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California Sportfishing Protection Alliance

14 UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA
16

17 CALIFORNIA SPORTFISHING PROTECTION
18 ALLIANCE, a non-profit corporation,

19 Plaintiff,

20 v.

21 CITY OF STOCKTON, a municipal corporation,

22 Defendant.
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Civil Case No.:

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

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

1 California Sportfishing Protection Alliance, by and through its counsel, hereby alleges:

2 **I. JURISDICTION AND VENUE**

3 1. This is a civil suit brought under the citizen suit enforcement provisions of the Federal
4 Water Pollution Control Act, 33 U.S.C. sections 1251 *et seq.* (the “Clean Water Act” or the “CWA”).
5 This Court has subject matter jurisdiction over the parties and subject matter of this action pursuant to
6 section 505(a)(1) of the Clean Water Act, 33 U.S.C. § 1365(a)(1), and 28 U.S.C. sections 1331 and 2201
7 (an action for declaratory and injunctive relief arising under the Constitution and laws of the United
8 States).

9 2. On July 1, 2008, California Sportfishing Protection Alliance (“CSPA”) issued a 60-day
10 notice letter (“Notice Letter”) to the City of Stockton (“City”) regarding its violations of the Clean
11 Water Act and CSPA’s intention to file suit against it. Pursuant to 33 U.S.C. section 1365(b)(1)(A) of
12 the Clean Water Act, CSPA also served the Notice Letters on the Administrator of the United States
13 Environmental Protection Agency (“EPA”), the Administrator of EPA Region IX, the Executive
14 Director of the State Water Resources Control Board (“State Board”), the Executive Officer of the
15 Regional Water Quality Control Board, San Francisco Bay Region (“Regional Board”), and the United
16 States Attorney General. The Notice Letter is incorporated herein by reference.

17 3. More than sixty days have passed since the Notice Letter was served on the City and the
18 State and Federal agencies. CSPA is informed and believes, and thereon alleges, that neither the EPA
19 nor the State of California has commenced or is diligently prosecuting an action to redress the
20 violations alleged in this complaint.

21 4. Venue is proper in the Eastern District of California pursuant to section 505(c)(1) of the
22 Clean Water Act, 33 U.S.C. §1365(c)(1), because the source of the violations is located within this
23 judicial district.

24 **II. INTRADISTRICT ASSIGNMENT**

25 5. Pursuant to Civil Local Rule 3-120(d), intradistrict assignment of this matter to the
26 Sacramento Division of the Court is appropriate in that the events or omissions which give rise to
27 CSPA’s claims occurred in San Joaquin County. In addition, many of CSPA’s members reside in the
28 City of Stockton, San Joaquin County, or both. No event or omission giving rise to CSPA’s claims

1 occurred in any other Division of this Court.

2 **III. INTRODUCTION**

3 6. This case concerns the ongoing mismanagement of the City's sewage collection system
4 and treatment plant in violation of the Clean Water Act. The City is the permittee on the *Waste*
5 *Discharge Requirements for City of Stockton Regional Wastewater Control Facility*, National Pollution
6 Discharge Elimination System ("NPDES") Permit No. CA0079138, Order No. R5-2002-0083
7 ("RWCF Permit").

8 7. The violations alleged herein concern hundreds of overflows and discharges of raw or
9 inadequately treated sewage into area waters, storm drains, and private property, and overflows and
10 discharges of raw or partially treated sewage from prohibited locations.

11 8. The specific Clean Water Act violations alleged are: (1) discharges of raw or partially
12 treated sewage in violation of Discharge Prohibitions, A.1. of the RWCF Permit; and (2) discharges of
13 raw or partially treated sewage to surface waters in violation of Discharge Prohibitions, A.2. of the
14 RWCF Permit.

15 **IV. PARTIES**

16 9. Plaintiff California Sportfishing Protection Alliance is a non-profit public benefit
17 corporation organized under the laws of the State of California with its main office in Stockton,
18 California. CSPA has approximately 2000 members who live, recreate and work in and around waters
19 of the State of California, including rivers throughout the Central Valley and the Sacramento-San
20 Joaquin River Delta Estuary. CSPA is dedicated to the preservation, protection, and restoration of the
21 environment, the wildlife and the natural resources of all waters of California, including the San
22 Joaquin River. To further these goals, CSPA actively seeks federal and state agency implementation
23 of the Clean Water Act and other environmental regulations and statutes and, where necessary, directly
24 initiates enforcement actions on behalf of itself and its members. CSPA has been and remains actively
25 engaged in proceedings before the regional and state water boards relating to the issuance and
26 compliance with wastewater permits and municipal storm water permits.

27 10. CSPA has members that live in and around the City of Stockton and other parts of San
28 Joaquin County who have been adversely affected by the discharge of sewage on their local streets and

1 into area waters. The discharge of sewage in and around the City of Stockton is a threat to human
2 health, including the health of CSPA's members, and the environment, and adversely impacts CSPA's
3 members' use and enjoyment of Stockton roadways, public spaces, and water bodies in the area.

4 11. CSPA's members use and enjoy the waters in and around the City of Stockton and the
5 Sacramento-San Joaquin River Delta, including, but not limited to, the San Joaquin River, Calaveras
6 River, Mosher Slough, Five Mile Slough, Smith Canal, Duck Creek, and Yosemite Lake (these waters
7 are hereinafter referred to as the Receiving Waters). Each of these Receiving Waters is a part of the
8 Sacramento-San Joaquin River Delta.

9 12. CSPA's members use and enjoy the Sacramento-San Joaquin River Delta area waters for
10 recreational, scientific, aesthetic, educational, conservation and commercial purposes. Specifically,
11 CSPA's members fish, boat, swim, picnic, hike and enjoy the wildlife in and around the Receiving
12 Waters.

13 13. CSPA's members travel by foot, automobile, bicycles and other means on streets
14 throughout the City of Stockton and surrounding areas where sewage spills have occurred and may
15 occur in the future. CSPA's members own or rent property in the City of Stockton and surrounding
16 areas adjacent to or in proximity to areas where sewage spills from the City's sewage collection system
17 have occurred and may occur in the future. CSPA's members use Stockton-area roadways and public
18 spaces, including exercising, walking, and travelling.

19 14. CSPA's members use and enjoyment of the Receiving Waters has been and continues to
20 be adversely impacted by ongoing sewer overflows, discharges of raw or inadequately treated
21 wastewater, and discharges of storm water contaminated with sewage to the Receiving Waters used by
22 CSPA's members and all tributaries to such waters (given that pollutants discharged to tributaries will
23 flow into the Receiving Waters directly used by CSPA's members). The discharge of pollutants to the
24 Receiving Waters has deleterious effects on those water bodies. Degradation of water quality and
25 harm to aquatic life in any of the Receiving Waters impairs CSPA's members' use and enjoyment of
26 those waters. CSPA's members' safe use of roadways and public spaces within the City of Stockton
27 and surrounding areas has been and continues to be adversely impacted by the City's ongoing
28 discharges of raw sewage to roadways and other properties.

1 15. The interests of CSPA's members have been, are being, and will continue to be adversely
2 affected by Defendants' failure to comply with the Clean Water Act and the RWCF Permit. CSPA has
3 no other adequate remedy at law.

4 16. The City of Stockton is a municipality incorporated under the laws of the State of
5 California. The City of Stockton owns the City's sewage collection system and the Regional
6 Wastewater Control Facility. The Stockton Municipal Utilities Department ("SMUD"), with offices at
7 2500 Navy Drive, Stockton, California, is a department of the City. The SMUD is responsible for
8 operating and maintaining the City's sewage collection system and the RWCF. Accordingly, the City
9 is responsible for violations of the Clean Water Act alleged herein as owner and operator of the sewage
10 collection system and the RWCF that have occurred from July 16, 2003 to the present.

11 **V. STATEMENT OF FACTS**

12 **A. Collection System and Sanitary Sewer Overflows**

13 17. The City's sewage collection system consists of approximately 900 miles of sanitary line,
14 with 38,000 sewer connections. Sewage and wastewater collected in the system is conveyed to the
15 RWCF.

16 18. Since July 16, 2003 at least 1,530 sanitary sewer overflows (SSOs) have occurred from
17 the City's sewage collection system. These SSOs are documented in spill reports submitted by the
18 City to the California Office of Emergency Services, the State Water Resources Control Board, and the
19 Regional Board, in the City's sewer overflow master reports, in City work orders, and in other
20 correspondence or documents prepared by the City indicating SSOs from its sewage collection system.

21 19. The City's SSOs discharge to road surfaces and properties, to the Stockton Urbanized
22 Area municipal separate storm sewer system ("MS4"), to area creeks and streams, and/or to the
23 Sacramento-San Joaquin River Delta.

