IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA Plaintiff, v. AMETEK, INC. and JOHN EVANS' SONS, INC. Defendants.	Civil Action No. _____

COMPLAINT

Plaintiff, the United States of America ("United States"), by authority of the Attorney General and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), files this complaint and alleges as follows:

STATEMENT OF THE CASE

1. This is a civil action under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. §§ 9606 and 9607, for injunctive relief and recovery of response costs incurred by the United States in response to the release or threat of release of hazardous substances at the North Penn Area Six Superfund Site ("Site") located in Montgomery County, Pennsylvania. The United States also seeks a declaratory judgment, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), and 28 U.S.C. § 2201 on the Defendants' liability for future response costs that will be binding in any subsequent action or actions to recover further response costs incurred by the United States.

JURISDICTION AND VENUE

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

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and 42 U.S.C. § 9613(b) because the releases of hazardous substances giving rise to the claim occurred in this district and the Site is located in this district.

DEFENDANTS

4. Defendant Ametek, Inc. ("Ametek") is a Delaware corporation. Ametek formerly owned and operated a facility located at 1 Spring Avenue in Lansdale, Pennsylvania. This facility is now referred to as the "Evans Property."

5. Defendant John Evans' Sons, Inc. ("Evans") is a Pennsylvania corporation. Evans is the current owner and operator of the Evans Property.

6. Both Defendants are "persons" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

GENERAL ALLEGATIONS

7. The Site encompasses approximately 1000 acres in and around the Borough of Lansdale, Montgomery County, Pennsylvania. The Site consists of a contaminated groundwater plume and soil contamination at a number of non-contiguous pieces of property located above the plume. The Evans Property is located within the Site.

8. Groundwater at the Site has been contaminated as a result of various industrial

and commercial activities.

9. The Site is located within the North Penn Water Authority ("NPWA") service district. The NPWA relies on groundwater as a source of drinking water. Because of the contamination, the NPWA closed at least one of its intake wells and installed treatment equipment at others.

10. Ametek owned the Evans Property from 1957 through 1971 and operated the Evans Property from at least 1957 through 1963. During the time period that Ametek operated the Evans Property, hazardous substances were deposited, stored, disposed of, placed or otherwise located there.

11. Evans currently owns the Evans Property and operates it to manufacture springs and related products. During the time period that Evans has owned and operated the Evans Property, hazardous substances have been deposited, stored, disposed of, placed or otherwise located there.

12. The Evans Property is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

13. Defendant Ametek is a "covered person" under Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2).

14. Defendant Evans is a "covered person" under Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

15. EPA placed the Site on the National Priorities List ("NPL") on March 31, 1989, pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605. The NPL, codified at 40 C.F.R. Part 300, Appendix B, has been promulgated pursuant to Section 105(a)(8)(B) of CERCLA, 42

U.S.C. § 9605(a)(8)(B).

16. EPA has divided the Site into three Operable Units("OU"s). OU1 and OU2 pertain to soil contamination and OU3 pertains to groundwater contamination.

17. EPA performed a Remedial Investigation / Feasibility Study ("RI/FS") for OU3 pursuant to 40 C.F.R. Part 300.430. The OU3 RI/FS report, issued December 1994, documents that groundwater at the Site is contaminated with trichloroethene ("TCE"), tetrachloroethene ("PCE"), and other hazardous substances as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

18. EPA issued a Record of Decision ("ROD") for OU3 on August 10, 2000, pursuant to 40 C.F.R. Part 300.430. The ROD documented EPA's selected remedy for the Site. The major components of the selected remedy include completion of a groundwater remedial design study; installation, operation and maintenance of groundwater extraction wells; installation, operation and maintenance of air stripping equipment at the extraction wells to treat groundwater to required levels; construction, operation, and maintenance of a pipeline from the groundwater treatment systems to the nearest surface water body or storm drain; and periodic sampling of groundwater and treated water to ensure the treatment components are effective and that groundwater remediation is progressing towards the cleanup goals.

19. There have been and continue to be "releases" or "threatened releases" of "hazardous substances" within the meaning of Sections 101(14), 101(22) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(22) and 9607(a), into the environment at and from the Site.

FIRST CLAIM FOR RELIEF

20. Paragraphs 1 through 19, inclusive, are realleged and incorporated herein by

reference.

21. 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 . . .
>
> from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, 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 . . . .

22. The release or threatened release of hazardous substances at the Site has caused the United States to incur response costs as defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25). The United States will continue to incur response costs in connection with the Site in the future.

23. The costs of the response actions taken and to be taken by the United States in connection with the Site are not and will not be inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

24. Pursuant to Section 107(a), 42 U.S.C. § 9607(a), Defendants are liable to the United States for all response costs incurred and to be incurred by the United States in connection with the Site.

25. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States is also entitled to a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages.

SECOND CLAIM FOR RELIEF

26. Paragraphs 1 through 25, inclusive, are realleged and incorporated herein by reference.

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

> In addition to any other action taken by a State or local government, when 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, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

28. By Executive Order 12580, dated January 23, 1987, 3 C.F.R. Part 193, the President's authority under Section 106(a) has been delegated to the Administrator of EPA. The Administrator of EPA has re-delegated his functions under Section 106(a) to the Regional Administrators of EPA, including the Regional Administrator of EPA Region III.

29. The Regional Administrator of EPA, Region III, has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the actual and/or threatened releases of hazardous substances at and from the Site.

30. The Defendants are liable to perform the work required to implement the Remedial Action selected for OU3 by EPA in the ROD dated August 10, 2000, in order to abate certain conditions at the Site that present or may present an imminent and substantial endangerment to the public health or welfare or the environment.

PRAYER FOR RELIEF

Wherefore, Plaintiff, United States of America, respectfully requests that this Court:

1. Enter judgment against each Defendant in favor of Plaintiff for response costs which have been incurred by the United States at and in connection with the release or threatened release of hazardous substances from facilities at the Site, plus interest;

2. Enter a declaratory judgment on liability against each Defendant in favor of Plaintiff for all future response costs incurred by the United States in responding to releases or threatened releases of hazardous substances at and from the Evans Property at the Site;

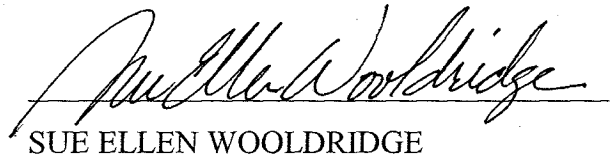
3. Enter judgment against each Defendant in favor of Plaintiff ordering Defendants to implement the Remedial Action selected by EPA in the ROD dated August 10, 2000, in order to abate conditions at the Site that may present an imminent and substantial endangerment to the public health or welfare or the environment.

4. Grant such other and further relief as the Court deems appropriate.

Dated this _____ day of _____, 200__.

Respectfully Submitted,

FOR THE UNITED STATES OF AMERICA



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