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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

TANNIA DELAPAZ,) Civil No.
)
Plaintiff,)
vs.) COMPLAINT FOR DECLARATORY
) AND INJUNCTIVE RELIEF AND
NATIONAL TECHNICAL SYSTEMS,) CIVIL PENALTIES
INC.,)
) (Federal Water Pollution Control Act, 33
Defendant.) U.S.C. § 1251 et seq.)
)
) <u>JURY TRIAL DEMAND</u>
)

Plaintiff Tannia Delapaz (“Plaintiff”), by and through her counsel, alleges as follows:

1. This is a citizen suit, brought pursuant to the section 505(a)(1) of the Federal Water Pollution Control Act (the “Clean Water Act” or “CWA”), 33 U.S.C. § 1365(a)(1), to address violations of the CWA by defendant National Technical Systems, Inc. (“National Technical Systems” or the “Defendant”) arising out of operations at Blair Adhesives’ facility located at 20970 Centre Point Pkwy, Santa Clarita, CA 91350 (the “Facility”).

1 2. Since at least October 21, 2014, Defendant has been discharging and
2 continues to discharge polluted stormwater from the Facility in violation of the
3 express terms and conditions of Sections 301 and 402 of the Clean Water Act, 33
4 U.S.C. §§ 1311, 1342, and in violation of the General Industrial Stormwater Permits
5 issued by the State of California (NPDES General Permit No. CAS000001 [State
6 Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended
7 by Order No. 97-03-DWQ) (“1997 Permit”) and Order No. 2014-0057-DWQ (“2015
8 Permit”) (collectively, the “Industrial Stormwater Permit” or “IGP”).

9 3. Plaintiff seeks a declaratory judgment, injunctive relief, the imposition
10 of civil penalties, and the award of costs, including attorneys’ and expert witness
11 fees, for Defendant’s repeated and ongoing violations of the Clean Water Act.

12 **JURISDICTION AND VENUE**

13 4. This Court has subject matter jurisdiction over the parties and subject
14 matter of this action pursuant to section 505(a)(1) of the CWA, 33 U.S.C. §
15 1365(a)(1), 28 U.S.C. § 1331 (an action arising under the laws of the United States),
16 and 28 U.S.C. § 2201 (declaratory relief).

17 5. On October 21, 2019, as required by the CWA, 33 U.S.C. §
18 1365(b)(1)(A), Plaintiff provided notice of intent to file suit against Defendant for
19 CWA violations (“NoV”) to the Administrator of the United States Environmental
20 Protection Agency (“EPA”); the Regional Administrator of EPA Region IX; the
21 Executive Director of the State Water Resources Control Board (“State Board”); the
22 Executive Officer of the Regional Water Quality Control Board, Los Angeles
23 Region (“Regional Board”) collectively, “state and federal agencies”) and
24 Defendant.

25 6. The NoV provided Defendant with sufficient information to determine
26 (i) the CWA requirements Plaintiff alleges Defendant violated, (ii) the activity
27 alleged to constitute the violation(s), (iii) sufficient information to determine the
28

1 date, location, and person responsible for the violation(s), and (iv) the contact
2 information for the Plaintiff and Plaintiff's Counsel. A copy of the NoV is attached
3 as Exhibit 1.

4 7. More than sixty (60) days have passed since the NoV was served upon
5 Defendant and the state and federal agencies. During this time, neither the EPA, nor
6 the State of California, has commenced or is diligently prosecuting a court action to
7 redress the violations alleged herein. No claim in this action is barred by any prior
8 administrative action pursuant to section 309(g) of the CWA, 33 U.S.C. § 1319(g).

9 8. Venue is proper in the Central District of California pursuant to section
10 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the source of the violations
11 is located within this judicial district.

