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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 LOS ANGELES WATERKEEPER, a
19 California non-profit association,

20 Plaintiff,

21 v.

22 SENIOR OPERATIONS LLC, a Delaware
23 Limited Liability Company, doing business
24 as SENIOR AEROSPACE SSP,

25 Defendant.

Civil Case No.:

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

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

1 LA Waterkeeper (“LA Waterkeeper” or “Plaintiff”), by and through its counsel,
2 hereby alleges:

3 **I. JURISDICTION AND VENUE**

4 1. This is a civil suit brought under the citizen suit enforcement provision of
5 the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.* (“Clean Water Act”
6 or “CWA”). *See* 33 U.S.C. § 1365. This Court has subject matter jurisdiction over the
7 parties and this action pursuant to 33 U.S.C. § 1365(a)(1) and 28 U.S.C. §§ 1331 and
8 2201 (an action for declaratory and injunctive relief arising under the Constitution and
9 laws of the United States).

10 2. On April 7, 2021, LA Waterkeeper issued a 60-day notice letter (“Notice
11 Letter”) to Senior Operations LLC (collectively, “Defendant” or “Senior Aerospace”), for
12 an industrial facility under their control. The Notice Letter informed Defendants of their
13 violations of California’s General Permit for Discharges of Storm Water Associated with
14 Industrial Activities (*National Pollutant Discharge Elimination System (NPDES) General*
15 *Permit No. CAS000001, State Water Resources Control Board Water Quality Order No.*
16 *2014-0057-DWQ* and amended by Order No. 2015-0122 –DWQ incorporating: 1)
17 Federal Sufficiently Sensitive Test Method Ruling; 2) TMDL Implementation
18 Requirements; and 3) Statewide Compliance Options Incentivizing On-Site or Regional
19 Storm Water Capture and Use (“General Permit” or “Storm Water Permit”), and the
20 Clean Water Act at the industrial facility located at 2980 N San Fernando Blvd, Burbank
21 CA 91504 with Waste Discharger Identification Number (“WDID”) 4 19I011647
22 (“Facility”).

23 3. The Notice Letter informed Defendant of LA Waterkeeper’s intent to file
24 suit against Defendant to enforce the Storm Water Permit and the Clean Water Act.

25 4. The Notice Letter was sent to Senior Operations LLC’s Chief Executive
26 Officer, Michael Sheppard, and Senior Operations LLC’s EHSS Director (40 C.F.R.
27 § 135.2(a)(2)). The Notice Letter was also sent to the Acting Administrator of the United

1 Region IX, the Executive Director of the State Water Resources Control Board (“State
2 Board”), and the Executive Officer of the Regional Water Quality Control Board, Los
3 Angeles Region, (“Regional Board”) as required by Section 505(b) of the CWA, 33
4 U.S.C. § 1365(b)(1)(A). The Notice Letter is attached hereto as **Exhibit A** and is fully
5 incorporated herein by reference.

6 5. More than sixty (60) days have passed since the Notice Letter was served on
7 the Defendants and the State and Federal agencies. LA Waterkeeper is informed and
8 believes, and thereon alleges, that neither the EPA nor the State of California has
9 commenced or is diligently prosecuting an action to redress the violations alleged in the
10 Notice Letter and in this complaint. *See* 33 U.S.C. § 1365(b)(1)(B). This action is not
11 barred by any prior administrative penalty under Section 309(g) of the CWA, 33 U.S.C. §
12 1319(g).

13 6. Venue is proper in the Central District of California pursuant to Section
14 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the sources of the violations are
15 located within this judicial district.

16 **II. INTRODUCTION**

17 7. With every rainfall event, hundreds of millions of gallons of polluted
18 rainwater, originating from industrial operations such as the Facility referenced herein,
19 pour into the storm drains and local waterways. The consensus among regulatory
20 agencies and water quality specialists is that storm water pollution accounts for more than
21 half of the total pollution entering marine and river environments each year. These
22 surface waters, known as Receiving Waters, are ecologically sensitive areas. Although
23 pollution and habitat destruction have drastically diminished once abundant and varied
24 fisheries, these waters are still essential habitat for dozens of fish and bird species as well
25 as macro-invertebrate and invertebrate species. Storm water and non-storm water contain
26 sediment, heavy metals, such as aluminum, iron, chromium, copper, lead, mercury,
27 nickel, and zinc, as well as, high concentrations of nitrate and nitrite, and other pollutants.

