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ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
8/14/2026 5:09:55 PM

Clerk of the Superior Court
By J. Rael, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO — CENTRAL DIVISION**

DARRYL COTTON, an individual,
Plaintiff and Petitioner

v.

CITY OF SAN DIEGO, a municipal corporation; and
DOES 1 through 100, inclusive,
Defendants and Respondents.

Case No. 26CU045721C

**VERIFIED PETITION FOR WRIT OF
MANDATE**

[Code Civ. Proc. §§ 1085, 1060; Gov. Code §
7923.100]

(San Diego Fire-Rescue Dept. as Authority
Having Jurisdiction — Failure to Determine and
Act on a Hazardous (Classified) Location; and
Failure to Produce Records — PRA No. 26-6343)

[Related: Cotton v. City of San Diego (Code Enf.
No. CE-0541944, "BLUE"), companion § 1085
petition; and PRA No. 26-6357.]

Petitioner DARRYL COTTON ("Cotton") alleges as follows:

I. Introduction

1. This is a verified petition for a writ of mandate under Code of Civil Procedure section 1085. It seeks to compel Respondent City of San Diego, acting through its Fire-Rescue Department — the authority having jurisdiction (the "AHJ") for fire, life-safety, and hazardous-materials conditions within the City — to perform a duty it has refused to perform in any form: to determine whether the fixed, above-ground bulk sewage-storage ("FRAC") tank operating at 6144 Federal Boulevard is a hazardous (classified) location where explosive and toxic gases are present, and, having made that determination, to act upon it. The Petition also seeks, under the California Public Records Act (Gov. Code, § 7920.000 et seq.), the Fire-Rescue records responsive to Public Records Act Request No. 26-6343 — the very records that would show whether any such determination was ever made — which the City concedes exist but has refused to produce.

2. The hazard is not speculative. The tank holds commercial portable-toilet septage — human

1 waste — which, held in a warm, enclosed, never-fully-emptied vessel, turns septic and anaerobic and
2 generates methane, a flammable and explosive gas, together with hydrogen sulfide, a toxic and
3 corrosive gas. Under long-recognized fire-protection and electrical standards, a tank in this service is a
4 Class I, Division 1 location — an area in which an ignitable atmosphere is expected under normal
5 operating conditions. On June 26, 2026, Petitioner expressly placed Fire-Rescue on written notice of
6 exactly this question, identifying NFPA 820 by name and asking the Department to confirm
7 jurisdiction and inspect. The Department did not respond, did not inspect, and has made no
8 determination of any kind.

9 3. Petitioner does not by this Petition ask the Court to dictate the outcome of the City’s
10 determination, or to direct any particular enforcement measure — matters committed to the City’s
11 discretion. He asks the Court to compel the City to discharge duties it has declined to perform at all: to
12 take up and decide the hazardous-location question its own adopted Fire Code requires it to decide, to
13 exercise (rather than continue to withhold) the enforcement authority the law vests in it, and to produce
14 or lawfully account for the public records responsive to Request No. 26-6343. Because the condition
15 presents an ongoing and imminent danger to public health and safety, Petitioner requests that any
16 alternative writ or order to show cause issue and be made returnable on shortened time. Concurrently
17 with this Petition, Petitioner has filed an Ex Parte Application for an Order Shortening Time, a
18 supporting Declaration of Darryl Cotton, and a [Proposed] Order Shortening Time.

19 **II. Parties**

20 4. Petitioner DARRYL COTTON is, and at all relevant times was, the owner of the real property
21 at 6176 Federal Boulevard, San Diego, California 92114, immediately adjacent to the operation
22 described below.

23 5. Respondent CITY OF SAN DIEGO is a municipal corporation organized under the laws of the
24 State of California. Its Fire-Rescue Department is the authority having jurisdiction within the City for
25 the enforcement of the California Fire Code as adopted by the City, and for the classification of, and
26 response to, areas where flammable or toxic gases may be present. The City is a “public agency”
27 subject to the California Public Records Act (Gov. Code, § 7920.510, subd. (b)).

