

EXHIBIT A

Electronically FILED by Superior Court of California, County of Riverside on 12/16/2024 08:06 PM
Case Number CVRI2407225 0000114214184 - Jason B. Galkin, Executive Officer/Clerk of the Court By Melinda Criel, Clerk

1 Gerald Singleton (SBN 208783)
gsingleton@singletonschreiber.com
2 Paul Starita (SBN 219573)
pstarita@singletonschreiber.com
3 Britt K. Strottman (SBN 209595)
bstrottman@singletonschreiber.com
4 James Fendt (SBN 346552)
jfendt@singletonschreiber.com
5 SINGLETON SCHREIBER, LLP
591 Camino de la Reina, Suite 1025
6 San Diego, CA 92108
Tel. (619) 771-3473

Government Agency Exempt from Filing Fees (Government Code 6103)

7 Attorneys for Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF RIVERSIDE**

10 WESTERN MUNICIPAL WATER
11 DISTRICT, a California public entity,

Case No.: **CVRI 2407225**

Unlimited Jurisdiction

12 Plaintiff,

COMPLAINT FOR DAMAGES

13 v.

- (1) Nuisance
- (2) Negligence
- (3) Defective Product – Failure to Warn
- (4) Defective Product – Design Defect
- (5) Private Nuisance
- (6) Trespass
- (7) Unjust Enrichment

14 THE 3M COMPANY (f/k/a Minnesota Mining
and Manufacturing Co.);
15 TYCO FIRE PRODUCTS, L.P., successor-in-
interest to The Ansul Company;
16 JOHNSON CONTROLS INTERNATIONAL,
PLC;
17 CHEMGUARD, INC.;
18 BUCKEYE FIRE EQUIPMENT COMPANY;
E.I. DUPONT DE NEMOURS AND
19 COMPANY, individually and as successor in
interest to DuPont Chemical Solutions
Enterprise;
20 THE CHEMOURS COMPANY, individually
and as successor in interest to DuPont Chemical
21 Solutions Enterprise;
22 THE CHEMOURS COMPANY FC, LLC,
individually and as successor in interest to
23 DuPont Chemical Solutions Enterprise;
CORTEVA, INC.;
24 DUPONT DE NEMOURS INC., f/k/a/
DOWDUPONT, INC.;
25 ARKEMA INC.;
AGC CHEMICALS AMERICAS INC.;
26 DYNAX CORPORATION;
CLARIANT CORPORATION;
27 BASF CORPORATION;
CHEMDESIGN PRODUCTS, INC.;
28 AMEREX CORPORATION;
ARCHROMA MANAGEMENT LLC;
DEEPWATER CHEMICALS, INC.;

JURY TRIAL DEMANDED

1 NATION FORD CHEMICAL COMPANY;
2 and CHEMICALS, INC.

3 Defendants.

4
5 1. Plaintiff WESTERN MUNICIPAL WATER DISTRICT (“Western Water”) by and
6 through their undersigned counsel, files this action against THE 3M COMPANY (f/k/a Minnesota
7 Mining and Manufacturing Co.)(“3M”); TYCO FIRE PRODUCTS, L.P., successor-in-interest to THE
8 ANSUL COMPANY (“Tyco”); JOHNSON CONTROLS INTERNATIONAL, PLC (“Johnson
9 Controls”); CHEMGUARD, INC., BUCKEYE FIRE EQUIPMENT COMPANY; E.I. DUPONT DE
10 NEMOURS AND COMPANY, individually and as successor in interest to DuPont Chemical Solutions
11 Enterprise; THE CHEMOURS COMPANY, individually and as successor in interest to DuPont
12 Chemical Solutions Enterprise; THE CHEMOURS COMPANY FC, LLC, individually and as
13 successor in interest to DuPont Chemical Solutions Enterprise; CORTEVA, INC.; DUPONT DE
14 NEMOURS INC., f/k/a/ DOWDUPONT, INC.; ARKEMA INC.; AGC CHEMICALS AMERICAS
15 INC.; DYNAX CORPORATION; CLARIANT CORPORATION; BASF CORPORATION;
16 CHEMDESIGN PRODUCTS, INC.; AMEREX CORPORATION; ARCHROMA MANAGEMENT
17 LLC; DEEPWATER CHEMICALS, INC.; NATION FORD CHEMICAL COMPANY; and
18 CHEMICALS, INC. (collectively referred to herein as the “Manufacturers” or “Defendants”).

19 **General Allegations**

20 2. This action arises from Defendants’ continuous and foreseeable contamination of
21 wastewater through aqueous film-forming foam products (“AFFF”) that contained per- and poly-
22 fluoroalkyl substances (“PFAS”), including perfluorooctane sulfonate (“PFOS”) and perfluorooctanoic
23 acid (“PFOA”).

24 3. This Complaint seeks damages for the cost of testing, remediation, monitoring,
25 treatment, and/or processing of wastewater to remove and/or remediate PFAS from its permitted
26 wastewater facility owned and operated by Plaintiff and which is separate and unrelated to its Public
27 Water Systems and which damages do not arise out of causes to drinking water or wastewater that will
28 be used for drinking water.

1 4. PFAS are a group of toxic, extremely persistent, and bioaccumulative synthetic
2 chemicals. When consumed by humans, PFAS can cause numerous and serious health impacts,
3 including but not limited to kidney cancer, testicular cancer, thyroid disease, and ulcerative colitis.

4 5. Opened in 1918, the March Air Reserve Base (“March ARB”), previously known as
5 March Air Force Base, is located in Riverside County, California between the cities of Riverside,
6 Moreno Valley, and Perris.

7 6. Air Force activities at March ARB, as elsewhere, involved a wide variety of operations
8 that required the use, storage, and disposal of hazardous materials, including fuel and solvents.

9 7. From the 1970s until at least March 3, 2023, when the Air Force agreed to stop using
10 AFFF for fire suppression, the Air Force purchased toxic PFAS-based firefighting foam from
11 Manufacturers and used those PFAS-containing AFFF at March ARB and discharged and disposed of
12 AFFF on land and in water at March ARB.

13 8. Plaintiff Western Water is a special district, created to provide water supply, wastewater
14 disposal, and recycled water services to nearly one million customers across 527 square miles in
15 western Riverside County. Plaintiff has owned, operated, and maintained March ARB’s water and
16 sewer services since 2002.

17 9. The PFAS component of the AFFF has migrated from March ARB and entered Plaintiff
18 Western Water’s sewer system and facilities, either directly through discharge from a sewage drain
19 lateral, or indirectly through groundwater infiltration, thus interfering with Plaintiff’s recycled water and
20 biosolids production.

21 10. Manufacturers produced, manufactured, distributed, and/or sold the AFFF with
22 knowledge of the toxic effects that the AFFF chemicals, which included the PFAS chemicals PFOS and
23 PFOA, would cause if they were released into the environment, and lacked adequate warning of those
24 effects.

25 11. Manufacturers knew or should have known that PFAS are highly soluble in water,
26 highly mobile, highly persistent in the environment, and highly likely to contaminate water supplies if
27 released into the environment. Additionally, Manufacturers, distributors, and/or sellers of AFFF also
28 knew or should have known that the inclusion of PFAS in AFFF presented an unreasonable risk to

1 human health and the environment.

2 12. Despite Manufacturers' knowledge of the human health and environmental risks
3 associated with AFFF's toxic chemicals, Manufacturers marketed, distributed, and/or sold their AFFF to
4 the Air Force with knowledge that large quantities of toxic AFFF would be used in training exercises, in
5 fire control, in fire sprinkler systems, in emergency situations, and in other ways at Air Force bases such
6 that PFAS and other contaminants would be released into the environment.

7 13. As a direct and proximate result of Manufacturers' negligent development,
8 manufacturing, distribution, marketing, and/or sale of AFFF, wastewater relied upon by Plaintiff has
9 been contaminated with PFAS due to the use of AFFF at March ARB.

10 14. To remediate the contamination and ensure that it can process wastewater in compliance
11 with regulatory requirements, Plaintiff Western Water has taken and will have to continue to take
12 actions to minimize the presence of PFAS chemical in its sewer systems, as well as address the
13 contamination of wastewater, biosolids, and treatment plants caused by Defendants.

14 15. As a result of the contamination caused by Defendants, Plaintiff Western Water has
15 incurred, and will continue to incur damages, significant expenses and losses associated with
16 remediating current wastewater contamination and mitigation of ongoing and future contamination.

17 16. The United States purchased toxic PFAS-based firefighting foam from Manufacturers
18 and stored the toxic PFAS-based firefighting foam in such a manner that the water at March ARB
19 became contaminated.

20 17. The United States Air Force used and continues to use the toxic PFAS-based firefighting
21 foam on March ARB and surrounding facilities.

22 18. The United States Air Force purchased toxic PFAS-based firefighting foam from
23 Manufacturers and discharged and disposed, and continues to discharge and dispose, of the toxic PFAS
24 into the environment, through activities including spraying, storing, and placing PFAS-containing
25 firefighting foams on land and water at March ARB.

26 19. Thus, through their development, design, manufacture, production, distribution,
27 marketing, and sale of AFFF, including to the United States Air Force, the Manufacturers are liable for
28 Plaintiff's injuries and damages, including punitive damages, proximately caused by the

1 Manufacturers' contamination of groundwater with AFFF.

2 **The Parties**

3 **A. Plaintiff**

4 20. Plaintiff Western Municipal Water District is a member of the Metropolitan Water
5 District of Southern California ("Western Water") and is one of the largest public agencies in Riverside
6 County. Western Water was formed in 1954 as an independent, special district under the Municipal
7 Water District Act of 1911. (Cal. Water Code §§71050-71052). Plaintiff serves roughly 37.8% of all
8 residents in Riverside County. In California, "special districts" are quasi-governmental agencies
9 synonymous with water "districts", that are formed through general law or special acts "for the
10 performance of governmental or proprietary functions within limited boundaries," and occasionally
11 outside district boundaries. (Cal. Gov. Code §56036.) Water districts have the additional
12 responsibilities of managing "irrigation, reclamation, or drainage of land or the diversion, storage,
13 management, or distribution of water primarily for domestic, municipal, agricultural, industrial,
14 recreation, fish and wildlife enhancement, flood control, or power production purposes." (Cal. Water
15 Code §20200.) To fulfill their purposes, water districts are empowered to "sue," unless prohibited by
16 law, "in all actions and proceedings in all courts and tribunals of competent jurisdiction." (Cal. Water
17 Code §74640.)

