

James Feenan

Mendocino County

From: Dolly Riley <dollyriley@gmail.com>
Sent: Monday, November 20, 2023 3:29 PM
To: pbscommissions
Subject: Fwd: Documents from Sonoma County DA's office on Faizan Corp
Attachments: People v. Faizan, et al. FE CMP.pdf; People v. Faizan, et al FE FJ.pdf

NOV 20 2023

Planning & Building Services

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RE: planning commission December 7 hearing on Faizon 101 gas station in Redwood Valley. Please do not approve this project, I have attached to judgments against Faizan corporation. Thank you, Dolly Riley

Begin forwarded message:

From: Donald Hess <climatedon@icloud.com>
Date: November 20, 2023 at 11:11:31 AM PST
To: Dolly Riley <dollyriley@gmail.com>
Cc: Peter McNamee <pmcnamee@sbcglobal.net>
Subject: Documents from Sonoma County DA's office on Faizan Corp.

Hi Dolly,

I just received these documents from the DA's office. Incredibly, there are a countless serious of violations that Faizan was accused of and for which a settlement was finally reached whereby Faizan agreed to a \$500,000 fine. This includes 4 stations in Ukiah and one in Fort Bragg. See attached for all the details.

Don

Pursuant to your request, attached are the filed Complaint and Final Judgment and Permanent Injunction in People of the State of California v. Faizan Corporation and Mahmood Alam, Case No. 22CV023017.

Thank you.

*SONOMA COUNTY DISTRICT ATTORNEY'S OFFICE
Environmental & Consumer Law Division*

1 NANCY E. O'MALLEY
DISTRICT ATTORNEY OF THE COUNTY OF ALAMEDA
2 ALYCE SANDBACH, STATE BAR NO. 141894
DEPUTY DISTRICT ATTORNEY
3 CONSUMER AND ENVIRONMENTAL PROTECTION UNIT
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Additional Plaintiff's counsel listed in Appendix hereto

*Exempt from Fees
Government Code section 6103*

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
12/02/2022 at 01:04:49 PM
By: Angela Linhares,
Deputy Clerk

6 *Attorneys for The People of the State of California*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12
13 Plaintiff,
14 v.
15 FAIZAN CORPORATION, a California
16 Corporation and MAHMOOD ALAM,
17 Defendants.

Case No. 22CV023017

**COMPLAINT FOR PERMANENT
INUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF**

(Health & Safety Code, Div. 20, Chapters 6.5
6.67, 6.7 and 6.95; Bus. & Prof. Code § 17200
et. seq.)

19
20 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, brings this law
21 enforcement action to protect public health and the environment from harm due to releases of
22 hazardous substances, including harm from groundwater and surface water contamination and
23 indoor air impacts from leaking Underground Storage Tanks (UST's), and from other violations,
24 including unfair and unlawful business practices, and alleges the following based on information
25 and belief.
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1 **PLAINTIFF**

2 1. Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, (the "People"), brings this
3 action by and through Nancy E. O'Malley, District Attorney of Alameda County; Diana Becton,
4 District Attorney of Contra Costa County; Susan J. Kronos, District Attorney of Lake County; Lori
5 E. Frugoli, District Attorney of Marin County; C. David Eyster, District Attorney of Mendocino
6 County; Jill R. Ravitch, District Attorney of Sonoma County; and Jeff Reisig, District Attorney of
7 Yolo County.

8 2. Pursuant to California Health and Safety Code sections 25299.01 and 25299.02, the
9 People may bring a civil action for civil penalties and an injunction based on violations of the State's
10 statutory scheme entitled "Underground Storage of Hazardous Substances," relating to underground
11 storage tanks (UST's) containing fuel, which is set forth in Chapter 6.7 of Division 20 of the California
12 Health and Safety Code (hereinafter "Chapter 6.7"), and which pursuant to which implementing
13 regulations have been issued, which are set forth in California Code of Regulations, Title 23, Division
14 3, Chapter 16.

15 3. Pursuant to California Health and Safety Code sections 25181 and 25182, the People may
16 bring a civil action for civil penalties and an injunction based on violation of the State's statutory
17 scheme entitled "Hazardous Waste Control Act," which is set forth in Chapter 6.5 of Division 20 of
18 the California Health and Safety Code (hereinafter "Chapter 6.5"), and pursuant to which
19 implementing regulations have been issued, which are set forth in California Code of Regulations,
20 Title 23, Division 4.5.

21 4. Pursuant to California Health and Safety Code sections 25515.6, 25515.7, and
22 25515.8, the People may bring a civil action for penalties and an injunction based on violations of the
23 State's statutory scheme entitled, "Hazardous Materials Release Response Plans and Inventory,"
24 which is set forth at Chapter 6.95 of Division 20 of the California Health and Safety Code (hereinafter
25 "Chapter 6.95") and pursuant to which implementing regulations have been issued, which are set forth
26 in California Code of Regulations, Title 19, Division 2, Chapter 4.
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JURISDICTION AND VENUE

15. Defendants, at all times mentioned herein, have transacted business within, *inter alia*, one or more of the following Counties: Alameda, Contra Costa, Lake, Marin, Mendocino, Sonoma, and Yolo, and all or some of the violations of law hereinafter described have been committed within said counties.

16. This court has jurisdiction pursuant to Article 6, section 10 of the California Constitution, Health and Safety Code sections 25181, 25182, 25270.12, Health and Safety Code section 25299.01, 25299.02, 25515.6 and 25515.7.

17. Venue is proper in Alameda County pursuant to Health and Safety Code sections 25183 and 25299.03 and California Code of Civil Procedure section 393, subdivision (a) because a cause of action or some part of a cause of action arose in Alameda County.

GENERAL ALLEGATIONS

18. At all relevant times alleged herein, including during the commission of the violations set forth below, Defendants owned, operated, managed, and/or controlled retail motor vehicle fuel facilities in all or some of the following counties: Alameda, Contra Costa, Lake, Marin, Mendocino, Sonoma, and Yolo, including at the following locations:

- a) 712 Lewelling Boulevard in San Leandro;
- b) 2799 Clayton Road in Concord;
- c) 5200 Main Street in Kelseyville;
- d) 170 Merrydale Road in San Rafael;
- e) 998 South State Street in Ukiah;
- f) 390 East Gobbi Street in Ukiah;
- g) 615 Talmage Road in Ukiah;

- h) 1460 North Lovers Lane in Ukiah;
- i) 1004 South Main Street in Fort Bragg;
- j) 2225 Cleveland Ave. in Santa Rosa;
- k) 29029 County Road 6 in Dunnigan; and
- l) 1785 South Main Street in Lakeport.

FIRST CAUSE OF ACTION
Violation of Underground Storage of Hazardous Substances Law
(Health and Safety Code, Division 20, Chapter 6.7, Section 25281 *et seq.*)

19. The People reallege and incorporate by reference all paragraphs above.

20. At all times mentioned herein, Defendants were owners and/or operators of underground storage tanks (UST's) at the retail fuel facilities set forth above, and as such, are strictly liable for civil penalties and injunctive relief for violation of any requirement set forth in Health and Safety Code Chapter 6.7 and of any regulation issued pursuant thereto, pursuant to Health and Safety Code sections 25299(a)(6) and (b)(4).

