

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA and)
COMMONWEALTH OF)
PENNSYLVANIA, DEPARTMENT)
OF ENVIRONMENTAL PROTECTION)

Plaintiffs,)

v.)

FOSTER WHEELER ENERGY)
CORPORATION,)

Defendant.)
_____)

FILED
HARRISBURG, PA

SEP 19 2019

PER POA
DEPUTY CLERK

COMPLAINT

Case No. 3:19-CV-1620

The United States of America, by the authority of the Attorney General of the United States, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), and the Commonwealth of Pennsylvania, Department of Environmental Protection ("PADEP") file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action brought against Foster Wheeler Energy Corporation ("FWEC" or the "Defendant") pursuant to Sections 106, 107(a), and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9606, 9607(a), and 9613(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), and

Sections 507 and 1103 of the Hazardous Sites Cleanup Act, Act of October 18, 1988, P.L. 756, 35 P.S. §§ 6020.507 and 6020.1103 (“HSCA”), regarding the Foster Wheeler Energy Corporation/Church Road TCE Superfund Alternative Site (“Site”) in Mountain Top, Luzerne County, Pennsylvania. Plaintiffs seek injunctive relief for the performance of the response actions selected in the September 25, 2018 Interim Record of Decision (“IROD”) and recovery of costs incurred and to be incurred by the United States and PADEP in response to releases or threats of releases of hazardous substances at or from the Site.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action and over the Defendant under 28 U.S.C. §§ 1331, 1345, and 1367, and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b).

3. 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 relevant releases or threatened releases of hazardous substances occurred within this district and because the Site is located within this district.

STATUTORY FRAMEWORK

4. 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).

5. Under Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1):

Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment. When the President determines that such action will be done properly and promptly by the owner or operator of the facility or vessel or by any other responsible party, the President may allow such person to carry out the action, conduct the remedial investigation, or conduct the feasibility study in accordance with section 9622 of this title.

6. For CERCLA response actions and enforcement purposes, the Administrator of EPA is the President’s delegate, as provided in operative Executive Orders.

7. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a):

(1) [T]he 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, [or]

(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 or a State or an Indian tribe not inconsistent with the national contingency plan . . .

8. Under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), the United States is also authorized to seek injunctive relief necessary to abate an imminent and substantial endangerment to the public health or welfare, or the environment, that may result from an actual or threatened release of a hazardous substance at or from a facility.

THE DEFENDANT

9. FWEC is incorporated in the State of Delaware.

10. FWEC is a person within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and Section 103 of HSCA, 35 P.S. § 6020.103.

11. FWEC is the former owner of approximately 105 acres of property located in the Crestwood Industrial Park complex in Mountain Top, Luzerne

County, Pennsylvania, which was used for the manufacture and fabrication of large pressure vessels ("Former FWEC Facility").

12. Foster Wheeler Corporation, FWEC's legal predecessor, owned and operated substantially all of the Former FWEC Facility from 1953 through 1974. Specifically during this time, Foster Wheeler Corporation owned and operated approximately 104.3 acres of the Former FWEC Facility.

13. In 1974, Foster Wheeler Corporation assigned all of the assets of the Former FWEC Facility to FWEC. FWEC acquired the remaining 1.398 acres of the Former FWEC Facility in 1983.

14. FWEC is the legal successor to Foster Wheeler Corporation.

15. FWEC owned and operated the Former FWEC Facility from 1974 through 1984, at which time the Former FWEC Facility was closed and offered for sale.

THE SITE

16. The Site is comprised of three named areas.

17. The Site includes the Defendant's Former FWEC Facility. The Site also includes any areas at which hazardous substances released at or from this facility have come to be located, including an area of groundwater contamination located south and southwest of the Former FWEC Facility and encompassing approximately 295 acres of mixed land use (mainly residential), which extends

from east to west along Church Road and Watering Run (the “Affected Area”).

The Site further includes eight surrounding industrial properties located immediately south and west of the Former FWEC Facility (the “SIPs”).