1 significance that the surface waters have for people in the surrounding communities. The
2 public's use of the surface waters exposes many people to toxic metals and other
3 contaminants in storm water and non-storm water discharges. Non-contact recreational
4 and aesthetic opportunities, such as wildlife observation, are also impaired by polluted
5 discharges to the Receiving Waters.

6 8. High concentrations of total suspended solids ("TSS") degrade optical water
7 quality by reducing water clarity and decreasing light available to support photosynthesis.
8 TSS has been shown to alter predator-prey relationships (for example, turbid water may
9 make it difficult for fish to hunt prey). Deposited solids alter fish habitat, aquatic plants,
10 and benthic organisms. TSS can also be harmful to aquatic life because numerous
11 pollutants, including metals and polycyclic aromatic hydrocarbons, are absorbed onto
12 TSS. Thus, higher concentrations of TSS result in higher concentrations of toxins
13 associated with those sediments. Inorganic sediments, including settleable matter and
14 suspended solids, have been shown to negatively impact species richness, diversity, and
15 total biomass of filter feeding aquatic organisms on bottom surfaces.

16 9. Storm water discharged with high pH can damage the gills and skin of
17 aquatic organisms and cause death at levels above 10 standard units. The pH scale is
18 logarithmic and the solubility of a substance varies as a function of the pH of a solution.
19 A one-whole-unit change in SU represents a tenfold increase or decrease in ion
20 concentration. If the pH of water is too high or too low, the aquatic organisms living
21 within it will become stressed or die.

22 10. This complaint seeks a declaratory judgment, injunctive relief, the
23 imposition of civil penalties, and the award of costs, including attorney and expert
24 witness fees, for Defendant's substantive and procedural violations of the Storm Water
25 Permit and the Clean Water Act resulting from Defendant's operations at the Facility.¹
26
27

1 11. LA Waterkeeper specifically alleges violations regarding Defendant's
2 discharge of pollutants from the Facility into waters of the United States; violations of the
3 monitoring, reporting, and best management practice requirements; and violations of
4 other procedural and substantive requirements of the Storm Water Permit and the Clean
5 Water Act, are ongoing and continuous.

6 **III. PARTIES**

7 **A. Los Angeles Waterkeeper**

8 12. LA Waterkeeper is a non-profit 501(c)(3) public benefit corporation
9 organized under the laws of the State of California. LA Waterkeeper's main office is
10 located at 120 Broadway, Santa Monica, California 90401.

11 13. LA Waterkeeper's members live and/or recreate in and around Los Angeles.
12 LA Waterkeeper is dedicated to the preservation, protection, and defense of the
13 environment, wildlife, and natural resources of local surface waters. To further these
14 goals, LA Waterkeeper actively seeks federal and state agency implementation of the
15 Clean Water Act and, where necessary, directly initiates enforcement actions on behalf of
16 itself and others.

17 14. LA Waterkeeper members work, own homes and live in Los Angeles
18 County and use and enjoy the waters near the Facility, including the Burbank Western
19 Channel, the Los Angeles River and the bordering parks, pathways, golf, courses and
20 athletic fields, and further downstream, Queensway Bay and Junipero Beach ("Receiving
21 Waters") for biking, boating, kayaking, viewing wildlife, walking, running, and engaging
22 in scientific study, including habitat monitoring and restoration activities.

23 15. Discharges of polluted storm water and non-storm water from the Facility
24 degrade water quality and harm aquatic life in the Burbank Western Channel, the Los
25 Angeles River and its estuary, Queensway Bay, and Junipero Beach, and impair LA
26 Waterkeeper's and its members' use and enjoyment of those waters.

27 16. The violations of the Storm Water Permit and Clean Water Act at the

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