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CENTER FOR ENVIRONMENTAL HEALTH

FILED
Superior Court of California
County of Los Angeles
01/22/2024

David W. Slayton, Executive Officer / Clerk of Court
By: _____ R. Alva _____ Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CENTER FOR ENVIRONMENTAL HEALTH,
a non-profit corporation,

Plaintiff,

v.

BOWMAN PLATING COMPANY, INC.,
COAST PLATING, INC., VALENCE SURFACE
TECHNOLOGIES LLC, MOOG, INC.,
erroneously named as MOOG SPECIALIZED
SYSTEMS, INC., PRECISION CASTPARTS
CORP., UNIVERSAL METAL PLATING, INC.
and DOES 1 through 20, inclusive,

Defendants.

Case No. 23STCV24545

**FIRST AMENDED COMPLAINT
FOR INJUNCTIVE RELIEF AND
CIVIL PENALTIES**

Health & Safety Code §25249.5, *et seq.*

(Other)

1 Plaintiff Center for Environmental Health, in the public interest, based on information and
2 belief and investigation of counsel, except for information based on knowledge, hereby makes the
3 following allegations:

4 **INTRODUCTION**

5 1. This First Amended Complaint seeks to remedy Defendants' continuing discharge
6 and release of substantial quantities of Perfluorooctanoic Acid (PFOA) and Perfluorooctane
7 Sulfonate (PFOS) (collectively, "PFAS") into sources of drinking water. PFAS are chemicals
8 known to the State of California to cause cancer, birth defects and other reproductive harm. Such
9 discharges have occurred, and continue to occur, as a result of operations at Defendants' facilities.

10 2. Under California's Proposition 65, Health & Safety Code §25249.5, *et seq.*, it is
11 unlawful for businesses to knowingly discharge or release chemicals known to the State to cause
12 cancer, birth defects, or other reproductive harm into water or into land where such chemical
13 passes or will probably pass into a source of drinking water. Defendants' operations and facility
14 discharges release PFAS directly into the groundwater beneath and/or surrounding the facilities,
15 which is designated as a source of drinking water.

16 3. Defendants' conduct thus violates the discharge prohibition of Proposition 65.
17 Health & Safety Code §25249.5.

18 **PARTIES**

19 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a non-profit
20 corporation dedicated to protecting the public from environmental health hazards and toxic
21 exposures. CEH is based in Oakland, California and incorporated under the laws of the State of
22 California. CEH is a "person" within the meaning of Health & Safety Code §25249.11(a) and
23 brings this enforcement action in the public interest pursuant to Health & Safety Code
24 §25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group that has
25 prosecuted a large number of Proposition 65 cases in the public interest. These cases have
26 resulted in significant public benefit, including the reformulation of millions of products to
27 remove toxic chemicals and to make them safer, the reduction of toxic emissions from
28 manufacturing facilities, and the elimination of toxic discharges into sources of drinking water.

1 CEH also consults and/or works with environmental justice community partners (e.g., residents
2 living in impacted areas, grassroots groups, community-based organizations) in cases that affect
3 local water and air quality and provide information to Californians about the health risks
4 associated with exposure to hazardous substances, where manufacturers and other responsible
5 parties fail to do so.

6 5. Defendant BOWMAN PLATING COMPANY, INC. is a person in the course of
7 doing business within the meaning of Health & Safety Code §25249.11. Defendant BOWMAN
8 PLATING COMPANY, INC. owns and/or operates the facility at 2631 E 126th Street, Compton,
9 CA 90222 (the “Bowman Plating Facility”) that discharges and releases PFAS directly into the
10 groundwater beneath and/or surrounding the Bowman Plating Facility as well as onto land where
11 it passes or will probably pass into the groundwater beneath and/or surrounding the Bowman
12 Plating Facility, which is designated as a source of drinking water. PFAS at issue in this
13 complaint for defendant BOWMAN PLATING COMPANY, INC. includes both PFOA and
14 PFOS.