21. Defendants committed the following violations of Health and Safety Code Chapter 6.7, and its implementing regulations set forth in title 23 of the California Code of Regulations:

- a. Failure to install, maintain, operate, and calibrate all UST monitoring equipment such that the equipment was capable of detecting a release at the earliest possible opportunity as required by California Code of Regulations, title 23, sections 2630 and 2641.
- b. Failure to annually certify all monitoring equipment for operability, proper operating condition, and proper calibration and failure to submit a copy of a Monitoring System Certification Form within 30 days after completion of the test as required by California Code of Regulations, title 23, sections 2638(c) and 2638(d).

- 1 c. Failure to operate and maintain primary containment equipment in a product-tight
2 condition as required by Health and Safety Code sections 25290.1(c) and 25290.2 (c),
3 and California Code of Regulations, title 23, sections 2631 and 2632.
- 4 d. Failure to maintain leak detection equipment with audible and visual alarms as
5 required by California Code of Regulations, title 23, sections 2632(c)(2)(B),
6 2634(d)(1)(a) and 2636(f)(1).
- 7 e. Failure to maintain functioning line leak detectors monitoring pressurized piping with
8 the capability of detecting a release of three (3) gallons per hour at ten (10) pounds per
9 square inch and restrict or shut off the flow of product through the piping when a leak
10 is detected as required by California Code of Regulations, title 23, section 2636(f)(2).
- 11 f. Failure to ensure that boots in turbine sumps, transition sumps and piping sumps were
12 properly placed so that piping drained to a monitored sump as required by California
13 Code of Regulations, title 23, sections 2630(d) , 2636(c) and 2641(a).
- 14 g. Failure to conduct initial and periodic Enhanced Leak Detection testing for UST
15 systems located within one thousand (1,000) feet of a public drinking water well in
16 violation of Health and Safety Code sections 25292.4 and 25292.5 and California Code
17 of Regulations, title 23, sections 2640(e) and 2644.1.
- 18 h. Failure to conduct secondary containment testing and to submit a secondary
19 containment test report to the local agency as required by California Code of
20 Regulations, title 23, section 2637.
- 21 i. Failure to construct, operate, and maintain secondary containment such that it was
22 product-tight as required by Health and Safety Code section 25290.1.
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- 1 j. Failure to install and maintain spill containers in good condition, product-tight, and
2 with a minimum capacity of five (5) gallons as required by California Code of
3 Regulations, title 23, sections 2635(b), 2637(b), 2637.1(a), 2637.1(c) and 2665.
4
5 k. Failure to conduct spill container tightness testing upon completion of an installation
6 and every twelve (12) months thereafter in violation of California Code of Regulations,
7 title 23, section 2637.1.
8
9 l. Failure to submit a copy of the spill container testing results to the relevant local
10 agency within thirty (30) days of testing as required by California Code of Regulations,
11 title 23, section 2637.1.
12
13 m. Failure to timely inspect the UST overfill prevention equipment and to submit to the
14 relevant local agency proof of inspection of the UST system overfill prevention
15 equipment as required by California Code of Regulations, title 23, section 2637.2.
16
17 n. Failure to assure that Designated UST Operator visual inspections were conducted
18 every thirty (30) days and that such monthly inspections were recorded in an inspection
19 report that was maintained on site in accordance with section 2715 as required by
20 California Code of Regulations, title 23, section 2715 and 2716).
21
22 o. Failure to have at least one (1) facility employee present during operating hours that
23 has been trained in the proper operation and maintenance of the UST system by a
24 Designated UST Operator in violation of California Code of Regulations, title 23,
25 section 2715(c).
26
27 p. Failure to maintain a list of employees trained by the Designated UST Operator as
28 required by California Code of Regulations, title 23, section 2715(c)(3).
q. Failure to maintain a permit for a UST as required by Health and Safety Code section
sections 25284(a)(1) and 25299(a)(1) and (b)(1).

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- r. Failure to submit to the local agency all information required as part of the application for permit to operate a UST permit as required by California Code of Regulations, title 23, section 2711, and Health and Safety Code sections 25284, 25286 and 25299(a).
- s. Retained individuals to perform work relating to a UST system when such individuals did not possess the proper qualifications to perform such work as required by California Code of Regulations, title 23, sections 2715 and 2637.
- t. Failure to submit a current UST Response Plan as required by and in violation of California Code of Regulations, title 23, sections 2712(i), 2632(d)(2), 2634(e), 2641(h).
- u. Failure to submit the “Designated Underground Storage Tank Operator Identification Form” within thirty (30) days of a change in Designated Operator in violation of California Code of Regulations, title 23, section 2715(a)(1)(B).
- v. Failure to retain and maintain records of UST monitoring, testing, repairs as required by California Code of Regulations, title 23, section 2712 and Health and Safety Code section 25293.
- w. Failure to maintain records of cathodic protection system testing conducted within six months of installation and at least every three (3) years thereafter in violation of California Code of Regulations, title 23, sections 2635 and 2712(b).
- x. Failure to submit to the local agency proof of compliance with state and federal financial responsibility requirements applicable to USTs containing petroleum in violation of Health and Safety Code section 25292.2(a) and 25299.31 and California Code of Regulations, title 23, section 2711(a)(11).
- y. Failure to submit to submit a complete and accurate plot plan as required by California Code of Regulations, title 23, sections 2632(d)(1)(c), 2641(h) and 2711(a)(8).

- 1 z. Failure to install, retrofit and maintain under dispenser secondary containment as
2 required by Health and Safety Code sections 25290.1(c), 25290.2(c), 25291(a)(2),
3 25192(b)(5)-(e)(1) and (2).
4
5 aa. Abandonment of the UST system and failure to properly close the UST system as
6 required by Health and Safety Code sections 25298, 25299 and California Code of
7 Regulations, title 23, sections 2670, and 2672.
8
9 bb. Failure to pay the annual UST program fee as required by Health and Safety Code
10 section 25287 (a) and (b).
11

12 **SECOND CAUSE OF ACTION**
13 **Violation of the Aboveground Storage of Petroleum Act**
(Health and Safety Code, Division 20, Chapter 6.67, Section 25270 et seq.)

14 22. The People reallege and incorporate by reference all paragraphs above.

15 23. At all times mentioned herein, Defendants were owners and/or operators of an
16 Aboveground Petroleum Storage Tank ("APST") facility as defined in Health and Safety Code
17 sections 25170.2(a) and 25170.2(n), located at 1785 South Main Street, Lakeport, California.
18 At all times relevant herein, the APST's at this facility had a storage capacity of more than
19 1,320 gallons.
20

21 24. Defendants committed the following violations in the course of their operation of
22 APST systems at their Lakeport facility:

23 a. Failure to prepare and submit a spill prevention control and countermeasure
24 plan (SPCC plan) as required by Health and Safety Code section 25270.4.5(a) and Section 112.1 of
25 Subchapter D of Chapter I of Title 40 of the Code of Federal Regulations.
26

27 b. Storage of oil in an aboveground storage tank when the tank materials,
28 conditions, and pressures were not compatible with the holding and storage of oil and were prohibited

1 for such use in violation of Title 40 of the Code of Federal Regulations section 112.8(c)(1) and Health
2 and Safety Code section 25270.4.5(a).