28 6. Respondents DOES 1 through 100 are persons or entities whose true names and capacities are

unknown to Petitioner, who will amend this Petition to state them when ascertained.

III. Jurisdiction and Venue

7. This Court has jurisdiction under Code of Civil Procedure sections 1085 and 1060, and under Government Code section 7923.100, which authorizes any person to institute proceedings for a writ of mandate to enforce the right to inspect or obtain a copy of a public record.

8. Venue is proper in this Court because Respondent is a local public entity located in the County of San Diego, the real property and the operation that are the subject of this action are situated in this County, the records at issue are situated in this County, and the acts and omissions complained of occurred here (Code Civ. Proc., §§ 393, 394, 401).

IV. Exhaustion, Demand, and Ripeness

9. Petitioner has performed all conditions precedent to this action, and the dispute is ripe. As to the duty to act, Petitioner demanded that Fire-Rescue take up the hazardous-location question and was refused: on June 15 and June 26, 2026, Petitioner corresponded directly with the Department; his June 26, 2026 email expressly identified NFPA 820 and asked the Department to confirm jurisdiction and inspect the tank; and the Department did not respond (Exhibit F). Petitioner also opened the matter through the City's Code Enforcement process on June 22, 2026 (Case No. CE-0541944), and it remains unaddressed (Exhibit C). Petitioner also submitted a written constituent request concerning the same condition to San Diego City Councilmember Foster (District 4) on July 2, 2026; like the Fire-Rescue Department, the Councilmember provided no response whatsoever. No other agency has assumed jurisdiction over the hazard, leaving the City's AHJ as the authority obligated to act. Having sought relief from the Fire-Rescue Department, the City's Code Enforcement process, the County's Hazardous Materials Division, and an elected member of the City Council — each without result — Petitioner has exhausted every municipal remedy available to him. The condition is ongoing and worsens each day it is not addressed. Petitioner has no plain, speedy, or adequate remedy at law.

10. As to the records, the California Public Records Act claim is likewise ripe. On July 8, 2026, the City advised that it had "identified records responsive to [the] request," while deferring production and reserving privileges, and promising an update by July 29, 2026. On July 14, 2026, Petitioner requested prompt production of the identified records (Exhibit B). On July 29, 2026, the City

again deferred, promising an update by August 12, 2026. On August 12, 2026, the City deferred a third time — stating only that it remained “in the process of reviewing records for applicable exemptions,” promising to provide disclosable records “on a rolling basis” and a further “update by August 26, 2026,” and again reserving the right to withhold or redact under unspecified exemptions and privileges — while producing nothing. The Act’s only extension mechanism — a single extension of up to fourteen days for defined unusual circumstances (Gov. Code, § 7922.535) — applies to the determination the City made no later than July 8, 2026; it does not authorize the successive, open-ended deferrals of production the City has strung across more than five weeks. As of the filing of this Petition, the City has produced not a single record and has identified no particular record as exempt.

V. Standing and Beneficial Interest

11. Petitioner has a direct, substantial, and beneficial interest in the City’s performance of the duties alleged. He owns and occupies the property immediately adjacent to the tank; he is within the zone of any fire, explosion, or toxic-gas event the tank may produce; and, as a member of the public, he holds the fundamental right of access to the requested public records (Cal. Const., art. I, § 3, subd. (b); Gov. Code, § 7921.000).

VI. Statement of Facts

A. The operation and the bulk sewage-storage tank.

12. At 6144 Federal Boulevard, immediately adjacent to Petitioner’s property, United Rentals (North America), Inc., doing business as Reliable Onsite Services (“United Rentals”), collects portable-toilet septage across a rental fleet, consolidates it in a fixed, above-ground bulk storage (“FRAC”) tank, and hauls it out in bulk. On information and belief, the tank has been in place since approximately February 2024, and the operation has been ongoing since approximately December 2022. Vacuum trucks add fresh human waste to the tank, which is never fully emptied, so a resident volume of decomposing waste is continuously maintained. Petitioner has documented the operation’s continuous, all-hours character in a dated video and photographic log, attached as Exhibit H. The operation is ongoing and will continue unless the City directs that it cease.

B. The tank is a Class I, Division 1 hazardous (classified) location.

13. The contents of the tank are decomposing human waste. Held in a warm, enclosed,

1 anaerobic vessel, that waste functions as an above-ground septic tank and generates methane —
2 flammable and explosive — and hydrogen sulfide — toxic and corrosive. Under long-recognized fire-
3 protection and electrical standards, a tank in this service is a hazardous (classified) location. NFPA
4 820, Standard for Fire Protection in Wastewater Treatment and Collection Facilities (2024 ed.),
5 through its fire- and electrical-area-classification tables — Table 4.2.2 (collection systems), Table
6 5.2.2 (liquid treatment), and Table 6.2.2 (solids treatment) — classifies the enclosed, unventilated
7 vapor spaces over sewage, septage, and residuals as Class I, Division 1 locations, reflecting an
8 ignitable gas atmosphere expected under normal operating conditions absent continuous engineered
9 ventilation, and the National Electrical Code (NFPA 70), Article 500, defines the corresponding
10 equipment requirements. Whether and how NFPA 820 and these standards apply to this particular
11 vessel is itself among the questions committed to the Fire-Rescue AHJ to take up and determine. A true
12 and correct copy of Petitioner’s hazardous-location standard analysis (Class I, Division 1–2; NEC
13 Article 500) is attached as Exhibit D.

14 14. The severity of this hazard is separately recognized by the body of worker-safety law
15 that governs anyone who handles this waste. Because inhalation of hydrogen sulfide and the
16 displacement of oxygen by these gases cause serious injury and death, employees engaged in the
17 collection, hauling, and transfer of septage are protected by Cal/OSHA standards for respiratory
18 protection (Cal. Code Regs., tit. 8, § 5144), personal protective equipment (id., §§ 3380–3400),
19 permissible airborne-exposure limits for hydrogen sulfide (id., § 5155), and permit-required confined
20 spaces (id., § 5157), together with the parallel federal standards (29 C.F.R. §§ 1910.132, 1910.134).
21 United Rentals, which operates under these very requirements, knows that these gases are dangerous
22 enough to demand respirators, monitoring, and confined-space controls for its own workers. Yet at
23 6144 Federal Boulevard it vents the same gases, uncontained, from an open-top tank into the adjacent
24 occupied workplace — where neither Petitioner nor his employees, contractors, or customers are
25 afforded any such protection, and where, on information and belief, none of the controls or protective
26 measures these standards require is provided at all. And the protection of those exposed to this
27 condition — United Rentals’ own workers no less than Petitioner and his employees, contractors, and
28 customers, and the surrounding public and the firefighters who would be called to respond to any fire

1 or explosion — is precisely the fire-and-life-safety responsibility with which the City’s Fire-Rescue
2 Department is charged; the City’s refusal to classify and abate the hazard leaves all of them exposed to
3 a danger it has both the authority and the duty to address.

4 15. The documented facts present, at minimum, a substantial and concrete hazardous-
5 location question under NFPA 820 and the applicable fire- and electrical-safety standards — a
6 question Petitioner placed squarely before the Fire-Rescue Department, identifying the governing
7 standards and asking it to inspect and determine, and which the Department has never taken up or
8 disputed. If Fire-Rescue believes the classification turns on ventilation, tank openings, configuration,
9 gas concentrations, or other site-specific facts, that uncertainty is a reason to inspect and determine the
10 question — not a reason to refuse to act. The only innocuous alternative — that the tank holds some
11 inert or “cleansing” solution rather than decomposing sewage — is foreclosed by the operation’s own
12 nature (the daily collection and consolidation of portable-toilet septage), by United Rentals’ own
13 description of the service, and by the cross-agency record concerning the site. No agency has ever
14 tested the tank’s contents or established any innocuous composition; the operation is, and has been
15 described as, the storage of human-waste septage.

