

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 4:23-cv-3317
)	
vs.)	COMPLAINT
)	
TRANSOCEAN OFFSHORE)	
DEEPWATER DRILLING INC.,)	
)	
Defendant.)	
)	

Plaintiff, the United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), files this complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action brought pursuant to Section 309(b) and (d) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), against Defendant Transocean Offshore Deepwater Drilling Inc. (“Defendant”). The United States seeks injunctive relief and civil penalties against Defendant for violations of Sections 301(a) and 309(d) of the CWA, 33 U.S.C. §§ 1311(a) and 1319(d), and the conditions and limitations of the Western to Central Portion of the Outer Continental Shelf of the Gulf of Mexico General Permit issued to Defendant under Section 402(a) of the CWA, 33 U.S.C. § 1342(a). These violations occurred at Defendant’s vessels or mobile offshore facilities in the Gulf of Mexico (the “Vessels”).

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action and over the Parties pursuant to Sections 301(a) and 309(b) of the CWA, 33 U.S.C. §§ 1311(a) and 1319(b) and 28 U.S.C. §§ 1331, 1345 and 1355.

3. Venue is proper in this district pursuant to CWA Section 309(b), 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b), 1391(c), and 1395(a) because Defendant is located in and conducts business in this judicial district.

4. Authority to bring this action is vested in the United States Department of Justice pursuant to 28 U.S.C. §§ 516 and 519, and Section 506 of the CWA, 33 U.S.C. § 1366.

PARTIES

5. Plaintiff is the United States of America, acting at the request, and on behalf, of EPA.

6. Defendant is Transocean Offshore Deepwater Drilling Inc., a corporation organized under the laws of Delaware and doing business in the State of Texas.

7. Defendant's corporate offices are located at 1414 Enclave Parkway, Houston, Texas.

8. At all relevant times, Defendant owned or operated the Vessels.

9. At all relevant times, Defendant maintained full control over operating decisions on the Vessels, including, but not limited to, the discharges of pollutants from the Vessels.

STATUTORY AND REGULATORY BACKGROUND

10. The CWA is designed "to restore and maintain the chemical, physical and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a).

11. To accomplish this goal, CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the “discharge of any pollutant” by any person except in certain circumstances, including in compliance with a National Pollutant Discharge Elimination System (“NPDES”) permit issued by EPA pursuant to CWA Section 402, 33 U.S.C. § 1342.

12. CWA Section 502(12), 33 U.S.C. § 1362(12), defines the term “discharge of a pollutant” as, *inter alia*, “any addition of any pollutant to navigable waters from any point source.”

13. Section 502(6) of the CWA, 33 U.S.C. § 1362(6), defines “pollutant” to include a wide variety of substances, including chemical and industrial waste.

14. Section 502(5) of the CWA, 33 U.S.C. § 1362(5), defines “person” to include a corporation.

15. Section 502(7) of the CWA, 33 U.S.C. § 1362(7), defines “navigable waters” as “waters of the United States.”

16. “Waters of the United States” has been further defined to include, among other things, “waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce.” 40 C.F.R. §§ 112.2 and 122.2.

17. Section 502(14) of the CWA, 33 U.S.C. § 1362(14), defines “point source” to mean “any discernible, confined and discrete conveyance, including but not limited to any pipe [or] conduit . . . from which pollutants are or may be discharged.”

18. Under Section 301 of the CWA, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

19. EPA may issue a NPDES permit that authorizes the discharge of pollutants to the waters of the United States, upon the condition that such discharge will meet all applicable requirements of the CWA and such other conditions as the permitting authority determines necessary to carry out the provision of the CWA. 33 U.S.C. §1342(a).

20. Relevant to the claims in this action, pursuant to Section 402(a) of the CWA, 33 U.S.C. § 1342(a), EPA reissued the “Final NPDES General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico” (GMG290000) ("GoM General Permit") on September 28, 2012 (effective October 1, 2012, through September 30, 2017), 77 Fed. Reg. 61605 (October 20, 2012), and again on September 19, 2017 (effective October 1, 2017, through September 30, 2022). 82 Fed. Reg. 45845 (Oct. 2, 2017).

21. The GoM General Permit authorizes discharges from new sources, existing sources, and new dischargers in the Offshore Subcategory of the Oil and Gas Extraction Point Source Category (40 C.F.R. Part 435, Subpart A) by operators of lease blocks in the Oil and Gas Extraction Point Source Category that are located in Federal Waters of the Central and Western Portions of the Gulf of Mexico (defined as seaward of the outer boundary of the territorial seas off Louisiana and Texas) to the covered waters, but only in accordance with the conditions of the permit.

22. The GoM General Permit does not authorize discharges from facilities located in, or discharging to, the territorial seas of Louisiana or Texas or from facilities defined as “coastal,” “onshore,” or “stripper” (40 C.F.R. Part 435, Subparts C, D, and E).

