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125) TRACK ASSIGNMENT
 125) DETAINER
 ECONOMIC
 STANDARD
 UNINSURED MOTORIST
 TRACT COORD TO NOTIFY
 READ THE VENTURA COUNTY
 LOCAL RULES THAT GOVERN
 COMPLIANCE WITH FAST TRACT
 ASSIGNED COURT 33

VENTURA
 SUPERIOR COURT
 FILED
 APR 15 2010
 MICHAEL D. PLANET
 Executive Officer and Clerk
 BY: M. AKUNA Deputy

BY FAX

8 Attorneys for Plaintiff, the People of the State
 9 of California, *ex rel.*, California Regional
 10 Water Quality Control Board, Los Angeles
 11 Region

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 13 FOR THE COUNTY OF VENTURA

13 THE PEOPLE OF THE STATE OF
 14 CALIFORNIA, *ex rel.*, CALIFORNIA
 15 REGIONAL WATER QUALITY CONTROL
 16 BOARD, LOS ANGELES REGION,
 17 Plaintiff,

18 v.

17 THE BOEING COMPANY, DOES 1
 18 THROUGH 10,
 19 Defendant.

CASE: 56-2010-00371686-CU-MC-SIM
 COMPLAINT FOR CIVIL LIABILITY,
 PENALTIES, AND INJUNCTIVE RELIEF

Judge:

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 21
 22 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, *ex rel.*, CALIFORNIA
 23 REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION is informed
 24 and believes and based thereon alleges:

1 **PARTIES TO THE ACTION**

2 1. The California Regional Water Quality Control Board, Los Angeles Region
3 (Regional Board) is a public agency of the State of California organized and existing pursuant to
4 the Water Code sections 13000 et seq. The Regional Board is the principal State agency
5 responsible for the coordination and control of water quality in the Los Angeles Region.
6 Defendants' acts that are the subject of this lawsuit all occurred within Ventura County, and fall
7 under the responsibility of the Regional Board. The Regional Board, as part of its legislatively
8 mandated duties, is required to administer Water Code sections 13000 et seq. for the Los Angeles
9 Region, including Ventura County.

10 2. The Boeing Company (Boeing) is a Delaware corporation authorized to do
11 business in Ventura County, California. Boeing runs the Santa Susana Field Laboratory (SSFL)
12 facility located at the top of Woolsey Canyon Road in the Simi Hills, Ventura County, California.
13 Boeing operations at SSFL since 1950 have included, research, development, assembly,
14 disassembly, and testing of rocket engines, missile components, and chemical lasers. Boeing
15 controls the discharges of storm water runoff and wastewater from SSFL under the waste
16 discharge requirements of National Pollutant Discharge Elimination System (NPDES) Permit No.
17 CA0001309. Violations of this NPDES permit are the subject of this complaint.

18 3. The true names and capacities, whether individual, corporate, associate or
19 otherwise, of the defendants sued in this Complaint under the fictitious names of Does 1 through
20 10, inclusive, are unknown to the Regional Board who therefore sues each such defendant by
21 such fictitious names. These defendants are named as Doe defendants pursuant to Code of Civil
22 Procedure section 474. The Regional Board will ask leave of court to amend this complaint to
23 show the true name and capacity of each defendant when these facts are discovered.

24 **JURISDICTION AND VENUE**

25 4. The superior court has jurisdiction of this matter under Article VI, § 10 of the
26 California Constitution, under the Water Code sections 13385 and 13386 and under the Code of
27 Civil Procedure section 410.10. Pursuant to the Water Code sections 13385, subdivision (b), and
28

1 13386, the Regional Board requested that the Attorney General commence this action in the
2 Superior Court of California.

3 5. Venue is proper in the County of Ventura under Water Code section 13361
4 because the discharges and violations described herein occurred in the County of Ventura.

5 INTRODUCTION

6 6. This is a civil action by the People of the State of California, ex rel. Regional
7 Board. The Regional Board is a public agency of the State of California and was established and
8 authorized by the Porter-Cologne Water Quality Control Act, Water Code sections 13000 et seq.
9 (Porter-Cologne Act). Within the Los Angeles Region, which includes the County of Ventura,
10 the Regional Board is responsible for the control of water pollution.

11 7. This action is brought against Boeing pursuant to Water Code sections 13385,
12 subdivision (b), and 13386. Water Code section 13385, subdivision (b), authorizes the Attorney
13 General, upon request of the Regional Board, to commence an action in superior court to impose
14 liability of up to \$25,000 per day, for each violation of the enumerated provisions of section
15 13385.

16 8. Boeing Company's discharge of storm water from SSFL in violation of NPDES
17 Permit No. CA0001309 to the Los Angeles River via Bell Creek and to Calleguas Creek via
18 Arroyo Simi and Arroyo Las Posas, both navigable waters of the United States, constitutes a
19 continuing violation of California Water Code (CWC) section 133376 and Clean Water Act
20 section 301, 33 United States Code Section 1311.

21 9. The Regional Board has issued Boeing six Notices of Violations (NOVs), two
22 Cleanup and Abatement Orders (CAOs), and a Cease and Desist Order (CDO) between August
23 1998 and June 2008. These violations have included effluent limit exceedances for chloride,
24 radioactivity (gross beta), iron (Fe), mercury (Hg), pH, manganese (Mn), nitrite plus nitrate as
25 nitrogen (NO₂ + NO₃ as N), dioxins (TCDD), zinc (Zn) and other pollutants which can degrade
26 water quality and impact beneficial uses, and which are defined as wastes under the Porter-
27 Cologne Act.