24 20. CSPA is informed and believes, and thereon alleges, that many of the City's SSOs from
25 the sewage collection system are dry weather spills caused by fats, oil and grease ("FOG") in sewer
26 lines, blockages by roots, rocks, and/or debris, and the City's failure to properly maintain the system.

27 21. CSPA is informed and believes, and thereon alleges, that another major source of SSOs
28 are "wet weather" spills, *i.e.*, spills caused by the system's inadequate capacity to handle peak wet-

1 weather flows during periods of precipitation.

2 22. CSPA is informed and believes, and thereon alleges that excessive infiltration and inflow
3 (“I&I”) of rainwater and rising groundwater into sewer pipes overwhelms the capacity of the sewer
4 system and causes SSOs during wet weather.

5 23. Based on the City’s extremely high rate of SSOs, CSPA is informed and believes, and
6 thereon alleges, that the City’s sewage collection system is deteriorating and that under-funding and
7 deferral of repairs will allow the continued discharge of raw sewage to streets and other properties,
8 storm drains, and Receiving Waters.

9 24. The City must immediately address the capacity issues in its sewage collection system,
10 and repair and/or rehabilitate the old pipes in the system in order to bring it into compliance with the
11 Clean Water Act and the RWCF Permit.

12 25. The City’s refusal to immediately implement needed capital improvements adversely
13 impacts CSPA’s members and the public who use roadways and other properties in Stockton as well as
14 the Receiving Waters.

15 **B. Impacts to the Receiving Waters**

16 26. The Sacramento-San Joaquin River Delta is the largest Pacific Coast estuary in both
17 North and South America. The Sacramento-San Joaquin River Delta is the confluence of five major
18 rivers and numerous creeks and sloughs. This maze of finger-like waterways ebbs and flows through
19 prime California natural habitat and farmland. The Sacramento-San Joaquin River Delta is also the
20 primary source of fresh water supply for two-thirds of California’s residents. The preservation of this
21 natural resource is essential. The Sacramento-San Joaquin River Delta and its tributaries also provide
22 special aesthetic and recreational significance for people living in the surrounding communities. These
23 activities depend upon water quality and habitat preservation of the Sacramento-San Joaquin River
24 Delta. The growing urbanization of the Sacramento-San Joaquin River Delta area makes these
25 recreational and aesthetic uses even more important to the quality of life of the approximately 500,000
26 area residents. Furthermore, the Sacramento-San Joaquin River Delta fosters the commercial fishing
27 industry. Commercial fishers and sport fishers alike continue to suffer from the constant degradation
28 of the Sacramento-San Joaquin River Delta through illegal discharges and sewer overflows. The

1 Sacramento-San Joaquin River Delta's once-abundant and varied fisheries and species habitat have
2 been drastically diminished by pollution.

3 27. The Sacramento-San Joaquin River Delta has 700 miles of channels, nearly all navigable.
4 Recreation in the Sacramento-San Joaquin River Delta is therefore mainly water-oriented. The
5 Sacramento-San Joaquin River Delta serves as a major recreational outlet for hundreds of thousands of
6 people, including members of CSPA, engaging in activities such as fishing, water-skiing, sailing,
7 cruising, personal watercraft, canoeing, kayaking, swimming, and windsurfing.

8 28. Spills of raw sewage, inadequately treated effluent, and discharges of sewage-
9 contaminated storm water harm the Sacramento-San Joaquin River Delta and pose a serious risk to
10 fisheries, wildlife habitat, and human health, including the health of CSPA's members. In addition to
11 human waste and bacteria, sewage contains chemicals that cause cancer or reproductive toxicity.
12 These chemicals come from solvents, detergents, cleansers, inks, pesticides, paints, pharmaceuticals,
13 and other chemicals used by households and businesses and then discarded to sewage collection
14 systems. High concentrations of these pollutants are typically found in discharges of raw sewage.

15 29. The intensive use of the Sacramento-San Joaquin River Delta for commercial, sport
16 fishing, and water-contact recreation increases the likelihood that people, including members of CSPA,
17 will come into direct contact with spilled sewage and the pollutants it contains. Sewage pollution also
18 affects CSPA members and other people who eat fish caught in the Sacramento-San Joaquin River
19 Delta. Toxic chemicals are concentrated in the Sacramento-San Joaquin River Delta's food web,
20 which means that contaminants absorbed by plankton are magnified in fish and birds farther up the
21 food chain and ultimately ingested by human consumers. Contamination of fish is particularly
22 damaging to certain ethnic communities and low-income people, who eat a greater-than-average
23 amount of fish.

24 30. SSOs that do not directly reach the Sacramento-San Joaquin River Delta still pose
25 significant health risks to CSPA's members and others by depositing raw sewage in public streets,
26 public buildings and grounds, and private yards and homes. SSOs contain large quantities of bacteria,
27 viruses, mold spores, and protozoa. Exposure to raw or partially treated sewage can cause a variety of
28 health problems, including gastroenteritis, respiratory illness, ear, nose, and throat problems, and skin

1 rashes. Mold spores can establish an ecological niche when they are carried onto a homeowner's
2 property during a sanitary sewer overflow, creating an ongoing health risk from chronic exposure.
3 Sewage contaminated waters also may provide a breeding ground for mosquitoes. Residential sewage
4 overflows also diminish property values and impose severe nuisance on local residents.

5 31. The Sacramento-San Joaquin River Delta is on the State of California's 2006 Clean
6 Water Act section 303(d) list of Water Quality Limited Segments (303(d) List) as impaired for
7 pathogens, diazinon, Group A pesticides, unknown toxicity, chlorpyrifos, mercury, DDT, boron, low
8 dissolved solids, and organophosphorus pesticides. Many of these pollutants are commonly found in
9 raw or partially treated sewage. By discharging excessive levels of these pollutants to the Sacramento-
10 San Joaquin River Delta, the City causes further degradation of already impaired Sacramento-San
11 Joaquin River Delta waters. These discharges thus further impair CSPA members' and Sacramento-
12 San Joaquin River Delta area residents' use and enjoyment of these waters by contributing to the
13 continued impairment of the Sacramento-San Joaquin River Delta.

14 **VI. LEGAL BACKGROUND**

15 **A. The Clean Water Act**

16 32. Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of
17 any pollutant into waters of the United States unless the discharge complies with various enumerated
18 sections of the Clean Water Act. Among other things, section 301(a) prohibits discharges not
19 authorized by, or in violation of, the terms of a NPDES permit issued pursuant to section 402 of the
20 Clean Water Act, 33 U.S.C. § 1342.

21 33. Clean Water Act section 402, 33 U.S.C. § 1342, establishes a framework for regulating
22 the discharge of pollutants to waters of the United States, including regulating discharges of pollutants
23 from publicly owned treatment works and collection systems such as the RWCF.

24 34. Section 505(a) of the Clean Water Act provides for citizen enforcement actions against
25 any "person," including individuals acting in their official state capacity, for violations of (1) any
26 effluent standard or limitation or (2) an order issued by the Administrator or a State with respect to
27 such a standard or limitation. 33 U.S.C. §§ 1365(a), 1365(f), and 1362(5). Section 505(a) provides for
28 citizen enforcement for violations of NPDES permits such as the RWCF Permit. *Id.*

1 35. An action for injunctive relief under the Clean Water Act is authorized by section 505(a),
2 33 U.S.C. § 1365(a). Violators of the Clean Water Act are also subject to an assessment of civil
3 penalties of up to \$27,500 per day per violation of the Clean Water Act for violations of the Clean
4 Water Act occurring prior to March 15, 2004 and \$32,500 for all violations occurring on or after
5 March 15, 2004. 33 U.S.C. §§ 1365(a) and 1319(d); 40 C.F.R. §§ 19.1 - 19.4.

6 36. The Clean Water Act also authorizes the award of reasonable attorneys fees and costs
7 (including witness and consultant fees). 33 U.S.C. § 1365(d).

8 **B. The Requirements of the RWCF Permit**

9 37. The RWCF Permit regulates discharges from the City's sewage collection system and the
10 RWCF. *See* RWCF Permit, Finding 2. The RWCF Permit is an NPDES Permit. RWCF Permit,
11 Findings No. 50.

12 38. The RWCF Permit contains certain absolute prohibitions. Discharge Prohibition A.1. of
13 the RWCF Permit prohibits the discharge of wastewater from any location or in any manner different
14 from that described in Finding Nos. 2 and 50. Discharge Prohibition A.2. of the RWCF prohibits
15 bypass or overflow of untreated or partially treated wastewater to waters of the State unless specified
16 conditions are met.

17 39. Any violation of the RWCF Permit requirements is a violation of the Clean Water Act.
18 *See* RWCF Permit, Provisions, G.16. and Standard Provisions A.1.

19 **FIRST CAUSE OF ACTION**

20 **Claim for Discharges in Violation of Permit Conditions Established by the RWCF Permit and**
21 **the Clean Water Act, 33 U.S.C. §§ 1365(a), 1365(f)**
22 **(RWCF Permit, Discharge Prohibitions, A.1.)**

23 40. Plaintiff realleges, as if set forth fully herein, each and every allegation contained in the
24 preceding paragraphs.

25 41. Discharge Prohibitions, A.1. of the RWCF Permit prohibits the discharge of wastewater
26 from any locations or in any manner different from that described in Findings Nos. 2 (discharge of
27 adequately treated wastewater at the sole outfall in the San Joaquin River permitted) and 50 (some
28 discharge of adequately treated wastewater for reclamation uses permitted) of the RWCF Permit.

1 42. Any violation of the RWCF Permit is a violation of the Clean Water Act. RWCF Permit,
2 Provisions, G.16. and Standard Provisions A.1.

3 43. The City has been discharging and continues to discharge untreated or partially treated
4 wastewater in the form of SSOs from the Stockton sewage collection system at locations different from
5 and in a manner different from that described in Findings Nos. 2 and 50 in the RWCF Permit since at
6 least July 16, 2003. The City has violated the RWCF Permit, and thus the Clean Water Act, by
7 discharging untreated or partially treated sewage in the form of SSOs from the Stockton sewage
8 collection system at locations different from and in a manner different from that described in Findings
9 Nos. 2 and 50 in the RWCF Permit on at least 1,530 separate occasions. Each occasion is a separate
10 violation of the RWCF Permit and the Clean Water Act. These discharges and violations are ongoing
11 and it is likely that the City will continue to violate these requirements without Court intervention.

12 44. CSPA is informed and believes, and thereon alleges, that the City of Stockton has been
13 underreporting the number of SSOs that take place from the City's collection system and that the City
14 lacks an adequate monitoring program to detect, report, and address SSOs and their impacts.

15 45. CSPA is informed and believes, and thereon alleges, that significantly more SSOs will be
16 discovered through this enforcement action. Each additional SSO will be a separate Clean Water Act
17 violation.

18 46. RWCF Permit, Discharge Prohibitions, A.1. is an effluent limitation within the meaning
19 of Clean Water Act sections 505(a) and (f), 33 U.S.C. § 1365(a), (f). Accordingly, every instance
20 since July 16, 2003 when the City failed to comply with Discharge Prohibitions, A.1. is a violation of a
21 Clean Water Act effluent limitation.

22 47. By committing the acts and omissions alleged above, the City is subject to an assessment
23 of civil penalties pursuant to Clean Water Act sections 309(d) and 505(a), 33 U.S.C. §§ 1319(d) and
24 1365(a).

25 48. An action for declaratory judgment is authorized by 28 U.S.C. § 2201.

26 49. An action for injunctive relief under the Clean Water Act is authorized by 33 U.S.C.
27 section 1365(a). Continuing commission of the acts and omissions alleged above will irreparably harm
28 Plaintiff and the citizens of the State of California, for which harm they have no other plain, speedy, or

1 adequate remedy at law.

2 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

3 **SECOND CAUSE OF ACTION**

4 **Claim for Discharges in Violation of Permit Conditions Established by the RWCF Permit**
5 **and the Clean Water Act, 33 U.S.C. §§ 1311(a), 1365(a), 1365(f)**
6 **(RWCF Permit, Discharge Prohibitions, A.2.)**

7 50. Plaintiff realleges, as if set forth fully herein, each and every allegation contained in the
8 preceding paragraphs.

9 51. Section 301(a) of the Clean Water Act prohibits the discharge of pollutants to waters of
10 the United States except in compliance with, among other things, an NPDES permit.

11 52. Discharge Prohibitions, A.2. of the RWCF Permit prohibits bypass or overflow of wastes
12 to surface waters except under specified conditions.

13 53. Any violation of the RWCF Permit is a violation of the Clean Water Act. RWCF Permit,
14 Provisions, G.16. and Standard Provisions A.1.

15 54. The City has allowed the by-pass or overflow of wastes and continues to allow the by-
16 pass or overflow of wastes to surface waters in the form of SSOs from the Stockton sewage collection
17 system since at least July 16, 2003. The City has violated the RWCF Permit, and thus the Clean Water
18 Act, by allowing the by-pass or overflow of wastes to surface waters in the form of SSOs from the
19 Stockton sewage collection system on at least 1,530 separate occasions. Each occasion is a separate
20 Clean Water Act violation and these violations are continuing.

21 55. The waters receiving the by-pass or overflow of waste in the form of SSOs from the
22 City's sewage collection system are surface waters under Discharge Prohibitions, A.2. of the RWCF
23 Permit.

24 56. CSPA is informed and believes, and thereon alleges, that the City of Stockton has been
25 underreporting the number of SSOs that take place from the City's sewage collection system and that
26 the City lacks an adequate monitoring program to detect, report, and address SSOs and their impacts.

27 57. CSPA is informed and believes, and thereon alleges, that significantly more SSOs will be
28 discovered through this enforcement action. Each additional SSO that results in a by-pass or overflow

1 to surface waters will be a separate Clean Water Act violation.

2 58. The City's by-pass or overflow of untreated or partially treated sewage to surface waters
3 in the form of SSOs from the City's sewage collection system violates the Clean Water Act. These
4 violations are ongoing and it is likely that the City will continue to violate these requirements without
5 Court intervention.

6 59. RWCF Permit, Discharge Prohibitions, A.2. is an effluent limitation within the meaning
7 of Clean Water Act sections 505(a) and (f), 33 U.S.C. § 1365(a), (f). Accordingly, every instance
8 since July 16, 2003 when the City failed to comply with Discharge Prohibitions, A.2. is a violation of a
9 Clean Water Act effluent limitation. Each of these violations is a separate and distinct violation of
10 Clean Water Act section 301(a), 33 U.S.C. § 1311(a), which prohibits the discharge of pollutants to
11 waters of the United States except in compliance with a NPDES Permit.

12 60. By committing the acts and omissions alleged above, the City is subject to an assessment
13 of civil penalties pursuant to Clean Water Act sections 309(d) and 505(a), 33 U.S.C. §§ 1319(d) and
14 1365(a).

15 61. An action for declaratory judgment is authorized by 28 U.S.C. § 2201.

16 62. An action for injunctive relief under the Clean Water Act is authorized by 33 U.S.C.
17 section 1365(a). Continuing commission of the acts and omissions alleged above will irreparably harm
18 Plaintiff and the citizens of the State of California, for which harm they have no other plain, speedy, or
19 adequate remedy at law.

20 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

21 **RELIEF REQUESTED**

22 63. CSPA respectfully requests that this Court grant the following relief:

23 a. A Court order declaring the City to have violated and to be in violation of Discharge
24 Prohibition A.1. of the RWCF Permit, and thus the Clean Water Act, for its discharges of untreated
25 and partially treated sewage in a location or in a manner different from that described in Findings Nos.
26 2 and 50 of the RWCF Permit;

27 b. A Court order declaring the City to have violated and to be in violation of Discharge
28 Prohibition A.2. of the RWCF Permit and section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a),

1 for its by-pass or overflow of waste in the form of raw or partially treated sewage in the form of SSOs
2 to waters of the State;

3 c. A Court order enjoining the City from violating the substantive and procedural
4 requirements of the RWCF Permit and the Clean Water Act, including specifically a Court order
5 enjoining the City from violating the specific terms, conditions, and provisions of the RWCF Permit,
6 and the Clean Water Act identified in this complaint;

7 d. A Court order assessing civil penalties against the City of up to \$27,500 per day per
8 violation of the Clean Water Act for violations of the Clean Water Act occurring prior to March 15,
9 2004 and \$32,500 for all violations occurring on or after March 15, 2004, for each violation of the
10 Clean Water Act pursuant to sections 309(d) and 505(a), 33 U.S.C. §§ 1319(d) and 1365(a);

11 e. A Court order awarding CSPA its reasonable costs of suit, including attorney, witness,
12 and consultant fees, as provided for by sections 309(d) and 505(a) of the Clean Water Act, 33 U.S.C.
13 §§ 1319(d) and 1365(a);

14 f. Any such other relief as the Court deems appropriate.

15 LAWYERS FOR CLEAN WATER, INC.

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17 Dated: September 16, 2008

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19 _____
20 Daniel Cooper
21 Drevet Hunt
22 Attorneys for CSPA
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