

1 TODD KIM
2 Assistant Attorney General
3 Environment and Natural Resources Division

4 ANGELA MO (Cal. Bar No. 262113)
5 Email: angela.mo@usdoj.gov
6 Environmental Enforcement Section
7 Environment and Natural Resources Division
8 U.S. Department of Justice
9 P.O. Box 7611
10 Washington, DC 20044-7611
11 Telephone: (202) 514-1707

12 *Attorneys for Plaintiff the United States of America*

13 (Additional Attorneys Listed on Following Page)

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **WESTERN DIVISION**

17 _____)
18 United States of America,)
19 the California Department of)
20 Toxic Substances Control, and the)
21 Toxic Substances Control Account,)
22 Plaintiffs,)

Civil Action No. 2:24-cv-8378

23 v.

24 Honeywell International Inc.;)
25 HD Development of Maryland, Inc.;)
26 Kaiser Foundation Health Plan, Inc.;)
27 and PSA Institutional Partners, L.P.,)
28 Defendants.)

COMPLAINT FOR COST RECOVERY
AND PERFORMANCE OF
RESPONSE ACTION UNDER THE
COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION, AND
LIABILITY ACT AND CAL. HEALTH
AND SAFETY CODE

1 ROB BONTA
2 Attorney General of California
3 VANESSA MORRISON (Cal. Bar No. 254002)
4 Supervising Deputy Attorney General
5 MADISON LANE (Cal. Bar No. 348156)
6 Deputy Attorney General
7 California Department of Justice
8 600 West Broadway, Suite 1800
9 San Diego, CA 92101
10 Email: Madison.Lane@doj.ca.gov
11 Telephone: (619) 321-5775

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*Attorneys for Plaintiffs the California Department of Toxic Substances Control and
the Toxic Substances Control Account*

1 Plaintiff the United States of America, by authority of the Attorney General
2 of the United States and through the undersigned attorneys, acting at the request of
3 the Administrator of the United States Environmental Protection Agency (“EPA”),
4 and Plaintiffs the California Department of Toxic Substances Control (“DTSC”)
5 and the Toxic Substances Control Account (jointly the “DTSC Plaintiffs”),
6 collectively referred to as “Plaintiffs,” file this Complaint and allege as follows:

7 BACKGROUND

8 1. The San Fernando Valley (Area 1) Superfund Site (the “Site”) is one
9 of four sites in the San Fernando Valley Basin (“Basin”) that were placed on the
10 National Priorities List (“NPL”) in June 1986 (“SFV Sites”) due to groundwater
11 contamination. The other SFV Sites are the San Fernando Valley Area 2
12 Superfund Site, which consists of the Glendale North, the Glendale South, and the
13 Glendale Chromium Operable Units; the San Fernando Valley (Area 3) Superfund
14 Site, also known as Verdugo, which was delisted from the NPL by EPA in 2004;
15 and the San Fernando Valley (Area 4) Superfund Site, also known as Pollock.

16 2. EPA and the Los Angeles Department of Water and Power
17 (“LADWP”) began a remedial investigation throughout the Basin, including the
18 four SFV Sites, in March 1988 (“Basin-Wide Remedial Investigation”). The
19 Basin-Wide Remedial Investigation continues, and includes ongoing monitoring,
20 mapping, and management of a San Fernando Valley Basin-Wide groundwater
21 sampling database.

22 3. EPA has organized the Site into two operable units—the North
23 Hollywood Operable Unit (“NHO”) and the Burbank Operable Unit—for
24 purposes of determining appropriate remedial design and remedial action at each
25 operable unit.

26 4. The NHOU comprises the areal extent of hazardous substance
27 contamination underlying an area of mixed industrial, commercial, and residential
28 land use in the community of North Hollywood in the City of Los Angeles, and

1 includes any area to which and from which hazardous substance contamination
2 migrates. Contamination in the NHOU includes volatile organic compounds, 1,4-
3 dioxane, and chromium. The NHOU encompasses approximately 4 square miles
4 and is approximately bounded by Sun Valley and Interstate 5 to the north, State
5 Highway 170 and Lankershim Boulevard to the west, the Burbank Airport to the
6 east, and Oxnard Street to the south.

7 5. A first interim remedy for the NHOU was implemented between
8 approximately 1987 and 2007. On September 30, 2009, EPA finalized a second
9 Interim Action Record of Decision, in which it selected a second interim remedy
10 for the NHOU (“NHOU2IR”).

