

1 THE SUPERIOR COURT, STATE OF CALIFORNIA
2
3 IN AND FOR THE COUNTY OF SANTA BARBARA

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,

6 Plaintiff,

7 v.

8 PLAINS ALL AMERICAN PIPELINE, L.P.,
9 JAMES COLBY BUCHANAN,

10 Defendants.

Case No. 1495091

INDICTMENT FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

MAY 16 2016

Darrel E. Parker, Executive Officer

BY [Signature] Deputy Clerk

11
12 The Grand Jury of the County of Santa Barbara, State of California, accuses the Defendants
13 of committing, in the County of Santa Barbara, State of California, before the finding of this
14 Indictment, the following crimes:

15 COUNT 1

16 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS
17 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Government Code §
18 8670.64, subdivision (a)(3), a FELONY, in that defendant knowingly engaged in or caused, or
19 reasonably should have known that he or she was engaging in or causing, the discharge or spill
20 of oil into the waters of the state, to wit: approximately 140,000 gallons of crude oil discharged
21 or spilled from a pipeline known as Line 901, some of which entered into the Pacific Ocean, near
22 Refugio State Beach.

23 COUNT 2

24 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS
25 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Water Code § 13387,
26 subdivision (a)(4), a FELONY, in that defendant violated a requirement of Section 301 of the
27 Clean Water Act, codified at 33 U.S.C. § 1311, subdivision (a), by knowingly discharging a
28 pollutant to the navigable waters of the United States within the jurisdiction of California, to wit:

1 approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as
2 Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

3 **COUNT 3**

4 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS
5 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Penal Code § 374.8,
6 subdivision (b), a FELONY, in that defendant did knowingly cause a hazardous substance to be
7 deposited into or upon any road, street, highway, alley or railroad right-of-way, or upon the land
8 of another, without permission of the owner, or into the waters of this state, to wit:
9 approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as
10 Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

11 **COUNT 4**

12 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS
13 ALL AMERICAN PIPELINE, L.P. and did commit a crime in violation of Government Code §
14 8670.64, subdivision (c)(2)(B), a FELONY, in that defendant did knowingly make a false or
15 misleading oil spill report to the California Office of Emergency Services, regarding the
16 discharge or spill of approximately 140,000 gallons of crude oil discharged by the operation of a
17 pipeline known as Line 901, some of which entered into the Pacific Ocean, near Refugio State
18 Beach.

19 **COUNT 5**

20 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS
21 ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation
22 of Government Code § 8670.64, subdivision (c)(2)(A), a MISDEMEANOR, in that each
23 defendant did knowingly fail to immediately notify the California Office of Emergency Services
24 in violation of Government Code § 8670.25.5, subdivision (a)(1), after being responsible for the
25 discharge or threatened discharge of oil into waters of the United States within the jurisdiction of
26 California, regarding the discharge or spill of approximately 140,000 gallons of crude oil
27 discharged by the operation of a pipeline known as Line 901, some of which entered into the
28 Pacific Ocean, near Refugio State Beach.

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COUNT 6

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation of Government Code § 8670.64, subdivision (c)(2)(D), a MISDEMEANOR, in that each defendant did knowingly fail to follow a material provision of an applicable oil contingency plan by failing to call the National Response Center within one hour after confirmation of a pipeline release of oil, to wit: approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as Line 901, some of which entered into the Pacific Ocean, near Refugio State Beach.

COUNT 7

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendants PLAINS ALL AMERICAN PIPELINE, L.P. and JAMES BUCHANAN did commit a crime in violation of Health and Safety Code § 25515.3, subdivision (b), a MISDEMEANOR, in that each defendant did knowingly fail, upon discovery, to immediately report any release or threatened release of a hazardous material to the unified program agency and to the Office of Emergency Services in violation of Health and Safety Code § 25510, regarding the discharge or spill of approximately 140,000 gallons of crude oil discharged by the operation of a pipeline known as Line 901 after being responsible for the discharge or threatened discharge of oil into waters of the United States within the jurisdiction of California, some of which entered into the Pacific Ocean, near Refugio State Beach.

COUNT 8

On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Fish and Game Code § 5650, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully deposit, permit to pass into, or place where it could pass into the waters of this state a petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance, to wit: approximately 140,000 gallons of crude oil discharged by the

1 operation of a pipeline known as Line 901, some of which entered into the Pacific Ocean, near
2 Refugio State Beach.

3 **COUNT 9**

4 On or about May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS
5 ALL AMERICAN PIPELINE, L.P., did commit a crime in violation of Fish and Game Code §
6 5650, subdivision (a)(6), a MISDEMEANOR, in that defendant did unlawfully deposit in, permit
7 to pass into, or place where it could pass into the waters of this state, a substance or material
8 deleterious to fish, plant life or bird life, to wit: approximately 140,000 gallons of crude oil
9 discharged by the operation of a pipeline known as Line 901, some of which entered into the
10 Pacific Ocean, near Refugio State Beach.

