

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to CERCLA Sections 107 and 113(b), 42 U.S.C. §§ 9607 and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district pursuant to CERCLA Section 113(b), 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391(b), because the release of hazardous substances alleged in this Complaint occurred within this district.

DEFENDANT

4. Defendant, Mazza & Sons, Inc., is a corporation organized under the laws of the state of New Jersey, and is located at 3230 Shafto Road, Tinton Falls, New Jersey 07753. Defendant is in the business of demolition, trucking, waste collection, disposal, and recycling services.

GENERAL ALLEGATIONS

5. The Site consists of approximately 1.75 acres of a 192-acre former dairy farm located at 3720 Southside Road (Old New York State route 5S), approximately one mile northwest of the Village of Frankfort, Herkimer County, New York. The Site is a facility as defined under CERCLA Section 101(9), 42 U.S.C. § 9601(9).

6. Hazardous substances as defined under CERCLA Section 101(14), 42 U.S.C. § 9601(14), were illegally disposed of at this Site or facility, including pulverized construction and demolition debris consisting of asbestos-containing materials, lead, and trace amounts of semi-volatile compounds.

7. There were releases or threatened releases at or from this Site or facility into the environment as defined under CERCLA Section 101(22), 42 U.S.C. § 9601(22).

8. In response to the releases or threatened releases of hazardous substances at or from this Site or facility, pursuant to CERCLA Section 104, 42 U.S.C. § 9604, EPA conducted response actions, including: 2007 interim stabilization removal activities; the issuance of a 2011 Unilateral Administrative Order for Removal Action (Index No. CERCLA-02-2012-2001) directing the performance of removal activities critical to addressing deteriorating Site conditions; and a 2013 Site excavation and off-site disposal of hazardous asbestos-containing materials at an approved facility necessary to permanently address conditions at the Site.

9. EPA incurred unreimbursed response costs as a result of its response actions pursuant to CERCLA Section 101(23), 42 U.S.C. § 9601(23).

10. Defendant, Mazza & Sons, Inc., arranged for the transportation and disposal of hazardous substances to and at this Site or facility within the meaning of CERCLA Sections 101(14) and 107(a)(3), 42 U.S.C. §§ 9601(14) and 9607(a)(3), and is therefore a potentially responsible party for unreimbursed response costs at the Site or facility, pursuant to CERCLA Section 107(a)(3), 42 U.S.C. § 9607(a)(3).

CLAIM FOR RELIEF

11. Paragraphs 1 through 10 are re-alleged and incorporated by reference.

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

13. EPA performed response actions responding to these releases or threatened releases of hazardous substances at or from the Site or facility within the meaning of CERCLA Sections 101(23) and (25), 42 U.S.C. § 9601(23) and (25). As a result of the actions taken in response to the release or threatened releases of hazardous substances at or from the Site or

facility, the United States, through the EPA, incurred response costs within the meaning of CERCLA Sections 101(25) and 107(a), 42 U.S.C. §§ 9601(25) and 9607(a).

14. The response actions taken and the response costs incurred by the United States at the Site or facility were not inconsistent with the National Contingency Plan. 40 C.F.R. Part 300.

15. Defendant, Mazza & Sons, Inc., is jointly and severally liable for response costs incurred and to be incurred at the Site, pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

PRAYER FOR RELIEF

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

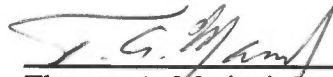
1. Order Defendant to reimburse the United States for the costs of response actions taken at the Frankfort Asbestos Superfund Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a); and

2. Grant such other relief as this Court may deem just and proper.

Respectfully submitted,

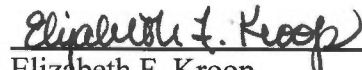
FOR THE UNITED STATES OF AMERICA:

09-17-2017
Date



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09-19-2017
Date



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