16 16. United Rentals’ own published materials draw precisely this distinction, and concede
17 the point. In its own frac-tank guidance, United Rentals states that standard open-top frac tanks are
18 “ideal for storing non-hazardous liquids such as wastewater, ground water remediation or storm water
19 run-off,” whereas products that “off gas regulated vapors” — the guidance gives the example of a
20 chemical “that will emit a hazardous gas” — “typically require[] a closed top vapor-tight tank,”
21 expressly to eliminate the possibility of vapors “settling around the exterior of the tank and creating the
22 conditions for a flash vapor fire.” United Rentals separately markets, and rents, a purpose-built, closed-
23 top “Gas Buster” tank in the same size class as the tank at issue here. United Rentals thus offers the
24 correct vessel for gas-producing service, at this very size — yet the operation at 6144 Federal
25 Boulevard consolidates gas-producing septage in a standard open-top frac tank. True and correct
26 copies of United Rentals’ own materials are attached as Exhibit E. The hazardous-location
27 classification turns on the nature of the contents and the gases they produce, not on the tank’s exact
28 volume; and the equipment supplier’s own published standard is a fact the City must confront, and

1 cannot ignore, in determining whether this tank is appropriate for this use.

2 17. United Rentals conducts the operation at 6144 Federal Boulevard under a County of San
3 Diego Sewage Hauler Operating Permit (No. LSHOP-000063), applying “to engage in the cleaning of
4 septic tanks, chemical toilets, cesspools, or seepage pits and the transportation and disposal of
5 cleanings.” In its own signed application, United Rentals agreed to “conform to all conditions, orders,
6 and directions issued pursuant to the California Health and Safety Code and all applicable County and
7 City Ordinances[,] including California Health and Safety Code Division 104, Part 13, Chapter 4,
8 Article 1[,] and San Diego County Code Sections 68.601–68.613.” Exhibit G bears a dedicated
9 inspection column — printed on the County’s own form and completed by the Department of
10 Environmental Health & Quality — recording that agency’s observations of each tank’s “Hoses,
11 Valve, Cap, [and] Waste Transfer”; that column is itself proof that the County regulates and inspects
12 the septage tanks used in this service for sealed-containment integrity. The FRAC tank is the fixed
13 vessel into which that septage is consolidated on site; it is thus inclusive of, and a regulated element of,
14 United Rentals’ hauling and transfer operations. Yet while the County inspects the mobile tanks’ seals
15 truck by truck, the fixed,¹ open-top tank at 6144 Federal Boulevard — holding a far greater volume of
16 the same gas-producing septage — is inspected by no one, appears on no roster, and bears no permit or
17 decal. United Rentals’ own vacuum trucks are, moreover, engineered and monitored vessels: they
18 carry the pressure- and vacuum-relief venting, the overfill and level controls, and the sealed fittings
19 that the cargo-tank standards prescribe (49 C.F.R. § 178.345-10; API Standard 2000), and any work in
20 or about them requires atmospheric monitoring for oxygen, hydrogen sulfide, and flammable gas (Cal.
21 Code Regs., tit. 8, § 5157). The fixed FRAC tank has none of these — no relief system, no level or
22 overfill control, and no gas detection or monitoring of any kind — though it holds the largest volume of
23 the same gas-producing septage on the site. The tank is not in compliance with the closed-system,
24 sealed-against-gas-emissions standard that governs every vessel used in this service — the
25 requirement embodied in NFPA 820 for a Class I, Division 1 septage location, reflected in the very
26 hauler-permit scheme United Rentals certified it would obey, and stated by United Rentals itself for

27
28 ¹ The tank’s exact capacity is unknown because it is unpermitted and no record of it exists; where County records refer to it
at all, they attribute the tank three different sizes. The precise volume is not a factor in this matter: for purposes of the
unventilated storage of decomposing human waste, a tank of any of those sizes is a hazardous (classified) location. The
40,000-gallon figure used above is the largest capacity the County itself has attributed to the tank, used solely for scale.

1 gas-producing service (Exhibit E). A true and correct copy of United Rentals' Sewage Hauler
2 Operating Permit application is attached as Exhibit G. The open-top tank falls as well within the City's
3 Fire Code and hazardous-materials enforcement jurisdiction, and within the enforcement jurisdiction
4 of the County's Hazardous Materials Division and other agencies — none of which relieves the City's
5 Fire-Rescue Department, as the AHJ, of its duty to classify and act.

6 ***C. The City's Fire-Rescue Department is the authority obligated to classify and act.***

7 18. The City has adopted and enforces the California Fire Code (Cal. Code Regs., tit. 24, pt.
8 9), which vests in the fire code official the general authority and responsibility to enforce the Code
9 (Cal. Fire Code, § 104), to inspect premises for conditions that create a fire, explosion, or life-safety
10 hazard, and to identify and classify hazardous conditions and hazardous locations and order their
11 correction or abatement. Its Fire-Rescue Department is the AHJ charged with that enforcement.
12 Responsibility for the enforcement of the regulations and building standards relating to fire and panic
13 safety within the City rests with the City's local fire authority (Health & Saf. Code, §§ 13145, 13146).
14 Determining whether the tank is a hazardous (classified) location, and whether it meets the equipment
15 requirements applicable to such a location, is a matter squarely within — and entrusted to — the
16 Department's jurisdiction.

17 ***D. Express notice to Fire-Rescue, and its non-response.***

18 19. On June 15 and June 26, 2026, Petitioner corresponded directly with Andranee ("Nae")
19 Tate of the San Diego Fire-Rescue Department. In his June 26, 2026 email, Petitioner expressly
20 identified NFPA 820, API 2000 (tank venting), the NEC hazardous-location articles, and OSHA hot-
21 work and confined-space rules; stated that the tank displayed none of the expected ignition-control
22 features (flame arrestor, pressure/vacuum vent, bonding and grounding, hazardous-area-rated
23 electrical); invoked the Department's own fire-and-life-safety authority; and asked the Department to
24 confirm jurisdiction and inspect the tank's venting and ignition-control configuration. The Department
25 did not respond. A true and correct copy of that correspondence is attached as Exhibit F. Fire-Rescue
26 was thereby expressly placed on notice of the precise hazardous-location question it has since declined
27 to take up.

28 ***E. No other agency has assumed jurisdiction over the hazard.***

1 20. The hazard has not been examined or assumed by any other authority. The County of
2 San Diego’s Department of Environmental Health and Quality, Hazardous Materials Division,
3 forwarded the complaint concerning the 6144 Federal Boulevard operation with the express
4 observation that sewage storage in frac tanks “is not within industry standards,” while stating that the
5 matter was “out of [its] jurisdiction,” and routed it elsewhere (Exhibit E). The net effect of these
6 referrals is that no agency has inspected the tank or classified its environment. The City’s Fire-Rescue
7 Department, as the AHJ for fire and hazardous-materials conditions within the City, is the authority
8 obligated to act, and its inaction is not cured by any other agency’s review.

9 ***F. The City opened, and then abandoned, its own highest-priority complaint.***

10 21. On June 22, 2026, Petitioner submitted a Code Enforcement complaint concerning the
11 conditions at 6144 Federal Boulevard. The City opened Code Enforcement Case No. CE-0541944 and,
12 by its own published complaint priorities, classified the matter at its highest hazard tier. As of the date
13 of this Petition, that record remains in “Case Opened” status; no inspection has occurred and no action
14 has been taken. A true and correct copy of the case record and status is attached as Exhibit C. The
15 City’s continued failure to take up and act on that same opened complaint — again, the product of City
16 agency inaction and non-response — is also the subject of Petitioner’s related action, Cotton v. City of
17 San Diego (Super. Ct. San Diego County, No. 26CU043242C) (the “CODE BLUE” petition), which
18 that inaction made necessary and which seeks a writ of mandate compelling the City to take up and act
19 upon Code Enforcement Case No. CE-0541944. The two actions arise from the same operation at 6144
20 Federal Boulevard and the same pattern of City agency inaction and non-response, and are related
21 within the meaning of California Rules of Court, rule 3.300.

