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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

**INLAND EMPIRE WATERKEEPER et
al,**

Plaintiffs,

v.

**CORONA CLAY COMPANY,
Defendant.**

Case No. 8:18-cv-00333-DOC-DFM

FINAL JUDGMENT

1 In their First Amended Complaint, Plaintiffs Inland Empire Waterkeeper and Orange
2 County Coastkeeper (“Plaintiffs”) brought seven causes of action against Defendant Corona
3 Clay Company (“Defendant”), for violations of the 2015 General Industrial Storm Water Permit
4 (the “Permit”).

5 On June 10, 2019, the Court entered an order granting partial summary judgment on
6 Plaintiffs’ First and Fifth Causes of Action.

7 By stipulation of the parties, Plaintiffs’ Third and Fourth Causes of Action were
8 dismissed with prejudice before trial.

9 The remaining claims—Plaintiffs’ Second, Sixth, and Seventh Causes of Action—were
10 tried before a jury from October 21 through October 25, 2019. On October 25, 2019, the jury
11 rendered a verdict in favor of Defendant on the Second, Sixth, and Seventh Causes of Action.

12 **IT IS THEREFORE ORDERED** that judgment is entered in Plaintiffs’ favor on the
13 First and Fifth Causes of Action. Accordingly, the Court orders that:

- 14 (1) Defendant is liable for 664 daily violations (September 4, 2017 through June 30,
15 2019) of the Storm Water Pollution Prevention Plan, that is, section X.C.1,
16 subsections b and c, of the Permit;
- 17 (2) Defendant is liable for 1688 daily violations (March 2, 2015 through October 15,
18 2019) of the Permit’s Section V limitations on technology-based effluents;
- 19 (3) Defendant shall implement structural storm water Best Management Practices
20 sufficient to retain the 85th percentile, 24-hour storm event, including a factor of
21 safety, from areas subject to the Storm Water Permit no later than December 1, 2020.
22 All retention basins should be designed and certified by a California licensed
23 professional engineer, and comply with the requirements of section X.H.6 of the
24 Permit;
- 25 (4) Defendant shall update and amend its Storm Water Pollution Prevention Plan to
26 comply with section X.C.1, subsections b and c, of the Permit, no later than July 1,
27 2020; and
28

1 (5) Defendant shall pay civil penalties for violations of the Clean Water Act in the sum of
2 \$3,700,000 by July 1, 2020.

3 **IT IS FURTHER ORDERED** that Plaintiffs' Third and Fourth Causes of Action are
4 dismissed with prejudice.

5 **IT IS FURTHER ORDERED** that judgment is entered in favor of Defendant on the
6 Second, Sixth, and Seventh Causes of Action.

7 **IT IS FURTHER ORDERED** that Plaintiffs are the prevailing party as to the First and
8 Fifth Causes of Action, and that Defendant is the prevailing party as to the Second, Sixth, and
9 Seventh Causes of Action. As each party has prevailed on some claims and not others, the
10 parties shall bear their own fees and costs in this matter.

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12 **IT IS SO ORDERED AND ENTERED. JUDGMENT IS DEEMED ENTERED AS**
13 **OF THE DATE BELOW.**

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15 DATED: April 6, 2020

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17 _____
18 DAVID O. CARTER
19 UNITED STATES DISTRICT JUDGE
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