

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TREX PROPERTIES LLC,)
)
Plaintiff,)

v.)

Civil Action No. 1:20-cv-4159

ABLE ELECTROPOLISHING CO. INC.; ACE)
ANODIZING & IMPREGNATING INC.;)
ACME AUTO ELECTRIC II, INC.; AFCO)
PRODUCTS, INC.; AIMTRON SYSTEMS,)
LLC; ALFA LAVAL INC.; AMI INDUSTRIES,)
INC.; ANCHOR SCIENTIFIC INC.;)
ARLINGTON PLATING COMPANY; ARRIS)
GROUP INC.; AVANTI ENGINEERING, INC.;)
BARRON METAL FINISHING, LLC;)
BELVEDERE USA, LLC; BERTEAU-)
LOWELL PLATING WORKS INC.; BILLET)
SPECIALTIES, INC.; BUHRKE INDUSTRIES,)
LLC; CASTLE METAL FINISHING CORP.;)
CHEM-IMPEX INTERNATIONAL, INC.;)
CINTAS CORP.; CKI LOCKER, LLC; COSCO)
INDUSTRIES, INC.; D&W FINE PACK LLC;)
DELTROL CORP.; DUAL)
MANUFACTURING CO., INC.;)
DURATHERM PROCESSING SYSTEMS,)
INC.; E.J. BASLER CO.; EMPIRE BRONZE)
CORPORATION; ENTRON CONTROLS,)
LLC; ENVIRO TECH INTERNATIONAL)
INC.; EX-CELL KAISER LLC; FABRICATED)
METALS CO.; FOX VALLEY SYSTEMS,)
INC.; G&M MANUFACTURING)
CORPORATION; GETZEN CO.; GL TOOL)
AND MANUFACTURING CO.; GREIF, INC.;)
GROVE INDUSTRIES INC.; HEAD)
MANUFACTURING INC.; HESTIA HEAT)
TREAT INC.; IKONIX USA LLC; IMPERIAL)
PLATING COMPANY OF ILLINOIS;)
INDEPENDENT ENVIRONMENTAL)
SERVICES, INC.; DOVE DRY CLEANING)
INC.; INNOVATIVE CERTIFIED)
TECHNICAL PLATING, LLC; HONEYWELL)
INTERNATIONAL INC.; JAMES PRECIOUS)

COMPLAINT

METALS PLATING, INC.; JLO METAL)
 PRODUCTS COMPANY, INC.; JSTONE,)
 INC.; JOHN CRANE GROUP, LLC; KKSP)
 PRECISION MACHINING LLC; LIGHT)
 LOGIC LLC; THE LINE GROUP INC.; LIPKE-)
 KENTEX CORPORATION; MAID-O-MIST)
 LLC; MEADEN PRECISION MACHINED)
 PRODUCTS CO.; MJ CELCO INC.; NAVAL)
 FACILITIES ENGINEERING COMMAND;)
 NOVA WILDCAT SHUR-LINE, LLC;)
 OHMITE HOLDINGS, L.L.C.; PACIFIC)
 SCIENTIFIC COMPANY; PLANO METAL)
 SPECIALTIES, INC.; PLASTIC COATINGS)
 CORP.; PLATFORD CORP.; PLYMOUTH)
 TUBE CO.; PRECISION FORMING &)
 STAMPING CO. INC.; QUALITY METAL)
 FINISHING CO.; REVCOR, INC.;)
 RICHARDS-WILCOX, INC.; ROME METAL)
 MFG. INC.; SIEMENS INDUSTRY INC.;)
 LANDIS + GYR, INC.; SINE SYSTEMS)
 CORPORATION; SPECTRUM BRANDS INC.;)
 SWPC INVESTMENT LLC; RHMI INC.;)
 TENEX CORPORATION; THERMAL)
 TRANSFER PRODUCTS; TLK INDUSTRIES,)
 INC.; TORNADO INDUSTRIES LLC;)
 TRUMPET HOLDINGS, INC.; UCAL)
 SYSTEMS, INC.; UNITED STATES)
 DEPARTMENT OF ENERGY; VIACOMCBS)
 INC.; VOESTALPINE PRECISION STRIP,)
 LLC and X-L ENGINEERING CORP.,)
)
 Defendants.)

COMPLAINT

For its Complaint, Plaintiff Trex Properties LLC (hereinafter “Plaintiff” or “Trex”), by and through counsel, alleges as follows:

STATEMENT OF THE CASE

1. This is a civil action pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* (“CERCLA”). Trex asserts there has been a release and/or threat of release of

hazardous substances from a facility located in the City of Melrose Park, County of Cook, Illinois (“Trex Illinois Facility”). These hazardous substances have contaminated the soil and groundwater at the Trex Illinois Facility and have threatened the public health and the environment. Each Defendant generated and/or transported materials containing hazardous substances that were treated and/or disposed of at the Trex Illinois Facility. This action seeks recovery of over \$1,300,000 in past response costs incurred by Trex at the Trex Illinois Facility in response to the release and threatened release of hazardous substances into the environment at and from the Trex Illinois Facility, and a declaration of each Defendant’s liability for future response costs to be incurred by Trex (and its assignors) at the Trex Illinois Facility.

JURISDICTION AND VENUE

2. This Court has exclusive jurisdiction over Counts I and II pursuant to CERCLA Sections 107(a) and 113(b), 42 U.S.C. §§ 9607(a) and 9613(b), providing federal jurisdiction over controversies arising under CERCLA, and pursuant to 28 U.S.C. § 1331, providing federal jurisdiction over controversies involving questions of federal law. The Court also has jurisdiction over the request for declaratory relief in Count III pursuant to CERCLA Section 113, 42 U.S.C. § 9613, and 28 U.S.C. §§ 2201 and 2202.

3. Venue is proper in this district pursuant to 42 U.S.C. §§ 9607(a) and 9613(b), and 28 U.S.C. § 1391(b), because the release or threatened release of hazardous substances that give rise to this action occurred and/or are occurring at or from the Trex Illinois Facility located in this judicial district.

ALLEGATIONS COMMON TO ALL CLAIMS

4. The Trex Illinois Facility is located at 2537 West Le Moyne Avenue in Melrose Park, Cook County, Illinois. The Trex Illinois Facility covers approximately 0.33 acres in an industrial setting. The northern portion of the Trex Illinois Facility contains a former below

grade railway siding, and structures on the Trex Illinois Facility include a large building constructed in 1956 and three 20,000 gallon storage tanks.

5. The Trex Illinois Facility was formerly owned and operated by Detrex Corporation as an industrial solvent management facility. During Detrex Corporation's ownership and operation of the Trex Illinois Facility, it managed hazardous and non-hazardous spent solvent wastes from cleaning equipment and other related products. From approximately 1974 through the late 1980s, solvents were received by rail.

6. Between 1974 and November 2012, the Trex Illinois Facility was used by Detrex Corporation for solvent distribution and storage of hazardous and non-hazardous spent solvent wastes in containers.

7. The soil and groundwater at the Trex Illinois Facility is contaminated, and contamination has migrated off-site.

8. On September 30, 1992, the Illinois Environmental Protection Agency ("IEPA") issued Detrex Corporation a RCRA permit for a hazardous waste container storage area within the northern half of the building on the Trex Illinois Facility. The RCRA permit allowed the storage of a maximum 13,200 gallons at any given time in the container storage area. The RCRA permit was renewed on October 9, 2003.

9. IEPA issued letters to Detrex Corporation dated July 6, 2010 and September 17, 2012 requiring certain corrective action activities at an affected off-site property to the west of the Trex Illinois Facility owned by Outback Sales located at 2555 West Le Moyne Avenue ("Outback Property").

10. In or about November 2012, all commercial operations at the Trex Illinois Facility ceased. Thereafter, Detrex Corporation continued only the RCRA corrective action activities required under its RCRA permit.

11. On March 29, 2013, IEPA approved a RCRA closure plan, consisting of decontamination, inspection, sampling and analysis plans for the container storage area.

12. On June 18, 2013, Trex purchased the facility from Detrex Corporation, and IEPA transferred the RCRA permit from Detrex Corporation to Trex on October 8, 2013.

13. On November 13, 2013, Trex submitted a Delineation Workplan to IEPA for review.

14. On September 17, 2017, Trex submitted a certification of closure report for the RCRA permit and on November 25, 2013, IEPA issued a letter certifying closure of the container storage area.

15. IEPA issued a letter dated January 28, 2014 to Trex requiring additional investigation related to the Delineation Workplan and Groundwater Management Zone (“GMZ”).

16. On September 9, 2014, Trex submitted a Phase II Corrective Measures Plan, Final Design Report and Construction Workplan (“September 2014 CMP”), which IEPA approved with certain conditions and modifications on February 17, 2015, which required in-situ chemical oxidation (“ISCO”) soil mixing at three hot spots followed by slow feed ISCO thereafter, and quarterly monitoring reports and sampling plans. Trex requested a revision to the September 2014 CMP on March 16, 2015, which IEPA approved on May 22, 2015.

17. On August 27, 2015, IEPA issued a RCRA renewal Corrective Action Permit (Log #B-113R2-M1) which contemplated demolition of the on-site building to allow for

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