11 6. The objectives of the NHOU2IR include (1) improving containment
12 of contaminated groundwater in the North Hollywood area (including the areas of
13 highest contamination) in order to limit its migration downgradient and to prevent
14 further contamination of production (water-supply) wells operated by LADWP;
15 and (2) reducing contaminant mass in groundwater. The NHOU2IR addresses
16 contaminated groundwater by containing and remediating the groundwater using
17 an extraction well network and an above-ground water treatment system.

18 7. The United States and DTSC have incurred costs associated with the
19 selection, design, and implementation of the NHOU2IR. Costs incurred by the
20 United States for the Basin-Wide Remedial Investigation have been allocated to
21 the SFV Sites and their operable units, including the NHOU, in proportion to the
22 designed pumping rates for individual remedial actions at a SFV Site or an
23 operable unit within a SFV Site.

24 NATURE OF THE ACTION

25 8. This is a civil action by the United States for recovery of the United
26 States’ unrecovered response costs, including the Basin-Wide Remedial
27 Investigation costs allocated to the NHOU, and for Defendants’ performance of a
28 response action, pursuant to Sections 106 and 107 of the Comprehensive

1 Environmental Response, Compensation, and Liability Act of 1980 (“CERCLA”),
2 as amended, 42 U.S.C. §§ 9606 and 9607, related to the releases and threatened
3 releases of hazardous substances at or from the NHOU.

4 9. This is also a civil action by the DTSC Plaintiffs for recovery of
5 DTSC’s unrecovered response costs pursuant to Section 107 of CERCLA, 42
6 U.S.C. § 9607, related to the releases and threatened releases of hazardous
7 substances at or from the NHOU.

8 10. This is also a civil action by DTSC for Defendants’ performance of a
9 response action as injunctive relief to remedy DTSC’s state law claims. This Court
10 has jurisdiction over state law claims for injunctive relief pursuant to 28 U.S.C.
11 1367(a). DTSC has authority to take civil action to require Defendants to abate
12 releases and/or threatened releases of hazardous substances and to enjoin imminent
13 or substantial endangerment to the public health or welfare or to the environment.
14 Cal. Health & Safety Code §§ 78005(c), 78410, 79650, 78660. DTSC has
15 authority under California Health and Safety Code section 58009 to commence and
16 maintain actions and proceedings to enjoin and abate public nuisances. Pursuant to
17 California Health and Safety Code section 79065, DTSC may expend funds from
18 the Toxic Substances Control Account to provide oversight of removal and
19 remedial actions, or if the site is also listed on the National Priorities List by EPA
20 pursuant to CERCLA, to provide the state’s share of a response action.

21 11. The United States has incurred response costs and expects to continue
22 to incur response costs, including Basin-Wide Remedial Investigation costs
23 allocated to the NHOU, in connection with actions taken in response to releases
24 and threatened releases of hazardous substances at or from the NHOU.

25 12. DTSC has incurred response costs and expects to continue to incur
26 response costs in connection with actions taken in response to releases and
27 threatened releases of hazardous substances at or from the NHOU.

28

1 13. The United States makes a claim under Section 113(g)(2) of
2 CERCLA, 42 U.S.C. § 9613(g)(2), for a declaratory judgment that each of the
3 Defendants is jointly and severally liable to the United States for future response
4 costs, including future Basin-Wide Remedial Investigation costs allocated to the
5 NHOU, incurred by the United States in responding to releases and threatened
6 releases of hazardous substances at or from the NHOU.

7 14. DTSC makes a claim under Section 113(g)(2) of CERCLA, 42 U.S.C.
8 § 9613(g)(2), and California Health & Safety Code sections 78660 and 79650, for
9 a declaratory judgment that each of the Defendants is jointly and severally liable to
10 the DTSC Plaintiffs for future response costs incurred by DTSC in responding to
11 releases and threatened releases of hazardous substances at or from the NHOU.

12 15. Defendants are among the parties the Plaintiffs have determined to be
13 potentially responsible parties at the NHOU, but are not the only such parties.
14 Plaintiffs anticipate bringing additional claims against other parties, including for
15 response costs and for implementation of the NHOU2IR. In addition, the United
16 States may have additional claims against Defendants at the NHOU, aside from the
17 claims alleged herein.

18 JURISDICTION AND VENUE

19 16. This Court has original and exclusive jurisdiction over the subject
20 matter of this action and over the parties pursuant to Sections 106(a), 107(a), and
21 113(b) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a), and 9613(b), and 28 U.S.C. §§
22 1331 and 1345. The Court also has supplemental jurisdiction over the state law
23 claims, pursuant to 28 U.S.C. § 1367(a), because the state law claims form part of
24 the same case or controversy as Plaintiffs' federal law claims in that the state and
25 federal claims arise from common facts relating to the release of hazardous
26 substances and the cleanup of contamination at the Site.

