

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA)

and the)

STATE OF DELAWARE,)

Plaintiffs,)

v.)

Civil Action No. ____

HERCULES INCORPORATED)

CHAMPLAIN CABLE CORPORATION)

THE CHEMOURS COMPANY FC, LLC)

WASTE MANAGEMENT OF DELAWARE, INC.)

SC HOLDINGS, INC.)

CYTEC INDUSTRIES, INC.)

ZENECA INC.)

BAYER CROPSCIENCE INC.)

BP AMOCO CHEMICAL, INC.)

CHEVRON U.S.A. INC.)

CNA HOLDINGS LLC)

E.I. DU PONT DE NEMOURS AND COMPANY)

ESSCHEM, INC.)

FMC CORPORATION)

THE GOODYEAR TIRE & RUBBER COMPANY,)

HONEYWELL INTERNATIONAL INC.)

CLARIOS LLC)

KHLC, INC.)

M.A. HANNA PLASTIC GROUP, INC.)

NEW CASTLE COUNTY)

OCCIDENTAL CHEMICAL CORPORATION)

VERIZON DELAWARE LLC)

Defendants.)

COMPLAINT

The United States of America, by and through the undersigned attorneys, by the authority of the Attorney General of the United States, and at the request of and on behalf of the United States Environmental Protection Agency (“EPA”), and the State of Delaware, by and through the Attorney General of Delaware and its undersigned attorneys, at the request of the Department of Natural Resources and Environmental Control (“DNREC”) (collectively, the “Agencies”), allege the following:

STATEMENT OF THE CASE

1. This is a civil action brought pursuant to Sections 106 and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9606 and 9607(a), as amended (“CERCLA”), and 7 *Del.C.* § 9109, relating to the Delaware Sand and Gravel Superfund Site (“the Site”) located in New Castle County, Delaware. Pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606, and 7 *Del.C.* § 9109, the Agencies seek injunctive relief requiring Defendants to remedy conditions that may pose an imminent and substantial endangerment to the public health or welfare or the environment because of actual and threatened releases of hazardous substances into the environment at or from the Site. In addition, the United States seeks to recover unreimbursed costs incurred by it for activities undertaken in response to the release or threatened release of hazardous substances and related contamination at and from the Site, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Finally, the Agencies seek a declaratory judgment, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), declaring that Defendants are liable for any future response costs that the United States and the State of Delaware may incur in connection with response actions that may be performed pertaining to the Site.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 42 U.S.C. § 9613(b), and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district pursuant to 42 U.S.C. § 9613(b) and 28 U.S.C. § 1391(b) and (c) because the claims arose and the threatened or actual releases of hazardous substances occurred in this district.

DEFENDANTS

4. Defendant Hercules Incorporated is a Delaware corporation that, at times relevant to this action, was engaged in the business of chemical manufacturing in the State of Delaware.

5. Defendant Champlain Cable Corporation, formerly known as Haveg Industries, Inc., is a Delaware corporation which, at times relevant to this action, was engaged in the business of chemical manufacturing in the State of Delaware.

6. Defendant The Chemours Company FC, LLC (“Chemours”), a Delaware corporation, is a successor in interest to E.I. du Pont de Nemours & Co., Inc., which, at times relevant to this action, was engaged in the manufacture of chemicals in the State of Delaware.

7. Defendant Waste Management of Delaware, Inc., formerly known as Trash Removers, Inc., is a Delaware corporation that, at times relevant to this action, was engaged in the business of transporting and disposing of hazardous substances in the State of Delaware.

8. Defendant SC Holdings, Inc., a Pennsylvania corporation, is the successor in interest to SCA Services, Inc., which, at times relevant to this action, was engaged in the business of transporting and disposing of hazardous substances in the State of Delaware.

9. Defendant Cytec Industries, Inc., a Delaware corporation, is the successor in interest to American Cyanamid Company, which, at times relevant to this action, was engaged in the business of chemical manufacturing in the State of Maryland.

10. Defendant Zeneca Inc., a Delaware corporation, is the successor in interest to ICI Americas, Inc., which, at times relevant to this action, was engaged in the business of chemical manufacturing in the State of Delaware.

11. Defendant Bayer CropScience Inc., a New York corporation, is the successor in interest to Stauffer Chemical Company, which, at times relevant to this action, was engaged in the business of chemical manufacturing in the State of Delaware.

12. Defendant BP Amoco Chemical Company, now known as INEOS US Chemicals Company, is a Delaware corporation that, at times relevant to this action, was engaged in the business of manufacturing petroleum products in the State of Pennsylvania.

13. Defendant Chevron U.S.A. Inc., a Pennsylvania corporation, is the successor in interest to Gulf Oil Corporation, which, at times relevant to this action, was engaged in the business of manufacturing petroleum and natural gas products in the State of Pennsylvania.

14. Defendant CNA Holdings LLC, a Delaware corporation, is the successor in interest to American Hoechst Corporation, which, at times relevant to this action, was engaged in the business of manufacturing chemicals in the State of Delaware.

15. Defendant E.I. du Pont de Nemours & Company is a Delaware corporation that, at times relevant to this action, was engaged in the manufacture of chemicals in the State of Delaware.

16. Defendant Esschem, Inc., a Delaware corporation, is the successor in interest to Sartomer Resins, Inc., which, at times relevant to this action, was engaged in the business of manufacturing dental resins in the State of Pennsylvania.

17. Defendant FMC Corporation is a Delaware corporation that, at times relevant to this action, owned and operated facilities in Marcus Hook, Pennsylvania and Newark, Delaware.

18. Defendant The Goodyear Tire & Rubber Company, an Ohio corporation, is the successor in interest to Motor Wheel Corporation, which, at times relevant to this action, was engaged in the business of manufacturing wheels and rims for automobiles and light trucks in the State of Delaware.

19. Defendant Honeywell International Inc., a Delaware corporation, is the successor in interest to Allied-Signal Inc., which, at times relevant to this action, was engaged in the business of chemical manufacturing in North Claymont, Delaware and Marcus Hook, Pennsylvania.

20. Defendant Clarios LLC, a Delaware corporation, is the successor in interest to the Johnson Controls Battery Group, Inc., formerly known as Globe Union, Inc., which, at times relevant to this action, was engaged in the business of manufacturing batteries in the State of Delaware.

21. Defendant KHLC, Inc., a Delaware corporation, is the successor in interest to Ludlow Corporation, which, at times relevant to this action, was engaged in the business of textile manufacturing in the State of Delaware.

22. Defendant M.A. Hanna Plastic Group, Inc., a Michigan corporation, is the successor in interest to Cadillac Plastic Group, Inc., the successor to Electric Hose & Rubber,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.