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By Y. Ayala, Deputy Clerk

Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

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 SPECIALIZED  
SYSTEMS, INC., PRECISION CASTPARTS  
CORP., and DOES 1 through 20, inclusive,

Defendants.

Case No. **23ST CV 24545**

**COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES**

Health & Safety Code §25249.6, *et seq.*

(Other)

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

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants’ continuing discharge and release of  
6 substantial quantities of Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)  
7 (collectively, “PFAS”) into sources of drinking water. PFAS are chemicals known to the State of  
8 California to cause cancer, birth defects and other reproductive harm. Such discharges have  
9 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 126<sup>th</sup> 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 164<sup>th</sup> 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 SPECIALIZED SYSTEMS, INC. is a person in the course of  
4 doing business within the meaning of Health & Safety Code §25249.11. Defendant MOOG  
5 SPECIALIZED SYSTEMS, INC. owns and/or operates the facility at 20263 S Western Ave,  
6 Torrance, CA 90501 (the “Moog Facility”) that discharges and releases PFAS directly into the  
7 groundwater beneath and/or surrounding the Moog Facility as well as onto land where it passes or  
8 will probably pass into the groundwater beneath and/or surrounding the Moog Facility, which is  
9 designated as a source of drinking water. PFAS at issue in this complaint for defendant MOOG  
10 SPECIALIZED SYSTEMS, 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 “Precision Castparts Facility”) that discharges and releases  
15 PFAS directly into the groundwater beneath and/or surrounding the Precision Castparts Facility  
16 as well as onto land where it passes or will probably pass into the groundwater beneath and/or  
17 surrounding the Precision Castparts Facility, which is designated as a source of drinking water.  
18 PFAS at issue in this complaint for defendant PRECISION CASTPARTS CORP. is limited to  
19 PFOS.

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

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

27 12. The defendants identified in paragraphs 5 through 9 and DOES 1 through 20 are  
28 collectively referred to herein as “Defendants.”

1 **JURISDICTION AND VENUE**

2 13. The Court has jurisdiction over this action pursuant to Health & Safety Code  
3 §25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to  
4 California Constitution Article VI, Section 10, because this case is a cause not given by statute to  
5 other trial courts.

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

11 15. Venue is proper in Los Angeles County Superior Court because the violations  
12 arise in the County of Los Angeles.

13 **BACKGROUND FACTS**

14 16. The People of the State of California have declared by initiative under Proposition  
15 65 their right “[t]o protect themselves and the water they drink against chemicals that cause  
16 cancer, birth defects, or other reproductive harm.” Proposition 65, §1(a).

17 17. To effectuate this goal, Proposition 65 prohibits businesses from discharging or  
18 releasing into a source of drinking water chemicals listed by the State of California as known to  
19 cause cancer, birth defects and other reproductive harm. Health & Safety Code §25249.5 states,  
20 in pertinent part:

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

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

28

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

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

14           21. On November 10, 2017, the State of California officially listed PFOA and PFOS  
15 as chemicals known to cause reproductive toxicity. PFOA and PFOS are specifically identified as  
16 developmental toxicants, which means they cause harm to the developing fetus. 27 Cal. Code  
17 Regs. (“C.C.R.”) §27001(c). On July 10, 2019, twenty months after they were listed as chemicals  
18 known to cause reproductive toxicity, PFOA and PFOS became subject to the prohibition on  
19 discharging or releasing a listed chemical into a source of drinking water. *Id.*; Health & Safety  
20 Code § 25249.9(a). On December 24, 2021 and February 25, 2022, the State of California  
21 officially listed PFOS and PFOA, respectively, as chemicals known to cause cancer. Similarly,  
22 PFOS and PFOA are subject to the prohibition on discharging or releasing a listed chemical into a  
23 source of drinking water as it relates to their listings as carcinogens on August 24, 2023 and  
24 October 25, 2023, respectively. Health & Safety Code §25249.9(a).

25           22. The Bowman Plating Facility’s operations result in the discharge and release of  
26 PFAS directly into the groundwater beneath and/or surrounding the Facility as well as onto land  
27 where it will pass or probably will pass into the groundwater beneath and/or surrounding the  
28 Facility. Testing conducted at the Bowman Plating Facility reveals the presence of significant

1 amounts of PFAS in the Facility's stormwater as well as the groundwater adjacent to and/or  
2 beneath the Facility. PFAS discharged and/or released from the Bowman Plating Facility is  
3 responsible for at least some of the PFAS contamination of the groundwater adjacent to and/or  
4 beneath the Facility.

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

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

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

28

1           26. Any person acting in the public interest has standing to enforce violations of  
2 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid  
3 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action  
4 within such time. Health & Safety Code §25249.7(d).

5           27. More than sixty days prior to naming each Defendant in this lawsuit, CEH  
6 provided a 60-Day “Notice of Violation” of Proposition 65 to the California Attorney General as  
7 well as to the District Attorney for the County of Los Angeles and to each of the named  
8 Defendants. In compliance with Health & Safety Code §25249.7(d) and 27 C.C.R. § 25903(b),  
9 each of the Notices included the following information: (1) CEH’s name and the name, address,  
10 and telephone number of a responsible individual within CEH; (2) the name and address of the  
11 violators; (3) the approximate time period during which the violations occurred; (4) the names of  
12 the specific Proposition 65-listed chemicals; (5) a general identification of the discharge or  
13 release; and (6) the source of drinking water into which the discharges are alleged to have  
14 occurred, to be occurring, or to be likely to occur. In compliance with 27 C.C.R. § 25903(b) CEH  
15 also included a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986  
16 (Proposition 65): A Summary” with the Notice sent to each Defendant.

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

21           29. Under Proposition 65, a discharge is “knowing” where the party responsible for  
22 such discharge has:

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

26 27 CCR §25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final  
27 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2, §  
28 12201).





1 will pass into the groundwater. The groundwater adjacent to and/or beneath each Facility is  
2 designated as a source of drinking water.

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

6 **PRAYER FOR RELIEF**

7 CEH prays for judgment against Defendants as follows:

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

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

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

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

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

19  
20 Dated: October 9, 2023

Respectfully submitted,

21 LEXINGTON LAW GROUP

22 

23  
24 Mark N. Todzo  
25 Attorneys for Plaintiff  
26 CENTER FOR ENVIRONMENTAL HEALTH