18 21. Western Water's principal place of business is located at 14205 Meridian Parkway,
19 Riverside, CA 92518. Western Water provides drinking water, wastewater, and recycled water to nearly
20 one million people across 527-square miles in western Riverside County. Further, Western Water
21 supplies water to approximately 25,000 retail customers and eight wholesale customers with water from
22 the Colorado River, State Water Project, and groundwater. Western Water serves customers directly in
23 the areas of Orangecrest, Mission Grove, El Sobrante, Eagle Valley, Temescal Canyon, Woodcrest,
24 Lake Matthews, portions of Mead Valley, and notably, March ARB. Western Water also provides
25 supplemental water beyond Riverside to the cities of Corona and Norco, as well as the water agencies
26 of Box Springs Mutual, Eagle Valley Mutual, Elsinore Valley, Lee Lake, and Rancho California.

27 22. Western Water owns and operates two water treatment facilities: the Western Riverside
28 County Regional Wastewater Authority ("Regional Plant"), located in Corona, California, and the

1 Western Water Recycling Facility (“Recycling Facility”), located in Riverside, California, just outside
2 of March ARB. The Regional Plant treats up to fourteen million gallons of wastewater per day. The
3 Regional Plant was formerly March ARB’s wastewater system, before Western Water took ownership
4 in 2002. The Recycling Facility has a capacity to treat up to three million gallons per day. These
5 treatment systems withdraw, treat, and deliver former wastewater for various public and private uses.

6 **B. Defendants**

7 23. Defendant 3M is a corporation organized and existing under the laws of the State of
8 Delaware, having its principal place of business at 3M Center, St. Paul, Minnesota 55133. Beginning
9 before 1970 and until at least 2002, 3M manufactured, distributed and sold AFFF. Defendant 3M sold
10 military specification AFFF foam that contained PFAS to the Air Force that was then distributed to and
11 used at Air Force locations including March ARB.

12 24. Defendant Tyco is a limited partnership organized and existing under the laws of the
13 State of Delaware, having its principal place of business at One Stanton Street, Marinette, Wisconsin
14 54143. Tyco manufactures the Ansul brand of products and is the successor-in- interest to the
15 corporation formerly known as The Ansul Company (hereinafter “Ansul” and included in any reference
16 to Tyco).

17 25. At all times relevant, Tyco manufactured, distributed, and/or sold fire suppression
18 products, including AFFF that contained fluorocarbon surfactants and PFAS. Defendant Tyco
19 manufactured, distributed, and/or sold military specification AFFF foam to the Air Force that was then
20 distributed and used at Air Force locations including March ARB.

21 26. Defendant, Johnson Controls is a corporation organized and existing under the laws of
22 Ireland, having a principal place of business at 5757 N. Green Bay Ave., Milwaukee, WI 53209. On or
23 about September 2, 2016, Johnson Controls merged with a subsidiary of Tyco’s parent company, Tyco
24 International plc, named Jagara Merger Sub LLC. Johnson Controls was the surviving corporation.
25 After the merger, Tyco International plc changed its name to Johnson Controls International plc.

26 27. Tyco is an indirect subsidiary wholly owned by Johnson Controls. Since on or around
27 September 2, 2016, Tyco and Johnson Controls have maintained service agreements under which
28 Johnson Controls provides certain services, including environmental consulting and management, to

1 Tyco. Since that time, Johnson Controls has authorized, supervised, directed, performed, or failed to
2 perform the acts alleged in this Complaint.

3 28. Defendant Chemguard is a Texas corporation having its principal place of business at
4 One Stanton Street, Marinette, Wisconsin 54143.

5 29. Chemguard, acquired by Tyco in 2011, is an indirect subsidiary wholly owned by
6 Johnson Controls.

7 30. At all times relevant, Chemguard designed, manufactured, and sold AFFF containing
8 PFAS that was used in training operations and to fight fires at numerous military bases and other
9 locations throughout the country, including at March ARB.

10 31. National Foam, Inc. (a/k/a Chubb National Foam) is a Delaware corporation, having a
11 principal place of business at 141 Junny Road, Angier, North Carolina 27501.

12 32. At all times relevant to the present litigation, National Foam Inc. designed,
13 manufactured, and sold AFFF containing PFAS that was used for training and to fight fires at numerous
14 airports and other locations throughout the country, including March ARB.

15 33. Kidde Fire Fighting, Inc., f/k/a Chubb National Foam, Inc., f/k/a National Foam Inc., is
16 a Pennsylvania corporation having a principal place of business at One Carrie Place, Farmington,
17 Connecticut 06032. At all times relevant to the present litigation, Kidde Fire Fighting, Inc. designed,
18 manufactured, and sold AFFF containing PFAS that was used in training operations and for emergency
19 fire-fighting situations, including at March ARB.

20 34. Kidde PLC, Inc., f/k/a Williams US Inc., f/k/a Williams Holdings, Inc., is a
21 Massachusetts corporation having a principal place of business at One Carrier Place, Farmington,
22 Connecticut 06302. At all times relevant to the present litigation, Kidde PLC, Inc. designed,
23 manufactured, and sold AFFF containing PFAS that was used in training operations and for emergency
24 fire-fighting situations, including at March ARB.

25 35. Kidde-Fenwal, Inc. is a Massachusetts corporation with its principal place of business at
26 400 Main Street, Ashland, Massachusetts 01721. At all times relevant to this litigation, Kidde- Fenwal,
27 Inc. designed, manufactured, and sold AFFF used in training operations and for emergency fire-fighting
28 situations, including at March ARB.

1 36. Upon information and belief, Fenwal, Inc. was incorporated on June 21, 1988, and later
2 changed its name to Kidde-Fenwal, Inc.

3 37. Upon information and belief, the Canadian Intellectual Property Office has registered
4 the National Foam trademark to Kidde-Fenwal, Inc., formerly registered to Kidde Fire Fighting, Inc.

5 38. UTC Fire & Security Americas Corporation, Inc., f/k/a GE Interlogix, Inc., is a North
6 Carolina corporation with its principal place of business at 3211 Progress Drive, Lincolnton, North
7 Carolina 28092. At all times relevant to this litigation, UTC Fire & Security Americas Corporation, Inc.
8 designed, manufactured, and sold AFFF used for training operations and fighting fires, including at
9 March ARB.

10 39. Upon Plaintiff's information and belief, Kidde-Fenwal, Inc. is part of the UTC Climate
11 Control & Security unit of United Technologies Corporation.

12 40. Enterra Corporation is a Massachusetts corporation. At all times relevant, Enterra
13 Corporation designed, manufactured, and sold AFFF used in training operations and for emergency
14 fire-fighting situations at numerous airports, including at March ARB.

15 41. Upon information and belief, Enterra Corporation is the current holder of the National
16 Foam trademark.

17 42. Carrier Global Corporation ("Carrier") is a corporation organized under the laws of the
18 State of Delaware, with its principal place of business at 13995 Pasteur Boulevard, Palm Beach
19 Gardens, Florida 33418.

20 43. On information and belief, Carrier was formed in March 2020 when United
21 Technologies Corporation spun off its fire and security business prior to merging with Raytheon
22 Company a month later. On information and belief, Carrier became successor in interest to Kidde-
23 Fenwal as part of the spin off and is legally responsible for the liabilities arising from Kidde- Fenwal's
24 design, manufacture, marketing, sale, and/or distribution of AFFF.

25 44. National Foam, Inc.; Kidde Fire Fighting, Inc., f/k/a Chubb National Foam, Inc., f/k/a
26 National Foam Inc., individually and as successor in interest to National Foam, Inc.; Kidde Plc, Inc.,
27 f/k/a Williams US Inc., f/k/a Williams Holdings, Inc., individually and as successor in interest to
28 National Foam, Inc.; Kidde-Fenwal, Inc., individually and as successor in interest to National Foam,

1 Inc.; UTC Fire & Security Americas Corporation, Inc., f/k/a GE Interlogix, Inc.; Enterra Corporation;
2 and Carrier Global Corporation, individually and as successor in interest to National Foam, Inc. shall
3 collectively be referred to herein as "National Foam."

4 45. At all times relevant to the present litigation, National Foam designed, manufactured,
5 and sold AFFF used in training operations and for emergency fire-fighting situations, including at
6 March ARB.

7 46. Defendant Buckeye Fire Equipment Company ("Buckeye Fire") is a corporation
8 organized and existing under the laws of the state of Ohio, with its principal place of business at 110
9 Kings Road, Kings Mountain, North Carolina 28086. Buckeye does business throughout the United
10 States, including conducting business in California.

11 47. At all times relevant to the present litigation, Buckeye designed, distributed,
12 manufactured and/or sold AFFF containing PFAS used in training operations and for emergency fire-
13 fighting situations, including at March ARB.

14 48. DuPont Chemical Solutions Enterprise ("DuPont Chemical") was a Delaware
15 corporation, with a principal place of business located at 1007 Market Street, Wilmington, Delaware
16 19898.

17 49. DuPont Chemical was a member of the Telomer Research Program ("TRP"). As a
18 member, it was required to provide a list and volume of products it was selling in the United States on a
19 yearly basis.

20 50. In a letter addressed to the Office of Pollution Prevention and Toxics ("OPPT")
21 Document Control Office, dated May 14, 2003, and signed by Stephen H. Korzeniowski, DuPont
22 provided its list of telomer-based sales products in the United States for the year 2002.

23 51. The letter, which was redacted and sent to the EPA under its PFOA Stewardship
24 Program, included AFFF sales volume, on an active ingredient pound basis, as well as its Chemical
25 Abstracts Service (CAS) number and chemical name, and is included in the PFOA Stewardship
26 Program Docket.¹

27 52. Upon information and belief, at all times relevant to the present litigation, DuPont
28

¹ <https://www.regulations.gov/docket?D=EPA-HQ-OPPT-2006-0621>, last accessed 9.22.20.

1 Chemical designed, manufactured and sold AFFF used for training and to fight fires at numerous
2 airport locations across the United States, including March ARB.

