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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 ORANGE COUNTY COASTKEEPER, a
California non-profit corporation,

16 Plaintiff,

17 v.

18 ALLOY DIE CASTING CO., a
corporation,

19 Defendant.
20
21

Civil Case No.

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

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

22 Orange County Coastkeeper (“Coastkeeper” or “Plaintiff”), by and through its
23 counsel, hereby alleges:

24 **I. JURISDICTION AND VENUE**

25 1. Plaintiff brings this civil suit under the citizen suit enforcement provision of
26 the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.* (the “Clean Water
27 Act” or the “CWA”). See 33 U.S.C. § 1265. This Court has subject matter jurisdiction

1 over the parties and this action pursuant to 33 U.S.C. § 1365(a)(1) and 28 U.S.C. §§ 1331
2 and 2201 (an action for declaratory and injunctive relief arising under the Constitution and
3 laws of the United States). The relief requested is authorized pursuant to 28 U.S.C. §§
4 2201-02 (power to issue declaratory relief in case of actual controversy and further
5 necessary relief based on such a declaration); 33 U.S.C. §§ 1319(b), 1365(a) (injunctive
6 relief); and 33 U.S.C. §§ 1319(d), 1365(a) (civil penalties).

8 2. On March 23, 2022, Plaintiff issued a 60-day Notice of Violation and Intent
9 to Sue letter (the “Notice Letter”), attached hereto as **Exhibit A** and fully incorporated by
10 reference herein, to Alloy Die Casting Co. (“ADC” or “Defendant”) and Sanders Real
11 Estate LLC (“Sanders LLC”) as the owners and/or operators of the Facility. The Notice
12 Letter informed ADC and Sanders LLC of the violations of California’s General Permit
13 for Discharges of Storm Water Associated with Industrial Activities (*National Pollution*
14 *Discharge Elimination System (“NPDES”) General Permit No. CAS000001, Water*
15 *Quality Order No. 97-03-DWQ, as amended by Order No. 2014-0057-DWQ, as amended*
16 *by Order No. 2015-0122-DWQ, as subsequently amended by Order 20XX-XXXX-DWQ in*
17 *2018 (effective July 1, 2020)* (hereinafter, the “Storm Water Permit”) and the Clean Water
18 Act at the subject industrial facility located at 6550 Caballero Blvd., Buena Park,
19 California 90620 (the “Facility”). The Notice Letter informed ADC and Sanders LLC of
20 Plaintiff’s intent to file suit to enforce the Storm Water Permit and the Clean Water Act.
21
22

23 3. The Notice Letter was also sent to the Attorney General of the United States
24 Department of Justice (“USDOJ”), the Administrator of the United States Environmental
25 Protection Agency (“EPA”), the Acting Regional Administrator of EPA Region IX, the
26 Executive Director of the State Water Resources Control Board (the “State Board”), and
27 the Executive Officer of the Regional Water Quality Control Board, Santa Ana Region
28

1 (the “Santa Ana Regional Board” or “Regional Board”), as required by 40 C.F.R. §
2 135.2(a)(1) and Section 505(b) of the CWA, 33 U.S.C. § 1365(b)(1)(A).

3
4 4. Sixty (60) days have passed since the Notice Letter was sent via certified mail
5 to Defendant and the State and Federal agencies. Plaintiff is informed and believes, and
6 thereon alleges, that neither the EPA, USDOJ, nor the State of California has commenced
7 or is diligently prosecuting an action to redress the violations alleged in the Notice Letter
8 and in this Complaint. *See* 33 U.S.C. § 1365(b)(1)(B). This action is not barred by any
9 prior administrative penalty under Section 309(g) of the CWA. 33 U.S.C. § 1319(g).

10
11 5. Venue is proper in the Central District of California pursuant to Section
12 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the sources of the violations are
13 located within this judicial district.

14
15 6. Plaintiff seeks relief for Defendant’s substantive and procedural violations of
16 the Storm Water Permit and the Clean Water Act resulting from industrial activities at the
17 Facility.