3 c. Failure to file a "tank facility statement" as required by Health and Safety Code
4 section 25270.6(a)(1).

5 d. Failure to pay to the relevant local agency permit fees as required by Health
6 and Safety Code section 25270.6(b).

8 **THIRD CAUSE OF ACTION**

9 **Intentional or Negligent Violations of the Hazardous Waste Control Law**
10 **(Health and Safety Code, Division 20, Chapter 6.5, section 25100 et seq.)**

11 25. The People reallege and incorporate by reference all paragraphs above.

12 26. Defendants, as owners and operators of the facilities described below, committed the
13 following violations of the above-referenced Hazardous Waste Control Act statutes and
14 regulations:

15 a. Failure to send hazardous waste offsite for treatment, storage, or disposal within one
16 hundred and eighty (180) days after collection of such hazardous waste had been
17 initially placed in a container in violation of California Code of Regulations, title 22,
18 section 66262.34 and Health and Safety Code section 25189.

19 b. Storage of hazardous waste without affixing and clearly marking labels thereon with
20 the words "Hazardous Waste" and writing on the label in a clearly legible manner the
21 name and address of the generator, physical and chemical characteristics of the
22 Hazardous Waste, and the accumulation start date as required by and in violation of
23 California Code of Regulations, title 22, section 66262.34(f).

24 c. Failure to obtain an EPA Identification Number prior to treating, storing, disposing of,
25 transporting, or offering for transportation a hazardous waste in violation of California
26 Code of Regulations title 22, section 66262.12.

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- d. Failure to provide employees with hazardous waste training within the first six (6) months after the date of their employment in violation of California Code of Regulations, title 22, sections 66262.34(a)(4) and 66265.16.
 - e. Failure to keep and maintain training records for current and former personnel at the facility for at least three (3) years from the date such employees last worked at the facility as required by California Code of Regulations, title 22 sections 66262.34(a)(4) and 66265.16.
 - f. Illegal disposal of hazardous waste in violation of Health and Safety Code section 25189 and 25189.2.
 - g. Failure to inspect hazardous waste storage areas at least weekly to look for leaking and deteriorating containers and failure to maintain a copy of an inspection log demonstrating that the hazardous waste storage area is inspected weekly as required by California Code of Regulations, title 22, section 66262.34(d)(2).
 - h. Failure to maintain and operate a facility to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water in violation of California Code of Regulations, title 22, section 66264.31.
 - i. Failure to keep a copy of each hazardous waste manifest for at least three (3) years from the date the waste was accepted by the initial transporter as required by California Code of Regulations, title 22, section 66262.40(a).
 - j. Failure to properly handle and store hazardous waste in violation of California Code of Regulations, title 22, sections 66262.34(d)(2), 40 CFR 1 262.34(d)(2), and 265.173.

FOURTH CAUSE OF ACTION

**Violation of the Hazardous Materials Release Response Plan and Inventory Law
(Health and Safety Code, Division 20, Chapter 6.95, section 25500 *et seq.*)**

27. The People reallege and incorporate by reference all paragraphs above.

1 28. Defendants, the owners and/or operators of the facilities described below, knowingly
2 and after reasonable notice committed the following violations of Health and Safety Code,
3 Chapter 6.95 and the regulations issued pursuant thereto:
4

- 5 a. Failure to establish, submit to the local agency, and implement a business plan while storing
6 a hazardous material as required by Health and Safety Code section 25505; HSC 6.95
7 25508(a)(1), 25508(d).
8
9 b. Failure to submit a hazardous material inventory for all reportable hazardous materials on site
10 at or above reportable quantities in violation of Health and Safety Code sections 25505(a)(1),
11 25506, 25508(a)(1).
12
13 c. Failure to annually review and certify that the information in the business plan for the facility
14 was complete, accurate, and up to date as required Health and Safety Code section 25508.2.
15
16 d. Failure to have a business plan readily available to personnel of the business or the local
17 agency as required by Health and Safety Code section 25505(c).
18
19 e. Failure to provide initial and annual training to all employees in safety procedures in the event
20 of a release or threatened release of hazardous materials and failure to document and maintain
21 training records for a minimum of three (3) years as required by Health and Safety Code
22 Section 25505(a)(4).
23

24 **FIFTH CAUSE OF ACTION**
25 **Violation of the Unfair Competition Law**
26 **(Business and Professions Code section 17200 et. seq.)**

27 29. The People reallege and incorporate the above paragraphs.

28 30. Defendants engaged in unlawful acts, omissions, and practices that constitute unfair
competition and unlawful business practices within the meaning of Business and Professions
Code sections 17200 et seq, to wit, all violations of law alleged in the First through Fourth
Causes of Action above, and the following additional violations of law:

1 a. Failure to label motor vehicle fuel dispensers with the octane rating of the
2 products dispensed in violation of Business and Professions Code section 13480(a).

3 b. Failure to label all dispensers with the name of the station in violation of
4 Business and Professions Code section 13480(a).

5 c. Failure to label all dispensers with the grade of the fuel product being sold in
6 violation of Business and Professions Code section 13480(a).

7 d. Failure to label the premium fill pipe with the grade of motor vehicle fuel in
8 violation of Business and Professions Code section 13480(a).

9 e. Failure to label all dispensers with brand labels in violation of Business and
10 Professions Code section 13480(a).

11 f. Failure to properly label the diesel grade in violation of Business and
12 Professions Code section 13480(a).

13 g. Failure to label dispensers with the type of product dispensed, to wit: gasoline
14 or Diesel, in violation of Business and Professions Code section 13480(a).

15 h. Failure to label the underground storage tanks as required in violation of
16 Business and Professions Code section 13480(a).

17 i. Installation of vehicle fuel dispensers without notice to the county sealer in
18 violation of Business and professions Code section 1215(a).

19 j. False promotion and advertisement of the sale of diesel fuel when the
20 corporation was not selling diesel fuel in violation of Business and Professions Code section 17500
21 *et seq.*

22 k. Failure to exhibit a tax chart on site listing taxes per gallon of motor vehicle
23 fuel in violation of Business and Professions Code section 13361.

24 l. Removal of official Yolo County Department of Weights and Measures seals
25 from gasoline dispensers installed at the Dunnigan location and, after replacing the gasoline
26 dispensers at the Dunnigan facility, placement of the Department of Weights and Measures seals on
27
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1 the newly installed gasoline dispensers without notifying the Department in violation of Business
2 and Professions Code section 13413.

3 m. Sale of 89 Octane motor vehicle fuel while falsely representing that the
4 gasoline was 91 Octane, in violation of Business and Professions Code section 13486(a).