22 ***G. Public Records Act Request No. 26-6343, and the City’s constructive withholding.***

23 22. On June 26, 2026, Petitioner submitted Public Records Act Request No. 26-6343 to the
24 City’s Fire-Rescue Department, seeking six categories of records concerning 6144 Federal Boulevard.
25 Category 5 sought, verbatim, records reflecting “a determination, analysis, or discussion of whether
26 the Fire and Life Safety Codes (including the California Fire Code) apply to the FRAC tank or the
27 operation at 6144 Federal Blvd., and of whether the matter falls within the Department’s jurisdiction.”
28 The Request also sought inspection reports, field notes, and photographs; internal communications

1 referencing the site, the tank, or any fire, explosion, flammable-gas, or hydrogen-sulfide condition; and
2 any notices of violation or directives issued to United Rentals or the property owner. A true and correct
3 copy of the Request and its complete NextRequest disposition and timeline is attached as Exhibit A.

4 23. The City’s own portal record documents the sequence: an acknowledgment that a
5 determination would issue within ten days; the July 8, 2026 statement that responsive records had been
6 identified but were being reviewed “for applicable exemptions,” with the City reserving “attorney
7 work product and attorney client privileges”; the July 29, 2026 continuation of that posture; and the
8 August 12, 2026 message repeating that the City remained “in the process of reviewing records for
9 applicable exemptions,” promising only a further “update by August 26, 2026,” and again reserving
10 the same privileges “including, but not limited to, attorney work product and attorney client
11 privileges.” Across all three communications the City has produced nothing, identified no particular
12 record as exempt, and provided no privilege log — a categorical, open-ended reservation that is a
13 constructive withholding without the justification the Act requires. That the City will not even disclose
14 whether it has classified the tank is itself evidence of the inaction this Petition seeks to remedy.

15 **VII. Causes of Action**

16 **FIRST CAUSE OF ACTION**

17 (Writ of Mandate — Code Civ. Proc. § 1085 — Failure to Determine Whether the Tank Is a
18 Hazardous (Classified) Location — Against Respondent City of San Diego)

19 24. Petitioner realleges and incorporates each of the foregoing paragraphs. As the authority
20 having jurisdiction for the enforcement of the California Fire Code within the City, the City’s Fire-
21 Rescue Department has a clear, present, and mandatory duty to take up and determine whether the tank
22 at 6144 Federal Boulevard — expressly brought to its attention as a suspected Class I, Division 1
23 location — is a hazardous (classified) location subject to the Fire Code. In making that determination
24 the City must address United Rentals’ own published standard (Exhibit E), which reserves gas-
25 producing service for closed-top, vapor-tight tanks and which United Rentals offers at this very size.
26 The City must likewise confront United Rentals’ own operating permit, under which this tank is a
27 regulated element of United Rentals’ hauling and transfer operations yet appears on no roster and bears
28 no permit, decal, or inspection (Exhibit G). The City has not made, and has refused to make, any such

determination. Petitioner does not seek to control the substance of that determination, but to compel the City to make it. That duty is discharged only by an actual, documented determination of the hazardous-location question; a mere inspection, or a statement that the matter remains under review, does not satisfy it. Petitioner has a beneficial interest in performance of the duty and no plain, speedy, or adequate remedy at law.

SECOND CAUSE OF ACTION

(Writ of Mandate — Code Civ. Proc. § 1085 — Failure to Exercise Enforcement Authority Upon an Opened Complaint — Against Respondent City of San Diego)

25. Petitioner realleges and incorporates each of the foregoing paragraphs. Having received Petitioner's notice of an imminent fire, explosion, and toxic-gas hazard, and having opened its own highest-priority code-enforcement case concerning it, the City has a duty to take up and act upon that complaint and to exercise the enforcement authority the law vests in it. The City has left the matter wholly unaddressed. Petitioner does not seek to compel any particular substantive outcome; he seeks an order requiring the City to exercise, rather than continue to withhold, the discretion and authority committed to it. Petitioner has a beneficial interest in performance of the duty and no plain, speedy, or adequate remedy at law.

