

RCRA/11th Amendment: Federal Court Addresses Immunity of Two California Officials



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A United States District Court (E.D. California) (“Court”) addressed in a July 31st Order a federal question jurisdiction issue arising out of a Federal Resource Conservation and Recovery Act (“RCRA”) judicial action. *See Forward, Inc. v. Macomber et al.*, 2024 WL 3596253.

The question considered was whether the 11th Amendment to the United States Constitution prohibited the judicial action against two California officials.

Forward, Inc. (“FI”) filed a Complaint in United States District Court against the following two California officials:

- Jeff Macomber, Secretary of the California Department of Corrections.
- Ana M. Lasso, Director of the California Department of General Services

The two officials were alleged to have:

...control over the generation, handling, storage, and disposal of solid waste...

The referenced state facilities are located in Stockton, California. They were alleged to be contaminating groundwater through improper handling, storage, and disposal of solid and hazardous waste. The waste was allegedly associated with operation of a dry cleaning and laundry facility and contaminated a well-water treatment system that supplied drinking water to facility residents and staff.

Such contamination allegedly violated RCRA and other federal and state laws.

The two California officials filed a Motion to Dismiss challenging the Court’s subject matter jurisdiction.

The Court in addressing the Motion accepted FI’s facts in the Complaint as true and focused on whether it was sufficient on its face to invoke federal jurisdiction.

The Court noted that the 11th Amendment bars suit in federal court against a state by its own citizen. Such immunity is stated to extend to state officials acting on behalf of the state.

Nevertheless, immunity does not extend to actions by state officials that are in violation of federal constitutional or statutory law. This exception is known as the Ex Parte Young Doctrine (“Doctrine”).

A plaintiff may bring suit against a state official under the Doctrine if:

1. There is an ongoing violation of federal law, and;
2. Plaintiff seeks prospective, rather than retrospective, relief.

The state official must also be acting in more than just a supervisory capacity (i.e., the state official must have a significant connection with the enforcement of the challenged action).

The two California officials argued that the Complaint failed to allege any specific acts they had undertaken in violation of RCRA that directly connected them to the groundwater contamination. They further contended the Complaint only alleged facts demonstrating a general supervisory power over the state facilities.

FI responded that the two officials had been actively involved in:

...a number of activities at the State Facilities that are causing contamination as the activities are ongoing.

The Court held for the two state officials concluding that the facts as alleged failed to demonstrate how they, with general oversight of certain California agencies (that are not tasked with handling solid or hazardous waste), have any sort of responsibility or connection to waste management at the Stockton state facilities.

This conclusion was based on the Court's finding that the Complaint contained no specific factual allegations that the two officials:

1. Have a special and fairly direct connection with enforcing RCRA;
2. Are members of the municipalities or agencies responsible for planning or administering solid waste management;
3. Took any affirmative action in disposing hazardous waste at the state facilities.

Because the Court finds that FI makes the two officials mere representative of California, it therefore fails to overcome the 11th Amendment immunity.

A copy of the Order can be downloaded [here](#).