

**FILED
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**GDSSC COURTHOUSE
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY**

1 EARTHJUSTICE
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11 Attorneys for Petitioner and Plaintiff SIERRA CLUB

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SACRAMENTO

14 SIERRA CLUB, A Non-Profit Corporation,

15 Petitioner and Plaintiff,

16 v.

17 SACRAMENTO METROPOLITAN AIR
18 QUALITY MANAGEMENT DISTRICT

19 Respondent and Defendant.

20 INTER-STATE OIL COMPANY; DOES 1
21 through 20, inclusive,

22 Real Parties in Interest and Defendants.

Case No. 34-2014-80001945

**VERIFIED FIRST AMENDED PETITION
FOR WRIT OF MANDATE AND
COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

**[California Environmental Quality Act;
California Code of Civil Procedure § 1085;
California Public Resources Code § 21168.5]**

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VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF
Case No. 34-2014-80001945

By Fax

1 Petitioner and Plaintiff Sierra Club (“Sierra Club”) brings this action challenging the
2 Sacramento Metropolitan Air Quality Management District’s (“Air District”) unlawful disregard of
3 the provisions, protections, and requirements of the California Environmental Quality Act
4 (“CEQA”). Sierra Club brings this action on its own behalf, on behalf of its members, on behalf of
5 the general public, and in the public interest.

6 INTRODUCTION

7 1. Inter-State Oil Company’s (“Inter-State”) crude oil rail-to-truck transfer operation
8 (“Project”) brings highly volatile and explosive North Dakotan Bakken crude oil to McClellan,
9 California using the same type of unit trains that derailed in July of last year and exploded, killing
10 nearly fifty people and decimating half the downtown area of Lac-Mégantic, Québec. Ignoring the
11 well-known and potentially catastrophic risk to public health and safety, the Air District issued Inter-
12 State a construction permit (“Authority to Construct”) and an operating permit (“Permit to Operate”)
13 for its terminal Project without any notice or public process whatsoever.

14 2. Such clandestine approval of projects that threaten public health and communities is
15 precisely what CEQA was designed to prevent. The range of significant adverse environmental
16 impacts of Inter-State’s operation includes significant increases in toxic air contaminants, a high risk
17 to public health and safety from derailment, potential contamination of California’s precious
18 waterways (that support entire ecosystems as well as the State’s economy), and significant increases
19 in greenhouse gas emissions. The seriousness and breadth of these impacts warrant disclosure,
20 analysis, and mitigation in a full environmental impact report, subject to public scrutiny and a public
21 vote by the Air District’s governing body. Yet, the Air District approved the operation without any
22 attempt to comply with CEQA.

23 3. The Air District eschewed its CEQA obligations without offering any explanation for
24 shielding the project from the public and its own governing board. It is clear that CEQA applies—in
25 particular, the permit was crafted by an Air District engineer, who used his independent judgment to
26 develop permit conditions that are specifically-tailored to Inter-State’s operation. For example, the
27 Air District identified two different types of pollution controls imposed by other agencies and chose
28 the weaker, and less costly, pollution control system for the operation. Furthermore, in calculating

1 emissions from the Project, the Air District used its subjective judgment to research and identify a
2 calculation methodology that resulted in an incorrect conclusion of no emissions increase from the
3 operation, and ultimately led to the illegal decision to forego CEQA review entirely. These are just a
4 few examples of the agency's exercise of discretion. For these reasons, the Air District's disputed
5 approvals are discretionary acts subject to CEQA.

6 4. The operation is adjacent to a business park and residential areas where residents live,
7 work and play. The Air District's failure to hold its evaluation and Project approvals to public
8 scrutiny, as CEQA requires, betrays the local community and violates the basic open government
9 obligations of a properly-functioning democracy. With no other recourse, Petitioner files this action.

10 **PARTIES**

11 5. SIERRA CLUB is a national nonprofit organization of approximately 600,000
12 members. Sierra Club is dedicated to exploring, enjoying, and protecting the wild places of the
13 earth; to practicing and promoting the responsible use of the earth's ecosystems and resources;
14 to educating and encouraging humanity to protect and restore the quality of the natural and human
15 environment; and to using all lawful means to carry out these objectives. Sierra Club's particular
16 interest in this case and the issues which the case concerns stem from Sierra Club's interests in
17 reducing reliance on fossil fuels and protecting the health of vulnerable communities. It has
18 members located throughout the Sacramento and San Francisco Bay Area.

19 6. Sierra Club has approximately 5,400 members in the Sacramento area and over
20 52,000 members in the greater San Francisco Bay Area. These members live, work, and recreate in
21 counties that are affected by the terminal operations in McClellan, California and the numerous oil
22 refineries in the Bay Area receiving crude from McClellan. They have an interest in their health and
23 well-being, and have conservation, aesthetic, and economic interests in the local
24 environment. Sierra Club's members who live and work in or near the rail terminal and along the
25 rail lines radiating out from the terminal have a right to, and a beneficial interest in the Air District's
26 compliance with CEQA. These interests have been, and continue to be, threatened by the Air
27 District's decision to issue Inter-State a construction permit and an operating permit without any
28 CEQA review.

7. By this action, Sierra Club seeks to protect the health, welfare, and economic interests of its members and the general public and to enforce a public duty owed to them by the Air District.

8. Respondent and Defendant SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT is the local agency that issued the Authority to Construct that is the subject of this litigation.

9. Real Party in Interest and Defendant INTER-STATE is a diversified fuel and lubricants distributor servicing California and Northern Nevada, with corporate headquarters in Sacramento, California. Inter-State specializes in on-site fueling, bulk fueling, bulk liquid transloading services, fuel storage tanks on location, delivery of bulk lubricants and equipment, as well as other automotive and commercial products.

10. Petitioner does not know the true names or capacities of the persons or entities sued as DOES 1 through 20, inclusive, and therefore sues these real parties by their fictitious names. Petitioners will amend the Petition and Complaint to set forth the names and capacities of the DOE defendants along with any additional appropriate allegations when such information is ascertained.

JURISDICTION AND VENUE

11. This Court has jurisdiction over this action pursuant to California Code of Civil Procedure (“CCP”) § 1085.

12. This Court has jurisdiction over the Air District because it is an agency, established by the legislature of the State of California under the supervision of the California Air Resources Board and the Environmental Protection Agency, with its principal place of business located in the City and County of Sacramento.

13. Venue is proper in this court pursuant to CCP §§ 393 and 394 because the Air District is located and operates in the City and County of Sacramento.

14. This action was timely filed within 180 days of the Air District’s issuance of a March 27, 2014 Authority to Construct to Inter-State Oil Company (Air District Authority to Construct No. 23977). (Cal. Pub. Res. Code § 21167(a); 14 Cal. Code Regs. § 15112(c)(5).) According to Air District staff, the Air District did not issue a Notice of Exemption for the Project. And, no such

1 notice is available on the Air District’s website. The Sacramento County Clerk’s office was
2 similarly unable to identify any Notice of Exemption for the Project.

3 15. Petitioners have provided written notice of their intention to file this petition to the
4 Air District and are including the notice and proof of service as Exhibit A pursuant to the
5 requirements of Cal. Pub. Res. Code § 21167.5.

6 16. Petitioners have served the Attorney General with a copy of their Petition along with
7 a notice of its filing, in compliance with Cal. Pub. Res. Code § 21167.7, and are including the notice
8 and proof of service as Exhibit B.

9 17. Petitioner does not have a plain, speedy, or adequate remedy at law because Petitioner
10 and its members are suffering irreparable harm from excess emissions of hydrogen sulfide and
11 volatile organic compounds, including toxic air contaminants such as benzene—a known
12 carcinogen. There is no safe level of human exposure to benzene. Petitioner also faces the risk of
13 both endemic and catastrophic rail accidents, which would cause further harm to public health and
14 the environment. As a result of the Project and the Air District’s failure to comply with CEQA, the
15 public is being subject to environmental harm as well as significant impacts to their health and
16 safety.

17 STATEMENT OF FACTS

18 CEQA Requires Public Notice and Participation in Decisions that Impact Communities

19 18. CEQA requires public agencies to consider and document the environmental
20 implications of their actions in order to “[e]nsure that long term protection of the environment . . .
21 shall be the guiding criterion in public decisions.” (Pub. Res. Code § 21001(d).) In enacting CEQA,
22 the Legislature declared it to be the policy of California to "take all action necessary to provide the
23 people of this state with clean air and water.” (*Id.* at § 21001(b); *See Sierra Club v. State Bd. of*
24 *Forestry* (1994) 7 Cal. 4th 1215.) CEQA requires all agencies to give major consideration to
25 preventing environmental damage while providing a decent home and satisfying living environment
26 for every Californian. (Pub. Res. Code §21000 (g).)

27 19. The environmental review process created by CEQA carries out this mandate by
28 bringing citizens’ environmental concerns about a proposed project to the attention of public

1 agencies. CEQA requires public agencies to determine whether a project may have a significant
2 impact on the environment. (*Id.* at §21151.) The environmental review must be completed prior to
3 approval of a permit, so that environmental damage can be minimized. (Pub. Res. Code §21002.1.)

4 20. Courts have consistently held that the foremost principle under CEQA is that it is to
5 be “interpreted in such a manner as to afford the fullest possible protection to the environment within
6 the reasonable scope of the statutory language.” (*Citizens of Goleta Valley*, (1990) 52 Cal.3d at 563-
7 64 (*quoting, Friends of Mammoth v. Bd. of Supervisors* (1972) 8 Cal.3d 247, 259).) Courts further
8 held that “[i]t is, of course, too late for a grudging, miserly reading of CEQA.” (*Laurel Heights*
9 *Improvement Assn. v. Regents of California* (1988) 47 Cal.3d at 390 (*citing Bozung v. Local Agency*
10 *Formation Comm’n.* (1975) 13 Cal.3d 263, 274).) An agency's action violates CEQA if it “thwarts
11 the statutory goals” of “informed decisionmaking” and “informed public participation.” (*Kings Cnty.*
12 *Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712.)

13 **The Community and Environmental Setting**

14 21. The Inter-State crude oil shipping Project is located in the City of McClellan, just
15 seven miles northeast of downtown Sacramento. The project is adjacent to the former McClellan Air
16 Force Base, now known as McClellan Park. Surrounding land uses are low-density residential on
17 the north and a combination of residential, industrial, and commercial on the east, south, and west.

18 22. The full buildout of the McClellan Air Force Base contemplates new office buildings
19 and redevelopment activities that will accommodate 34,000 employees and will be located near the
20 Project. The Project further abuts a number of residential communities. In short, many people live,
21 work and play in close vicinity to the Project, for which there was no public notice or scrutiny, and
22 the surrounding population is projected to grow over time.

23 **The Current State of California’s Railway Infrastructure**

24 23. The California Public Utilities Commission’s (“CPUC”) Office of Rail Safety
25 publishes annual reports on the conditions and public safety risks of California’s railroads pursuant
26 to Cal. Pub. Util. Code §§ 309.7 and 765.6.

1 24. On November 30, 2013, the Office of Rail Safety published its most recent annual
2 railroad safety report, which listed a number of alarming railway safety concerns associated with the
3 increased movement of crude oil by rail through California. The report specifically identifies
4 California’s railroad bridges as a significant rail safety risk. According to the report, most of
5 California’s railroad bridges are old steel and timber structures, *some over a hundred years old*. As
6 the report goes on to explain:

7 [o]ften, these bridges now reside on properties owned by smaller short line railroads
8 that may not be willing or able to acquire the amount of capital needed to repair or
9 replace degrading bridges. [I]t is unclear if the railroads are able to adequately
10 identify, with a high degree of certainty, the year, model, construction materials, and
11 maximum weight the bridge can carry, as well as maintenance programs and
practices. Also, like most transportation infrastructure, the more the bridge is used
with greater frequency and with heavier loads, the more the bridge integrity is
potentially compromised. There are many unknown questions regarding bridge
integrity that need to be answered to ensure the public safety.

12 2013 Rail Safety Report at 8.

13 25. The report further warns that “[r]ailroad bridges are not inspected by any entity in the
14 California state government, even though they carry thousands of rail cars containing hazardous
15 materials and thousands of passengers daily,” and that only “[o]ne federal inspector is currently
16 assigned to cover California, along with 10 other states in the West, and cannot possibly provide
17 adequate oversight for the approximate 5,000-7,000 bridges in California.” 2013 Rail Safety Report
18 at 8-9. The reports lists criteria that may affect a ranking of the risk of a bridge, including “whether
19 the bridge exists in high-population areas and/or over major waterways, and the frequency that the
20 bridges support trains that that transport passengers, *volatile hazardous materials and petroleum*
21 *products.*” *Id.* at 9 (emphasis added).

22 26. Another critical piece of any railway safety assessment includes securing stationary
23 trains. The rail safety report provides context for this issue as it relates to crude-by-rail operations:

24 One example of failure to secure a train is the July 2013 runaway and derailment of a
25 parked but inadequately secured train in Canada. The unattended train and the
26 accompanying crude oil shipment rolled away at very high speed toward the town of
27 Lac-Mégantic, Quebec, Canada, where it derailed, exploded in fire, and resulted in
28 approximately 47 deaths. The Risk Assessment Section uses such worldwide rail
incidents in order to gauge the adequacy and effectiveness of California’s rail safety
program and identify any previously unknown risks in California’s rail system. For
example, the catastrophe in Canada also highlights concerns over recent increased
crude oil rail traffic through California’s, refineries, coast, and mountains. These

1 shipments occur over some of California’s steepest rail grades—making train
2 securement a timely issue.

3 2013 Rail Safety Report at 11.

4 27. The report advises “consideration of stationary and dynamic braking, structural
5 integrity of cars, train consist, track incline, track curvature, and speed limits,” in ensuring adequate
6 train securement. *Id.*

7 28. On the subject of earthquake risk, the report explains that California’s “railroad tracks
8 and bridges cross active faults in the state, and the *potential for earthquake-induced damage to the*
9 *railroad system infrastructure and other rail facilities is high*, with consequent risks to public safety
10 and the environment.” *Id.* (emphasis added).

11 29. In the wake of a 2008 head-on collision between a freight train and commuter train
12 that killed twenty-five people and seriously injured 130 more in Chatsworth, California, the CPUC
13 has elevated its efforts to draw attention to the dangers of California’s railway system and the need
14 for improved safety measures. For example, the agency reports that the state laws mandating annual
15 railway track safety inspections have not been fulfilled since 2005-2006.

16 30. Finally, on the specific threat of crude-by-rail, the CPUC’s safety report provided the
17 following dire warning:

18 According to the California Energy Commission, more than 200,000 barrels of crude
19 per month were imported into California this summer, a fourfold increase from early
20 2012. Hauling crude into California involves traversing some of the most challenging
21 mountain passes in the nation. A runaway train, although rare, could render
22 significant consequences. In 2003, a 31-car train rolled downhill for about 30 miles
23 and crashed into the City of Commerce with a load of lumber that damaged property
24 and injured a dozen people. If it had been highly volatile Bakken crude, which can
25 burn like gasoline, the damage would have assuredly been far greater.

26 2013 Rail Safety Report at 25.

27 31. The report urges heightened safety measures to address the public safety risks of
28 California’s deteriorating railway system, especially in light of the uptick in crude-by-rail projects
throughout the state.

The Project and Associated Approvals

32. Inter-State operates the Inter-State McClellan Terminal at McClellan Business Park in
McClellan, Sacramento County, California, just off I-80 near Watt Avenue. The transloading

1 facility is equipped to provide rail-to-truck transloading of a number of products including ethanol,
2 biofuels, diesel, and various bulk liquids, including crude oil.

3 33. The California Air Resources Board (“CARB”) inspected Inter-State’s rail terminal
4 on December 8, 15, and 16 of 2010, and issued a Notice of Violation (“NOV”) for failure to obtain
5 an operating permit to load ethanol. Inter-State was fined \$360.00 for its unpermitted operation.
6 Soon thereafter, Inter-State applied for a construction permit to transload ethanol on December 27,
7 2010, and was issued an Authority to Construct on June 26, 2011. In February 2011, a former
8 federal inspector of similar operations who worked in the area filed a complaint to the California
9 Environmental Protection Agency stating: “tank cars [have been] downloaded to tank trucks...for
10 several years without any vapor recovery system.” Inter-State denied the claim in a follow-up
11 inspection. In October 2012, the Air District issued Inter-State a Permit to Operate a railcar to
12 tanker truck ethanol transloading facility.

13 34. In September 2013, an Air District inspection revealed that Inter-State was once again
14 operating illegally—this time, by transferring crude oil from rail cars to tanker trucks destined for
15 the Bay Area without having applied for a permit change. After the Air District issued a Notice to
16 Comply, the company applied for a *post hoc* modification to its operating permit to allow
17 transloading of crude oil. The Air District issued Inter-State an after-the-fact Authority to Construct
18 on March 27, 2014 and a subsequent Permit to Operate the terminal on May 9, 2014.

19 35. Inter-State’s modified permit allows the company to transload 20,520,000 gallons of
20 crude oil per quarter and 8,280,000 gallons of denatured ethanol per quarter. This transfer operation
21 carries significant adverse environmental impacts, including significant air quality, public health,
22 odor, and accident impacts.

23 36. Many of the major rail entries to California are located in mountainous regions and
24 contain some of California's steepest rail grades. The CPUC has identified local safety hazards
25 along five of them. Many of these hazard sites are located along the Sacramento and Feather Rivers,
26 routes that likely would be used by unit trains carrying Bakken and tar sands crude oils to the Inter-
27 State terminal. A major accident at these sites could jeopardize the water supply for most of
28 California.

1 37. Despite these impacts, along with the air quality, public health and other impacts
2 described above, the Air District issued its approvals for Inter-State’s switch to crude without any
3 public notification, comment period, process, or environmental review under CEQA.

4 **CAUSE OF ACTION**

5 **(Violation of CEQA–Illegal CEQA Exemption; CCP §1085, Cal. Pub. Res. Code §21168.5)**

6 38. The primary goal of CEQA is to “[e]nsure that the long-term protection of the
7 environment shall be the guiding criterion in public decisions.” (Pub. Res. Code § 21001(d).)

8 39. The Air District’s issuance of Inter-State’s Authority to Construct and Permit to
9 Operate (Air District Permit No. 23977), which impose operational conditions designed to control
10 air pollution, based on the independent judgment of a qualified engineer, were “discretionary” and
11 constituted a “project” that was subject to CEQA. (Cal. Pub. Res. Code § 21065; 14 Cal. Code of
12 Regs. §15378.)

13 40. The Air District’s failure to conduct any CEQA review before issuing Inter-State
14 permits to construct and operate its crude oil transfer terminal constituted a prejudicial abuse of
15 discretion for failure to proceed in a manner required by law. Cal. Pub. Res. Code §21168.5.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, SIERRA CLUB prays for judgment as set forth below:

18 A. For a writ of mandate or peremptory writ issued under the seal of this Court and
19 directing the Sacramento Metropolitan Air Quality Management District to:

20 1. Set aside and withdraw its approval of Inter-State’s Authority to Construct and Permit
21 to Operate (Air District Authority to Construct and Permit to Operate No. 23977), and

22 2. Refrain from granting any further approvals authorities, or permits for Inter-State’s
23 construction or operation of its terminal unless and until the Air District complies fully with the
24 requirements of CEQA.

25 B. For a declaratory judgment stating that the Air District violated CEQA by approving
26 Inter-State’s crude oil transfer Project without complying with CEQA.
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1 C. For a declaratory judgment stating that the Air District's approvals of Inter-State's
2 Authority to Construct and Permit to Operate (Air District Permit No. 23977) are void *ab initio* or
3 otherwise invalid and of no legal effect.

4 D. For a declaratory judgment that the Air District's failure to prepare, consider, and
5 approve or certify an adequate environmental analysis under CEQA was arbitrary and capricious and
6 constituted a prejudicial abuse of discretion for failure to proceed in a manner required by law.

7 E. For Petitioners' fees and costs, including reasonable attorneys' fees and expert
8 witness costs, as authorized by CCP § 1021.5, and any other applicable provisions of law on its
9 claims regarding the unlawful issuance of Inter-State's March 27, 2014 Authority to Construct and
10 its May 9, 2014 Permit to Operate (Air District Permit No. 23977).

11 F. For such other legal and equitable relief, including preliminary and/or permanent
12 injunctive relief, as this Court deems appropriate and just.

13 DATED: September 23, 2014

14 Respectfully submitted,

15 EARTHJUSTICE

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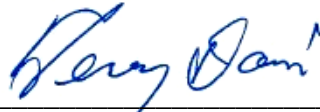
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VERIFICATION

I, Terry Davis, declare:

I am Director of the Mother Lode Chapter of Petitioner and Plaintiff Sierra Club. I have read the above first amended petition and complaint against the Sacramento Metropolitan Air Quality Management District and Inter-State Oil Company and know its contents. All of the facts alleged in the petition not otherwise supported by citations to the record, exhibits, or other documents are true of my own personal knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed September 23, 2014 in Sacramento, California.



Terry Davis
Director, Mother Lode Chapter
Sierra Club

EXHIBIT A



September 19, 2014

Via U.S. Mail

Nancy Abeels
Executive Assistant/Clerk of the Boards
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, CA 95814

RE: NOTICE OF INTENT TO FILE CEQA PETITION

To the Sacramento Metropolitan Air Quality Management District:

PLEASE TAKE NOTICE, under Public Resources Code section 21168.5, Sierra Club (“Petitioner”) intends to file a verified petition for writ of mandate and complaint against the Sacramento Metropolitan Air Quality Management District (“Air District”), in Sacramento County Superior Court. The petition challenges the Air District’s permit approvals in connection with Interstate Oil Company’s Crude-by-Rail Project (Air District Application No. 23977) (“Project”) in McClellan, California.

The petition seeks a writ of mandate to compel the Air District to comply with CEQA and a writ of mandate directing the Air District and Real Parties in Interest, Interstate Oil Company, and Does 1-20, to take no action in furtherance of this Project unless and until CEQA review is complete. The petition also seeks injunctive relief seeking the Air District’s withdrawal of its Project approvals. Finally, the petition seeks declaratory relief stating that the Air District failed to fulfill its obligation and duty to comply with all applicable statutes and regulations, including CEQA and that, as a result, the Authority to Construct, Permit to Operate, and all actions taken in connection with approval of the Project are invalid and unlawful.

DATED: September 19, 2014

Suma Peesapati
Staff Attorney

Kristen Boyles
Staff Attorney

Stacey Geis
Managing Attorney

PROOF OF SERVICE

I, John W. Wall, am employed in the County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is Earthjustice, 50 California, Suite 500, San Francisco, CA 94111.

On September 19, 2014, I served the foregoing document(s):

NOTICE OF INTENT TO FILE CEQA PETITION

- By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below.
- by addressing the envelopes as set forth below, placing a true and correct copy(ies) thereof in a sealed envelope with postage affixed hereon fully prepaid in the United States mail.
- by placing the document(s) listed above in a sealed FEDERAL EXPRESS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered as set forth below.

Nancy Abeels
Executive Assistant/Clerk of the Boards
777 12th Street, 3rd Floor
Sacramento, CA 95814

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, all mail is deposited with the U.S. Postal Service on the same day with postage thereon, fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postage meter date is more than one day after date of deposit for mailing in the affidavit.

I declare under penalty of perjury, pursuant to the laws of the State of California, that the above is true and correct. Executed on September 19, 2014, at San Francisco, California.



John W. Wall

EXHIBIT B

1 EARTHJUSTICE
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11 Attorneys for Petitioner and Plaintiff SIERRA CLUB

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13 COUNTY OF SACRAMENTO

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19 Respondent and Defendant.

20 INTER-STATE OIL COMPANY; DOES 1
21 through 20, inclusive,
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Case No. 34-2014-80001945

**NOTICE TO ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA OF
VERIFIED FIRST AMENDED CEQA
PETITION FOR WRIT OF MANDATE
AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

23 To the Attorney General of the State of California:

24 PLEASE TAKE NOTICE that under California Public Resources Code section 21167.7 and
25 California Code of Civil Procedure section 388, Petitioner and Plaintiff SIERRA CLUB will file the
26 attached verified first amended petition for writ of mandate under the provisions of the California
27 Environmental Quality Act, California Public Resources Code section 21000, *et seq.* (“CEQA”)
28

1 against Respondents and Defendants SACRAMENTO METROPOLITAN AIR QUALITY
2 MANAGEMENT DISTRICT (“AIR DISTRICT”) and INTER-STATE OIL COMPANY in
3 Sacramento County Superior Court.

4 The petition challenges the Air District’s actions in approving and issuing an Authority to
5 Construct and Permit to Operate in connection to Inter-State Oil Company’s Crude-by-Rail Project
6 (“Project”), and alleges that the Air District violated CEQA and abused its discretion.

7
8 DATED: September 23, 2014

Respectfully submitted,

9 EARTHJUSTICE

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1 **PROOF OF SERVICE**

2 I, Rosiceli Villarreal, hereby declare:

3 I am over the age of 18 years, not a party to this action, and employed by Earthjustice in the
4 County of San Francisco, State of California. My business and mailing address is 50 California
Street, Suite 500 San Francisco, California 94111.

5 On September 23, 2014, I served a copy of the following documents described as:

6 **NOTICE TO ATTORNEY GENERAL OF THE STATE OF CALIFORNIA OF VERIFIED**
7 **FIRST AMENDED CEQA PETITION FOR WRIT OF MANDATE COMPLAINT FOR**
8 **DECLARATORY AND INJUNCTIVE RELIEF**

9 and

10 **VERIFIED FIRST AMENDED PETITION FOR WRIT OF MANDATE AND COMPLAINT**
11 **FOR DECLARATORY AND INJUNCTIVE RELIEF**

12 by addressing the envelopes as set forth below, placing a true and correct copy(ies) of the above
13 mentioned documents in a sealed envelope with postage affixed hereon fully prepaid in the United
States mail following this organization’s ordinary practices with which I am readily familiar.

14 Office of the Attorney General
15 1515 Clay Street
Oakland, CA 94612-0550

16 I declare under penalty of perjury of the laws of the California that the foregoing is true and correct
17 and that this was executed on September 23, 2014 in San Francisco, California.

18 

19
20
21 _____
Rosiceli Villarreal