23. The GoM General Permit establishes effluent limitations, prohibitions, reporting requirements, and other conditions on discharges from oil and gas facilities, and supporting

pipeline facilities, engaged in production, field exploration, developmental drilling, facility installation, well completion, well treatment, well workover, and abandonment/decommissioning operations. Oil and gas facilities located in the covered permit area that are temporarily idle may also be authorized under the permit. *See* GoM General Permit, Part I.A.1.

24. The permit coverage area consists of discharges in lease areas that are located in Federal waters in the Gulf of Mexico specifically located in the Central to Western portions of the Gulf of Mexico (GMG290000). The lease areas under the jurisdiction of EPA Region 6 that begin in the Central portion include: Chandeleur, Chandeleur East, Breton Sound, Main Pass, Main Pass South and East, Viosca Knoll (but only those blocks under Main Pass South and East; the Viosca Knoll blocks between Main Pass and Mobile are under EPA Region 4 jurisdiction), South Pass, South Pass South and East, West Delta, West Delta South, Mississippi Canyon, Atwater Valley, Lund, and Lund South. These named lease areas and all lease areas westward are part of EPA Region 6. In Texas, where the state has mineral rights to three leagues from its shoreline, some operators with state lease tracts are required to request coverage under this Federal NPDES general permit. In addition, the requirement of permit coverage extends to produced water discharges to those Federal waters from lease blocks located in State territorial seas. This includes produced water from wells located in the area of permit coverage, which is sent onshore for treatment and subsequently sent back to the Outer Continental Shelf to be discharged. *See id.*

25. Vessels or other mobile facilities that engage in oil or gas exploration, development, or production activity, as defined by the GoM General Permit, are subject to the GoM General Permit. *See id.*, Part I. A.2.

26. CWA Section 309(b), 33 U.S.C. § 1319(b), authorizes the Administrator of EPA “to commence a civil action for appropriate relief, including a permanent or temporary injunction,” when any person is in violation of 33 U.S.C. §§ 1311, 1318, or of any permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

27. CWA Section 309(d), 33 U.S.C. § 1319(d), provides, in part, that any person who violates 33 U.S.C. § 1311, 1318, or any permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342, shall be subject to a civil penalty not to exceed \$25,000 per day for each such violation. The applicable daily statutory maximum penalty is \$37,500 for each violation occurring after January 12, 2009, through November 2, 2015, and \$64,618 for each violation occurring after November 2, 2015, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, (28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701), and 40 C.F.R. § 19.4.

GENERAL ALLEGATIONS

28. At all times relevant to this action, Defendant owned or operated the Vessels.

29. At all times relevant to this action, the Vessels engaged in offshore oil and gas exploration, development, or production activities, in the Gulf of Mexico in areas covered by the GoM General Permit.

30. At all times relevant to this action the Vessels discharged to the Gulf of Mexico in areas covered by the GoM General Permit.

31. The Vessels have cooling water intake structures that are regulated by the GoM General Permit.

32. The Gulf of Mexico is a water of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

33. Defendant is a “person” as defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. §§ 122.2.

34. The outfalls from the Vessels are “point source[s]” within the meaning of CWA Section 502(14), 33 U.S.C. § 1362(14).

35. Because Defendant owned or operated facilities (the Vessels) that were point sources of discharges of pollutants to a water of the United States, Defendant and the Vessels are subject to the CWA and the NPDES, including the conditions and limitations of the GoM General Permit. 33 U.S.C. § 1342.

36. The discharges from Defendant’s Vessels included deck drainage, sanitary waste, domestic waste, maintenance waste, cooling water, and miscellaneous discharges, as defined in Part I.B. of the GoM General Permit.

FIRST CLAIM FOR RELIEF

(Unpermitted Discharges in Violation of CWA Section 301(a))

37. Paragraphs 1 through 36 are re-alleged and incorporated by reference.

38. The GoM General Permit provides a process under which the owners or operators of a subject vessel or mobile facility submits a Notice of Intent (“NOI”) to EPA to be covered by the GoM General Permit. *See* GoM General Permit, Part I.A.2.

39. A NOI must be filed in advance to cover specific discharges prior to commencement of specified discharges. *See id.*

40. The GoM General Permit requires an owner or operator to submit a new NOI for a facility, which includes a vessel or mobile operating drilling unit, before it commences discharging when it moves to a new lease block. *See id.*

41. On numerous occasions since at least 2016, Defendant's Vessels discharged to the Gulf of Mexico without obtaining coverage under the GoM General Permit and may continue to do so in the future.

42. Those discharges were unauthorized discharges in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

43. Each day of discharge constitutes a separate violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a), for discharging without a permit.

44. Defendant is liable for injunctive relief and civil penalties not to exceed \$37,500 per day for each violation of CWA Section 301 occurring after January 12, 2009 through November 2, 2015, and \$64,618 for each violation of CWA Section 301 occurring after November 2, 2015 pursuant to Section 309(b) and (d) of the CWA, 33 U.S.C. § 1319(b) and (d), the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, (28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701), and 40 C.F.R. § 19.4.

