

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Harrison v. Veolia Water West Operating Services, Inc.

No. 3:24-cv-1584-JES-VET (S.D. Cal. Sept. 12, 2025) · No. 3:24-cv-1584-JES-VET · Decided September 12, 2025

SUMMARY

The Southern District of California considered Defendants’ motion to dismiss claims alleging nuisance and negligence arising from pollution associated with a wastewater treatment plant. The court denied dismissal for lack of standing because disputed factual issues existed regarding the sources of the pollution and Veolia’s control over the plant’s operations. The court granted the remainder of the motion as moot and granted Plaintiffs 21 days to amend their complaint.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	James E. Simmons Jr.
JURISDICTION	United States District Court for the Southern District of California
DECIDED	September 12, 2025
DOCKET	3:24-cv-1584-JES-VET
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs brought claims for nuisance and negligence arising from alleged sewage pollution affecting Imperial Beach, California. Defendants moved to dismiss for lack of standing under Rule 12(b)(1) and for failure to state a claim under Rule 12(b)(6).
STANDARD OF REVIEW	For a facial Rule 12(b)(1) challenge, the court accepts the complaint's allegations as true; for a factual challenge, the court may consider evidence outside the pleadings without converting the motion to one for summary judgment. When the jurisdictional issue is intertwined with an element of the merits, disputed material facts must be treated under summary-judgment standards and left for the trier of fact. Rule 12(b)(6) issues were not substantively resolved because plaintiffs requested leave to amend.
PRECEDENTIAL VALUE	unpublished district court opinion

PARTIES

Marvel Harrison, et al. v. Veolia Water West Operating Services, Inc., et al.

TOPICS

standing

motions to dismiss

nuisance

negligence

environmental law

PRACTICE AREAS

civil procedure

environmental law

torts

QUESTIONS PRESENTED

1. Whether plaintiffs had Article III standing where defendants disputed that plaintiffs' injuries were fairly traceable to Veolia's conduct.
2. Whether the court could resolve disputed factual issues concerning causation and operational control on a Rule 12(b)(1) motion when Article III causation overlapped with causation elements of the nuisance and negligence claims.
3. Whether the remaining Rule 12(b)(6) challenges should be resolved on the merits or rendered moot by granting plaintiffs leave to amend.

HOLDINGS

1. Plaintiffs' standing could not be rejected at the motion-to-dismiss stage because genuine disputes of material fact existed regarding the sources of the pollution and Veolia's role and control in causing or contributing to it.
2. The remainder of defendants' motion to dismiss was granted as moot, and plaintiffs were granted leave to amend their complaint within 21 days.

KEY QUOTATIONS

"These factual disputes preclude this Court from finding that Plaintiffs lack standing to bring this claim against Defendants at this stage." (at 5)

"To be clear, the Court is not ruling on any of the parties' substantive arguments at this time given Plaintiffs' plan to amend the complaint on those issue." (at 7)

FACTUAL BACKGROUND

Plaintiffs, residents of Imperial Beach, alleged that pollution originating from Tijuana and treated or untreated at the South Bay International Wastewater Treatment Plant caused diminished property values, loss of enjoyment, noxious odors, and contaminated ocean waters. The Plant is owned by the United States Section of the International Boundary and Water Commission and allegedly operated, managed, and maintained by Veolia under contract. Plaintiffs alleged more than 500 illegal discharge incidents since 2018 and contended that Veolia failed to maintain canyon interceptors and otherwise failed to comply with its contract. Defendants disputed both the source of the pollution and the extent of Veolia's operational control.

PROCEDURAL HISTORY

Plaintiffs filed the action on September 6, 2024. Defendants moved to dismiss, and the court held a hearing on March 19, 2025. The court denied dismissal for lack of standing because genuine disputes of material fact existed concerning the sources of the pollution and Veolia's control over the relevant facilities. The court granted the remainder of the motion as moot after plaintiffs requested leave to amend, and granted plaintiffs 21 days to file an amended complaint.

DISPOSITION

other

CASES CITED

- Lujan v. Defenders of Wildlife, 504 U.S. 555, 559-61 (1992)
- Chandler v. State Farm Mutual Automobile Insurance Co., 598 F.3d 1115, 1123 (9th Cir. 2010)
- Safe Air for Everyone v. Meyer, 373 F.3d 1035, 1039 (9th Cir. 2004)
- White v. Lee, 227 F.3d 1214, 1242 (9th Cir. 2000)
- Bowen v. Energizer Holdings, Inc., 118 F.4th 1134, 1143-46 (9th Cir. 2024)
- Stasi v. Inmediata Health Group Corp., 501 F. Supp. 3d 898, 912 (S.D. Cal. 2020)
- Eminence Capital, LLC v. Aspeon, Inc., 316 F.3d 1048, 1051 (9th Cir. 2003)
- Bowles v. Reade, 198 F.3d 752, 757 (9th Cir. 1999)