THIRD CAUSE OF ACTION

(Writ of Mandate — California Public Records Act — Failure to Promptly Produce Records the City Concedes Are Responsive; Gov. Code §§ 7922.500, 7922.530, 7923.100)

26. Petitioner realleges and incorporates each of the foregoing paragraphs. The records responsive to Request No. 26-6343 are public records subject to disclosure, and the City has conceded that responsive records exist. The City has a clear, present, and ministerial duty to make them promptly available, or to justify any withholding as the Act requires, and has failed to do so despite the passage of the Act's time limits. Petitioner has no plain, speedy, or adequate remedy at law.

FOURTH CAUSE OF ACTION

(Writ of Mandate — California Public Records Act — Improper Withholding, Failure to Justify, and Failure to Produce Segregable Records; Gov. Code §§ 7922.000, 7922.525, 7923.105)

27. Petitioner realleges and incorporates each of the foregoing paragraphs. To the extent the

1 City withholds any responsive record — including under the attorney-work-product or attorney-client
2 privileges it has reserved — it bears the burden of justifying each withholding, and a blanket or
3 categorical assertion without a record-specific basis, and without a privilege log, is unlawful. The City
4 must also produce any reasonably segregable non-exempt portion of a record withheld in part. The
5 Court may examine any withheld records in camera (Gov. Code, § 7923.105).

6 **FIFTH CAUSE OF ACTION**

7 (Declaratory Relief — Code Civ. Proc. § 1060)

8 28. Petitioner realleges and incorporates each of the foregoing paragraphs. An actual
9 controversy exists concerning the City’s duty to determine and act upon the hazardous-location
10 question, and concerning its obligations under the Public Records Act as to Request No. 26-6343.
11 Petitioner seeks a judicial declaration of the parties’ respective rights and duties.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Petitioner prays for judgment as follows:

14 1. For a peremptory writ of mandate commanding Respondent City of San Diego, through its
15 Fire-Rescue Department, to take up and determine, in writing, whether the tank and operation at 6144
16 Federal Boulevard is a hazardous (classified) location under the California Fire Code and NFPA 820,
17 and whether its use is a permitted use, and to record and issue that determination;

18 2. For a peremptory writ of mandate commanding the City, upon a determination by its Fire-
19 Rescue Department under paragraph 1 that the tank and operation are a hazardous (classified) location
20 or an otherwise unsafe or unpermitted use, to issue and record written notice to United Rentals (North
21 America), Inc., dba Reliable Onsite Services, that the open-top FRAC-tank storage and transfer of
22 septage at 6144 Federal Boulevard is an unsafe and unpermitted use that may not be conducted or
23 resumed — without this Court directing the particular outcome;

24 3. For an alternative writ of mandate or an order to show cause why such relief should not be
25 granted, issued and made returnable on shortened time;

26 4. For a peremptory writ of mandate commanding the City to disclose all records responsive to
27 Request No. 26-6343 that are not exempt under the Act, and to state, for each category, whether
28 responsive records exist (Gov. Code, § 7923.100);

1 5. For a writ commanding the City to produce a privilege log identifying, for each record
2 withheld, the record and the specific statutory basis for withholding, and to produce all reasonably
3 segregable non-exempt portions of any record withheld in part (Gov. Code, § 7922.525);

4 6. For an order that the Court examine any withheld records in camera (Gov. Code, § 7923.105);

5 7. For a declaration that the City has failed to perform its duties as alleged and that its failure to
6 produce and/or withholding violated the Act;

7 8. For costs of suit; for reasonable attorney's fees to the extent authorized by Government Code
8 section 7923.115 and Code of Civil Procedure section 1021.5; and

9 9. For such other and further relief as the Court deems just and proper.

10 ///

11 ///

12 Dated: August 14, 2026

Respectfully submitted,

13
14 

15 Darryl Cotton, Petitioner In pro se

16 **VERIFICATION**

17 I, Darryl Cotton, am the Petitioner in the above-entitled action. I have read the foregoing Verified
18 Petition for Writ of Mandate and know its contents. The matters stated in it are true of my own
19 knowledge, except as to those matters stated on information and belief, and as to those I believe them
20 to be true.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing is
22 true and correct. Executed on August 14, 2026, at San Diego, California.

23
24 

25 Darryl Cotton
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27
28