SECOND CLAIM FOR RELIEF

(Violations of the Conditions and Limitations of the GoM General Permit)

45. Paragraphs 1 through 36 are re-alleged and incorporated by reference.

46. On numerous occasions since at least 2016, Defendant failed to properly maintain and operate the Vessels in compliance with the conditions and limitations, including without limitation the recordkeeping and reporting requirements, of the GoM General Permit and may continue to do so in the future.

47. Defendant's failures to properly maintain and operate the Vessels in compliance with the conditions and limitations of the GoM General Permit include, but are not limited to, the following:

- a. On numerous occasions Defendant failed to submit, or failed to timely submit, Discharge Monitoring Reports ("DMRs") in violation of Part II.D.4 of the GoM General Permit.
- b. On numerous occasions Defendant failed visual remote inspections of cooling water intakes on its Vessels in violation of Part I.12.c.1.i of the GoM General Permit.
- c. On numerous occasions Defendant failed to accurately report discharges on its DMRs by a) submitting a "No Discharge" DMR for a Vessel that was, in fact, operating and discharging during the covered time period, or b) submitting a DMR for a Vessel that was not, in fact, discharging during the covered time period, in violation of Part II.D.4 of the GoM General Permit.
- d. On numerous occasions Defendant failed to record and maintain records of fish or shellfish impinged in Vessel cooling water intakes in violation of Part I.B.12.d of the GoM General Permit.
- e. On numerous occasions Vessel cooling water structure intake velocities exceeded the permit limitation of 0.5 ft/sec in violation of Part I.B.12.c.1.ii of the GoM General Permit.
- f. On at least one occasion Defendant failed to conduct required cooling water remote inspections once every six months in violation of Parts I.B.12.c.1.i and I.B.12.d.1 of the GoM General Permit.

- g. On at least one occasion, Defendant failed to properly maintain and operate its cooling water intake structures in violation of Part I.B.12.b.4.ii of the GoM General Permit.
- h. On at least one occasion, Defendant failed to retain the required visual sheen weekly log in violation of Parts I.B.11.a and II.C.3 of the GoM General Permit.
- i. On at least one occasion Defendant discharged at least one barrel of base fluids from a Vessel in violation of the limitations on discharges of visual free oil in Part I.B.3.a. of the GoM General Permit.

48. Each failure identified in Paragraphs 47 and 48 constitutes a separate violation of the GoM General Permit.

49. Defendant is liable for injunctive relief and civil penalties not to exceed \$37,500 per day for each violation of the GoM General Permit occurring after January 12, 2009 through November 2, 2015, and \$64,618 for each violation of the GoM General Permit occurring after November 2, 2015 pursuant to Section 309(b) and (d) of the CWA, 33 U.S.C. § 1319(b) and (d), the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, (28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701), and 40 C.F.R. § 19.4.

THIRD CLAIM FOR RELIEF
(Violations of Effluent Limitations)

50. Paragraphs 1 through 36 are re-alleged and incorporated by reference.

51. On numerous occasions since at least 2016, Defendant's Vessels discharged effluent to the Gulf of Mexico that failed to comply with the effluent limitations contained in the GoM General Permit and may continue to do so in the future.

52. Each day of each discharge that failed or fails to comply with the effluent limitations in the GoM General Permit is a separate violation of the GoM General Permit.

53. Defendant is liable for injunctive relief and civil penalties not to exceed \$37,500 per day for each day of each discharge that failed to comply with the effluent limitations in the GoM General Permit occurring after January 12, 2009 through November 2, 2015, and \$64,618 for each violation of the GoM General Permit occurring after November 2, 2015 pursuant to Section 309(b) and (d) of the CWA, 33 U.S.C. § 1319(b) and (d), the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, (28 U.S.C. § 2461 note; Pub. L. 114-74, Section 701)28 U.S.C. § 2461 note , and 40 C.F.R. § 19.4.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the United States respectfully requests that this court:

A. Order Defendant to immediately comply with the CWA statutory and regulatory requirements, including the GoM General Permit, cited in this Complaint, pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b);

B. Impose civil penalties against Defendant for up to the maximum amounts provided in the applicable statutes and regulations, pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d);

C. Award Plaintiff its costs and expenses incurred in this action; and

D. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division
United States Department of Justice

/s/ Scott M. Cernich
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Cernich, USDOJ/ENRD/EES, P.O. Box 7611,
Washington, DC 20044, Ph: 202-514-0056; Daniel Hu, U.S.
Attorney's Office, 1000 Louisiana, Ste 2300, Houston, TX
77002, Ph: 713-567-9532

DEFENDANTS

Transocean Offshore Deepwater Drilling Inc.

County of Residence of First Listed Defendant **Harris**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Gregory F. Linsin, Blank Rome LLP, 1825 Eye St. NW,
Washington, DC 20006 (202) 772-5813

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
33 U.S.C. Sec. 1251, et seq.

Brief description of cause:
Violations of Clean Water Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE
09-06-2023SIGNATURE OF ATTORNEY OF RECORD
/s/ Daniel Hu**FOR OFFICE USE ONLY**

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.