15 6. Defendant COAST PLATING, INC. is a person in the course of doing business
16 within the meaning of Health & Safety Code §25249.11. Defendant COAST PLATING, INC.
17 owns and/or operates the facility at 417 W 164th Street, Carson, CA 90248 (the “Coast Plating
18 Facility”) that discharges and releases PFAS directly into the groundwater beneath and/or
19 surrounding the Coast Plating Facility as well as onto land where it passes or will probably pass
20 into the groundwater beneath and/or surrounding the Coast Plating Facility, which is designated
21 as a source of drinking water. PFAS at issue in this complaint for defendant COAST PLATING,
22 INC. includes both PFOA and PFOS.

23 7. Defendant VALENCE SURFACE TECHNOLOGIES LLC is a person in the
24 course of doing business within the meaning of Health & Safety Code §25249.11. Defendant
25 VALENCE SURFACE TECHNOLOGIES LLC owns and/or operates the Coast Plating Facility
26 that discharges and releases PFAS directly into the groundwater beneath and/or surrounding the
27 Coast Plating Facility as well as onto land where it passes or will probably pass into the
28 groundwater beneath and/or surrounding the Coast Plating Facility, which is designated as a

1 source of drinking water. PFAS at issue in this complaint for defendant VALENCE SURFACE
2 TECHNOLOGIES LLC includes both PFOA and PFOS.

3 8. Defendant MOOG, INC., erroneously named as MOOG SPECIALIZED
4 SYSTEMS, INC. is person in the course of doing business within the meaning of Health & Safety
5 Code §25249.11. Defendant MOOG, INC. owns and/or operates the facility at 20263 S Western
6 Ave, Torrance, CA 90501 (the “Moog Facility”) that discharges and releases PFAS directly into
7 the groundwater beneath and/or surrounding the Moog Facility as well as onto land where it
8 passes or will probably pass into the groundwater beneath and/or surrounding the Moog Facility,
9 which is designated as a source of drinking water. PFAS at issue in this complaint for defendant
10 MOOG, INC. includes both PFOA and PFOS.

11 9. Defendant PRECISION CASTPARTS CORP. is a person in the course of doing
12 business within the meaning of Health & Safety Code §25249.11. Defendant PRECISION
13 CASTPARTS CORP. owns and/or operates the Alloy Processing facility at 1900 West Walnut
14 Street, Compton, CA 90220 (the “Alloy Facility”) that discharges and releases PFAS directly into
15 the groundwater beneath and/or surrounding the Alloy Facility as well as onto land where it
16 passes or will probably pass into the groundwater beneath and/or surrounding the Alloy Facility,
17 which is designated as a source of drinking water. PFAS at issue in this complaint for defendant
18 PRECISION CASTPARTS CORP. is limited to PFOS. Based on information and belief, the
19 Alloy Facility is currently owned and/or operated by Ken’s Spray Equipment, Inc.

20 10. Defendant UNIVERSAL METAL PLATING, INC. is a person in the course of
21 doing business within the meaning of Health & Safety Code §25249.11. Defendant
22 UNIVERSAL METAL PLATING, INC. owns and/or operates the facility at 1526 W 1st Street,
23 Azusa, California 91702 (the “Universal Facility”) that discharges and releases PFAS directly
24 into the groundwater beneath and/or surrounding the Universal Facility as well as onto land
25 where it passes or will probably pass into the groundwater beneath and/or surrounding the
26 Universal Facility, which is designated as a source of drinking water. PFAS at issue in this
27 complaint for defendant UNIVERSAL METAL PLATING, INC. is limited to PFOS.

28

1 11. DOES 1 through 20 are each a person in the course of doing business within the
2 meaning of Health & Safety Code §25249.11. DOES 1 through 20 own and/or operate the
3 Facility.

4 12. The true names of DOES 1 through 20 are either unknown to CEH at this time or
5 the applicable time period before which CEH may file a Proposition 65 action has not run. When
6 their identities are ascertained or the applicable time period before which CEH may file a
7 Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

8 13. The defendants identified in paragraphs 5 through 10 and DOES 1 through 20 are
9 collectively referred to herein as “Defendants.”

10 **JURISDICTION AND VENUE**

11 14. The Court has jurisdiction over this action pursuant to Health & Safety Code
12 §25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to
13 California Constitution Article VI, Section 10, because this case is a cause not given by statute to
14 other trial courts.

15 15. This Court has jurisdiction over Defendants because each is a business entity that
16 does sufficient business, has sufficient minimum contacts in California, or otherwise intentionally
17 avails itself of the California market through the ownership and/or operation of the Facility, or by
18 having such other contacts with California so as to render the exercise of jurisdiction over it by
19 the California courts consistent with traditional notions of fair play and substantial justice.

20 16. Venue is proper in Los Angeles County Superior Court because the violations
21 arise in the County of Los Angeles.

22 **BACKGROUND FACTS**

23 17. The People of the State of California have declared by initiative under Proposition
24 65 their right “[t]o protect themselves and the water they drink against chemicals that cause
25 cancer, birth defects, or other reproductive harm.” Proposition 65, §1(a).

26 18. To effectuate this goal, Proposition 65 prohibits businesses from discharging or
27 releasing into a source of drinking water chemicals listed by the State of California as known to
28

1 cause cancer, birth defects and other reproductive harm. Health & Safety Code §25249.5 states,
2 in pertinent part:

3 No person in the course of doing business shall knowingly discharge or
4 release a chemical known to the state to cause cancer or reproductive
5 toxicity into water or onto or into land where such chemical passes or
probably will pass into any source of drinking water. . .

6 19. Proposition 65 defines a “source of drinking water” to mean “either a present
7 source of drinking water or water which is identified or designated in a water quality control plan
8 adopted by a regional board as being suitable for domestic or municipal uses.” Health & Safety
9 Code § 25249.11(d).

10 20. Pursuant to State Water Resources Control Board Resolution No. 88-63
11 (“Resolution No. 88-63”), “‘sources of drinking water’ shall be defined in Water Quality Control
12 Plans as those water bodies with beneficial uses designated as suitable, or potentially suitable, for
13 municipal or domestic water supply (MUN).” Thus, to the extent a basin plan defines
14 groundwater or other sources as suitable for MUN, those are “sources of drinking water” under
15 Resolution No. 88-63 and Proposition 65.

16 21. The Los Angeles Regional Water Quality Control Board (“Water Board”)
17 regulates Defendants’ facilities and incorporates Resolution No. 88-63 into the Water Quality
18 Control Plan for the Los Angeles Basin (the “Basin Plan”). Basin Plan, p. 5-13. The Basin Plan
19 affirms that, “[m]any groundwater basins are designated MUN, reflecting the importance of
20 ground water as a source of drinking water in the Region and as required by the State Board's
21 Sources of Drinking Water Policy.” Basin Plan, p. 2-9. Defendants’ Facility areas are designated
22 as MUN by the Water Board.

23 22. On November 10, 2017, the State of California officially listed PFOA and PFOS
24 as chemicals known to cause reproductive toxicity. PFOA and PFOS are specifically identified as
25 developmental toxicants, which means they cause harm to the developing fetus. 27 Cal. Code
26 Regs. (“C.C.R.”) §27001(c). On July 10, 2019, twenty months after they were listed as chemicals
27 known to cause reproductive toxicity, PFOA and PFOS became subject to the prohibition on
28 discharging or releasing a listed chemical into a source of drinking water. *Id.*; Health & Safety

1 Code § 25249.9(a). On December 24, 2021 and February 25, 2022, the State of California
2 officially listed PFOS and PFOA, respectively, as chemicals known to cause cancer. Similarly,
3 PFOS and PFOA are subject to the prohibition on discharging or releasing a listed chemical into a
4 source of drinking water as it relates to their listings as carcinogens on August 24, 2023 and
5 October 25, 2023, respectively. Health & Safety Code §25249.9(a).

