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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 21-cv-17075
)	
WYETH HOLDINGS LLC,)	
)	
Defendant.)	
_____)	

COMPLAINT

1. The United States of America, by authority of the Attorney General of the United States and through the undersigned attorney, acting at the request of the Regional Administrator of the United States Environmental Protection Agency (“EPA”) for Region 2, files this complaint and alleges as follows:

NATURE OF THE ACTION

2. This is a civil action brought pursuant to Sections 106, 107, and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9606, 9607 and 9613(g)(2) (“CERCLA”) related to the American Cyanamid Superfund Site (the “Site”) in Bridgewater Township, Somerset County, New Jersey. In this action, the United States seeks injunctive relief requiring Wyeth Holdings LLC (“Defendant”) to abate the endangerment to the public health or welfare or the environment caused by the Site, including to perform the remedy selected in the Record of Decision for Operable Unit 8, signed in September 2018. The United States also seeks to recover costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances at or from the Site.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action and over the parties under 28 U.S.C. §§ 1331 and 1345 and Sections 107(a) and 113(b) of CERCLA, 42 U.S.C. §§ 9607 and 9613(b).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the releases or threatened releases of hazardous substances that gave rise to this claim occurred in this district, and because the Site is located in this district.

DEFENDANT

5. Defendant Wyeth Holdings LLC is a Delaware corporation with its principal place of business in New Jersey, and is a “person” within the meaning of Section 101(21) of

CERCLA, 42 U.S.C. § 9601(21).

STATUTORY BACKGROUND

6. CERCLA was enacted in 1980 to provide a comprehensive governmental mechanism for abating releases and threatened releases of hazardous substances and other pollutants and contaminants, and for funding the costs of such abatement and related enforcement activities, which are known as “response” actions, 42 U.S.C. §§ 9604(a), 9601(25).

7. Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), provides in pertinent part:

[W]hen the President determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a hazardous substance from a facility, he may require the Attorney General of the United States to secure such relief as may be necessary to abate such danger or threat . . .

8. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this Section –

- (1) the owner and operator of a vessel or a facility,
- (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of, [and]
- (3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances,

* * *

shall be liable for –

- (A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the National Contingency Plan . . .

SITE DESCRIPTION AND FACTUAL BACKGROUND

9. The Site encompasses approximately 435 acres in Bridgewater Township, New Jersey. The Site is generally bounded by NJ Transit to the north, the Raritan River to the west and south, and Interstate 287 to the east. In addition, the Site includes a triangular parcel of land situated between the Conrail freight rail line and the Raritan River in the Borough of Bound Brook, New Jersey.

10. The Site was used for chemical and/or pharmaceutical manufacturing operations from 1915 to 1999.

11. In December 1994, American Home Products Corporation purchased the American Cyanamid Company, which owned the Site.

12. In March 2002, American Home Products Corporation changed its name to Wyeth Corporation, which in October 2009 was purchased by Pfizer Inc. and became a wholly owned subsidiary of Pfizer, Inc. In October 2013, Wyeth Holdings Corporation changed its name to Wyeth Holdings LLC; however it remained a wholly-owned subsidiary of Pfizer, Inc.

13. During the time the Site was used for manufacturing, numerous organic and inorganic chemical raw materials were used to produce products including rubber chemicals, pharmaceuticals, dyes, pigments, chemical intermediates, and petroleum-based products.

14. As a result of these manufacturing activities, 27 storage and disposal areas, referred to as “impoundments,” were constructed and used at the Site.

15. Of the 27 impoundments at the Site, 21 were used for disposal of by-products of rubber chemical production, dye production, and coal tar distillation, and/or for disposal of general plant waste and demolition debris.

16. Impoundments 1 and 2 contain acid tar, which was a byproduct from the refining of light coal oil, and contain volatile organic compounds (“VOCs”), semi-volatile organic compounds (“SVOCs”).

17. Impoundments 3, 4, and 5 were used for disposal of process waste from manufacturing and industrial operations and contain elevated levels of VOCs, SVOCs, and/or metals.

18. Impoundments 13, 17, and 24 were used for disposal of wastewater sludge and contain elevated levels of VOCs, SVOCs, and/or metals.

19. Impoundments 15 and 16 were used for the disposal of iron oxide waste.

20. Groundwater underlying the Site is contaminated with VOCs, SVOCs, and metals, including benzene, chlorobenzene, ethylbenzene and xylene.

21. Site soils contain VOCs, SVOCs, and inorganics.

22. The Site was placed on the National Priorities List (“NPL”) on September 8, 1983. The NPL is a national list of hazardous waste sites posing the greatest threat to health, welfare, and the environment, and was established pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605.

23. Following the NPL listing in 1983, the New Jersey Department of Environmental Protection (“NJDEP”) served as the lead governmental agency for the investigation and cleanup of the Site.

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