18 **II. INTRODUCTION**

19
20 7. This Complaint seeks relief for the Defendant’s unlawful discharges of
21 pollutants into waters of the United States from its industrial operations at the Facility.
22 Specifically, Coastkeeper is informed and believes, and thereon alleges, that Defendant’s
23 discharges of pollutants from the Facility enter into the City of Buena Park’s municipal
24 storm sewer system, which discharges into Fullerton Creek, which then flows into Coyote
25 Creek, which flows into the San Gabriel River and ultimately into the Pacific Ocean
26 (collectively referred to as the “Receiving Waters”), in violation of the substantive and
27 procedural requirements of the Storm Water Permit and the Clean Water Act. These

28 violations have been occurring since at least March 28, 2017, and are ongoing and

1 continuous.

2 8. With every significant rainfall event, millions of gallons of polluted
3 rainwater, originating from industrial operations such as the Facility, pour into storm
4 drains and local waterways. The consensus among regulatory agencies and water quality
5 specialists is that storm water pollution accounts for more than half of the total pollution
6 entering surface waters each year. These surface waters, known as receiving waters, are
7 ecologically sensitive areas. These waters are essential habitat for dozens of fish and bird
8 species as well as macro-invertebrate and invertebrate species. Storm water and non-storm
9 water contain sediment, heavy metals, such as aluminum, iron, magnesium, chromium,
10 copper, lead, mercury, nickel, and zinc, as well as high concentrations of nitrate and nitrite,
11 and other pollutants. Exposure to polluted storm water harms the special aesthetic and
12 recreational significance that the surface waters have for people in the surrounding
13 communities. The public's use of the surface waters exposes many people to toxic metals
14 and other contaminants in storm water and non-storm water discharges. Non-contact
15 recreational and aesthetic opportunities, such as wildlife observation, are also impaired by
16 polluted discharges to surface waters such as the Receiving Waters.
17
18
19

20 **III. PARTIES**

21 **A. Orange County Coastkeeper.**

22 9. Orange County Coastkeeper is a non-profit public benefit corporation
23 organized under the laws of the State of California and has approximately 2,441 members.
24 Orange County Coastkeeper's office is located at 3151 Airway Avenue, Suite F-110,
25 Costa Mesa, California 92626.
26

27 10. Orange County Coastkeeper is dedicated to the preservation, protection, and
28 defense of the environment, wildlife, and natural resources of Orange County. To further

1 these goals, Orange County Coastkeeper actively seeks federal and state agency
2 implementation of the Clean Water Act and, where necessary, directly initiates
3 enforcement actions on behalf of itself and its members.
4

5 11. Members of Orange County Coastkeeper live and own homes in the San
6 Gabriel River Watershed and use and enjoy the waters to which the Facility discharges
7 storm water. Members of Orange County Coastkeeper use these waterways to participate
8 in a variety of water sports and other activities including, but not limited to, fishing,
9 swimming, boating, kayaking, bird watching, viewing wildlife, hiking, biking, surfing,
10 wading, standup paddle boarding, walking, running, and/or engaging in scientific study,
11 including monitoring, restoration, and research activities. The discharge of pollutants from
12 the Facility impairs each of these uses.
13

14 12. Defendant's failure to comply with the procedural and substantive
15 requirements of the Storm Water Permit and/or the Clean Water Act including, but not
16 limited to, discharges of polluted storm water from the Facility, failure to report such
17 pollution, and failure to act in accordance with the Storm Water Permit to improve the
18 quality of storm water discharges from the Facility, degrades water quality and harms
19 aquatic life in the San Gabriel River and its tributaries, and impairs Orange County
20 Coastkeeper members' use and enjoyment of those waters, giving Plaintiff standing on
21 behalf of its members.
22

23 13. The violations of the Storm Water Permit and Clean Water Act at the Facility
24 are ongoing and continuous. Thus, the interests of Coastkeeper's members have been, are
25 being, and will continue to be adversely affected by Defendant's failure to comply with
26 the Storm Water Permit and the Clean Water Act. The relief sought herein will redress the
27 harms to Plaintiff's members caused by Defendant's activities.
28

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