6 23. The Bowman Plating Facility's operations result in the discharge and release of
7 PFAS directly into the groundwater beneath and/or surrounding the Facility as well as onto land
8 where it will pass or probably will pass into the groundwater beneath and/or surrounding the
9 Facility. Testing conducted at the Bowman Plating Facility reveals the presence of significant
10 amounts of PFAS in the Facility's stormwater as well as the groundwater adjacent to and/or
11 beneath the Facility. PFAS discharged and/or released from the Bowman Plating Facility is
12 responsible for at least some of the PFAS contamination of the groundwater adjacent to and/or
13 beneath the Bowman Facility.

14 24. The Coast Plating Facility's operations result in the discharge and release of PFAS
15 directly into the groundwater beneath and/or surrounding the Facility as well as onto land where it
16 will pass or probably will pass into the groundwater beneath and/or surrounding the Facility.
17 Testing conducted at the Coast Plating Facility reveals the presence of significant amounts of
18 PFAS in the Facility's stormwater, wastewater, as well as the groundwater adjacent to and/or
19 beneath the Facility. PFAS discharged and/or released from the Coast Plating Facility is
20 responsible for at least some of the PFAS contamination of the groundwater adjacent to and/or
21 beneath the Coast Facility.

22 25. The Moog Facility's operations result in the discharge and release of PFAS
23 directly into the groundwater beneath and/or surrounding the Facility as well as onto land where it
24 will pass or probably will pass into the groundwater beneath and/or surrounding the Facility.
25 Testing conducted at the Moog Facility reveals the presence of significant amounts of PFAS in
26 the Facility's soil, stormwater, as well as the groundwater adjacent to and/or beneath the Facility.
27 PFAS discharged and/or released from the Moog Facility is responsible for at least some of the
28 PFAS contamination of the groundwater adjacent to and/or beneath the Moog Facility.

1 26. The Alloy Facility’s operations result in the discharge and release of PFAS
2 directly into the groundwater beneath and/or surrounding the Facility as well as onto land where it
3 will pass or probably will pass into the groundwater beneath and/or surrounding the Facility.
4 Testing conducted at the Alloy Facility reveals the presence of significant amounts of PFAS in
5 the Facility’s stormwater as well as the groundwater adjacent to and/or beneath the Facility.
6 PFAS discharged and/or released from the Alloy Facility is responsible for at least some of the
7 PFAS contamination of the groundwater adjacent to and/or beneath the Alloy Facility.

8 27. The Universal Facility’s operations result in the discharge and release of PFAS
9 directly into the groundwater beneath and/or surrounding the Facility as well as onto land where it
10 will pass or probably will pass into the groundwater beneath and/or surrounding the Facility.
11 Testing conducted at the Universal Facility reveals the presence of significant amounts of PFAS
12 in the Facility’s stormwater as well as the groundwater adjacent to and/or beneath the Facility.
13 PFAS discharged and/or released from the Universal Facility is responsible for at least some of
14 the PFAS contamination of the groundwater adjacent to and/or beneath the Universal Facility.

15 28. Any person acting in the public interest has standing to enforce violations of
16 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
17 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
18 within such time. Health & Safety Code §25249.7(d).

19 29. More than sixty days prior to naming each Defendant in this lawsuit, CEH
20 provided a 60-Day “Notice of Violation” of Proposition 65 to the California Attorney General as
21 well as to the District Attorney for the County of Los Angeles and to each of the named
22 Defendants. In compliance with Health & Safety Code §25249.7(d) and 27 C.C.R. § 25903(b),
23 each of the Notices included the following information: (1) CEH’s name and the name, address,
24 and telephone number of a responsible individual within CEH; (2) the name and address of the
25 violators; (3) the approximate time period during which the violations occurred; (4) the names of
26 the specific Proposition 65-listed chemicals; (5) a general identification of the discharge or
27 release; and (6) the source of drinking water into which the discharges are alleged to have
28 occurred, to be occurring, or to be likely to occur. In compliance with 27 C.C.R. § 25903(b) CEH

1 also included a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986
2 (Proposition 65): A Summary” with the Notice sent to each Defendant.