3 53. Defendant, E.I. DuPont de Nemours and Company ("E.I. DuPont"), successor in interest
4 to DuPont Chemical, is a Delaware corporation and does business throughout the United States,
5 including conducting business in California. Its principal place of business is 974 Centre Road,
6 Wilmington, Delaware 19805.

7 54. Upon information and belief, at all times relevant to the present litigation, E.I. DuPont
8 designed, manufactured and sold AFFF containing PFAS used for training and to fight fires at
9 numerous airports and other locations throughout the country, including March ARB.

10 55. Defendant The Chemours Company ("Chemours"), successor in interest to DuPont
11 Chemical, is a Delaware corporation and conducts business throughout the United States, including
12 conducting business in California. Its principal place of business is 1007 Market Street, Wilmington,
13 Delaware, 19889.

14 56. Chemours was incorporated as a subsidiary of E.I. Du Pont as of April 30, 2015. From
15 that time until July 2015, Chemours was a wholly owned subsidiary of E.I. DuPont. In July 2015, E.I.
16 Du Pont spun off Chemours and transferred to Chemours its "performance chemicals" business line,
17 which included the fluoroproducts business, distributing shares of Chemours stock to E.I. Du Pont
18 stockholders, and Chemours has since been an independent, publicly traded company.

19 57. Upon information and belief, at all times relevant to the present litigation, Chemours
20 designed, manufactured, and sold AFFF containing PFAS used for training and to fight fires at
21 numerous airports and other locations throughout the county, including March ARB.

22 58. E.I. Du Pont merged with The Dow Chemical Company in August 2017 to create
23 DowDuPont Inc. ("DowDuPont"). E.I. Du Pont and The Dow Chemical Company each merged with
24 wholly-owned subsidiaries of DowDuPont and, as a result, became subsidiaries of DowDuPont. Since
25 that time, DowDuPont has affected a series of separation transactions to separate its businesses into
26 three independent, publicly-traded companies for each of its agriculture, materials science, and
27 specialty products businesses, discussed below.

28 59. Defendant The Chemours Company FC L.L.C. ("Chemours Company"), successor in

1 interest to DuPont Chemical, is a Delaware corporation and conducts business throughout the United
2 States, including conducting business in California. Its principal place of business is 1007 Market Street
3 Wilmington, Delaware, 19899.

4 60. Upon information and belief, at all times relevant to the present litigation, Chemours
5 Company designed, manufactured and sold AFFF containing PFAS used for training and to fight fires
6 at numerous airports and other locations throughout the country, including March ARB.

7 61. Defendant DuPont de Nemours Inc., formerly known as DowDuPont, Inc., is a
8 Delaware corporation that conducts business throughout the United States, including business in
9 California. Its principal place of business is 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

10 62. Upon information and belief, at all times relevant to the present litigation, DuPont de
11 Nemours manufactured, designed and sold AFFF and/or PFAS components in AFFF that was used at
12 March ARB.

13 63. Defendant Corteva, Inc. ("Corteva") is a Delaware corporation that conducts business
14 throughout the United States, including business in California. Its principal place of business is 974
15 Centre Rd., Wilmington, Delaware 19805.

16 64. On June 1, 2019, DowDuPont separated its agriculture business through the spin-off of
17 Corteva, Inc.

18 65. Corteva, Inc. was initially formed in February 2018. From that time until June 1, 2019,
19 Corteva was a wholly owned subsidiary of DowDuPont.

20 66. On June 1, 2019, DowDuPont distributed to DowDuPont stockholders all issued and
21 outstanding shares of Corteva, Inc. common stock by way of a pro rata dividend. Following that
22 distribution, Corteva, Inc. is the direct parent of Du Pont and holds certain DowDuPont assets and
23 liabilities, including DowDuPont's agriculture and nutritional businesses.

24 67. Upon information and belief, at all times relevant to the present litigation, Corteva
25 designed, manufactured and sold AFFF and/or PFAS constituents in AFFF that was used at March
26 ARB.

27 68. On June 1, 2019, DowDuPont, the surviving entity after the spin-off of Corteva, Inc. and
28 of another entity known as Dow, Inc., changed its name to DuPont de Nemours, Inc., to be known as

1 DuPont (“New DuPont”). New DuPont retained assets in the specialty products business lines following
2 the above-described spin-offs, as well as the balance of the financial assets and liabilities of E.I. DuPont not
3 assumed by Corteva, Inc.

4 69. Defendants E. I. du Pont de Nemours and Company; The Chemours Company; The
5 Chemours Company FC, LLC; Corteva, Inc.; DuPont de Nemours, Inc. are collectively referred to as
6 “DuPont” throughout this Complaint.

7 70. Defendant Dynax Corporation is a Delaware Corporation that conducts business
8 throughout the United States, including business in California. Its principal place of business is 103
9 Fairview Park Drive, Elmsford, New York, 10523-1544.

10 71. In 1991, Dynax Corporation (f/k/a Daikin-TLIM Co., Ltd.) entered the AFFF business,
11 quickly becoming a leading global producer of fluorosurfactants and fluorochemical foam stabilizers
12 used in firefighting foam agents.

13 72. Upon information and belief, at all times relevant to the present litigation, Dynax
14 designed, manufactured and sold AFFF and/or PFAS components in AFFF that was used at March
15 ARB.

16 73. Defendant BASF Corporation, (“BASF”), is a corporation organized and existing under
17 the laws of Delaware, having a principal place of business at 100 Park Avenue, Florham Park, New
18 Jersey 07932.

19 74. On information and belief, BASF is the largest affiliate of BASF SE and the second
20 largest producer and marketer of chemicals and related products in North America.

21 75. On information and belief, BASF Corporation is the successor in interest to Ciba-
22 Geigy, Inc., Ciba Specialty Chemicals Company, and Ciba, Inc., Swiss specialty chemicals companies.

23 76. Ciba-Geigy, Inc., Ciba Specialty Chemicals Company, and Ciba, Inc. manufactured and
24 sold PFAS or PFAS constituents for use in AFFF that was used at March ARB.

25 77. Defendant ChemDesign Products, Inc. is a corporation organized and existing under the
26 laws of Texas and having a principal place of business at 2 Stanton Street, Marinette, Wisconsin 54143.

27 78. ChemDesign Products manufactured PFAS or PFAS constituents for Tyco and
28 Chemguard to use in AFFF, including AFFF that was used at March ARB.

1 79. Defendant Arkema Inc. ("Arkema") is a corporation organized and existing under the
2 laws of Pennsylvania, having a principal place of business at 900 First Avenue, King of Prussia, PA
3 19406.

4 80. Arkema develops specialty chemicals and fluoropolymers.

5 81. Arkema is a successor in interest to Elf Atochem North America and Atofina Chemicals
6 Inc.

7 82. Arkema, Elf Atochem, and/or Atofina Chemicals manufactured and sold PFAS and/or
8 PFAS components contained in AFFF that was used at March ARB.

9 83. Defendant AGC Chemicals Americas Inc. ("AGC Americas") is a corporation organized
10 and existing under the laws of Delaware, having a principal place of business in 55 East Uwchlan
11 Avenue, Suite 201, Exton, PA 19341. AGC Americas operates throughout the United States,
12 manufacturing glass, electronic displays and chemical products, including resins, water and oil
13 repellants, greenhouse films, silica additives, and various fluorointermediates.

14 84. AGC Americas manufactured and sold PFAS and/or PFAS components contained in
15 AFFF that was used at March ARB.

16 85. Defendant Clariant Corporation ("Clariant") is a corporation organized and existing
17 under the laws of New York, having a principal place of business at 4000 Monroe Road, Charlotte,
18 North Carolina 28205.

19 86. Upon information and belief, Clariant was formerly known as Sandoz Chemicals
20 Corporation and as Sodyeco, Inc. Upon information and belief, Clariant is the successor-in-interest to
21 the specialty chemicals business of Sandoz Chemical Corporation. On information and belief, Sandoz
22 spun off its specialty chemicals business to form Clariant in 1995.

23 87. Clariant, Sandoz Chemicals and/or Sodyeco manufactured and sold PFAS and/or PFAS
24 components contained in AFFF that was used at March ARB.

25 88. Defendant Amerex Corporation ("Amerex") is a corporation organized and existing
26 under the laws of the State of Alabama, with its principal place of business located at 7595 Gadsden
27 Highway, Trussville, AL 35173.

28 89. Defendant Amerex is a manufacturer of firefighting products. Beginning in 1971, it was

1 a manufacturer of hand portable and wheeled extinguishers for commercial and industrial applications.

2 90. In 2011, Amerex acquired Solberg Scandinavian AS, one of the largest manufacturers of
3 AFFF products in Europe.

4 91. On information and belief, beginning in 2011, Amerex designed, manufactured,
5 marketed, sold, and distributed AFFF containing PFAS, including but not limited to PFOA and PFOS,
6 that was used at March ARB.

7 92. Defendant Deepwater Chemicals, Inc. (“Deepwater”) is a corporation organized under
8 the laws of Delaware, with its principal place of business located at 196122 E County Road 40,
9 Woodward, OK, 73801.

10 93. On information and belief, Deepwater Chemicals designed, manufactured, marketed,
11 sold, and distributed fluorosurfactants containing PFOS, PFOA, and/or their chemical precursors for
12 use in AFFF products that were used at March ARB.

13 94. Defendant Archroma Management LLC (“Archroma”) is a foreign corporation
14 organized and existing under the laws of Switzerland, with its principal place of business at
15 Neuhofstrasse 11, 4153 Reinach, Basel-Land, Switzerland.

16 95. On information and belief, Archroma was formed in 2013 when Clariant Corporation
17 divested its textile chemicals, paper specialties, and emulsions business to SK Capital Partners.

18 96. On information and belief, Archroma designed, manufactured, marketed, sold, and
19 distributed PFAS containing PFOS, PFOA, and/or their chemical precursors for use in manufacturing
20 the fluorosurfactants used in AFFF products that were used at March ARB.

21 97. Defendant Chemicals, Inc. (“Chemicals, Inc.”) is a corporation organized and existing
22 under the laws of Texas, with its principal place of business located at 12321 Hatcherville, Baytown,
23 TX 77520.

24 98. On information and belief, Chemicals, Inc. supplied PFAS containing PFOS, PFOA,
25 and/or their chemical precursors for use in manufacturing the fluorosurfactants used in AFFF products
26 that were used at March ARB.

27 99. Defendant Nation Ford Chemical Co. (“Nation Ford”) is a corporation organized and
28 existing under the laws of South Carolina, with its principal place of business located at 2300 Banks

1 Street, Fort Mill, SC 29715.

2 100. On information and belief, Nation Ford supplied PFAS containing PFOS, PFOA, and/or
3 their chemical precursors for use in manufacturing the fluorosurfactants used in AFFF products that
4 were used at March ARB.

5 **Jurisdiction & Venue**

6 101. This Court, as a court of general jurisdiction, has subject-matter jurisdiction over this
7 unlimited civil case because the amount in controversy exceeds \$25,000.

8 102. This Court has general personal jurisdiction over each Defendant. Despite each
9 Defendant's status as a foreign corporation, each defendant conducts business in the state of California
10 and is subject to this Court's personal jurisdiction.

11 103. Venue is proper in this Court because March ARB, Western Water, and the
12 contaminated groundwater at issue, are all located in Riverside County, California and the harms
13 caused by Defendants and suffered by Plaintiff occurred in Riverside County, California. (Cal. Civ.
14 Pro. §395(a), §395.5.)

15 **Specific Allegations**

16 104. PFAS are synthetic carbon chain compounds that contain large amounts of the element
17 fluorine. As used in this Complaint, the term "PFAS" includes all PFAS and their precursors,
18 derivatives, and/or salts that have been or may be detected in, or that are threatening, Plaintiff's water
19 supplies and property, including *inter alia*, PFOA, and PFOS.

20 105. PFAS are used in and present in the firefighting foam known as "aqueous film forming
21 foam" ("AFFF").

22 106. AFFF, developed in 1960's as an alternative firefighting foam, is water-based and used
23 to extinguish fires that involve petroleum or other flammable liquid because PFAS resist heat, oil,
24 grease, and water.

25 107. PFAS chemicals do not occur naturally. Thus, PFAS found in the environment or
26 humans, including those in Plaintiff's water supply, are attributable to human activity.

27 108. 3M's AFFF, which is produced through a process developed by 3M called
28 electrochemical fluorination ("ECF"), contains PFAS such as PFOS. Other formulations of the foam

1 purchased by the Department of Defense, manufactured by Defendant Tyco and other Defendant
2 manufacturers are synthesized through telomerization, and contain PFAS including PFOA. Products
3 made from both processes include formulations containing chemicals that can break down into other
4 PFAS.

5 109. The Manufacturers each produced, manufactured, distributed, and/or sold AFFF
6 containing PFAS, among other chemicals, to the Department of Defense, and Manufacturers sold and
7 distributed AFFF that was used at March ARB.

8 110. In 1969, the United States Department of Defense issued Military Specification MIL-F-
9 24385 for AFFF. For an AFFF manufacturer to sell its AFFF to the Air Force, it was required to meet
10 MIL-F-24385. MIL-F-24385 established “the requirements for [AFFF] liquid concentrate fire
11 extinguishing agents consisting of fluorocarbon surfactants and other compounds as required to
12 conform to the requirements specified hereafter.”

13 111. If the Department of Defense found that a manufacturer’s product satisfied MIL-F-
14 24385 performance expectations, the Department placed the product on the Department of Defense
15 Qualified Product Listing.

16 112. In MIL-F-24385, the Department of Defense required that “the material shall have no
17 adverse effect on the health of personnel when used for its intended purpose.” This provision remained
18 a part of the specification throughout the time Manufacturers sold AFFF products to the United States.

19 113. Manufacturers chose to include PFOS and PFOA as ingredients in the AFFF they sold
20 and delivered to the United States pursuant to MIL-F-24385.

21 114. The inclusion of PFOA and PFOS in AFFF sold to the Air Force violated the MIL-F-
22 24385 specification that “the material shall have no adverse effect on the health of personnel when used
23 for its intended purpose.”

24 115. The Manufacturers sold and delivered AFFF to the Air Force for use on its bases,
25 including at March ARB. The Manufacturers knew or should have known that the AFFF they sold and
26 delivered to the United States Department of Defense, including the Air Force, would adversely affect
27 the health of personnel when used for its intended purpose and did not meet the specifications of MIL-
28 F-24385.

1 116. Manufacturers knew or should have known that their harmful and defective AFFF
2 products would be used for various purposes on Air Force bases, including, but not limited to, training
3 for firefighting, testing firefighting equipment, actual firefighting, and use in hangar sprinkler fire
4 suppressant systems, that would cause the AFFF to drain into the ground and eventually pollute or
5 contaminate the groundwater beneath the bases and eventually migrate into the Plaintiff's water
6 supplies.

7 **I. Manufacturers Failed to Provide Notice of AFFF Toxicity.**

8 117. Upon information and belief, Manufacturers provided AFFF instructions, labels, and
9 material safety data sheets, which, at least at significant times, did not fully describe the health and
10 environmental hazards of AFFF that Manufacturers knew or should have known.

11 118. Upon information and belief, Manufacturers knew of these health and environmental
12 hazards for many years prior to disclosing the information to the public.

13 119. 3M knew as early as the mid-1950s that PFAS bioaccumulate in humans and animals.
14 3M first shared its concerns with the U.S. Environmental Protection Agency ("EPA") in the late 1990s.
15 In May 1998, a former 3M employee submitted a report to the EPA stating, "3M chose to report simply
16 that PFOS had been found in the blood of animals, which is true but omits the most significant
17 information."² A 1956 study at Stanford University concluded that the PFAS manufactured by 3M bind
18 to proteins in blood.³

19 120. By the early 1960s, 3M understood that PFAS are stable, persist in the environment, and
20 do not degrade. One 3M employee wrote in 1964: "This chemical's stability also extends itself to all
21 types of biological processes; there are no known biological organisms that are able to attack its
22 carbon-fluorine bond in a fluorocarbon."⁴ Thus, 3M knew by the mid-1960s that its fluorosurfactants
23 were immune to chemical and biological degradation in soils and groundwater.

24 121. In 1970, the authors of a scientific journal article observed after conducting tests on a 3M
25

26 ² Letter from R. Purdy, Mar. 28, 1999, available at <https://www.ag.state.mn.us/Office/Cases/3M/docs/PTX/PTX1001.pdf>.

27 ³ Perfluorooctanoic Acid Interactions with Human Serum Albumin, available at
28 https://static.ewg.org/reports/2019/pfatimeline/1956_Stanford.pdf?_ga=2.59569645.1994765108.1678715813-813372143.1678715813.

⁴ Bryce, H.G., Industrial and Utilitarian Aspects of Fluorine Chemistry (1964), available at
<https://www.ag.state.mn.us/Office/Cases/3M/docs/PTX/PTX3022.pdf>.

1 product containing PFAS that the product was “highly derogatory to marine life and the entire test
2 program had to be abandoned to avoid severe local stream pollution.”

3 122. Studies undertaken by 3M in the 1970s demonstrated that PFAS were even “more toxic
4 than was previously believed.”

5 123. A 1978 study by 3M on PFAS confirmed that “these chemicals are likely to persist in the
6 environment for extended periods unaltered by microbial catabolism.”⁵

7 124. In 1979, a 3M scientist recognized that PFAS posed a cancer risk because they are
8 “known to persist for a long time in the body and thereby give long-term chronic exposure.”

9 125. In the 1970s, Manufacturers began making AFFF with PFAS other than PFOS and
10 PFOA, including shorter carbon chain PFAS. Upon information and belief, those other PFAS are also
11 highly soluble, persistent, bioaccumulative, and toxic to humans.

12 126. In the 1970s, 3M began a major program to review personnel handling of
13 fluorochemicals, which confirmed that fluorochemicals could bioaccumulate.

14 127. The potential loss of tremendous profits from PFAS drove 3M to engage in a deliberate
15 campaign to influence the science relating to PFAS and, according to internal company documents, to
16 conduct scientific “research” that it could use to mount “[d]efensive [b]arriers to [l]itigation.”

17 128. A key priority of an internal 3M committee was to “[c]ommand the science” concerning
18 the “exposure, analytical, fate, effects, human health and ecological” risks posed by PFAS and for 3M
19 to provide “[s]elective funding of outside research through 3M ‘grant’ money.”

20 129. In exchange for providing grant money to friendly researchers, 3M obtained the right to
21 review and edit the drafts of papers on PFAS and sought control over when and whether these papers
22 were published at all.

23 130. Under pressure from the EPA, on May 16, 2000, 3M announced it would phase out
24 production of two synthetic chemicals, PFOS and PFOA, that it had developed more than 50 years
25 earlier.⁶ 3M, who was the predominant manufacturer of AFFF, ceased production of PFOS-based AFFF
26

27 ⁵ Technical Report Summary re : Fate of Fluorochemicals in the Environment, Biodegradation Studies of Fluorocarbons - II,
Jan. 1, 1978, available at <https://www.ag.state.mn.us/Office/Cases/3M/docs/PTX/PTX1153.pdf>.

28 ⁶ 3M press release, “3M Phasing Out Some Of Its Specialty Materials”, May 16, 2000,
<http://www.chemicalindustryarchives.org/dirtysecrets/scotchgard/pdfs/226-0641.pdf#page=1>

1 in 2002.

2 131. Also on May 16, 2000, the EPA wrote an internal memo stating the data 3M supplied to
3 the EPA indicated PFAS are very persistent in the environment, have a strong tendency to accumulate in
4 human and animal tissues, and could potentially pose a risk to human health and the environment over
5 the long term.

6 132. In contrast, 3M's news release insisted that "[their] products are safe," while extolling
7 their "principles of responsible environmental management" as driving the cessation of production.⁷

8 133. Also in the 1970s, Manufacturers began making AFFF with PFAS other than PFOS and
9 PFOA, including shorter carbon chain PFAS. Upon information and belief, those other PFAS are also
10 highly soluble, persistent, bioaccumulative, and toxic to humans.

11 134. Upon information and belief, Manufacturers sold and delivered those other PFAS, PFOS
12 and PFOA, to the Air Force, who stored, used, released, discharged, and disposed of them at March
13 ARB, thereby contaminating Plaintiff's wastewater treatment systems. For instance, in 2018 PFOS and
14 PFOA were detected in concentrations of 747ng/l (747 ppt) in the groundwater under the Recycling
15 Facility and the openly exposed sludge drying beds adjoining the Recycling Facility.⁸

16 135. The concentrations of PFAS found in Plaintiff's wastewater treatment facilities have
17 been caused by releases of Manufacturers' AFFF to the environment.

18 136. As was reasonably foreseeable to Manufacturers, the use of AFFF for training, fire
19 response, and other purposes at March ARB resulted in discharges of AFFF to open ground and sewer
20 collection systems.

21 137. As was reasonably foreseeable to Manufacturers, the chemical components of AFFF,
22 including PFAS, migrated into and through the soil and groundwater and from there migrated to and
23 contaminated soil and groundwater on or beneath property owned and operated by the Plaintiff, and
24 contaminated the wastewater treatment systems. The PFAS contamination is therefore directly caused
25 by Manufacturers' production, manufacture, distribution, and/or sale of AFFF.

26
27 ⁷ 3M press release, "3M Phasing Out Some Of Its Specialty Materials", May 16, 2000,
<http://www.chemicalindustryarchives.org/dirtysecrets/scotchgard/pdfs/226-0641.pdf#page=1>.

28 ⁸ "California Takes on PFAS Contamination While the Military is a Primary Source of the Pollution," CIVILIAN EXPOSURE,
<https://www.civilianexposure.org/california-takes-on-pfas-contamination-while-the-military-is-a-primary-source-of-the-pollution/>.

1 138. It was and is reasonably foreseeable to the Manufacturers that Plaintiff's property
2 interests would be damaged by contamination resulting from releases of AFFF and its chemical
3 components at March ARB.

4 139. Manufacturers knowingly produced, manufactured, distributed, and/or sold a dangerous
5 and defective product, acted with malice by consciously disregarding public health and intentionally
6 concealing the risks associated with PFAS, failed to provide sufficient warnings to protect members of
7 the public, such as Plaintiff, and failed to recall their products when they took them off the market
8 and/or knew them to present a hazard to human health.

9 140. Upon information and belief, non-PFAS based products were available for fire training
10 and other pertinent uses that would not have led to contamination of groundwater and Plaintiff's
11 property.

12 141. Upon information and belief, Manufacturers control a substantial share of the market in
13 the United States for AFFF containing PFAS and are jointly responsible for the contamination of the
14 Regional Plant and Recycling Facility and for causing the damages and injuries that Plaintiff has and will
15 suffer.

16 142. As a direct and proximate result of the contaminated groundwater near March ARB,
17 Plaintiff has suffered, and will continue to suffer, damages.

18 **II. The Use, Storage, Release, Discharge and Disposal of PFAS from AFFF Firefighting**
19 **Foam at March ARB has Contaminated Plaintiff's Wastewater Supply.**

20 143. Presently, Western Water treats three million gallons of wastewater per day at the
21 Recycling Facility.

22 144. Beginning in 1978, Site 15 was used as a fire protection training area.⁹ AFFF use at
23 March ARB was documented specifically at Site 15.¹⁰

24 145. Site 15 was situated on the southeast of runway 12-30, one of the runways on March
25 ARB, and was constructed by placing an under-drain systems and gravel over a clay liner.¹¹

26
27 _____
⁹ *Id.*

28 ¹⁰ 5-Year Review Report for Former March Air Force Base and March Air Reserve Based, Riverside County, California, September 2003, <https://semspub.epa.gov/work/HQ/178946.pdf>.

¹¹ *Id.*

1 146. The site's drainage system was used to transport firefighting water, AFFF, and residual
2 fuel from training exercises to a water holding pond situated adjacent to Site 15 which was initially
3 unlined.¹²

4 147. From 1978 to the temporary closure of Site 15 in 1993, approximately 6,000 gallons of
5 contaminated jet fuel was burned there every year as a part of training exercises.¹³

6 148. Upon information and belief, the United States Air Force continues to store PFAS
7 contaminated water on March ARB and the resulting harm to Plaintiff is ongoing.

8 149. As additional information becomes available regarding the United States' handling,
9 release, discharge, and disposal of PFAS at March ARB, additional locations where AFFF was used,
10 stored, discharged, and/or disposed of may be discovered.

11 **III. Release, Discharge, and Disposal of PFAS, including PFOA and PFOS, is**
12 **Contaminating the Recycling Facility and the Regional Plant, and Threatening Human**
13 **Health.**

14 150. In 2018, PFOS and PFOA concentrations were detected in concentrations of 747ng/l
15 (747 ppt) in the groundwater under the Western Water Recycling Facility, and the openly exposed
16 sludge drying beds adjoining the Recycling Facility.¹⁴ PFOS was found in the sludge in the
17 concentrations of 6.32 J µg/kg.¹⁵

18 151. This sludge is transported to landfills on March ARB and disposed of off-site at
19 undisclosed locations where the PFAS-contaminated sludge seeps into the groundwater.¹⁶

20 152. The United States has not yet analyzed the extent of PFAS contamination at numerous
21 other locations where AFFF was used and escaped into the environment, including, but not limited to,
22 Site 15, Building 423, and other areas along the surface and groundwater pathways from March ARB to
23 the Plaintiff's wastewater treatment facilities. Plaintiff reserves the right to incorporate additional
24 information regarding PFAS contamination in soil and water as it is discovered.

25
26 ¹² *Id.*

27 ¹³ *Id.*

28 ¹⁴ "California Takes on PFAS Contamination While the Military is a Primary Source of the Pollution," CIVILIAN EXPOSURE, <https://www.civilianexposure.org/california-takes-on-pfas-contamination-while-the-military-is-a-primary-source-of-the-pollution/>.

¹⁵ *Id.*

¹⁶ *Id.*

1 **A. PFOA and PFOS and Their Risk to Public Health.**

2 153. PFAS are chemical compounds containing fluorine and carbon. These substances have
3 been used for decades in the manufacture of, among other things, household and commercial products
4 that resist heat, stains, oil, and water. These substances are not naturally occurring and must be
5 manufactured.

6 154. PFOA and PFOS easily dissolve in water. Thus, PFOA and PFOS are easily spread in
7 the natural environment. PFOA and PFOS also readily contaminate soils and leach from the soil into
8 groundwater, where they can travel significant distances.

9 155. Humans may absorb PFAS from drinking water, and PFAS accumulate primarily in the
10 bloodstream, kidneys and liver.

11 156. PFAS are extremely persistent and bioaccumulate, or build up, in the human body. Even
12 short-term exposure results in a body burden that persists for years and can increase with additional
13 exposure. The EPA's Health Advisories have identified several health risks associated with exposure to
14 PFAS.

15 157. The EPA projects that PFOS has a half-life of 5.4 years, PFOA has a half-life of 2.3 –
16 3.8 years, and PFHxS has a half-life of 8.5 years, in humans.

17 158. A half-life is the amount of time it takes for 50% of the contaminant to leave the body.
18 Due to the long half-lives of PFAS like PFOS and PFOA, the EPA expects that “it can reasonably be
19 anticipated that continued exposure could increase body burdens to levels that would result in adverse
20 outcomes.”¹⁷

21 159. Studies show associations between increased PFOA and PFOS levels in blood and an
22 increased risk of several health effects, including high cholesterol levels, changes in thyroid hormone,
23 ulcerative colitis (autoimmune disease), pre-eclampsia (a complication of pregnancy that includes high
24 blood pressure), kidney cancer, and testicular cancer.

25 160. The EPA also classified PFOA and PFOS as having suggestive evidence of carcinogenic
26 potential in humans.¹⁸

27
28 ¹⁷ EPA, Long-Chain Perfluorinated Chemicals (PFCs) Action Plan, pp. 1, 8-9, December 30, 2009.

¹⁸ EPA, Health Effects Support Document for Perfluorooctanoic Acid (PFOA), p. 3-159, May 2016; EPA, Health Effects Support Document for Perfluorooctane Sulfonate (PFOS), p. 3-114, May 2016.

1 161. The EPA cited reports from the Organization for Economic Co-operation and
2 Development (“OECD”) in the May 2016 Health Advisories. The OECD is an international
3 intergovernmental organization that meets, discusses issues of concern, and works to respond to
4 international problems.

5 162. According to a published OECD Report, for mammalian species, PFOA and its salts
6 have been found to cause cancer in rats and adverse effects on the immune system in mice.
7 Additionally, PFOA and its salts can lead to reproductive or developmental toxicity in rodents at
8 moderate levels of exposure, and moderate to high systemic toxicity in rodents and monkeys following
9 long-term exposure by the oral route.¹⁹

10 163. The OECD also concluded in a Hazard Assessment that PFOS is persistent,
11 bioaccumulative and toxic to mammalian species.²⁰ The EPA also cited findings from a C8 Science
12 Panel and Health Project in the May 2016 Health Advisory for PFOA.

13 164. The C8 Science Panel was formed out of a class action settlement related to PFOA
14 contamination of groundwater from a manufacturing facility in West Virginia and consisted of three
15 epidemiologists, whose goal was to assess the links between PFOA and several diseases.

16 165. Between 2005 and 2013, the C8 Science Panel carried out a series of exposure and
17 health studies, gathering information through questionnaires and blood samples from the individuals
18 who drank PFOA-contaminated water and reviewing previously published studies.

19 166. The C8 Health Project is the largest study evaluating human exposure and health
20 endpoints for PFOA, including more than 65,000 people in mid-Ohio Valley communities who were
21 exposed to PFOA for a year or longer.

22 167. The C8 Science Panel released reports showing probable links between exposure to
23 PFOA and six diseases: [1] high cholesterol, [2] ulcerative colitis, [3] thyroid disease, [4] testicular
24 cancer, [5] kidney cancer, and [6] pregnancy-induced hypertension.

25 168. The U.S. Agency for Toxic Substances and Disease Registry (“ATSDR”) states in its
26 2018 draft Toxicological Profile that studies suggest associations between PFOA and PFOS exposure
27

28 ¹⁹ OECD, Report of an OECD Workshop on Perfluorocarboxylic Acids (PFCAs) and Precursors, p. 21, June 18, 2007.

²⁰ OECD, Hazard Assessment of Perfluorooctane Sulfonate (PFOS) and Its Salts, p. 5, November 21, 2002.

1 and liver damage, pregnancy-induced hypertension, increased cholesterol, increased risk of thyroid
2 disease, increased risk of asthma, increased risk of decreased fertility, low birth weight and increases in
3 testicular and kidney cancers.

4 169. California has listed PFOA and PFOS on its Proposition 65 list as a chemical known to
5 cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986.²¹

6 170. Notwithstanding the foregoing actions and determinations by EPA and the State of
7 California, neither PFOA nor PFOS, nor other PFAS, have been listed as, or otherwise determined to
8 be, hazardous waste regulated by the Resource Conservation and Recovery Act (“RCRA”), the
9 principal federal law governing the disposal of solid waste and hazardous waste. However, in February
10 of 2024, the EPA proposed changes to RCRA by adding nine per- and polyfluoroalkyl compounds,
11 their salts, and their structural isomer, to this list of hazardous constituents.²² Among the nine PFAS
12 listed are:

- 13 a. Perfluorooctanoic acid,
- 14 b. Perfluorooctanesulfonic acid,
- 15 c. Perfluorobutanesulfonic acid,
- 16 d. Hexafluoropropylene oxide-dimer acid,
- 17 e. Perfluorononanoic acid,
- 18 f. Perfluorohexanesulfonic acid,
- 19 g. Perfluorodecanoic acid,
- 20 h. Perfluorohexanoic acid, and
- 21 i. Perfluorobutanoic acid.

22 171. The EPA welcomed comment on this proposal through April 8, 2024.

23 172. As it stands, the mandatory directives requiring Air Force to treat AFFF containing
24 PFAS as hazardous waste are internal requirements, not RCRA compliance obligations.

25
26 ²¹ California Office of Environmental Health Hazard Assessment, *Chemicals Listed Effective Nov. 10, 2017 as Known to the*
27 *State of California to Cause Reproductive Toxicity: Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS)*,
28 Nov. 9, 2017, available at <https://oehha.ca.gov/proposition-65/cmr/chemicals-listed-effective-november-10-2017-known-statecalifornia-cause>.

²² United States Environmental Protection Agency, *Proposal to List Nine Per- and Polyfluoroalkyl Compounds as Resource*
Conservation and Recovery Act Hazardous Constituents, February 8, 2024, available at <https://www.epa.gov/hw/proposal-list-nine-and-polyfluoroalkyl-compounds-resource-conservation-and-recovery-act>.

1 173. Upon information and belief, Defendants knew or should reasonably have known about
2 the health effects from PFAS, discussed above, at the time they developed, designed, produced,
3 manufactured, marketed, distributed, supplied, or used PFAS-based AFFF.

4 **B. PFAS, including PFOA and PFOS, Threaten the Environment.**

5 174. PFAS are extremely persistent in the environment because they are chemically and
6 biologically stable and are resistant to environmental degradation.

7 175. The EPA projects that PFOS has a 41 year or greater half-life in water, and PFOA has a
8 half-life of over 92 years in water.

9 176. Additionally, "PFOA and PFOS are considered to be resistant to degradation in soil."²³

10 177. In addition to being particularly mobile in soil and water, PFAS also are readily
11 absorbed into groundwater and can migrate across long distances.

12 178. Even non-human receptors exposed to a PFAS-contaminated environment are at
13 significant risk of harm.

14 179. PFOA is persistent and can cause adverse effects in laboratory animals, including cancer
15 and developmental and systemic toxicity. Meanwhile, PFOS is persistent, bioaccumulative and toxic to
16 mammalian species and is linked to developmental, reproductive, and systemic toxicity.

17 180. PFOA and PFOS are also linked to:

- 18 a. immune system impacts on certain animal species (which are often used as indicators of the
19 overall health of an ecosystem);
20 b. elevated mortality in unexposed progeny of freshwater macro-invertebrates with exposure in
21 the parental generation;
22 c. disruption of the endocrine system in wildlife; and
23 d. liver toxicity in animals.

24 181. PFOA is also readily taken up by plants, including wild plants, as well as crops grown
25 on contaminated soil, and bioaccumulates in the food chain.

26 182. These impacts impair Plaintiff's use of recycled wastewater for various outdoor
27 purposes such as general municipal landscaping, as well as maintaining parks, schools, golf courses,
28

²³ EPA, Long-Chain Perfluorinated Chemicals (PFCs) Action Plan, p. 1, December 30, 2009.

1 groves, nurseries, and cemeteries in Riverside County.

2 183. Further, since PFOA and PFOS are not the only PFAS in the environment, mixtures of
3 PFAS raise the likelihood of additive and synergistic impacts on non-human receptors. It is likely that
4 one or more other PFAS possess similar characteristics and pose similar threats of adverse health
5 effects as set forth above for PFOA and PFOS.

6 184. Upon information and belief, Defendants knew or should reasonably have known about
7 the environmental effects from PFAS, discussed above, at the time they developed, designed, produced,
8 manufactured, marketed, distributed, supplied, or used PFAS-based AFFF.

9 **C. The Threats from PFAS are Ongoing.**

10 185. The PFAS contamination caused by Defendants is not contained and continues to spread
11 into Plaintiff's property and wastewater treatment supplies.

12 186. If the contamination occurring at Plaintiff's Recycling Facility and Regional Plant are
13 not remediated, PFAS contamination will continue to impact Plaintiff's property far into the future
14 because PFAS resist degradation and are persistent and mobile in water and soil.

15 **IV. Plaintiff Has Been Damaged by Defendants Actions**

16 187. The PFAS contamination prevents Plaintiff from fully utilizing their property, including
17 the wastewater that migrates to its Recycling Facility and/or Regional Plant.

18 188. PFAS can enter wastewater through industrial processes, everyday use of commercial
19 products, or when PFAS-containing products are discarded in waste disposal sites such as landfills and
20 compost sites.

21 189. Here, PFAS entered the Plaintiff's wastewater system and facilities through AFFF
22 discharge from a sewage drain lateral or indirectly through groundwater infiltration at March ARB.

23 190. Wastewater treatment facilities, including Recycling Facility, are not designed to
24 remove PFAS and ultimately may end up releasing PFAS into the environment in a way that can
25 contaminate surface water, groundwater, drinking water, and the food supply.

26 191. Plaintiff treats wastewater and provides recycled wastewater for public and private
27 purposes throughout Riverside County.

28 192. PFAS may also migrate to a wastewater plant and flow out as effluent and be absorbed

1 to biosolids (sludge) to be potentially spread as fertilizer or for other agricultural uses.

2 193. The PFAS contamination of Plaintiff's wastewater, caused by use and discharge of
3 Manufacturers' AFFF products at March ARB, has and will continue to disrupt Plaintiff's production
4 of recycled water and biosolids.

5 194. As a result of the contamination caused by Manufacturers' AFFF products, Plaintiff has
6 and will incur damages related to PFOA and PFOS contamination in an amount to be proved at trial.

7 195. In response to PFAS contamination of its wastewater and facilities, Western Water has
8 and will begin replacing key infrastructure through various projects including a Pilot Treatment System
9 at Recycling Facility (estimated at \$3.0 million) and repairing and sealing priority sewer lines
10 (estimated at \$3.45 million).

11 196. PFAS are damaging, and will continue to damage, Western Water's wastewater supply
12 and facilities.

13 **FIRST CAUSE OF ACTION**

14 **NUISANCE**

15 (By Plaintiff Against All Defendants)

16 197. Plaintiff hereby incorporates by reference the allegations contained in the preceding
17 paragraphs as if fully set forth herein.

18 198. Defendants manufacture, sale, and/or distribution of AFFF, and its toxic PFAS
19 components, constituted intentional, negligent, and/or unreasonably dangerous activity causing the
20 unreasonable and substantial interference with the use of Plaintiff's wastewater treatment facility, and
21 property rights and interests.

22 199. Defendants knew and/or should have reasonably foreseen that the invasion of the
23 Plaintiff's and its customer's property interests, including its wastewater, groundwater, wastewater
24 treatment plant, pipes, other fixtures and biosolids were substantially certain to result from the use of
25 the AFFF as Defendants intended, including by March ARB, given the toxic properties of the PFAS
26 components in AFFF. Defendants participated to a substantial extent in the carrying on of the nuisance
27 by its actions described above.

28 200. The unreasonable and substantial interference with the use of Plaintiff's property rights

1 and interests includes, but is not limited to, PFAS contamination of groundwater, wastewater,
2 wastewater treatment facility, sewer systems, piping, other fixtures, and biosolids on Plaintiff's
3 property caused by Defendants' AFFF.

4 201. Plaintiff has also suffered unreasonable and substantial interference with its property
5 rights and interests because PFAS contained in Defendants' AFFF has contaminated the Water
6 District's wastewater supply and groundwater and as result Plaintiff has been required to remediate the
7 contamination and ensure that it can process wastewater in compliance with regulatory requirements
8 and thereby incurred significant financial losses and damages.

9 202. Defendants' manufacture, sale, and/or distribution of AFFF, and its toxic PFAS
10 components, constitutes a pattern of continuous and ongoing tortious conduct.

11 203. PFAS from AFFF continues to contaminate Plaintiff's properties and continue to
12 migrate to Plaintiff's property.

13 204. As a direct result of Defendants' creation of a nuisance, the wastewater treated by
14 Plaintiff pursuant to their property rights and interests have been, and continue to be, contaminated with
15 PFAS from Defendants' AFFF.

16 205. Defendants' creation of a nuisance caused, is causing, and will continue to cause
17 Plaintiff and its citizens substantial and unreasonable interference with its property rights.

18 206. Defendants' acts were willful, wanton, or reckless and conducted with a reckless
19 indifference to the rights and property of Plaintiff.

20 207. As a result of Defendants' tortious conduct and resulting contamination of Plaintiff's
21 groundwater, wastewater, wastewater treatment plant, piping, other fixtures, biosolids, and other
22 property, by the toxic PFAS components of the Defendants' AFFF, the Plaintiff has incurred and will
23 incur losses.

24 **SECOND CAUSE OF ACTION**

25 **NEGLIGENCE**

26 **(By Plaintiff Against All Defendants)**

27 208. Plaintiff hereby incorporates by reference the allegations contained in the preceding
28 paragraphs of this Complaint as if fully set forth herein.

1 209. Defendants had a duty to exercise reasonable care in the development, design,
2 production, manufacture, marketing, distribution, supply, sale, or use of AFFF, including a duty to
3 avoid contaminating the environment and water supplies.

