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

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

20 Plaintiff,

21 vs.
22

23 HUGHES BROTHERS
24 AIRCRAFTERS, INC., a California
25 corporation,

26 Defendant.
27
28

Case No. _____

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF AND
CIVIL PENALTIES

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

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 Hughes Brothers Aircrafters, Inc. (“Hughes” 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 (“Complaint”) seeks relief for ongoing violations by
11 Hughes of the Clean Water Act, and the terms and conditions of the *National*
12 *Pollutant Discharge Elimination System Permit No. CA S000001, State Water*
13 *Resources Control Board Water Quality Order No. 91-13-DWQ*, as amended by
14 *Water Quality Order No. 92-12-DWQ, Water Quality Order No. 97-03-DWQ, Order*
15 *No. 2014-0057-DWQ*, and as amended on November 6, 2018 (“General Permit”),
16 related to polluted storm water and non-storm water discharges from the
17 aerospace/aviation manufacturing facility owned and operated by Hughes at and near
18 11010 Garfield Place in South Gate, California (“Facility”).

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

23 5. Prospective citizen plaintiffs must, as a jurisdictional pre-requisite to

1 enforcing the Clean Water Act in Federal District Court, prepare a Notice of Violation
2 and Intent to File Suit letter (“Notice Letter”) containing, *inter alia*, sufficient
3 information to allow the recipient to identify the standard, limitation or order alleged
4 to be violated, and the activity alleged to constitute a violation. 33 U.S.C. § 1365(a);
5 40 C.F.R. § 135.3(a).

6 6. The Notice Letter must be sent via certified mail at least sixty (60) days
7 prior to filing a complaint (“Notice Period”) to the owner of the facility alleged to be
8 in violation of the Act and, where the alleged violator is a corporation, to the
9 corporation’s registered agent for service of process. 33 U.S.C. § 1365(b); 40 C.F.R.
10 § 135.2(a)(1).

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

17 8. On April 12, 2022, Plaintiff sent a Notice Letter via certified mail to
18 Hughes and its registered agent for service of process. The Notice Letter described
19 ongoing violations of the Act and General Permit at the Facility, and provided notice
20 of Plaintiff’s intention to file suit against Defendant at the expiration of the Notice
21 Period. A true and accurate copy of the Notice Letter as provided to Hughes is
22 attached to, and incorporated by reference into, this Complaint at EXHIBIT 1.

23 9. The Notice Letter was received by Tim Whitaker, Hughes’ General

1 Manager on April 14, 2022, and by James P. Hughes, Hughes' registered agent for
2 service of process on April 14, 2022.

3 10. The Notice Letter was received by Merrick Garland, the U.S. Attorney
4 General on April 18, 2022, by Michael Regan, Administrator of the U.S. EPA on
5 April 18, 2022, and by Eileen Sobeck, Director of the State Water Resources Control
6 Board on April 19, 2022.

7 11. More than sixty (60) days have passed since the Notice Letter was served
8 on Hughes, and the State and Federal agencies.

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

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

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

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

19 **II. INTRODUCTION**

20 15. This Complaint seeks relief for unpermitted and unlawful discharges of
21 pollutants, polluted storm water, and polluted non-storm water from the Facility in
22 violation of the Act and General Permit.

23 16. Defendant is liable for its past and ongoing failures to comply with the

1 Act, including failures to comply with the General Permit's discharge prohibitions,
2 technology-based and water quality-based effluent limitations, planning and
3 monitoring requirements, and other procedural and substantive requirements. 33
4 U.S.C. §§ 1342, 1365.

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

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

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

21 20. A landmark epidemiological study showed that people who swam
22 directly in front of storm drain outlets into Santa Monica Bay were far more likely to
23 experience fevers, chills, vomiting, gastroenteritis, and similar health effects than



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