3 30. None of the public prosecutors with the authority to prosecute violations of
4 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against any of
5 the named Defendants under Health & Safety Code §25249.5 *et seq.* based on the claims asserted
6 in the Notices.

7 31. Under Proposition 65, a discharge is “knowing” where the party responsible for
8 such discharge has:

9 knowledge of the fact that a discharge of, [or] release of . . . a chemical
10 listed pursuant to Health & Safety Code §25249.8(a) is occurring. No
11 knowledge that the discharge, [or] release . . . is unlawful is required.

12 27 CCR §25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
13 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2, §
14 12201).

15 32. Defendants know that operations at each Defendants’ respective Facility
16 discharges and releases significant amounts of PFAS onto land where such chemicals are likely to
17 pass into groundwater as well as directly into groundwater beneath and/or surrounding the
18 Facility. Each Defendant has reported the presence of PFAS in its Facility’s groundwater,
19 wastewater, soil, and/or, stormwater in the adjacent and/or beneath groundwater. None of the
20 Defendants have ceased discharging and/or releasing PFAS into groundwater surrounding their
21 respective Facilities and/or onto land where it will probably pass into the groundwater.

22 33. CEH has engaged in good-faith efforts to resolve the claims alleged herein prior to
23 filing this Complaint.

24 34. Any person “violating or threatening to violate” Proposition 65 may be enjoined in
25 any court of competent jurisdiction. Health & Safety Code §25249.7. “Threaten to violate” is
26 defined to mean “to create a condition in which there is a substantial probability that a violation
27 will occur.” Health & Safety Code §25249.11(e). Defendants violate Proposition 65 by
28 continuing to discharge and/or release PFAS into groundwater. Defendants also threaten to

1 violate Proposition 65 by failing to abate the PFAS contamination of their Facilities such that
2 there is a substantial likelihood that the contamination will result in violations of Proposition 65.
3 Proposition 65 provides for civil penalties not to exceed \$2,500 per day for each violation of
4 Proposition 65.

5
6 **FIRST CAUSE OF ACTION**
(Violations of Health & Safety Code §25249.6)

7 35. CEH realleges and incorporates by reference as if specifically set forth herein
8 Paragraphs 1 through 32, inclusive.

9 36. Each Defendant is a person in the course of doing business within the meaning of
10 Health & Safety Code §25249.11.

11 37. PFAS chemicals, PFOA and PFOS, are listed by the State of California as known
12 to cause cancer, birth defects and other reproductive harm.

13 38. Defendants each know that its Facility discharges and releases PFAS directly into
14 the groundwater surrounding their Facility as well as onto land where the PFAS will or probably
15 will pass into the groundwater. The groundwater adjacent to and/or beneath each Facility is
16 designated as a source of drinking water.

17 39. By committing the acts alleged above, each Defendant has at all times relevant to
18 this Complaint violated Proposition 65 by knowingly discharging or releasing PFAS into sources
19 of drinking water.

20 **PRAYER FOR RELIEF**

21 CEH prays for judgment against Defendants as follows:

22 1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and
23 permanently enjoin Defendants from discharging and releasing PFAS into sources of drinking
24 water.

25 2. That the Court, pursuant to Health & Safety Code §25249.7(a), require Defendants
26 to clean the PFAS from the sources of drinking water into which it has released them.

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3. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties against each Defendant in the amount of \$2,500 per day for each violation of Proposition 65 according to proof;

4. That the Court, pursuant to Code of Civil Procedure §1021.5 or any other applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

5. That the Court grant such other and further relief as may be just and proper.

Dated: January 22, 2024

Respectfully submitted,

LEXINGTON LAW GROUP



Mark N. Todzo
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH