

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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WESTON SOLUTIONS, INC.,

Plaintiff,

v.

EPEC POLYMERS, INC., (*f/k/a* TENNECO
POLYMERS, INC. and TENNECO RESINS, INC.,)
f/k/a HEYDEN CHEMICAL CORPORATION),

and

GREDEL PROPERTIES, LLC,

Defendants.

CASE NO.: _____

COMPLAINT

Plaintiff, Weston Solutions, Inc. (“**Weston**”), by and through its attorneys, Cozen O’Connor, for its Complaint against Defendants, EPEC Polymers, Inc. (“**EPEC**”) and Gredel Properties, LLC (“**Gredel**”), alleges as follows:



I. INTRODUCTION

1. This action concerns a request for declaratory relief and apportionment of responsibility among and between Plaintiff Weston and Defendants EPEC and Gredel for past and future costs of response actions pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“**CERCLA**”) and the New Jersey Spill Compensation and Control Act (the “**NJ Spill Act**”).

2. Weston seeks to hold EPEC and Gredel liable for their (and/or their predecessors’) releases of hazardous substances into and along Crows Mill Creek and associated wetlands in the Fords section of Woodbridge Township, Middlesex County, New Jersey (hereinafter, the “**Crows Mill Creek Wetland**” or the “**Wetland**”).

3. Weston is an environmental remediation services company that is contractually responsible for investigating and remediating pollution conditions caused by operations or conditions at the “**Hatco Facility**,” including pollution that migrated from the Hatco Facility to the Wetland prior to November 4, 2002. The Hatco Facility and those offsite areas where Hatco pollution has come to be located are hereinafter collectively referred to as the “**Hatco Remediation Site**.”

4. The primary pollutants of concern at the Hatco Remediation Site are polychlorinated biphenyls (“**PCBs**”) and Bis(2-ethylhexyl) phthalate (“**BEHP**”), which are designated as hazardous substances under CERCLA and the NJ Spill Act.

5. Weston incurred the obligation to investigate and remediate the Hatco Remediation Site in 2005, as part of agreements between the Hatco Facility’s former owners, the New Jersey Department of Environmental Protection (“**NJDEP**”), and the U.S. Environmental Protection Agency (“**USEPA**”). Weston’s engagement is subject to the regulatory oversight of

these agencies. Weston does not, and has never, owned or operated the Hatco Facility or the Hatco Remediation Site, nor any portion of the adjacent properties at issue in this action.

6. The Defendants are the current and/or former owners, lessors, and/or operators of three industrial facilities that were located downstream from the Hatco Facility adjacent to the Wetland: the “**EPEC Facility**” (which includes two of these facilities) and the “**Gredel Facility**” (collectively, the “**Offsite Facilities**”).

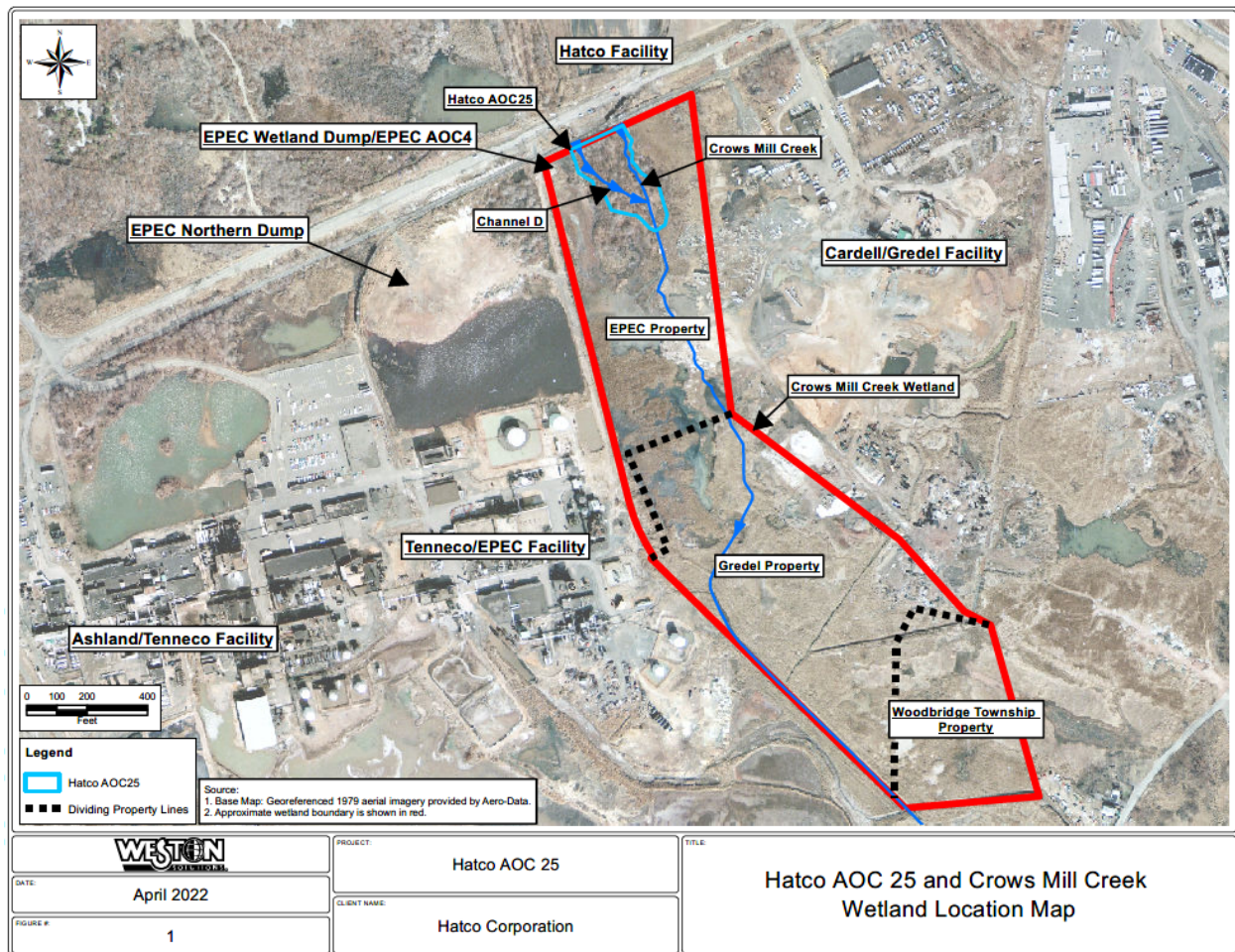
7. For at least 70 years, industrial operations at the Offsite Facilities released hazardous substances consisting of PCBs, BEHP, and other toxic contaminants into the Wetland.

8. The Wetland is approximately 26-acres extending almost 2,800 feet south from the Hatco Facility.

9. For a number of years up through 2020, at the direction of NJDEP and USEPA, Weston conducted a series of investigations of hazardous substances in the Wetland.

10. The investigations confirmed that hazardous substances released by the Hatco Facility are limited to an approximately 1-acre area in the northern portion of the Wetland close to the Hatco Facility. This area is referred to as Hatco Area of Concern 25 (“**Hatco AOC 25**”).

11. The following figure (also attached as **Exhibit 1**) depicts, among other things, the Wetland (and the portions owned by EPEC, Gredel, and Woodbridge Township), the Hatco Facility, the EPEC Facility, the Gredel Facility, and Hatco AOC 25:



12. At the direction of NJDEP and USEPA, Weston has completed extensive delineation of hazardous substances in the Wetland, including collecting and analyzing more than 1,000 samples.

13. Weston's data demonstrates a clear picture: **the Offsite Facilities—and not the Hatco Facility—were responsible for the vast majority of contamination in the Wetland.**

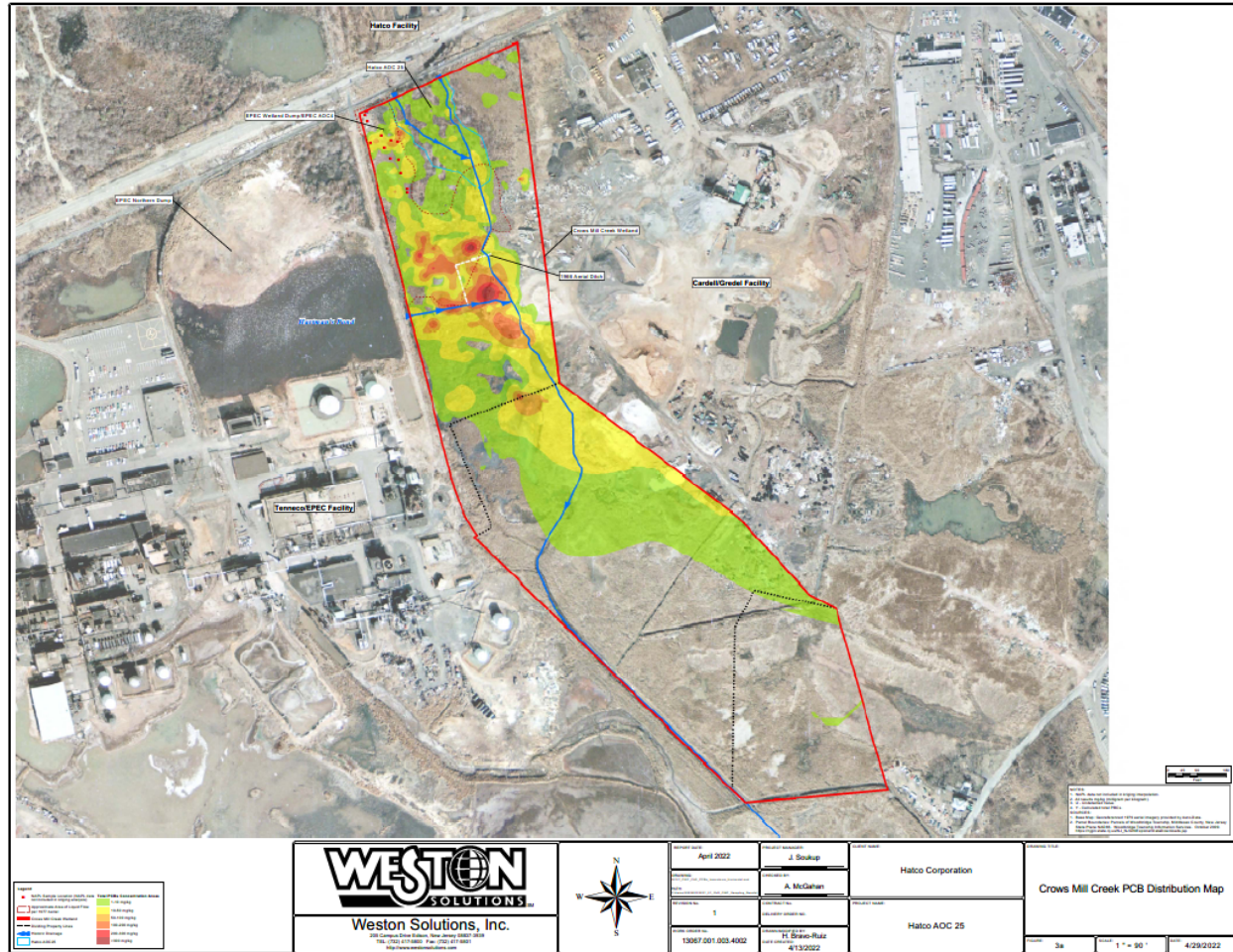
14. In particular, sample results indicated low concentrations of PCBs and BEHP in Hatco AOC 25, while the highest concentrations of PCBs and BEHP in the Wetland are directly adjacent to the EPEC Facility.

15. Similarly, sample results detected higher concentrations of PCBs in the Wetland directly adjacent to the Gredel Facility.

16. Weston’s further investigations establish that the Offsite Facilities contaminated the Wetland for decades.

17. The following figures (also attached as **Exhibit 2**) depict the distribution of PCB and BEHP contamination in the Wetland relative to the Hatco Facility and the Offsite Facilities:

PCBs



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