GENERAL ALLEGATIONS

18. Foster Wheeler Corporation, FWEC’s former parent company, acquired nearly all of the Former FWEC Facility in several transactions between 1953 and 1961, and operated the facility until 1974.

19. Foster Wheeler Corporation transferred its ownership and operation of the Former FWEC Facility and all associated assets to FWEC in 1974.

20. FWEC owned and operated the Former FWEC Facility from 1974 until 1984, including a small portion of the facility that FWEC acquired in 1983.

21. FWEC and Foster Wheeler Corporation manufactured and fabricated large pressure vessels utilized in various industrial applications, including oil refineries, electric utility plants, and the shipping industry, at the Former FWEC Facility.

22. In connection with this activity, FWEC and Foster Wheeler Corporation utilized trichloroethylene (“TCE”) as a metal cleaner for their manufacturing and fabrication processes at the Former FWEC Facility, including to remove lubricants or cutting oils from machined metal parts.

23. TCE is a listed hazardous substance, 40 C.F.R. § 302.4, and is a hazardous substance within the meaning of 42 U.S.C. § 9601(14).

24. Hazardous substances, including TCE, were released and disposed of at the Former FWEC Facility during the times that FWEC and its corporate predecessor owned and operated the facility.

25. From 1984 to 1991, FWEC conducted several Site investigations under the direction and supervision of Plaintiffs. These investigations revealed that soil and groundwater at the Former FWEC Facility was contaminated with TCE.

26. Between 1991 and 1993, FWEC implemented several Interim Remedial Measures under the direction and supervision of Plaintiffs, including a groundwater extraction and treatment system, to remove TCE contamination from the soil and control and stabilize TCE contamination in the groundwater downgradient of the facility. FWEC has continued to sample and monitor the effectiveness of these actions since 1995.

27. Since 2004, when FWEC discovered TCE contamination in groundwater located in the Affected Area, FWEC has performed additional environmental investigations and response actions to address groundwater contamination in the Affected Area, under the direction and supervision of

Plaintiffs, pursuant to an Administrative Order on Consent for Removal Response Action, EPA Docket No. CERC-03-2005-0349DC.

28. Pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA proposed the Site for listing on the National Priorities List (“NPL”) on April 9, 2009. The Site has not been listed on the NPL because FWEC agreed to perform cleanup activities under the Superfund Alternative Approach, as set forth in EPA’s June 17, 2004 Office of Solid Waste Remediation (“OSWER”) Directive No. 9208.0-18 (superseded by the Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach, OSWER Directive No. 9200.2-125 (September 28, 2012)).

29. On April 9 2009, pursuant to an Administrative Order on Consent for Remedial Investigation/Feasibility Study, Docket No. CERC-03-2009-0061DC that FWEC entered into with EPA, FWEC agreed to perform a Remedial Investigation and Feasibility Study (“RI/FS”) of the Site as part of the CERCLA process of remedy selection.

30. FWEC commenced the RI/FS in April 2009, pursuant to 40 C.F.R. § 300.430. During the course of the RI/FS, FWEC performed additional interim response actions, including the installation of vapor intrusion mitigation systems.

31. EPA approved FWEC’s Final RI Report on June 21, 2017, and the Final FS Report in April 12, 2018.

32. In accordance with the National Contingency Plan, 40 C.F.R. Part 300, as amended (“NCP”), EPA issued an IROD on September 25, 2018, which described the selected Interim Remedy for the Site. The IROD addresses sediment, soil, and groundwater contamination at the Former FWEC Facility and Sitewide vapor intrusion, including the response actions FWEC has taken to date that are still operational (the groundwater extraction and treatment system installed in the early 1990s and the vapor intrusion mitigation systems installed during the RI/FS). The IROD does not address groundwater contamination in the SIPs and Affected Area, specifying that EPA requires additional information to screen and evaluate remedial alternatives for those aspects of the Site. EPA will select a final remedy for the entire Site, including the Former FWEC Facility, the SIPs, and the Affected Area, in a future decision document.

33. On May 22, 2019, EPA entered into an Administrative Order on Consent for Interim Remedial Design, EPA Docket No. CERC-03-2019-0051DC, with FWEC requiring FWEC to commence the Interim Remedial Design for the Interim Remedy selected in the IROD.

