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7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 JORGE LOPEZ,

) Civil No.

11
12 Plaintiff,

13 vs.

)
)
) **COMPLAINT FOR DECLARATORY
) AND INJUNCTIVE RELIEF AND
) CIVIL PENALTIES**

14 CLOUGHERTY PACKING, LLC

15 a/k/a, CLOUGHERTY PACKING CO.

16 a/k/a FARMER JOHN CLOUGHERTY

17 PACKING,

) (Federal Water Pollution Control Act, 33
) U.S.C. § 1251 et seq.)

18 Defendant.

) **JURY TRIAL DEMAND**
)

19
20 Plaintiff Jorge Lopez (“Plaintiff”), by and through his counsel, alleges as
21 follows:

22 1. This is a citizen suit, brought pursuant to the section 505(a)(1) of the
23 Federal Water Pollution Control Act (the “Clean Water Act” or “CWA”), 33 U.S.C.
24 § 1365(a)(1), to address violations of the CWA by defendant Clougherty Packing,
25 LLC a/k/a Clougherty Packing Co. a/k/a Farmer John Clougherty Packing
26 (“Clougherty” or the “Defendant”) arising out of operations at Clougherty’s facilities
27 located at 3049 E Vernon Ave, Vernon, CA 90058 and 2730-2750 E 37th St.,
28 Vernon, CA 90058 (the “Facilities”).

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 his
14 recreational activities, uses and enjoys the waters of the Los Angeles River, its
15 inflows, outflows, and other waters of the overall Los Angeles River Watershed, of
16 which the Los Angeles 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 Los Angeles River, and the overall
19 Los Angeles River Watershed, for the benefit of its ecosystems and communities.
20 To further these goals, Plaintiff actively seeks federal and state agency
21 implementation of the CWA, and, where necessary, directly initiates enforcement
22 actions on behalf of himself and for his community.

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

1 uses and enjoys the Los Angeles River, its inflows, outflows, and other waters of the
2 overall Los Angeles River Watershed, of which the Los Angeles 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 Maywood Riverfront Park (the Park").
9 Plaintiff enjoys relaxing in the park and walking along the paths located in the Park.

10 12. The Los Angeles River runs directly adjacent to the Park, and the Los
11 Angeles River is accessible from the Park by Park goers to recreate and fish in.
12 While at the Park, Plaintiff has witnessed the polluted nature of the Los Angeles
13 River. He has observed that the Los Angeles River appears both brown and dirty.
14 In addition to his 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 Facilities are located a short distance
17 away upstream from the Park and that the pollution contained in stormwater runoff
18 from the Facilities flow downstream the Los Angeles River and the Park before
19 ultimately reaching the Pacific Ocean. Plaintiff believes that this has degraded the
20 beauty of the Park and curtailed his enjoyment of the Park.

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

25 15. Defendant Clougherty Packing, LLC is a Delaware Limited Liability
26 Company with headquarters at 200 Commerce Street, Smithfield, VA 23430.

1 Defendant Clougherty Packing, LLC is also known by the names “Clougherty
2 Packing Co.” and “Farmer John Clougherty Packing”.

3 16. Defendant owns and operates the Facilities, located at 3049 E Vernon
4 Ave, Vernon, CA 90058 and 2730-2750 E 37th St., Vernon, CA 90058.

5 17. The Facilities operates as a hog processing plant and a prepared meat
6 products plant, respectively. Industrial activities carried out at the Facilities include
7 (i) hog preparation; (ii) hog conversion; (iii) rendering; (iv) waste water treatment;
8 (v) manufacturing of various pork and beef products; (vi) packaging of various pork
9 and beef products; (vii) materials storage; and (viii) equipment storage. Repair and
10 maintenance activities carried out at the Facilities include, but are not limited to,
11 electrical, plumbing, roofing, asphalt, concrete, and utilities repairs as well as
12 janitorial duties.

13 18. The Facilities industrial activities fall under Standard Industrial
14 Classification (“SIC”) Code 2013, relating to Sausages and Other Prepared Meats.
15 Defendant applied for and received coverage under the California Industrial General
16 Permit for the 3049 E. Vernon Ave Facility since at least 1992, and was issued
17 WDID No. 4 19I004285. Similarly, Defendant applied for and received coverage
18 under the California Industrial General Permit for the 2730-2750 E 37th St. Facility
19 since at least 2004, and was issued WDID No. 4 19I018579. Defendant reapplied
20 for coverage under the 2015 Industrial Stormwater Permit, and was granted the
21 continued use of its previously issued WDID No’s. These “Notice of Intent” for
22 the Facilities to comply with the terms of the Industrial Stormwater Permit list
23 “Farmer John Clougherty Packing”, and “Clougherty Packing Co.”, as the Facilities’
24 names, respectively. Plaintiff is therefore informed and believes and thereon alleges
25 that Defendant owns and/or operates the Facilities.

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