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

17 LOS ANGELES WATERKEEPER, a
18 public benefit non-profit corporation,

19 Plaintiff,

20 vs.

21 GROVER PRODUCTS CO., a
22 California corporation,

23 Defendant.
24

Case No. _____

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
CIVIL PENALTIES

Federal Water Pollution Control Act,
33 U.S.C. §§ 1251 to 1387

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1 **I. JURISDICTION AND VENUE**

2 1. This is a civil action brought under the citizen suit provisions of the
3 Federal Water Pollution Control Act (“Clean Water Act” or “Act”), 33 U.S.C. § 1251,
4 *et seq.*

5 2. This Court has subject matter jurisdiction over Los Angeles Waterkeeper
6 (“LA Waterkeeper” or “Plaintiff”) and Grover Products Co. (“Grover” or
7 “Defendant”) (collectively the “Parties”) and over the subject matter of this action
8 pursuant to section 505(a)(1)(A) of the Act, 33 U.S.C. § 1365(a)(1)(A), and 28 U.S.C.
9 § 1331 (an action arising under the laws of the United States).

10 3. This complaint seeks relief for ongoing violations by Grover of the Clean
11 Water Act, and the terms and conditions of the *National Pollutant Discharge*
12 *Elimination System Permit No. CA S000001, State Water Resources Control Board*
13 *Water Quality Order No. 91-13-DWQ*, as amended by *Water Quality Order No. 92-*
14 *12-DWQ, Water Quality Order No. 97-03-DWQ*, and *Order No. 2014-0057-DWQ*
15 (“General Permit”), related to polluted storm water discharges from the industrial
16 facility owned and/or operated by Grover on two contiguous properties at 3424 and
17 3412 East Olympic Boulevard in Los Angeles, California (“Facility”).

18 4. The relief requested is authorized pursuant to 28 U.S.C. §§ 2201–02
19 (power to issue declaratory relief in case of actual controversy and further necessary
20 relief based on such a declaration); 33 U.S.C. §§ 1319(b), 1365(a) (injunctive relief
21 and civil penalties); and 33 U.S.C. §§ 1319(d), 1365(a) (civil penalties).

22 5. Prospective citizen plaintiffs must, as a jurisdictional pre-requisite to
23 enforcing the Clean Water Act in Federal District Court, prepare a Notice of Violation

1 and Intent to File Suit letter (“Notice Letter”) containing, *inter alia*, sufficient
2 information to allow the recipient to identify the standard, limitation or order alleged
3 to be violated, and the activity alleged to constitute a violation. 33 U.S.C. § 1365(a);
4 40 C.F.R. § 135.3(a).

5 6. The Notice Letter must be sent via certified mail at least sixty (60) days
6 prior to filing a complaint (“Notice Period”) to the owner of the facility alleged to be
7 in violation of the Act, and where the alleged violator is a corporation, to the
8 corporation’s registered agent for service of process. 33 U.S.C. § 1365(b); 40 C.F.R.
9 § 135.2(a)(1).

10 7. A copy of the Notice Letter must be mailed to the Administrator of the
11 U.S. Environmental Protection Agency (“U.S. EPA”), the Regional Administrator of
12 the U.S. EPA for the region in which a violation is alleged to have occurred, and the
13 chief administrative officer for the water pollution control agency for the State in
14 which the violation is alleged to have occurred. 33 U.S.C. § 1365(b); 40 C.F.R.
15 § 135.2(b)(1)(A).

16 8. On December 2, 2021, Plaintiff sent a Notice Letter via certified mail to
17 Grover, its registered agent for service of process, the U.S. Attorney General, the
18 Administrator of the U.S. EPA, the Regional Administrator of U.S. EPA Region IX,
19 the California State Water Resources Control Board (“State Board”), and the Los
20 Angeles Regional Water Quality Control Board (“Regional Board”).

21 9. The Notice Letter was received by Grover on December 6, 2021, and by
22 Grover’s registered agent for service of process on December 8, 2021.

23 10. The Notice Letter described ongoing violations of the Act and General

1 Permit at the Facility, and provided notice of Plaintiff's intention to file suit against
2 Defendant at the expiration of the Notice Period.

3 11. A true and correct copy of the December 2, 2021 Notice Letter is
4 attached as EXHIBIT A to the complaint, the contents of which are incorporated by
5 reference.

6 12. More than sixty (60) days have passed since the Notice Letter was served
7 on Grover, and the Federal and State agencies.

8 13. Plaintiff is informed and believes, and thereon alleges, that neither the
9 U.S. EPA nor the State of California has commenced or is diligently prosecuting a
10 court action to redress violations alleged in the Notice Letter and this complaint.

11 14. Plaintiff's claim for civil penalties is not barred by any prior
12 administrative penalty under section 309(g) of the Act. 33 U.S.C. § 1319(g).

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

16 LA Waterkeeper, a California public benefit non-profit corporation, by and
17 through its counsel, hereby alleges:

18 **II. INTRODUCTION**

19 16. This complaint seeks relief for unlawful discharges of pollutants, and
20 polluted storm water from the Facility in violation of the Act and General Permit.

21 17. Defendant is liable for its past and ongoing failures to comply with the
22 Act, including failures to comply with the discharge prohibitions, technology-based
23 and water quality-based effluent limitations, planning and monitoring requirements,

1 and other procedural and substantive requirements of the General Permit. 33 U.S.C.
2 §§ 1342, 1365.

3 18. With every significant rainfall event, millions of gallons of polluted
4 storm water originating from industrial operations, like those conducted by Defendant,
5 flow into Los Angeles' storm drains and contaminate local streams, creeks, rivers,
6 estuaries, harbors, bays, beaches, and coastal waters.

7 19. The consensus among agencies and water quality specialists is that storm
8 water pollution accounts for more than half of the total pollution entering local creeks
9 and rivers each year. *See e.g., Bay, S., Study of the Impact of Stormwater Discharge*
10 *on Santa Monica Bay* (Nov. 1999).

11 20. Numerous scientific studies in recent decades have documented serious
12 health risks to recreational users of southern California's waters from pollutant-loaded
13 storm water discharges. *See e.g., Stenstrom, M. K., Southern California*
14 *Environmental Report Card: Stormwater Impact* at 15; Los Angeles County Grand
15 Jury, *Reducing the Risks of Swimming at Los Angeles County Beaches* (1999- 2000) at
16 205; Haile, R. et al., *An Epidemiological Study of Possible Adverse Health Effects of*
17 *Swimming in Santa Monica Bay* (Santa Monica Bay Restoration Project, 1996) at 5.

18 21. A landmark epidemiological study showed that people who swam
19 directly in front of storm drain outlets into Santa Monica Bay were far more likely to
20 experience fevers, chills, vomiting, gastroenteritis, and similar health effects than
21 those who swam 100 or 400 yards away from the outlets. Los Angeles County Grand
22 Jury, *Reducing the Risks of Swimming at Los Angeles County Beaches* (1999-2000)
23 at 205; Haile, R. et al., *An Epidemiological Study of Possible Adverse Health Effects*

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