4 210. Defendants had a duty to exercise reasonable care to avoid harming those who would
5 foreseeably come into contact with AFFF's toxic chemicals and be directly exposed to its hazardous
6 properties.

7 211. Defendants knew or should have known that the production, manufacture, distribution,
8 sale, supply, and use of AFFF containing PFAS was hazardous to human health and the environment.

9 212. Defendants further knew or should have known that it was unsafe and/or unreasonably
10 dangerous to produce, manufacture, distribute, sell, supply, and use AFFF containing PFAS because it
11 was reasonably foreseeable that the chemical's toxic properties would migrate into the environment,
12 including the environment at Air Force bases such as March ARB, and contaminate groundwater used
13 as public and agricultural water supply.

14 213. Defendants' knowledge of the dangerous and hazardous properties of the AFFF,
15 established the duty to warn of the hazards of consuming water containing PFAS.

16 214. Plaintiff was a foreseeable victim of the harm caused by the chemical components of
17 Defendants' AFFF.

18 215. Defendants breached their duty when they negligently designed, engineered, developed,
19 produced, fabricated and, tested AFFF and PFAS; negligently, produced, manufactured, distributed,
20 and/or sold AFFF; negligently provided inadequate warnings and instructions; failed to exercise
21 reasonable care in preventing the AFFF and its chemical components from presenting an unreasonable
22 risk of harm to the health of individuals who come in contact with the product, and to prevent
23 contamination of public and agricultural water, including Plaintiff's water supplies.

24 216. As a direct and proximate result of Defendants' breaches of their legal duties, the
25 groundwater beneath and around March ARB and wastewater flowing to Plaintiff's wastewater
26 treatment facilities, has been, and continues to be, contaminated with PFAS.

27 217. As a direct and proximate result of Defendants' negligent, reckless, and/or intentional
28 acts and omissions alleged herein, Plaintiff's wastewater treatment facilities have been contaminated

1 with PFAS.

2 218. As a result of Defendant's conduct and the resulting contamination of the groundwater
3 and wastewater of March ARB that migrates to Plaintiff's Recycling Facility, Plaintiff has or will incur
4 costs to [1] investigate, sample, test, assess, and report on the extent of PFAS contamination, including
5 wastewater, biosolids, and other related products such as reuse water, resulting from AFFF products;
6 [2] install and maintain filtration systems to assess and evaluate PFAS contamination resulting from
7 AFFF products; [3] treat and remediate PFAS-contaminated wastewater, biosolids, reuse water (and
8 other products), and wastewater infrastructure resulting from AFFF products; [4] upgrade and/or
9 modify infrastructure, including, but not limited to, design, construction, operation, and maintenance of
10 systems related to PFAS contamination from AFFF products; [5] change biosolids reuse/disposal
11 practices stemming from PFAS contamination from AFFF products; and [6] other response costs.
12 Additionally, Plaintiff has and/or will incur lost profits and opportunities associated with biosolids and
13 reuse water (among other products) due to contamination with PFAS resulting from AFFF products.

14 219. As a result of the ongoing contamination, Plaintiff has suffered, continues to suffer, and
15 will suffer direct and indirect harms affecting their operation as a special water district, and their ability
16 to provide water supply, wastewater disposal, and recycled water services to nearly one million
17 customers across 527 square miles in western Riverside County.

18 220. Defendants' negligent design, engineering, development, production, fabrication,
19 testing, and inadequate warnings and instructions related to AFFF constitute a pattern of continuous and
20 ongoing tortious conduct.

21 221. Upon information and belief, Defendants have and continue to engage in discrete acts of
22 negligent design, engineering, development, fabrication, testing, warnings, and instructions to the date
23 of this Complaint.

24 222. Upon information and belief, Defendants have not recalled their AFFF product as of the
25 date of this Complaint.

26 ///

27 ///

28 ///

THIRD CAUSE OF ACTION

DEFECTIVE PRODUCT – FAILURE TO WARN

(By Plaintiff Against All Defendants)

1
2
3
4 223. Plaintiff hereby incorporates by reference the allegations contained in the preceding
5 paragraphs of this Complaint as if they were fully set forth herein.

6 224. At all times relevant, Defendants were in the business of developing, designing,
7 producing, manufacturing, marketing, distributing, supplying, selling, or using AFFF containing PFAS.

8 225. As manufacturers, distributors, and/or sellers of AFFF, a commercial product, the
9 Defendants had a duty to provide adequate warnings about the risks of injury posed by their products
10 and complete instructions to safe-handling practices.

11 226. Defendants knew or should have known that the foreseeable storage, use, release, and
12 disposal of the AFFF that they developed, designed, produced, manufactured, marketed, distributed,
13 supplied, sold, or used by the Air Force, including at March ARB, would foreseeably enter the
14 Plaintiff's groundwater supplies, persist there indefinitely, and cause risks to human health, the
15 environment, and harm to property.

16 227. Defendants consciously disregarded the dangerous properties of the AFFF containing
17 PFAS and maliciously entered their AFFF into the stream of commerce even though Defendants knew
18 or should have known of the public health and environmental risks associated with AFFF at the time of
19 AFFF's development, design, production, manufacture, marketing, distribution, supply, sale, or use by
20 users such as March ARB.

21 228. Defendants knew or reasonably should have known that users of AFFF such as the Air
22 Force and March ARB would not realize the dangers and potential harm of PFAS contamination
23 associated with AFFF.

24 229. Upon information and belief, at all relevant times Defendants failed to provide sufficient
25 warnings and instructions to users of AFFF, including the Air Force, that the use and release of AFFF
26 into the environment would result in groundwater contamination that migrates into Plaintiff's treatment
27 facilities, such as the Recycling Facility, and negatively impacts the production of biosolids and other
28 products.

1 230. Upon information and belief, at all relevant times Defendants failed to provide adequate
2 warnings and instructions to the users of the dangers to human health and the environment of their
3 AFFF that ultimately contaminated the groundwater and soil.

4 231. Defendants' negligent manufacture, distribution, and/or sale of AFFF, and their
5 intentional concealment and failure to warn, caused, is causing, and will cause damage to Plaintiff's
6 property interests due to the presence of PFAS in their water supply and treatment facilities.

7 232. Adequate warnings and instructions would have reduced or avoided the foreseeable risks
8 of harm posed by the use and release the AFFF.

9 233. Had Defendants provided adequate warnings, the Air Force would not have used AFFF
10 containing PFAS or would have taken measures to store, use, discharge, and dispose of AFFF so as to
11 reduce or eliminate groundwater contamination by the components of AFFF.

12 234. As a result of Defendants' failure to warn against the likelihood of contamination from
13 their AFFF, the groundwater and sewer pipeline connections and associated water supply infrastructure
14 at March ARB have been contaminated with the chemical components of AFFF including PFAS.

15 235. As a direct and proximate result of Defendants' failure to warn of the environmental and
16 health impacts caused by the toxic chemicals in their AFFF product and the release thereof, the
17 groundwater and sewer pipelines at March ARB that migrate to Plaintiff's wastewater and recycling
18 facilities became contaminated with PFAS, causing loss of Plaintiff's use and benefit of their
19 appropriated water rights and the incurrence, or reasonably certain incurrence, of costs to treat the
20 wastewater migrating from the March ARB to their facilities.

21 236. Defendants' failure to provide adequate warnings or instructions renders Defendants'
22 AFFF a defective product.

23 237. As a result of Defendants' development, design, production, manufacture, marketing,
24 distribution, supply, sale, and/or use of a defective product, Defendants are strictly liable for damages
25 to the Plaintiff.

26 238. For several decades, Defendants acted with malice by consciously disregarding
27 Plaintiff's water rights and acted with extreme indifference to public health by failing to warn
28 consumers about the environmental and health risks associated with using AFFF.

1 including Plaintiff, and a duty not to market any product which is unreasonably dangerous in design for
2 its reasonably anticipated use.

3 247. It was foreseeable to Defendants that as a natural and probable consequence of ordinary
4 use of the AFFF products that Defendants designed, manufactured, distributed, and sold, such products
5 would reach groundwater, migrate, be washed into streams of water, and be discharged into sewers, like
6 those owned by Plaintiff.

7 248. It was foreseeable that toxic chemicals from the AFFF that Defendants designed,
8 manufactured, distributed, and/or sold would enter Plaintiff's water supplies and cause damage to their
9 property interests, including Plaintiff's appropriated water rights.

10 249. Alternative designs and formulations of AFFF were available, technologically feasible
11 and practical, and would have reduced or prevented the reasonably foreseeable risks of harm to
12 Plaintiff.

13 250. Further, Defendants' design, formulation, manufacture, distribution, and/or sale of a
14 products containing toxic chemicals that are readily mobile and persistent in the environment was
15 unreasonably dangerous.

16 251. The AFFF manufactured, distributed, and/or sold by Defendants was designed
17 defectively because the foreseeable risk of harm posed by the AFFF was unreasonably dangerous and
18 the risk of harm could have been reduced or eliminated by the adoption of a reasonable alternative
19 design.

20 252. Defendants' products were defective at the time of manufacture, distribution, and/or
21 sale, and thus at the time the AFFF product left Defendants' control.

22 253. As a result of Defendants' manufacture, distribution, and/or sale of a defectively
23 designed product, the collection pipelines from residential and non-residential sites at March ARB
24 became contaminated with toxic PFAS and migrated to Recycling Facility, interrupting the production
25 of recycled water and biosolids, thereby causing damage to Plaintiff.

26 254. Defendants' tortious acts and omissions resulted in the contamination of several
27 residential and non-residential March ARB sewer collection pipelines, which migrate to Plaintiff's
28 Recycling Facility to produce recycled water and biosolids, with toxic PFAS chemical components of

1 Defendants' AFFF products.

2 255. As a result of Defendants' design, formulation, manufacture, distribution, and/or sale of
3 a defective product, Defendants are strictly liable in damages to the Plaintiff.

4 256. For several decades, Defendants acted with malice by consciously disregarding
5 Plaintiff's water rights and acted with extreme indifference to public health by designing a defective
6 product that would foreseeably harm the environmental and public health.

