in paragraph 5 above, the AIR DISTRICT is a state-created air district.

9 17. Health and Safety Code sections 42402(b)(1) and 42411 provide that any person who
10 violates an air district regulation is strictly liable for a civil penalty of up to \$12,550.¹

11 18. Pursuant to Health and Safety Code section 42402(d), “[e]ach day during any portion
12 of which a violation occurs is a separate offense.”

13 **B. Harmful Air Pollutants Emitted by DEFENDANTS**

14 19. Over time, due to a natural build-up of pressure, landfill gas is emitted through cracks
15 and fissures in the landfill surface. To prevent this, landfill gas collection systems, including vapor
16 extraction wells, are installed. Landfill gas is pulled out of the extraction wells via suction that keeps
17 the landfill under negative pressure, which in turn prevents the landfill from releasing landfill gas to
18 the atmosphere.

19 20. This case involves illegal emissions of methane and NMOCs, which are harmful air
20 pollutants regulated by the AIR DISTRICT and CARB to protect public health and the environment.
21 They are produced at landfills as a result of the decomposition of buried waste.

22 21. Methane is a potent greenhouse gas contributing to climate change.
23
24

25 ¹ Health and Safety Code section 42402(b)(1) references a maximum penalty at \$10,000. However,
26 Health and Safety Code section 42411 increases the statutory maximum penalty annually based on
27 the California Consumer Price Index as compiled and reported by the Department of Industrial
28 Relations. Accordingly, the current maximum penalty pursuant to Health and Safety Code section
42402(b)(1) is \$12,550, instead of \$10,000. Also, the exception to the \$10,000 maximum in Health
and Safety Code section 42402(b)(2)(A) is not relevant here since the violation occurred at a Title
V source. (See Health & Saf. Code section 42402(b)(2)(B).)

22. NMOCs are highly reactive hydrocarbon compounds that combine with NO_x in the atmosphere to form secondary particulate matter and ozone, the principal ingredient in smog. Exposure to particulate matter, ozone, and smog can cause or worsen cardiovascular and pulmonary diseases and asthma. NMOC emissions also include toxic air contaminants such as benzene, ethylene dibromide, ethylene dichloride, methylene chloride, perchloroethylene, trichloroethylene, and vinyl chloride.

C. Relevant AIR DISTRICT Regulations Regarding Landfill Emissions

23. In order to reduce emissions of harmful air pollutants in the Bay Area and to protect public health and the environment, the AIR DISTRICT has adopted regulations addressing air pollution from stationary sources, including landfills.

24. AIR DISTRICT Regulation 8, Rule 34 (“Regulation 8-34”) was adopted to limit emissions of methane and NMOCs from decomposition of waste at solid waste disposal sites or landfills.

25. Regulation 8-34-301.2, subject to exceptions not relevant to this Complaint, prohibits leaks from components of landfill gas collection systems exceeding 1000 parts per million by volume (“ppmv”) expressed as methane.

26. Regulations 8-34-213 and 8-34-602 describe the protocol to be followed for measuring leaks from a landfill gas collection system.

27. Regulation 8-34-303, subject to exceptions not relevant to this Complaint, prohibits leaks from the surface of landfills in concentrations exceeding 500 ppmv expressed as methane above background levels, other than momentary, non-repeatable readings.

28. Additionally, pursuant to California Code of Regulations, title 17, section 95465(a)(1), CARB prohibits surface leaks exceeding 500 ppmv other than non-repeatable, momentary readings.

29. Regulation 8-34-607 describes the protocol to be followed for measuring surface leaks.

30. At all times herein mentioned, Regulation 8-34 was in full force and effect.

D. AIR DISTRICT Major Facility Review Permitting Program

31. AIR DISTRICT Regulation 2-6 implements Title V of the federal Clean Air Act. The federal Environmental Protection Agency has approved AIR DISTRICT Regulation 2-6 as meeting

1 the requirements of Title V. Thus, for purposes of Health and Safety Code section 42402(b)(2)(B),
2 the AIR DISTRICT is a “district in which a Title V permit program has been fully approved”;
3 accordingly, a facility permitted pursuant to Regulation 2-6 is “a Title V source in a district in which
4 a Title V permit program has been fully approved” as referred to in Health and Safety Code section
5 42402(b)(2)(B).

6 **DEFENDANTS’ VIOLATIONS OF AIR DISTRICT REGULATIONS**

7 **A. The ACME FILL CORP. Landfill**

8 32. DEFENDANTS operate a Title V sanitary landfill in Martinez, California (“Facility”).
9 The Facility operates pursuant to a Major Facility Review Permit issued by the AIR DISTRICT.

10 **B. Violations**

11 33. On August 24, 2023, the AIR DISTRICT conducted a Title V compliance verification
12 inspection at the Facility.

13 34. As part of the inspection, the AIR DISTRICT inspected the landfill gas collection
14 system components for leaks in violation of Regulation 8-34-301.2 and landfill surface for leaks in
15 violation of 8-34-303.

16 i. Landfill Gas Collection System Leak

17 35. During the August 24, 2023 inspection, the AIR DISTRICT discovered one leak from
18 a component of the landfill gas collection system exceeding the limits in Regulation 8-34-301.2.

19 36. The AIR DISTRICT conducted the inspection of the landfill gas collection system in
20 accordance with the monitoring procedures outlined in Regulations 8-34-213 and 8-34-602 and
21 measured component leaks within one centimeter of the component leak source. The portable
22 hydrocarbon detector used to detect surface leaks had been calibrated and tested for accuracy
23 according to relevant procedures. The AIR DISTRICT inspector measured the component leak twice
24 at the same location, for at least five seconds, to ensure the leak was repeatable and not momentary.
25 The cited exceedance was not the highest concentration observed by the inspector; rather it was the
26 highest concentration that was maintained for at least 5 seconds and was repeatable.

27 37. The AIR DISTRICT discovered a 31,200 ppmv component leak at extraction well #40.
28 This leak was over 31 times the regulatory limit.

1 38. Facility staff notified the AIR DISTRICT that the leak was repaired later on August
2 24, 2023.

3 39. On January 9, 2024, the AIR DISTRICT issued NOV #A62559 for the component
4 leak, which was found to be in violation of Regulation 8-34-301.2.

5 40. At all times relevant to this Complaint, the component leak standard of 8-34-301.2
6 was a federally enforceable condition of the Major Facility Review permit issued by the AIR
7 DISTRICT to DEFENDANTS.

8 ii. Landfill Surface Leaks

9 41. The AIR DISTRICT discovered four landfill surface leaks exceeding the limits in
10 Regulation 8-34-303.

11 42. The AIR DISTRICT conducted the inspection in accordance with the surface
12 monitoring procedures outlined in Air District Reg. 8-34-607. Surface leaks were measured 2 inches
13 from the landfill surface. The portable hydrocarbon detector used to detect surface leaks had been
14 calibrated and tested for accuracy according to relevant procedures. The AIR DISTRICT inspector
15 measured the surface leaks twice at the same location, for at least five seconds, to ensure the leaks
16 were repeatable and not momentary. The cited exceedances were not the highest concentration
17 observed by the inspector; rather they were the highest concentration at each location that was
18 maintained for at least 5 seconds and was repeatable. The following leaks were discovered:

- 19 a. A 11,700 ppmv leak at extraction well # 22. This leak was discovered on August 24,
20 2023 and repaired on August 25, 2023.
- 21 b. A 1,522 ppmv leak at extraction well # T1. This leak was repaired the same day it was
22 discovered.
- 23 c. An 850 ppmv surface leak at extraction well # 34. This leak was repaired the same day
24 it was discovered.
- 25 d. A 560 ppmv surface leak at extraction well #19. This leak was discovered on August
26 24, 2023 and repaired on August 25, 2023.

27 43. On January 9, 2024, the AIR DISTRICT issued NOV #A62554 for the four landfill
28 surface leaks which were in violation of both Regulation 8-34-303 and California Code of

1 Regulations, title 17, section 95465(a)(1).

2 44. At all times relevant to this Complaint, the surface leak standard of 8-34-303 was a
3 federally enforceable condition of the Major Facility Review permit issued by the AIR DISTRICT to
4 DEFENDANTS.

5 45. The following table summarizes the component leak and surface leaks that the AIR
6 DISTRICT discovered during the August 24, 2023 inspection.

7

Well	Leak Type	Emission Limit	Leak (ppmv)	Leak relative to limit	Days in Violation
EW-40	Component	1000	31,200	31x	1
EW-22	Surface	500	11,700	23x	2
EW-T1	Surface	500	1,522	3x	1
EW-34	Surface	500	850	1.7x	1
EW-19	Surface	500	560	1.1x	2

11

12
13 **FIRST CAUSE OF ACTION**

14 **LEAKS IN VIOLATION OF REGULATION 2-1-301.2 AND REGULATION 8-34.303**

15 (By the PEOPLE Against All DEFENDANTS: Health and Safety Code Section 42402 – Violation
16 of Emission Limitations (Strict Liability))

17 46. The PEOPLE incorporate by reference paragraphs 1 through 45.

18 47. Pursuant to Health and Safety Code sections 42402 and 42411, any person who
19 violates any rule, regulation, permit, or order of an air district, including Regulations 8-34-301.2 and
20 8-34-303, is strictly liable for \$12,550 per violation, per day.

21 48. Each leak exceeding the AIR DISTRICT’S limits is a separate violation of Regulations
22 8-34-301.2 and 8-34-303, as is each day during which the exceedances occurred. (Health & Saf. Code,
23 § 42402(d).)

24 49. DEFENDANTS, and each DEFENDANT, are therefore strictly liable pursuant to
25 Health and Safety Code section 42402(b) and (d) for civil penalties of up to \$87,850 for the violations
26 that occurred on August 24 and 25, 2023.

27 **PRAYER FOR RELIEF**

28 WHEREFORE, THE PEOPLE OF THE STATE OF CALIFORNIA ex rel. the AIR
DISTRICT pray for the following relief as to each DEFENDANT:

1 1. DEFENDANTS and each DEFENDANT be assessed, and the PEOPLE recover, civil
2 penalties for each violation of Regulations 8-34-301.2 and 8-34-303 for each day and for any portion
3 of each day during which a violation of Regulations 8-34-301.2 or 8-34-303 occurred, in accordance
4 with Health and Safety Code section 42402 in an amount of up to \$87,850 or in another amount,
5 according to proof presented at trial; and

6 2. Grant the PEOPLE ex rel. the AIR DISTRICT its costs of suit herein.

7 3. Grant such other and further relief as the Court deems just and fair.
8

9 DATED: Auguste 13, 2025

Respectfully Submitted,

11 BAY AREA AIR QUALITY MANAGEMENT
12 DISTRICT
13 ALEXANDER G. CROCKETT
14 General Counsel
15 ALEXANDRA KAMEL
16 Senior Assistant Counsel
17 ANNE BAPTISTE
18 Assistant Counsel

17 By: 

18 Anne Baptiste
19 Attorneys for Plaintiff
20 The People of the State of California
21 ex rel. Bay Area Air Quality Management
22 District

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