27 17. Venue is proper in this District pursuant to Section 113(b) of
28 CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391(b) and (c) because the

1 releases or threatened releases of hazardous substances that give rise to the claims
2 alleged herein occurred in this District and because the Defendants may be found
3 in this District.

4 PLAINTIFFS

5 18. Plaintiff the United States of America is acting at the request of EPA,
6 an agency of the United States.

7 19. Plaintiff DTSC is a public agency of the State of California existing
8 under and pursuant to sections 58000-58018 of the California Health and Safety
9 Code. DTSC is a state agency responsible under state law for determining whether
10 there has been a release and/or threatened release of a hazardous substance into the
11 environment, and for determining the actions to be taken in response thereto.
12 Plaintiff the Toxic Substances Control Account is an account within the State of
13 California General Fund. California Health and Safety Code section 25173.6
14 establishes the account, and the director of the Department of Toxic Substances
15 Control administers it. Under California Health and Safety Code section 79700,
16 the Toxic Substances Control Account shall be a party in any action for recovery
17 of response costs or expenditures incurred from the account under Part 2 (sections
18 78000-81050) of Division 45 and Chapter 6.5 of Division 20 of the California
19 Health and Safety Code.

20 DEFENDANTS

21 20. Defendant Honeywell International Inc. is a Delaware corporation
22 doing business in the State of California.

23 21. Defendant Kaiser Foundation Health Plan, Inc. is a California
24 nonprofit public benefit corporation doing business in the State of California.

25 22. Defendant PSA Institutional Partners, L.P. is a California limited
26 partnership doing business in the State of California.

27 23. Defendant HD Development of Maryland, Inc. is a Maryland
28 corporation doing business in the State of California.

1 24. Each of the Defendants is a “person” within the meaning of Section
2 101(21) of CERCLA, 42 U.S.C. § 9601(21).

3 GENERAL ALLEGATIONS

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

9 26. “Release” is defined in CERCLA Section 101(22) as “any spilling,
10 leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping,
11 leaching, dumping, or disposing into the environment (including the abandonment
12 or discarding of barrels, containers, and other closed receptacles containing any
13 hazardous substance or pollutant or contaminant)” 42 U.S.C. § 9601(22).

14 27. “Hazardous substance” is defined in CERCLA Section 101(14) by
15 reference to other federal statutes and by reference to a list of substances published
16 by EPA at 40 C.F.R. § 302.4. 42 U.S.C. § 9601(14). Trichloroethylene (“TCE”),
17 tetrachloroethylene (also known as perchloroethylene or “PCE”), 1,4-dioxane, and
18 chromium are listed hazardous substances. 40 C.F.R. § 302.4.

19 28. Releases and threatened releases of hazardous substances at and from
20 the former Bendix facility, which is within the NHOU, have caused Plaintiffs to
21 incur response costs not inconsistent with the National Contingency Plan.
22 “Response,” as defined in CERCLA Section 101(25), includes remedial actions
23 and enforcement activities related thereto. 42 U.S.C. § 9601(25).

24 29. From approximately the early 1940s to 1971, the former Bendix
25 facility encompassed approximately 23.5 acres bordered by Sherman Way to the
26 north, Lankershim Boulevard to the west, various commercial/light industrial
27 businesses to the east, and the Southern Pacific Railroad right-of-way to the south.
28 The former Bendix facility included the parcels currently located at 11510

1 Sherman Way, 11600 Sherman Way, 11620 Sherman Way, 11666 Sherman Way,
2 and 11668 Sherman Way (the “Parcels”). TCE, PCE, 1,4-dioxane, chromium, and
3 other hazardous substances have come to be located at the former Bendix facility,
4 including the parcels identified above. Thus, the former Bendix facility and each
5 of the Parcels identified above is a “facility” within the meaning of CERCLA
6 Section 101(9), 42 U.S.C. § 9601(9).

7 30. Operations at the former Bendix facility resulted in releases and/or
8 threatened releases of hazardous substances at or from the former Bendix facility,
9 including at or from each of the Parcels identified above.