11 **COUNT 10**

12 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
13 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
14 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
15 take a marine mammal, to wit: a California sea lion, L-0001.

16 **COUNT 11**

17 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
18 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
19 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
20 take a marine mammal, to wit: a common dolphin, D-0001.

21 **COUNT 12**

22 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
23 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
24 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
25 take a marine mammal, to wit: a common dolphin, D-0002.

26 **COUNT 13**

27 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
28 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
2 take a marine mammal, to wit: a California sea lion, D-0014.

3 **COUNT 14**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
6 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
7 take a marine mammal, to wit: a California sea lion, D-0022.

8 **COUNT 15**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
11 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
12 take a marine mammal, to wit: a California sea lion, L-0030.

13 **COUNT 16**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
16 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
17 take a marine mammal, to wit: a California sea lion, L-0038.

18 **COUNT 17**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
21 and Game Code § 4500, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully
22 take marine mammals, to wit: dolphins, seals and sea lions collected by the Oiled Wildlife Care
23 Network.

24 **COUNT 18**

25 On or between May 19, 2015 to June 3 2015, in the COUNTY OF SANTA BARBARA,
26 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
27 and Game Code § 4700, subdivision (a)(1), a MISDEMEANOR, in that defendant did
28 unlawfully take a fully protected mammal, to wit: a northern elephant seal, L-0006.

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COUNT 19

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 4700, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected mammal, to wit: a northern elephant seal, L-0019.

COUNT 20

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0009.

COUNT 21

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0012.

COUNT 22

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0020.

COUNT 23

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a fully protected bird, to wit: a brown pelican, D-0021.

COUNT 24

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did
2 unlawfully take a fully protected bird, to wit: a brown pelican, D-0054.

3 **COUNT 25**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
6 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did
7 unlawfully take a fully protected bird, to wit: a brown pelican, D-0055.

8 **COUNT 26**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
11 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did
12 unlawfully take a fully protected bird, to wit: a brown pelican, D-0066.

13 **COUNT 27**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
16 and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did
17 unlawfully take a fully protected bird, to wit: a brown pelican, D-0075.

18 **COUNT 28**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
21 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
22 nongame bird, to wit: a loon, D-0007.

23 **COUNT 29**

24 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
25 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
26 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
27 nongame bird, to wit: a cormorant, D-0008.

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COUNT 30

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a scoter, D-0013.

COUNT 31

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a loon, D-0019.

COUNT 32

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a gull, D-0023.

COUNT 33

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3511, subdivision (a)(1), a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a shearwater, D-0028.

COUNT 34

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a shearwater, D-0030.

COUNT 35

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish

1 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
2 nongame bird, to wit: a shearwater, D-0031.

3 **COUNT 36**

4 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
5 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
6 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
7 nongame bird, to wit: an auklet, L-0047.

8 **COUNT 37**

9 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
10 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
11 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
12 nongame bird, to wit: a loon, D-0051.

13 **COUNT 38**

14 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
15 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
16 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
17 nongame bird, to wit: a shearwater, D-0065

18 **COUNT 39**

19 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
20 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
21 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
22 nongame bird, to wit: a loon, D-0073.

23
24 **COUNT 40**

25 On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA,
26 defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish
27 and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory
28 nongame bird, to wit: a cormorant, D-0082.

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COUNT 41

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a cormorant, D-0083.

COUNT 42

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory nongame bird, to wit: a grebe, D-0101.

COUNT 43

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take a migratory game bird, to wit: a tern, D-0102.

COUNT 44

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 3513, a MISDEMEANOR, in that defendant did unlawfully take migratory nongame birds, to wit: cormorants, loons, scoters, gulls, shearwaters, auklets, terns and grebes collected by the Oiled Wildlife Care Network during this time period.

COUNT 45

On or between May 19, 2015 to June 3, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Fish and Game Code § 2000, subdivision (a), a MISDEMEANOR, in that defendant did unlawfully take a bird, mammal, fish, reptile or amphibian.

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COUNT 46

On or by May 19, 2015, in the COUNTY OF SANTA BARBARA, defendant PLAINS ALL AMERICAN PIPELINE, L.P. did commit a crime in violation of Santa Barbara County Code of Ordinances § 25-37, a MISDEMEANOR, in that defendant did unlawfully discharge oil or waste to surface or subsurface waters or land by oil field operations not allowed by authorized permit, ordinance or law, to wit: approximately 140,000 gallons of crude oil discharged or spilled from a pipeline known as Line 901, some of which entered into the Pacific Ocean near Refugio State Beach.

"A TRUE BILL"

This indictment was found within the concurrence of at least twelve of the grand jurors present that received all of the evidence pertinent to the indictment.

DATED: 5-16-16

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Attorney General, State of California

Brett J. Morris

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