5 n. False advertisement of 89.8 octane gasoline as 91 octane gasoline in violation
6 of Business and Professions Code section 17500.

7
8 o. Failure to post the price clearly and legibly per gallon of motor vehicle fuel on
9 the fuel dispenser in violation of Business and Professions Code section 13474.

10 p. Failure to post the price clearly and legibly per gallon of motor vehicle fuel on
11 the fuel dispenser in violation of Business and Professions Code section 13474.

12 q. Failure to properly label the premium fuel fill pipe as required by and in
13 violation of Business and Professions Code section 13483.

14
15 **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

16 1. Injunctive relief, including but not limited to, a permanent injunction requiring
17 Defendants, and each of them, to comply with the requirements of California Health and Safety Code,
18 Division 20, Chapter 6.7 and all implementing regulations;

19
20 2. Injunctive relief, including but not limited to, a permanent injunction requiring
21 Defendants, and each of them to comply with the requirements of California Health and Safety Code,
22 Division 20, Chapter 6.67 and all implementing regulations;

23 3. Injunctive relief, including but not limited to, a permanent injunction requiring
24 Defendants, and each of them, to comply with the requirements of California Health and Safety Code,
25 Division 20, Chapter 6.5 and all implementing regulations;
26

1 4. Injunctive relief, including but not limited to, a permanent injunction requiring
2 Defendants, and each of them, to comply with the requirements of California Health and Safety Code,
3 Division 20, Chapter 6.95 and all implementing regulations;

4 5. Injunctive relief, including but not limited to, a permanent injunction requiring
5 Defendants, and each of them, to comply with the requirements of California Business and
6 Professions Code Division 5, Chapter 14;

7 6. For civil penalties, according to proof;

8 7. For costs to Plaintiff of investigation and enforcement herein; and

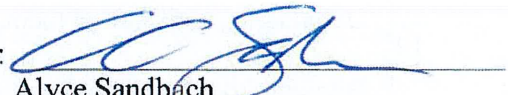
9 8. That Plaintiff be given such other and further relief as the nature of this case may
10 require and this Court deems equitable, just, and proper.
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15 Dated:

Nov. 7, 2022

NANCY E. O'MALLEY
District Attorney, Alameda County

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18 By:


Alyce Sandbach
Deputy District Attorney


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APPENDIX

<p>NANCY E. O'MALLEY District Attorney, County of Alameda Alyce Sandbach, SBN 141894 Deputy District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 (510) 383-8600</p>	<p>DIANA BECTON District Attorney, County of Contra Costa Stacey Grassini, SBN 154937 Senior Deputy District Attorney 900 Ward Street Martinez, CA 94553 (925) 957-2200</p>
<p>SUSAN J. KRONES District Attorney, Lake County 255 North Forbes Street Lakeport CA 95453 (707) 263-2251</p>	<p>LORI FRUGOLI District Attorney, County of Marin Andres H. Perez, SBN 186219 Deputy District Attorney 3501 Civic Center Dr., Rm. 145 San Rafael, CA 94903 (415) 4736450</p>
<p>C. DAVID EYSTER District Attorney, County of Mendocino 100 N State St, Room G-10 Ukiah, CA 95482 (951) 955-5400</p>	<p>JILL R. RAVITCH District Attorney, County of Sonoma Caroline Fowler, SBN 110313 Deputy District Attorney 2300 County Center Dr., Ste. B170 Santa Rosa, CA 95403 (707) 565-3161</p>
<p>JEFF W. REISIG District Attorney, County of Yolo David J. Irej, SBN 142864 Assistant Chief Deputy District Attorney 301 Second Street Woodland, CA 95695 (916) 666-8180</p>	

Electronically Received 12/05/2022 03:13 PM

1 NANCY E. O'MALLEY
District Attorney of the County of Alameda
2 ALYCE SANDBACH, State Bar No. 141894
Deputy District Attorney
3 Consumer and Environmental Protection Unit
7677 Oakport Street, Suite 650
4 Oakland, California 94621
5 Telephone: (510) 383-8600
Facsimile: (510) 383-8615
6 (See Appendix hereto for full list of Plaintiff's counsel)

FILED
Superior Court of California
County of Alameda
01/05/2023
Clad Flake, Executive Officer/Clerk of the Court
By:  Deputy
S. Albert

7 *Attorneys for The People of the State of California*

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No. 22CV023017

13 Plaintiff,

14 v.

FINAL JUDGMENT AND PERMANENT
INJUNCTION [~~Proposed~~]

15
16 FAIZAN CORPORATION, a California
17 Corporation, and MAHMOOD ALAM, an
individual,

18 Defendants.
19

20 The PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys:
21 Nancy E. O'Malley, District Attorney of Alameda County; Diana Becton, District Attorney of
22 Contra Costa County; Susan J. Krones, District Attorney of Lake County; Lori E. Frugoli, District
23 Attorney of Marin County; C. David Eyster, District Attorney of Mendocino County; Jill R.
24 Ravitch, District Attorney of Sonoma County; and Jeff W. Reisig, District Attorney of Yolo
25 County, (collectively referred to herein as Plaintiff or "the People"); and Defendants FAIZAN
26 CORPORATION and MAHMOOD ALAM ("Defendants"), appearing through their attorneys
27 William D. Wick of Wactor & Wick LLP, have entered into a Stipulation for this Final Judgment
28

1 and Permanent Injunction (“Stipulation”) and have thereby agreed to entry of this Final Judgment
2 and Permanent Injunction (“Final Judgment”) without the taking of proof and without the
3 Stipulated Final Judgment constituting evidence of an admission by any party regarding any issue
4 of fact or law alleged in the Complaint, and Defendants having waived the right to appeal, and
5 good cause appearing,
6

7 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

8 **JURISDICTION AND VENUE**

9 1. The Superior Court of California, County of Alameda, has subject matter
10 jurisdiction over the matters alleged in this action and personal jurisdiction over the Parties to this
11 Final Judgment, and the Superior Court for the County of Alameda is the proper venue for this
12 action.
13

14 **SETTLEMENT OF DISPUTED CLAIMS**

15 2. This Final Judgment is not an admission or denial by Defendants regarding any
16 issues of law or fact in this case or any violation of law. The Parties enter into this Final Judgment
17 pursuant to a compromise and settlement of disputed claims, as set forth in the Complaint in this
18 case, for the purpose of furthering the public interest. The People believe that the resolution
19 embodied in this Final Judgment is fair and reasonable and fulfills the People’s enforcement
20 objectives. Defendants agree that this is a fair and reasonable resolution of the matters alleged in
21 the Complaint.
22

23 **DEFINITIONS**

24 3. Except where otherwise expressly defined in this Final Judgment, the definitions
25 set forth in the following statutory schemes and all regulations issued pursuant thereto shall apply
26 to the technical terms used herein: (a) the Underground Storage of Hazardous Substances Law
27 (California Health and Safety Code, Division 20, Chapters 6.7); (b) the Hazardous Waste Control
28

1 Law (California Health and Safety Code, Division 20, Chapters 6.5); (c) the Hazardous Materials
2 Release Response Law (California Health and Safety Code, Division 20, Chapters 6.95); and
3 (d) the Weights and Measures Law, Division 5 of the Business and Professions Code.
4

5 **INJUNCTION**

6 *Applicability*

7 4. The provisions of this injunction are applicable to Defendants, their successors and
8 assigns, their agents, representatives, officers, directors, managers, subsidiaries, and to all persons,
9 employees, and corporations and other entities acting under, by, through or on behalf of, or in
10 concert with either Defendant with actual or constructive knowledge of this Final Judgment.
11

12 *Compliance with Applicable Statutes, Regulations, and Permits*

13 5. Pursuant to the provisions of Health and Safety Code sections 25299.01, 25299.04,
14 25181, 25184, 25515.6, 25515.8, and Business and Professions Code Section 17203, Defendants
15 are permanently enjoined and restrained from violating Chapters 6.7, 6.5 and 6.95 of Division 20
16 of the Health and Safety Code and the regulations promulgated under these chapters and Division
17 5 of the Business and Professions Code.
18

19 *Specific Injunctive Provisions*

20 6. Pursuant to the provisions of Health and Safety Code sections 25299.01, 25299.04,
21 25181, 25184, 25515.6, 25515.8, and Business and Professions Code Section 17203, Defendants
22 are enjoined and restrained from failing to comply with any of the following legal requirements at
23 any facility it owns and/or operates:

24 a. Defendants shall at all times equip all secondary containment, including
25 under-dispenser containment, and under-dispenser spill control or containment systems, with a
26 continuous monitoring system that either activates an audible and visual alarm or stops the flow of
27 the hazardous substance at the dispenser when it detects a leak, as required by California Code of
28 Regulations, title 23, section 2636(f)(1).

1 b. Defendants shall install, place and maintain all leak-detecting equipment, so
2 that the equipment, including leak-detecting sensors, is capable of detecting a leak at the earliest
3 possible opportunity as required by California Code of Regulations, title 23, sections 2630(d) and
4 2641(a).

5 c. Defendants shall immediately replace or repair any leak-detecting
6 equipment, including but not limited to leak-detecting sensors, that for any reason become
7 incapable of detecting an unauthorized release from any portion of the underground storage tank
8 system at the earliest possible opportunity as required by California Code of Regulations, title 23,
9 sections 2630(d) and 2641(a).

10 d. Defendants shall not remove, reposition, adjust, replace or otherwise touch
11 or tamper with any leak-detecting equipment, including but not limited to a leak-detection sensor
12 that is part of an UST system, such that the leak-detection equipment is not capable of detecting a
13 leak or release at the earliest possible opportunity, in violation of California Code of Regulations,
14 title 23, sections 2630(d) and 2641(a) unless by and through the lawful actions of a Service
15 Technician meeting the requirements of California Code of Regulations title 23, section 2715(i).

16 e. Defendants shall ensure that all monitoring and leak-detecting equipment
17 including, but not limited to, leak-detecting sensors, is installed, calibrated, operated and
18 maintained in accordance with the manufacturer's instructions as required by California Code
19 Regulations, title 23, Section 2638(a).

20 f. Defendants shall develop, maintain, and enforce a preventive maintenance
21 schedule for all monitoring equipment in accordance with the manufacturer's instructions as
22 required by California Code of Regulations, title 23, Sections 2632(d)(1)(F) and 2634(d)(2)(F).

23 g. Defendants shall monitor the UST system at any facility/facilities that either
24 Defendant owns, operates, manages or controls using the method specified in the permit as required
25 by Health and Safety Code section 25293 and California Code of Regulations, title 23, sections
26 2632(b) and 2641(g).

27 h. Defendants shall conduct all upgrades and repairs to any UST system
28

1 including repair and/or replacement of underground storage tanks, piping, or other UST
2 components including leak-detection and monitoring equipment in accordance with California
3 Code of Regulations, title 23, Division 3, Chapter 16, Article 6 and any additional manufacturer's
4 specifications as required by California Code of Regulations, title 23, section 2660.

5 i. Defendants shall comply with all requirements of applicable UST permits,
6 as required by California Health and Safety Code section 25299 and California Code of
7 Regulations, title 23, section 2712.

8 j. Defendants shall document every monitoring system alarm in a written log
9 or report if required by an UST permit, including if required, the nature of the alarm, alarm
10 condition, a description of the action taken in response to the alarm(s) including the name, address
11 and license number of any service technician that may have responded to the alarm.

12 k. Defendants shall ensure that all underground piping with secondary
13 containment is equipped with a continuous monitoring system that either activates an audible or
14 visual alarm or stops the flow of the hazardous substance at the dispenser when it detects a leak, as
15 required by the California Code of Regulations, title 23, section 2636(f)(1).

16 l. Defendants shall notify the local agency at least forty-eight (48) hours prior
17 to conducting secondary containment testing, spill containment testing, overfill prevention
18 equipment inspections, or the installation, repair, replacement, calibration or certification of
19 monitoring equipment as required respectively by California Code of Regulations, title 23, sections
20 2637(f), 2637.1, 2637.2, and 2638. Defendants shall also provide any notice to the local agency
21 required by an UST permit.

22 m. Defendants shall conduct the following testing: spill containment structure
23 testing as required by Health and Safety Code section 25284.2; line tightness testing as required
24 by California Code of Regulations, title 23, section 2636(f)(3); the secondary containment testing
25 required by California Code of Regulations, title 23, section 2637; all testing required for annual
26 certification of UST monitoring equipment as required by California Code of Regulations, title 23,
27 section 2638; and any monitoring or testing as required California Code of Regulations, title 23,
28

1 section 2643

2 n. Defendants shall submit a completed “Monitoring System Certification
3 Form” within thirty (30) days of any annual monitoring certification as required by California Code
4 of Regulations, title 23, section 2638(d), and Defendants shall submit a complete copy of the
5 “Secondary Containment Testing Report Form” within thirty (30) days of the completion of the
6 secondary containment system test to the local agency as required by California Code of
7 Regulations, title 23, section 2637(f).

8 o. Defendants shall at all times employ a qualified “designated UST operator”
9 for each UST location owned and/or operated by Defendants as required by California Code of
10 Regulations, title 23, section 2715, and shall identify the designated UST operator to the local
11 agency as required by California Code of Regulations, title 23, section 2715(a).

12 p. Defendants shall ensure that a qualified designated UST operator performs
13 a monthly visual inspection of every UST system as required by California Code of Regulations,
14 title 23, section 2716 and conducts the training required by California Code of Regulations, title
15 23, section 2715(c).

16 q. Within seventy-two (72) hours of being provided a signed copy of the
17 “Designated Underground Storage Tank Operator Visual Inspection Report,” Defendants shall: (1)
18 Provide a description of each corrective action taken or to be taken for any compliance issues
19 discovered during the inspection on the copy of the “Designated Underground Storage Tank
20 Operator Visual Inspection Report” signed by the designated UST operator; and (2) Sign and date
21 the report, acknowledging the results of the inspection as required by California Code of
22 Regulations, title 23 section 2716(e). Defendants shall obtain, keep current and retain at their
23 facilities, a permit to operate each UST as required by California Code of Regulations, title 23,
24 section 2712(i) and Health and Safety Code section 25284.

25 r. Defendants shall maintain on-site at their facilities, or off-site at a readily
26 available location approved by the local agency, monitoring, maintenance and other records and
27 shall make the records available upon the request of the local agency and/or State Water Board
28

1 within 36 hours, as required by California Code of Regulations, title 23, section 2712(b).

2 s. Defendants shall not operate an UST system without having in place a
3 monitoring and response plan approved by the local agency (UPA) and specified in the relevant
4 UST operating permit as required by California Code of Regulations, title 23, sections 2632(b) and
5 2641(g).

6 t. Defendants shall ensure that all UST systems meet the applicable
7 operational requirements set forth in Health and Safety Code sections 25290.1, 25290.2, 25291,
8 25292.1 and 25292 to the extent they apply to Defendants' UST systems.

9 u. For any unauthorized release, as defined in Health and Safety Code section
10 25295.5, Defendants shall record the unauthorized release, timely notify the local agency of the
11 unauthorized release and timely provide to the local agency a full written report of the unauthorized
12 release as required by Health and Safety Code sections 25294 and 25295(a)(1) and California Code
13 of Regulations, title 23, sections 2650 through 2652. Defendants shall comply with all additional
14 laws and regulations requiring notifications upon the release of any hazardous material.

15 v. Defendants shall equip all USTs with a spill container that collects any
16 hazardous substances spilled during product delivery operations and overfill prevention system as
17 required by California Code of Regulations, title 23, sections 2635(b) and (c).

18 w. Defendants shall install all underground piping that is in contact with
19 hazardous substances under normal operating conditions within a secondary containment system
20 as required by California Code of Regulations, title 23, section 2636(c)(1).

21 x. Defendant shall at all times (other than when the secondary containment is
22 being tested) ensure that test boots are properly placed to allow the associated UST component to
23 be monitored as required by California Code of Regulations, title 23, section 2636(f).

24 y. Defendants shall maintain evidence of financial responsibility for taking
25 corrective action and for compensating third parties as required by Health and Safety Code section
26 25292.2.

27 z. Defendants shall install and maintain automatic line leak detectors on all
28

1 underground pressurized piping as required by California Code of Regulations, title 23, section
2 2636(f)(2).

3 aa. In any permit application submitted pursuant to California Code of
4 Regulations, title 23, section 2711(a), Defendants shall provide complete and accurate information.
5 Defendants shall submit any changes to the local agency through the California Environmental
6 Reporting System (CERS) within 30 days as required by California Code of Regulations, title 23,
7 section 2711(b).

8 bb. Defendants shall have a means for monitoring water intrusion by
9 precipitation or infiltration into the secondary containment as required by California Health and
10 Safety Code section 25291(e).

11 cc. Defendants shall ensure that each container, receptacle, pump, dispenser
12 and inlet end of the fill pipe of each underground storage tank is properly labeled with the name of
13 the product, the brand, the trademark, the trade name, and the grade and brand name at any location
14 where Defendant sells fuel, pursuant to the requirements of Business and Professions Code 13480.

15 dd. Defendants shall, after installation of any measuring instrument, notify the
16 sealer of the relevant county of such installation pursuant to the requirements of Business and
17 Professions Code section 12515.

18 ee. Defendants shall not make any deceptive, false, or misleading statements
19 by any means regarding the quality, quantity, performance, price, discount or savings as it relates
20 to any commodity sold at any Facility, as prohibited by Business and Professions Code section
21 13413.

22 ff. Defendants shall not misrepresent the grade of a motor vehicle fuel in
23 violation of Business and Professions Code section 13413(b).

24 gg. Defendants shall not move or alter the seal affixed to any measuring
25 equipment by any County Sealer.

26 hh. Defendants shall ensure that all letters, numbers, or figures that relate to the
27 price of fuel or sign are plainly visible as required by Business and Professions Code section 13474.
28

1 ii. Defendants shall insure that all labels where each underground storage tank
2 is filled are plainly visible, as required by Business and Professions Code section 13483.
3

4 ***Environmental Management Program***

5 7. Pursuant to the provisions of Health and Safety Code sections 25181, 25184,
6 25299.01, 25299.04, 25270.12, 25515.6, 25515.8, and Business and Professions Code Section
7 17203, Defendants shall, in addition to any other requirement under the law, comply with the
8 additional requirements set forth below.
9

10 ***Environmental Compliance Manager and Written Compliance Plan***

11 8. Defendants shall retain an independent contractor who shall be referred to herein as
12 Defendants' Environmental Compliance Management Consultant (or "Consultant"). The
13 Consultant shall have knowledge, training and experience relating to the requirements of the
14 following statutory schemes and all regulations issued pursuant thereto: (a) the Underground
15 Storage of Hazardous Substances Law (California Health and Safety Code, Division 20, Chapters
16 6.7); (b) the Hazardous Waste Control Law (California Health and Safety Code, Division 20,
17 Chapters 6.5); and (c) the Hazardous Materials Release Response Law (California Health and
18 Safety Code, Division 20, Chapters 6.95). The Consultant shall possess and maintain a valid
19 California UST Inspector Certificate issued by the International Code Council (ICC) as provided
20 by California Code of Regulations, title 23 section 2715(j) and have no less than five (5) years'
21 experience as a Unified Program Agency (UPA) inspector.

22 a. The Consultant shall assist Defendants in the development, modification,
23 and implementation of a written compliance plan that shall include policies and procedures to
24 ensure compliance with the laws and regulations set forth in Paragraph 5 and all additional
25 requirements set forth herein at each facility owned and/or operated and/or developed by one or
26 both Defendants. The compliance plan shall include policies and procedures to facilitate the
27 timeliness of all required inspections and other requirements including: monthly DO inspections
28

1 and alarm logs; equipment maintenance and repair; satisfaction of all document maintenance
2 requirements; fulfillment of all facility employee training requirements; and the timely
3 demonstration of Defendants' return to compliance to regulatory agencies after any finding of non-
4 compliance. Defendants shall provide a copy of the compliance plan to Plaintiff within ninety (90)
5 calendar days after entry of this Final Judgment.

6 b. Defendants shall forward all inspection reports (by both regulatory agencies
7 and by private contractors) relating to all facilities it owns or operates and all monthly reports
8 authored by each of its Designated Operators to its Consultant for review immediately upon receipt.
9 Defendants shall timely and diligently obtain all inspection reports from its private contractors
10 (which includes all Designated Operators); Defendants shall timely pay contractors in order to
11 prevent any delay in delivery of inspection reports. Defendants shall take immediate action to
12 address any violation, failure of equipment, or concerns raised in any inspection report or monthly
13 DO report.

14 ***Bi-annual Environmental Audit and Status Report***

15 c. Beginning ninety (90) calendar days after entry of this Final Judgment, and
16 every six (6) months thereafter for five (5) years, Defendants' Consultant shall conduct an audit
17 assessing the effectiveness of Defendants' compliance with the terms of this Final Judgment and
18 shall author and submit to Plaintiff a written report ("Status Report") that summarizes the findings
19 of the audit and sets forth any measures taken and/or planned by Defendants in relation to
20 compliance with this Final Judgment. The audit and Status Report shall include a review of
21 inspection reports by any regulatory agency and private contractor (including by any designated
22 operator) related to any facility owned and/or operated by either Defendant and review of all
23 documents relating to compliance, including but not limited to UST alarm logs, records
24 documenting that all personnel requiring training have in fact been trained, forms documenting
25 inspection of hazardous waste storage areas, and interviews with station employees regarding their
26 understanding of their roles regarding compliance required by this Final Judgment. The Status
27 Report shall disclose any notice of violation that either Defendant has received pertaining to the
28

1 matters covered in this Final Judgment, whether received verbally, in written form in conjunction
2 with a regulatory inspection, in any formal Notice of Violation, or in any other form. The Status
3 Report shall document the cause of the violation, all actions taken by Defendants in response to
4 such violation, and any compliance failures of which Defendants are aware.

5 d. Each Status Report shall include the following as attachments: an updated
6 version of the written compliance plan; all annual monitoring system certifications; secondary
7 containment testing reports; tank linking inspection reports; monthly Designated Operator (“DO”)
8 inspection reports; and enhanced leak detection reports. Each Status Report shall be signed by the
9 Consultant. The certification shall read, “Based on the combination of my personal knowledge
10 and belief formed in reliance on information provided to me and after conducting reasonable
11 inquiry, I declare under penalty of perjury that the information contained in and accompanying this
12 submission is true, accurate, and complete.” Each Status Report shall be completed and submitted
13 to Plaintiff within thirty (30) days following the above-described six (6)-month period.

14 ***Delivery of Documents to Plaintiff***

15 e. All Status Reports and other documents required to be provided to Plaintiff
16 shall be mailed to the following address:

17
18 Office of the District Attorney of Alameda County
19 Attention: DDA Alyce Sandbach
20 7677 Oakport Street, Suite 650
Oakland, CA 94621

21 **CIVIL PENALTIES AND COSTS**

22 9. Defendants shall jointly and severally pay a total settlement amount of FIVE
23 HUNDRED THOUSAND (\$500,000.00) dollars, in addition to any sums for late payment, as set
24 forth below. All payments made pursuant to this Final Judgment shall be made by check made
25 payable to the “Alameda County District Attorney’s Office” and delivered to the Alameda County
26 District Attorney’s Office, 7677 Oakport Street, Suite 650, Oakland California 94621, to the
27 attention of DDA Alyce Sandbach, for distribution pursuant to the terms of this Final Judgement.
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a. Civil Penalties

Before the filing of this Stipulation, Defendants shall jointly and severally pay THREE HUNDRED AND TWENTY-SEVEN DOLLARS (\$327,000.00) as civil penalties, which shall be distributed by the Alameda County District Attorney’s Office to the entities identified in, and in accordance with, the amounts specified in Exhibit A which is attached hereto and made a part of this Final Judgment by this reference.

b. Reimbursement of Costs of Investigation and Enforcement

Before the filing of this Stipulation, Defendants shall jointly and severally pay ONE HUNDRED AND TWENTY-THREE THOUSAND DOLLARS (\$123,000.00) for costs of investigation, attorney’s fees, and other costs of enforcement, which shall be distributed by the Alameda County District Attorney’s Office to the Local Agencies identified in Exhibit B, which is attached hereto and made a part of this Final Judgment by this reference, in the amounts set forth therein and which shall be distributed to the District Attorney’s Offices identified in Exhibit B in the amounts set forth in the column indicated for payments to be distributed upon Defendants’ first payment.

Defendants shall thereafter jointly and severally pay an additional FIFTY THOUSAND DOLLARS (\$50,000.00) in installments for the remainder of the above-described costs, which shall be distributed by the Alameda County District Attorney’s Office to those District Attorney’s Offices identified in Exhibit B in the amounts set forth as payments to be distributed from Defendants’ installment payments. Defendants shall jointly and severally make each of the installment payments indicated below by the deadlines set forth and in the amounts and to the specific payees indicated:

- a. On or before February 1, 2023, Defendants shall pay the sum of \$4,000 to the “Yolo County District Attorney’s Office.”
- b. On or before March 1, 2023, Defendants shall pay the sum of \$4,000 to the “Sonoma County District Attorney’s Office.”
- c. On or before April 1, 2023, Defendants shall pay the sum of \$4,000 to the “Mendocino County District Attorney’s Office.”

- 1 d. On or before May 1, 2023, Defendants shall pay the sum of \$4,000 to the “Marin
2 County District Attorney’s Office.”
- 3 e. On or before June 1, 2023, Defendants shall pay the sum of \$4,000 to the “Lake
4 County District Attorney’s Office.”
- 5 f. On or before July 1, 2023, Defendants shall pay the sum of \$4,000 to the “Contra
6 Costa County District Attorney’s Office.”
- 7 g. On or before August 1, 2023, Defendants shall pay the sum of \$4,000 to the
8 “Alameda County District Attorney’s Office.”
- 9 h. On or before September 1, 2023, Defendants shall pay the sum of \$4,000 to the
10 “Yolo County District Attorney’s Office.”
- 11 i. On or before October 1, 2023, Defendants shall pay the sum of \$4,000 to the
12 “Sonoma County District Attorney’s Office.”
- 13 j. On or before November 1, 2023, Defendants shall pay the sum of \$4,000 to the
14 “Alameda County District Attorney’s Office.”
- 15 k. On or before December 1, 2023, Defendants shall pay the sum of \$4,000 to the
16 “Yolo County District Attorney’s Office.”
- 17 l. On or before January 1, 2024, Defendants shall pay the sum of \$4,000 to the
18 “Alameda County District Attorney’s Office.”
- 19 m. On or before February 1, 2024, Defendants shall pay the following sums to the
20 payees indicated:
- 21 i. \$500.06 to the “Yolo County District Attorney’s Office;”
 - 22 ii. \$333.32 to the “Sonoma County District Attorney’s Office;”
 - 23 iii. \$166.66 to the “Mendocino County District Attorney’s Office;”
 - 24 iv. \$166.66 to the “Marin County District Attorney’s Office;”
 - 25 v. \$166.66 to the “Lake County District Attorney’s Office;”
 - 26 vi. \$166.66 to the “Contra Costa District Attorney’s Office;” and
 - 27 vii. \$499.98 to the “Alameda County District Attorney’s Office.”
- 28

1 violations that were known to the People and could have been asserted against Defendants in the
2 Complaint under California Health & Safety Code, Division 20, Chapters 6.5, 6.7, or 6.95, at the
3 time of the filing of the Complaint. These claims, violations, and causes of actions shall be known
4 as "Covered Matters," unless exempted below. Any claim, violation, or cause of action that is not
5 a Covered Matter is a "Reserved Claim."

6 13. Reserved Claims include, without limitation, any violation that occurs after the
7 filing of this Final Judgment and any claim, violation, or cause of action against independent
8 contractors or subcontractors retained to do work for either Defendant.

9 14. This Judgment does not include claims or causes of action against Defendants for
10 performance of cleanup, corrective action, or response action for any past or future releases, spills,
11 or disposals of hazardous waste and/or substances for which either Defendant is a responsible party
12 or otherwise liable.

13 15. Nothing in this Final Judgment is intended nor shall it be construed to preclude the
14 People, or any state, county, city, or local agency, department, board or entity, or any local agency
15 from exercising its authority under any law, statute or regulation. Furthermore, nothing in this
16 Final Judgment shall be construed to excuse either Defendant from compliance with any applicable
17 statutes, regulations, local ordinances or permitting requirements or any other law or applicable
18 requirement.

19 INTEGRATION

20 16. The failure of the People to enforce any provision of this Final Judgment shall
21 neither be deemed a waiver of such provision nor in any way affect the validity of this Final
22 Judgment. The failure of the People to enforce any such provision shall not preclude it from later
23 enforcing the same or any other provision of this Final Judgment. No oral advice, guidance,
24 suggestion or comment by employees or officials of any Party regarding matters covered in this
25 Final Judgment shall be construed to relieve any Party of its obligations under this Final
26 Judgment.

EXHIBIT A TO FINAL JUDGMENT

Civil penalties

Payment to	Employer ID (FEIN)	Amount
District Attorney's Offices		
Alameda County District Attorney's Office	94-6000501	\$70,000.00
Contra Costa County District Attorney's Office	94-6000509	\$24,500.00
Lake County District Attorney's Office	94-6000825	\$24,500.00
Marin County District Attorney's Office	94-6000519	\$24,500.00
Mendocino County District Attorney's Office	94-6000520	\$24,500.00
Sonoma County District Attorney's Office	94-6000539	\$49,000.00
Yolo County District Attorney's Office	94-6000548	\$70,000.00
<i>Subtotal for penalties to District Attorney's Offices</i>		<i>\$287,000.00</i>
Contra Costa County Health Services Hazardous Materials Program	94-6000509	\$5,000.00
Lake County Division of Environmental Health	94-6000825	\$5,000.00
Marin County CUPA	94-6000519	\$5,000.00
Mendocino County Environmental Health Division	94-6000520	\$5,000.00
San Leandro Environmental Services	94-6000421	\$10,000.00
Santa Rosa Fire Department	94-6000539	\$5,000.00
Yolo County Department of Environmental Health	94-6000548	\$5,000.00
<i>Subtotal for penalties to Local Agencies</i>		<i>\$40,000.00</i>
Total Civil Penalties		\$327,000.00

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EXHIBIT B TO FINAL JUDGMENT

Partial reimbursement of Plaintiff's attorney's fees, investigation, and other costs of enforcement

Payment to	Employer ID (EIN)	To be distributed upon Defendants first payment	To be distributed from Defendants instalment payments
District Attorney's Offices Partial Costs			
Alameda County District Attorney's Office	94-6000501	\$17,500.02	\$12,499.98
Contra Costa County District Attorney's Office	94-6000509	\$6,333.34	\$4,166.66
Lake County District Attorney's Office	94-6000825	\$6,333.34	\$4,166.66
Marin County District Attorney's Office	94-6000519	\$6,333.34	\$4,166.66
Mendocino County District Attorney's Office	94-6000520	\$6,333.34	\$4,166.66
Sonoma County District Attorney's Office	94-6000539	\$12,666.68	\$8,333.32
Yolo County District Attorney's Office	94-6000548	\$17,499.94	\$12,500.06
<i>Payment/Installment Subtotals</i>		\$73,000.00	\$50,000.00
<i>District Attorney's Offices' Costs</i>		<i>Subtotal</i>	<i>\$123,000.00</i>
Local Agencies' Partial Costs			
Contra Costa County Health Services Hazardous Materials Program	94-6000509	\$5,000.00	
Lake County Division of Environmental Health	94-6000825	\$5,000.00	
Marin County CUPA	94-6000519	\$5,000.00	
Mendocino County Environmental Health Division	94-6000520	\$5,000.00	
San Leandro Environmental Services	94-6000421	\$10,000.00	
Santa Rosa Fire Department	94-6000539	\$5,000.00	
Yolo County Department of Environmental Health	94-6000548	\$5,000.00	
Yolo County Weights and Measures	94-6000548	\$10,000.00	
<i>Local Agencies' Costs</i>	<i>Subtotal</i>	<i>\$50,000.00</i>	
Total Costs		\$173,000.00	

APPENDIX

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p>	<p>NANCY E. O'MALLEY District Attorney, County of Alameda Alyce Sandbach, SBN 141894 Deputy District Attorney 7677 Oakport Street, Suite 650 Oakland, CA 94621 (510) 383-8600</p>	<p>DIANA BECTON District Attorney, County of Contra Costa Stacey Grassini, SBN 154937 Senior Deputy District Attorney 900 Ward Street Martinez, CA 94553 (925) 957-2200</p>
<p>7</p> <p>8</p> <p>9</p> <p>10</p>	<p>SUSAN J. KRONES District Attorney, Lake County 255 North Forbes Street Lakeport CA 95453 (707) 263-2251</p>	<p>LORI FRUGOLI District Attorney, County of Marin Andres H. Perez, SBN 186219 Deputy District Attorney 3501 Civic Center Dr., Rm. 145 San Rafael, CA 94903 (415) 4736450</p>
<p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>C. DAVID EYSTER District Attorney, County of Mendocino 100 N State St, Room G-10 Ukiah, CA 95482 (951) 955-5400</p>	<p>JILL R. RAVITCH District Attorney, County of Sonoma Caroline Fowler, SBN 110313 Deputy District Attorney 2300 County Center Dr., Ste. B170 Santa Rosa, CA 95403 (707) 565-3161</p>
<p>15</p> <p>16</p> <p>17</p> <p>18</p>	<p>JEFF W. REISIG District Attorney, County of Yolo David J. Irely, SBN 142864 Assistant Chief Deputy District Attorney 301 Second Street Woodland, CA 95695 (916) 666-8180</p>	

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 01/13/2023 Chad Finke, Executive Officer / Clerk of the Court
PLAINTIFF/PETITIONER: The People of the State of California	By:  Deputy
DEFENDANT/RESPONDENT: FAIZAN CORPORATION, a California corporation et al	S. Albert
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV023017

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order FINAL JUDGMENT AND PERMANENT INJUNCTION entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

Alyce Sandbach
Alameda County District Attorney's Office
alyce.sandbach@acgov.org

Chad Finke, Executive Officer / Clerk of the Court

Dated: 01/13/2023

By:



S. Albert, Deputy Clerk