SPECIFIC ALLEGATIONS

34. The Site and Former FWEC Facility are each a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and a “Site” within the meaning of Section 103 of HSCA, 35 P.S. § 6020.103.

35. TCE is a “hazardous substance” within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601, and Section 103 of HSCA, 35 P.S. § 6020.103.

36. Hazardous substances, including TCE, were poured onto the ground or were buried, dumped, disposed of, or leached into the soil, surface and/or groundwater at the Former FWEC Facility and Site.

37. FWEC and its corporate predecessor used TCE as part of their manufacturing and fabrication activities at the Former FWEC Facility.

38. FWEC and its corporate predecessor disposed of hazardous substances, including TCE, at the Former FWEC Facility.

39. Hazardous substances, including TCE, were released to the environment, including soils, at and from the Former FWEC Facility during the times that FWEC and its corporate predecessor owned and operated the facility.

40. Hazardous substances, including TCE, initially deposited at the Former FWEC Facility, have come to be located at the Site, including in the groundwater beneath and downgradient of the Former FWEC Facility.

41. As a result of the releases or threatened releases of hazardous substances, including TCE, at or from the Site, EPA and PADEP have conducted and will continue to conduct various response actions at the Site.

FIRST CLAIM FOR RELIEF
(LIABILITY FOR RESPONSE COSTS UNDER CERCLA § 107 and HSCA § 507)

42. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

43. There have been “releases” and/or “threatened releases” of hazardous substances into the “environment,” within the meaning of Sections 101(8) and (22), 104(a), and 107(a) of CERCLA, 42 U.S.C. §§ 9601(8) and (22), 9604(a), 9607(a), and Sections 103, 501, 507, and 701 of HSCA, 35 P.S. §§ 6020.103, 6020.501, 6020.507, and 6020.701, at or from the Former FWEC Facility and the Site.

44. In connection with these releases or threatened releases of hazardous substances at or from the Former FWEC Facility and the Site, the United States and PADEP have taken and will continue to take response actions, and have incurred and will continue to incur costs of response, within the meaning of Sections 101(25) and 107 of CERCLA, 42 U.S.C. §§ 9601(25) and 9607, and Sections 103, 501, and 507 of HSCA, 35 P.S. §§ 6020.103, 6020.501 and 6020.507.

45. The response actions taken and to be taken at the Site are not inconsistent with the NCP.

46. Defendant is the former owner and/or operator of a facility and/or Site from which there has been a release or threatened release of a hazardous substance, which has caused and continues to cause the United States and PADEP to incur response costs.

47. Pursuant to Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), and Section 507 of HSCA, 35 P.S. § 6020.507, Defendant is liable, as a person who at the time of disposal of a hazardous substance owned and/or operated a facility at which such hazardous substance was disposed of, to the United States, for all costs incurred and to be incurred by the United States, and to PADEP, for all costs incurred and to be incurred by PADEP, in connection with the Site, including enforcement costs and interest on all such costs.

48. Under Sections 507 and 701 of HSCA, 35 P.S. §§ 6020.507 and 6020.701, Defendant is liable to PADEP for all response costs incurred or to be incurred by PADEP in connection with the Site.

SECOND CLAIM FOR RELIEF
**(LIABILITY FOR PERFORMANCE OF INTERIM REMEDY TO ABATE
ENDANGERMENT UNDER CERCLA § 106 and HSCA § 1103)**

49. Paragraphs 1 through 48 are realleged and incorporated by reference.

50. The President, through his delegate, 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

releases and/or threatened releases of hazardous substances, including TCE, at or from the Site, and has determined that response actions are necessary at the Site. PADEP, as the State Agency responsible for the protection of the public's health and the environment, has also determined that response actions are necessary at the Site.

51. Section 106(a) of CERCLA, 42 U.S.C. § 9606(a) authorizes the United States to bring an action to secure such relief as may be necessary to abate a danger or threat at the Site. Section 1103 of HSCA, 35 P.S. § 6020.1103, similarly authorizes the Department to bring an action to secure such relief as may be necessary to abate a danger or threat at the Site.