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1 Attorney General to apply to the superior court for an injunction to restrain Boeing from
2 continuing these violations.

3 **FACTUAL ALLEGATIONS**

4 17. Boeing is in noncompliance with waste discharge requirements established in
5 Board Order Nos. R4-2004-0111, R4-2006-0008, R4-2006-0036, R4-2007-0055, and R4-2009-
6 0058, NPDES Permit No. CA0001309. These permit limits include, among others, an
7 instantaneous limit for pH of 6.5-8.6, a daily limit of TCDD of 2.8E-08 ug/L, and a monthly limit
8 of TCDD of 1.4E-08 ug/L.

9 18. Monitoring and Reporting Program No. 6027, which is part of Order Nos. R4-
10 2004-0111, R4-2006-0008, R4-2006-0036, R4-2007-0055, and R4-2009-0058, requires that
11 Boeing submit to the Regional Board at regular intervals monitoring reports covering the waste
12 discharges from SSFL.

13 19. Boeing intermittently discharges storm water runoff through outfalls 001 through
14 018 at the site..

15 20. At least forty (40) violations of Order Nos. R4-2004-0111, R4-2006-0008, R4-
16 2006-0036, R4-2007-0055, and R4-2009-0058 were noted in Boeing's self-monitoring reports
17 during the 4th Quarter 2006, 1st, 3rd and 4th Quarters 2007, 1st and 4th Quarters 2008, 1st and
18 4th Quarters 2009.

19 21. Between December 10, 2006, and December 7, 2009, violations have occurred at
20 outfalls: 003, 004, 006, 009, 010, 011, and 018. This includes pollution levels exceeding
21 permitted levels which have flowed both into the Los Angeles River via Bell Creek and to
22 Calleguas Creek via Arroyo Simi and Arroyo Las Posas

23 22. These violations include effluent limit exceedances for chloride, radioactivity
24 (gross beta), iron (Fe), mercury (Hg), pH, manganese (Mn), nitrite plus nitrate as nitrogen (NO₂ +
25 NO₃ as N), dioxins (TCDD), and zinc (Zn).

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FIRST CAUSE OF ACTION
VIOLATIONS OF WATER CODE SECTIONS 13376 AND 13385

23. The allegations against Boeing in paragraphs 1 through 22 are hereby incorporated by reference as if fully alleged herein.

24. Water Code section 13376 prohibits “[t]he discharge of pollutants” into Waters of the United States “by any person except as authorized by waste discharge requirements.”

25. The discharge of pollutants self-reported by Boeing exceeded those authorized by NPDES Permit CA0001309.

26. These pollutants include effluent limit exceedances for chloride, radioactivity (gross beta), iron (Fe), mercury (Hg), pH, manganese (Mn), nitrite plus nitrate as nitrogen (NO₂ + NO₃ as N), dioxins (TCDD), and zinc (Zn), which are defined as wastes under the Porter-Cologne Act.

27. Between December 2006 and December 2009, Boeing exceeded their waste discharge requirements on at least 40 occasions.

28. Pollutants from SSFL continue to discharge in excess of the NPDES limits. Therefore, these violations are continuing to this day.

29. Violations of Water Code section 13376 are also violations of Water Code section 13385, subdivision (a)(1).

30. Boeing is also liable under Water Code section 13385 for penalties up to \$25,000 per day, per violation.

31. Each continuing violation also subjects Boeing to injunctive relief pursuant to Water Code section 13386.

SECOND CAUSE OF ACTION
VIOLATIONS OF WATER CODE SECTION 13385, SUBDIVISION (A)(5)

32. The allegations in paragraphs 1 through 31 are hereby incorporated by reference as if fully alleged herein.

1 44. Pollutants from SSFL continue to discharge in excess of the Board Orders.

2 Therefore, these violations are continuing to this day.

3 45. Boeing's violations of the Board Orders are also violations of Water Code section
4 13385.

5 46. Boeing is liable civilly under Water Code section 13385 for penalties up to
6 \$25,000 per day, per violation.

7 47. Each continuing violation also subjects Boeing to injunctive relief pursuant to
8 Water Code section 13386.

9 **PRAYER**

10 WHEREFORE, the Regional Board prays for judgment against the Defendant, as follows:

11 1. Pursuant to Water Code section 13385, subdivision (a)(1), the court assess a civil
12 penalty not to exceed \$25,000 per day, for each violation of Water Code section 13376, by the
13 defendants, according to proof;

14 2. Pursuant to Water Code section 13385, subdivision (a)(5), the court assess a civil
15 penalty not to exceed \$25,000 per day, for each violation of the Clean Water Act section 301, by
16 the defendants, according to proof;

17 3. Pursuant to Water Code section 13385, subdivision (a)(2), the court assess a civil
18 penalty not to exceed \$25,000 per day, for each violation by the defendants, according to proof.

19 4. Pursuant to Water Code section 13386, the court issue an injunction to restrain the
20 defendants from continuing to violate Water Code section 13385, according to proof;

21 5. Pursuant to Code of Civil Procedure section 1021.8, the court grant to the Regional
22 Board all its costs, including reasonable attorneys' fees, for investigating and prosecuting this
23 action, according to proof; and,

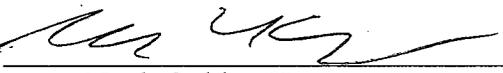
24 6. For all other relief as the court deems just and proper.
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Dated: April 15, 2010

Respectfully submitted,

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