7 257. As a result of the contamination by the chemical components of the Defendants' AFFF,
8 Plaintiff has or will incur costs to [1] investigate, sample, test, assess, and report on the extent of PFAS
9 contamination, including wastewater, biosolids, and other related products such as reuse water,
10 resulting from AFFF products; [2] install and maintain filtration systems to assess and evaluate PFAS
11 contamination resulting from AFFF products; [3] treat and remediate PFAS-contaminated wastewater,
12 biosolids, reuse water (and other products), and wastewater infrastructure resulting from AFFF
13 products; [4] upgrade and/or modify infrastructure, including, but not limited to, design, construction,
14 operation, and maintenance of systems related to PFAS contamination from AFFF products; [5]
15 change biosolids reuse/disposal practices stemming from PFAS contamination from AFFF products;
16 and [6] other response costs. Additionally, Plaintiff has and/or will incur lost profits and opportunities
17 associated with biosolids and reuse water (among other products) due to contamination with PFAS
18 resulting from AFFF products.

19 258. In addition, the Plaintiff has lost the value and marketability of their property and
20 property rights, including appropriated water rights.

21 259. Defendants' manufacture, distribution, and/or sale of AFFF, constitutes a pattern of
22 continuous and ongoing tortious conduct.

23 260. Upon information and belief, Defendants have sold and continue to sell and distribute
24 AFFF in a tortious manner as of the date of this Complaint.

25 261. Upon information and belief, Defendants have not recalled their AFFF product to the date
26 of this Complaint.

FIFTH CAUSE OF ACTION

PRIVATE NUISANCE

(By Plaintiff Against All Defendants)

1
2
3
4 262. Plaintiff hereby incorporates by reference the allegations contained in the preceding
5 paragraphs of this Complaint as if fully set forth herein.

6 263. Defendants' manufacture, distribution, sale, supply, and marketing of AFFF was, and
7 continues to be, a substantial interference to Plaintiff's right to the use and enjoyment of Plaintiff's
8 property.

9 264. Defendants' manufacture, distribution, sale, supply, and marketing of AFFF was, and
10 continues to be, a substantial factor in causing Plaintiff to suffer harm.

11 265. Defendants knew the unique and dangerous properties AFFF containing PFAS but failed
12 to provide adequate warnings of or take other precautionary measures to mitigate those harms.

13 266. Defendants' manufacture, distribution, sale, supply, and marketing of AFFF foam
14 containing PFAS constituted intentional, negligent, and/or unreasonably dangerous activity, which
15 caused the unreasonable and substantial interference with the use and enjoyment of Plaintiff's property.

16 267. Each Defendant has caused, contributed to, and/or maintained such nuisance, and is a
17 substantial contributor to such nuisance.

18 268. Defendants knew and/or should have reasonably foreseen that the invasion of the
19 Plaintiff's property interests, including their water supplies, was substantially certain to result from the
20 use of the AFFF as Defendants intended, including at March ARB, given, among other reasons, the
21 chemical properties of AFFF.

22 269. Defendants unreasonably and substantially interfered with the use and enjoyment of
23 Plaintiff's property interests through the contamination of groundwater and soil on Plaintiff's property
24 with toxic chemicals manufactured, distributed, and/or sold by Defendants, including the source of
25 Plaintiff's appropriated water rights and causing Plaintiff's need to obtain alternative sources of water
26 and expense thereof.

27 270. Defendants' sale and distribution of AFFF, failure to recall AFFF products once the
28 danger of its chemical components became known to Defendants and attempts to prevent the revelation

1 of the chemicals' dangers constitutes a pattern of continuous and ongoing tortious conduct.

2 271. Upon information and belief, Defendants have and continue to sell and distribute AFFF
3 in a tortious manner to the date of this Complaint.

4 272. Upon information and belief, PFAS continue to migrate to and contaminate Plaintiff's
5 properties. The continued migration and ongoing contamination of the groundwater supplies relied on
6 by Plaintiff pursuant to their appropriated water rights is directly caused by the PFAS chemicals created
7 distributed, and/or sold by Defendants sufficiently establishes a private nuisance.

8 273. At all relevant times, Plaintiff has never consented to the Defendants' conduct.

9 274. Defendants' conduct over the course of several decades sufficiently constitutes malice
10 because of their conscious disregard of Plaintiff's rights and extreme indifference to public health.

11 275. As a result of the contamination by the chemical components of the Defendants' AFFF,
12 Plaintiff has or will incur costs to [1] investigate, sample, test, assess, and report on the extent of PFAS
13 contamination, including wastewater, biosolids, and other related products such as reuse water,
14 resulting from AFFF products; [2] install and maintain of filtration systems to assess and evaluate
15 PFAS contamination resulting from AFFF products; [3] treat and remediate PFAS-contaminated
16 wastewater, biosolids, reuse water (and other products), and wastewater infrastructure resulting from
17 AFFF products; [4] upgrade and/or modify infrastructure, including, but not limited to, design,
18 construction, operation, and maintenance of systems related to PFAS contamination from AFFF
19 products; [5] change biosolids reuse/disposal practices stemming from PFAS contamination from AFFF
20 products; and [6] other response costs. Additionally, Plaintiff has and/or will incur lost profits and
21 opportunities associated with biosolids and reuse water (among other products) due to contamination
22 with PFAS resulting from AFFF products.

23 276. As a result of the contamination caused by Defendants' tortious acts and omissions,
24 Plaintiff has lost use and enjoyment of their properties, including appropriated water rights, and have
25 suffered annoyance, discomfort, and inconvenience.

26 277. Therefore, Plaintiff requests an Order providing for abatement and remediation of the
27 private nuisance that Defendants have created, and enjoining Defendants from future violations.

28 278. As a result of the contamination, Plaintiff has lost use and enjoyment of their property,

1 including appropriated water rights, and have suffered annoyance, discomfort, and inconvenience.

2 **SIXTH CAUSE OF ACTION**

3 **TRESPASS**

4 **(By Plaintiff Against all Defendants)**

5 279. Plaintiff hereby incorporates by reference the allegations contained in the preceding
6 paragraphs of this complaint as if fully set forth herein.

7 280. As a result of the Defendants' design, manufacture, sale, and/or distribution of AFFF,
8 and its toxic PFAS components, releases of the toxic AFFF on March ARB have physically intruded
9 onto and wrongfully entered the Plaintiff's property, including their groundwater, wastewater supply,
10 wastewater treatment facility, sewer systems, piping, other fixtures, and biosolids interfering with
11 Plaintiff's possessory interest in its properties without Plaintiff's permission.

12 281. The physical invasion of toxic PFAS contained in AFFF, designed, manufactured, sold,
13 and/or distributed by Defendants to March ARB to be released onto and into Plaintiff's property has
14 physically harmed its property, including contaminating its groundwater, wastewater supply,
15 wastewater treatment facility, sewer systems, piping, other fixtures, biosolids, and other property with
16 toxic PFAS. The toxic PFAS contained in AFFF which is contaminating Plaintiff's property would not
17 have been present but for the Defendants' tortious actions. The physical intrusion of Defendants'
18 AFFF, and its toxic PFAS components, onto property owned by Plaintiff has caused it to incur
19 significant losses.

20 282. Invasion of Defendants' AFFF, and its toxic PFAS components, into Plaintiff's property
21 and wastewater supply necessarily caused Plaintiff to act to mitigate the PFAS contamination
22 throughout the wastewater treatment facility and its byproducts, including biosolids. Plaintiff was
23 required to take all reasonable and necessary actions to remediate the contamination and ensure that it
24 can process wastewater in compliance with regulatory requirements. Absent Defendants' tortious
25 conduct, Plaintiff would not have been forced to confront these decisions nor take these actions or incur
26 these costs.

27 283. As a direct result of Defendants conduct and resulting contamination of Plaintiff's
28 groundwater, water supply, water systems, sewer systems, piping, other fixtures, biosolids, and other

1 property, by the toxic PFAS components of the Defendants' AFFF, the Plaintiff have incurred and will
2 incur losses.

3 **SEVENTH CAUSE OF ACTION**

4 **UNJUST ENRICHMENT**

5 **(By Plaintiff Against all Defendants)**

6 284. Plaintiff hereby incorporates by reference the allegations contained in the preceding
7 paragraphs of this Complaint as if fully set forth herein.

8 285. Defendants are required to make restitution because Defendants have been unjustly
9 enriched at the expense of Plaintiff.

10 286. Defendants received the benefit of commercial profits from the production, manufacture,
11 distribution, and/or sale of AFFF containing PFAS and continued to do so long after they were aware of
12 the health and environmental risks of their products and effects on Plaintiff.

13 287. Further, Defendants have failed to recall their products to prevent the further release of
14 their AFFF into groundwater and onto Plaintiff's properties.

15 288. Through Defendants' actions and inactions at the expense of Plaintiff, Defendants have
16 been unjustly enriched.

17 289. As a remedy, the Court should award to Plaintiff the expenditures saved and the profits
18 obtained by Defendants at the expense of Plaintiff through Defendants' tortious conduct.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff Western Municipal Water District, demands judgment against each
21 Defendants, jointly and severally, and respectfully requests that this Court grant the following relief:

- 22 1. Compensatory damages according to proof including, but not limited to:
- 23 a. Costs and expenses related to the past, present, and future investigation,
24 sampling, testing, and assessment of the extent to which Plaintiff's property and
25 municipal wastewater system have been contaminated with PFAS;
- 26 b. Costs and expenses related to past, present, and future treatment and remediation
27 of the PFAS contamination impacting Plaintiff's property and municipal
28

wastewater system; and

c. Costs and expenses related to past, present, and future installation and maintenance of filtration systems to assess and evaluate PFAS contamination impacting Plaintiff's property and water system;

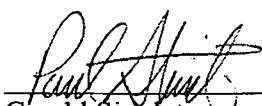
2. A declaration that Defendants acted with negligence, gross negligence, and/or willful, wanton, and careless disregard for the health and safety of Plaintiff;
3. Attorney fees and costs, as provided by law;
4. Pre-judgment and post-judgment interest, as provided by law;
5. Punitive damages in an amount that fairly reflects the aggravating circumstances alleged herein, sufficient to punish Defendants for past harms, and deter Defendants' similar wrongful conduct in the future;
6. Consequential damages; and
7. All such other relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff respectfully request that this Court provide them with a jury trial on all causes of action for which a jury trial is available under the law.

SINGLETON SCHREIBER, LLP

Dated: December 16, 2024

By: 
 Gerald Singleton
 Paul Starita
 Britt K. Strottman
 James Fendt
 Attorneys for Plaintiff