12 **PARTIES**

13 9. Plaintiff is a citizen of the State of California who, through her
14 recreational activities, uses and enjoys the waters of the Santa Clara River, its
15 inflows, outflows, and other waters of the overall Santa Clara River Watershed, of
16 which the Santa Clara River is a part. Plaintiff's use and enjoyment of these waters
17 is negatively affected by the pollution caused by Defendant's operations. Plaintiff
18 is dedicated to protecting the water quality of the Santa Clara River, and the overall
19 Santa Clara River Watershed, for the benefit of its ecosystems and communities. To
20 further these goals, Plaintiff actively seeks federal and state agency implementation
21 of the CWA, and, where necessary, directly initiates enforcement actions on behalf
22 of herself and for her community.

23 10. Plaintiff, like other citizens, taxpayers, property owners, and residents
24 of her community, lives, works, travels near, and recreates in, the Santa Clara River,
25 its inflows, outflows, and other waters of the overall Santa Clara River Watershed,
26 of which the Santa Clara River is a part, into which Defendant discharges pollutants.
27 Plaintiff, like other citizens, taxpayers, property owners, and residents, uses and
28

1 enjoys the Santa Clara River, its inflows, outflows, and other waters of the overall
2 Santa Clara River Watershed, of which the Santa Clara River is a part, for
3 recreational, educational, scientific, conservation, aesthetic, spiritual, and other
4 purposes. Defendant's discharges of stormwater containing pollutants impairs each
5 of these uses. Thus, Plaintiff's interests have been, are being, and will continue to
6 be adversely affected by Defendant's failure to comply with the CWA and the
7 Industrial Stormwater Permit.

8 11. Plaintiff enjoys going to the Duane R. Harte Park (the "Park"). Plaintiff
9 enjoys relaxing in the park and walking along the paths located in the Park.

10 12. The Santa Clara River runs immediately adjacent to the Park, and the
11 Santa Clara River is accessible from the Park by Park goes to recreate and fish in.
12 While at the Park, Plaintiff has witnessed the polluted nature of the Santa Clara
13 River. She has observed that the Santa Clara River appears both brown and dirty.
14 In addition to her visual observation of the water, Plaintiff has also noticed an
15 unpleasant smell coming from the water.

16 13. Plaintiff is aware that Defendant's Facility is upstream from the Park
17 and that the pollution from the Facility flows downstream through the Santa Clara
18 River and the Park before ultimately reaching the Pacific Ocean. Plaintiff believes
19 that this has degraded the beauty of the Park and curtailed her enjoyment of the Park.

20 14. Plaintiff intends to return to the Park in the future and believes that
21 reducing Defendant's pollution of the Santa Clara River will improve the water
22 quality in the Santa Clara River and allow her the opportunity to better enjoy the
23 recreational and aesthetic interests in the Santa Clara River and the Park.

24 15. Defendant is a California Corporation with headquarters at 24007
25 Ventura Blvd., Ste. 200, Calabasas, CA 91302.

26 16. Defendant owns and operates the Facility, located at 20970 Centre
27 Point Pkwy, Santa Clarita, CA 91350.

18. The Facility's industrial activities fall under Standard Industrial Classification ("SIC") Code 3826, relating to Laboratory Analytical Instruments and SIC Code 3825, relating to Instruments for Measuring and testing of Electricity and Electrical Signals. Defendant applied for and received coverage under the California Industrial General Permit since at least June 30, 2005, and was issued WDID No. 4 19I019623. Defendant reapplied for coverage under the 2015 Industrial Stormwater Permit on July 9, 2015, and was granted the continued use of its previously issued WDID No. These "Notice of Intent" for the Facility to comply with the terms of the Industrial Stormwater Permit list "National Technical Systems" as the name of the Operator and Facility name. Plaintiff is therefore informed and believes and thereon alleges that Defendant owns and/or operates the Facility.

The Problem of Stormwater Pollution

19. Stormwater runoff is one of the most significant sources of water pollution in the nation and has been recognized as a leading cause of significant and cumulative harmful impacts to the water quality of the Santa Clara River, its inflows, outflows, and other waters of the overall Santa Clara River Watershed, of which the Santa Clara River is a part. With every rainfall event, significant amounts of polluted rainwater flow from local industrial facilities, such as the Facility, and pour into storm drains, local tributaries, and directly into the Santa Clara River, its inflows,

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