52. Implementation of the Interim Remedy selected in the IROD is necessary to abate the danger to public health or welfare and the environment posed by the actual and threatened releases of hazardous substances, including TCE, at the Site.

53. Pursuant to Section 106(a) of CERCLA, 42 U.S.C. §§ 9606(a), and Section 1103 of HSCA, 35 P.S. § 6020.1103, Defendant is liable for the implementation of the Interim Remedy selected in the IROD.

THIRD CLAIM FOR RELIEF
(Declaratory Judgment for Future Response Costs under CERCLA § 113(g)(2))

54. Paragraphs 1 through 53 are realleged and incorporated by reference.

55. The United States and PADEP will continue to incur response costs at the Site including, *inter alia*, oversight of the performance and long term monitoring of the Interim Remedy and enforcement costs.

56. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States and PADEP are entitled to a declaratory judgment that will be binding on any subsequent actions to recover future response costs or damages, finding that Defendant is liable to the United States and PADEP, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for future response costs, not inconsistent with the NCP, to be incurred by the United States and PADEP with respect to the Site.

PRAYER FOR RELIEF

57. WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Enter judgment in favor of the United States and PADEP, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and Section 507 of HSCA, 35 P.S. § 6020.507, holding Defendant liable for all unreimbursed costs incurred by the United States and PADEP in connection with the Site, including interest;
- b. Enter judgment in favor of the United States and PADEP, under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), and Section 1103 of HSCA, 35 P.S. § 6020.1103, holding Defendant liable

for performance of, and ordering Defendant to perform, the Interim Remedy selected in the IROD, to abate the conditions at the Site that may present an imminent and substantial endangerment to the public health or welfare or environment;

- c. Enter a declaratory judgment in favor of the United States and PADEP and against Defendant, pursuant to Section 113(g)(2)(B) of CERCLA, 42 U.S.C. § 9613(g)(2)(B), that will be binding in any action to recover further response costs incurred by the United States and/or PADEP in connection with the Site, finding Defendant liable for such future responses costs.
- d. Award the United States and PADEP their costs of this action; and
- e. Grant such other and further relief as the Court deems appropriate.

Respectfully Submitted,

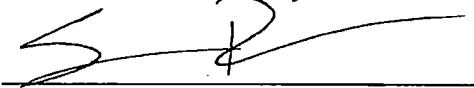
FOR THE UNITED STATES OF AMERICA:

ERIC GRANT
Deputy Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division
Washington, D.C. 20530



Robyn E. Hanson
Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Environmental Enforcement Section
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
((303) 844-1558
robyn.hanson@usdoj.gov

DAVID J. FREED
United States Attorney



Samuel S. Dalke
Assistant U.S. Attorney
PA Bar No. 311803
228 Walnut Street, 2nd Floor
P.O. Box 11754
Harrisburg, PA 17108-1754
Tel: (717) 221-4482
samuel.s.dalke@usdoj.gov

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:



Michael T. Ferrence
Assistant Counsel
Pennsylvania Department of Environmental
Protection
Office of Chief Counsel, Northeast Region
2 Public Square
Wilkes-Barre, PA 18701-191
(570) 826-2259
mferrence@pa.gov

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA and COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robyn E. Hanson, U.S. Dept. of Justice, 999 18th St., South Terr., Ste 370, Denver, CO 80202, 303-844-1558; Samuel S. Dalke, MDPA USAO, 228 Walnut Street, 2nd Floor, Harrisburg, PA 17108, 717-221-4482

DEFENDANTS

FOSTER WHEELER ENERGY CORPORATION,

County of Residence of First Listed Defendant Luzerne County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Douglas S. Arnold and Ronnie A. Gosselin, Alston & Bird LLP, 1201 W. Peachtree St., Atlanta, GA 30309, 404-881-7637

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §§ 9606, 9607(a), and 9613(g)

Brief description of cause:

Violations of CERCLA at the Foster Wheeler Energy Corporation/Church Road TCE Superfund Alternative Site

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/19/19

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE