

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF KENTUCKY
(Paducah Division)**

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Civil Action No. 5:20-cv-154-TBR

GOODRICH CORPORATION (f.k.a.)
B.F. Goodrich Corporation); WESTLAKE)
VINYLS, INC.; and POLYONE)
CORPORATION,)

Defendants.)

COMPLAINT

The United States of America (“United States”), by 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” or “Plaintiff”), and allege as follows:

STATEMENT OF THE ACTION

1. This is a civil action by the United States of America for injunctive relief and recovery of response costs incurred or to be incurred under Sections 106(a) and 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C.

§§ 9606(a) and 9607(a), related to the releases and threatened releases of hazardous substances at the B.F. Goodrich Superfund Site in Calvert City, Marshall County, Kentucky (the “Site”).

2. This civil action also seeks a declaratory judgment under section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), that each Defendant is jointly and severally liable to the United States for future response costs that it incurs that is not inconsistent with the NCP in responding to releases and threatened releases of hazardous substances at, beneath, and/or related to the Site.

3. The United States has incurred response costs and expects to continue to incur response costs in connection with actions taken in response to releases and/or threatened releases of hazardous substances at the Site.

4. Goodrich Corporation, (formerly The B.F. Goodrich Company), Westlake Vinyls, Incorporated, and PolyOne Corporation are among the parties the Plaintiff has determined to be potentially responsible parties (PRPs) for the Site.

JURISDICTION AND VENUE

5. This Court has jurisdiction over the subject matter of this action and over Defendants under 28 U.S.C. §§ 1331, 1367, and 1345; CERCLA Sections 106, 107, and 113(b), 42 U.S.C. §§ 9606, 9607, and 9613(b).

6. Venue is proper in this district under Sections 106(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9606(a) and 9613(b), because the claims arose, and/or the threatened and actual releases of hazardous substances occurred, in the Western District of Kentucky.

PLAINTIFF

7. The Plaintiff the United States of America is acting at the request of EPA, an agency of the United States.

DEFENDANTS

8. The defendants to this action (collectively “Defendants”) are the Goodrich Corporation (“Goodrich”), Westlake Vinyls Incorporated (“Westlake”), and PolyOne Corporation (“PolyOne”).

9. Goodrich was a New York corporation with its principal place of business in Charlotte, North Carolina. In 2011, Goodrich was acquired by United Technologies Corporation (“UTC”). In April 2020, UTC merged with the Raytheon Corporation to form Raytheon Technologies.

10. Westlake is a Delaware corporation with its principal place of business in Houston, Texas.

11. PolyOne is an Ohio corporation with its principal place of business in Avon Lake, Ohio.

12. Each of the Defendants is a “person” within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

THE SITE

Background of Chemical Operations

13. Goodrich Corporation acquired farmland in Calvert, City, Kentucky in 1951 to construct and operate a chemical manufacturing facility.

14. In the 1950s, Goodrich constructed its initial chemical manufacturing plants at the Site.

15. Goodrich initiated operations at the Site in 1953, with the production of vinyl chloride monomer (“VCM”) through a reaction of acetylene and hydrogen chloride.

16. In the 1960s, Goodrich built additional chemical processing plants at the Site and switched from using an acetylene-based VCM production to an ethylene-based VCM production (“EDC”).

17. In the 1960s through the 1980s, Goodrich continued to expand its chemical processing operations and make changes to its processes, including

building a chlorine plant, shutting down its acrylonitrile plant, and installing wastewater ponds to eliminate waste discharge.

18. In 1990, Goodrich sold its EDC facilities to Westlake Monomers Corporation, which upon information and belief is now a part of Westlake Vinyl.

19. In 1997, Goodrich sold its chlorine and ethylene plants to Westlake CA&O Corporation, which upon information and belief is now a part of Westlake Vinyl.

20. In 2007, Goodrich transferred title of its remaining property at the Site (comprised entirely of non-manufacturing areas) to PolyOne Corporation.

Disposal of Hazardous Substances

21. Until 2009, the Kentucky Department of Environmental Protection (KDEP) managed most of the environmental response for the Site under the Resource Conservation and Recovery Act (RCRA). Prior to 2009, the Superfund response only focused on the B.F. Goodrich landfill and burn pit area adjacent to the operating plant area which had been added to the National Priorities List (NPL) in 1984.¹ As EPA and KDEP's understanding of the magnitude of contamination

¹ The Airco Site, adjacent to the B.F. Goodrich Site (landfill and burn pit area), also was listed on the NPL in 1984, and due to the shared history and adjacent location of these Sites, the PRPs addressed both Sites under one ROD in 1988.

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