10 31. Industrial operations at the Bendix facility occurred from
11 approximately 1941 to 1992 and included the manufacturing, plating, and finishing
12 of parts used in the aerospace industry. Solvents were used throughout the history
13 of operations, and chromium-containing substances were used in chrome-plating
14 operations. “Disposals” within the meaning of 42 U.S.C. §§ 9601(29) and 6903(3)
15 of chromium and solvents, including TCE, PCE, and 1,4-dioxane, occurred during
16 industrial operations at the Bendix facility, including the discharge, spilling,
17 leaking, and/or placing of these hazardous substances onto land such that they may
18 enter the environment and be discharged into groundwater. These hazardous
19 substances migrated into, and continue to migrate in, groundwater.

20 32. Defendant Honeywell International Inc. (f/k/a Allied-Signal Inc. and
21 AlliedSignal, Inc.) is the successor to The Bendix Corporation, Allied Corporation,
22 and The Signal Companies, Inc., each of which formerly owned and/or operated
23 the Bendix facility at the time of disposal of hazardous substances at the Bendix
24 facility.

25 33. Defendant Kaiser Foundation Health Plan, Inc. is the current owner of
26 the parcel located at 11666 Sherman Way, North Hollywood, Los Angeles County,
27 California 91605 (Assessor ID No. 2320-001-030).

28

1 34. North Hollywood Acquisition, LLC is the owner of record of the
2 parcel located at 11620 Sherman Way, North Hollywood, Los Angeles County,
3 California 91605 (Assessor ID No. 2320-001-036). By a Certificate of Secretary,
4 the general partner of Defendant PSA Institutional Partners, L.P. certifies that, on
5 March 31, 2000, the parcel was transferred to PSA Institutional Partners, L.P. On
6 November 18, 2005, North Hollywood Acquisition, LLC filed a Limited Liability
7 Company Certificate of Cancellation with the Secretary of State of the State of
8 California.

9 35. Defendant HD Development of Maryland, Inc. is the current owner of
10 the parcel located at 11600 Sherman Way, North Hollywood, Los Angeles County,
11 California 91605 (Assessor ID No. 2320-001-042).

12 36. As of September 30, 2019, the United States has unrecovered
13 response costs related to the NHOU (excluding Basin-Wide Remedial
14 Investigation costs allocated to the NHOU) of at least \$5,139,849, not including
15 interest.

16 37. As of September 30, 2019, the United States has unrecovered
17 response costs related to Basin-Wide Remedial Investigation costs allocated to the
18 NHOU of at least \$1,880,449, not including interest.

19 38. Since September 30, 2019, the United States has incurred and
20 continues to incur response costs, including Basin-Wide Remedial Investigation
21 costs allocated to the NHOU, in connection with actions taken in response to
22 releases and threatened releases of hazardous substances at or from the NHOU.

23 39. As of the date of filing, DTSC has unrecovered response costs related
24 to the NHOU of at least \$21,952.57, not including interest.

25 40. DTSC continues to incur response costs in connection with actions
26 taken in response to releases and threatened releases of hazardous substances at or
27 from the NHOU.

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FIRST CLAIM FOR RELIEF
Reimbursement of Response Costs and Declaratory Judgment Under CERCLA

41. Paragraphs 1 through 40 are realleged and incorporated herein by reference.

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

- (1) the owner and operator of a vessel or a facility, [and]
- (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 or a State or an Indian tribe not inconsistent with the national contingency plan

The amounts recoverable in an action under this section shall include interest on the amounts recoverable under subparagraphs (A) through (D).

43. Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), provides that in any action for recovery of costs under Section 107 of CERCLA, “the court shall enter 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.”

44. Defendant Honeywell International Inc. is liable under CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2), as a successor to persons that owned or

1 operated the Bendix facility at the time hazardous substances were disposed of at
2 or from the Bendix facility.

3 45. Defendant Kaiser Foundation Health Plan, Inc. is liable under
4 CERCLA Section 107(a)(1), 42 U.S.C. § 9607(a)(1), as the current owner of a
5 facility at or from which there were releases and/or threatened releases of
6 hazardous substances.

7 46. Defendant PSA Institutional Partners, L.P. is liable under CERCLA
8 Section 107(a)(1), 42 U.S.C. § 9607(a)(1), as the current owner of a facility at or
9 from which there were releases and/or threatened releases of hazardous substances.

10 47. Defendant HD Development of Maryland, Inc. is liable under
11 CERCLA Section 107(a)(1), 42 U.S.C. § 9607(a)(1), as the current owner of a
12 facility at or from which there were releases and/or threatened releases of
13 hazardous substances.

14 48. The releases and/or threatened releases of hazardous substances at or
15 from the former Bendix facility, including the Parcels currently located at 11510
16 Sherman Way, 11600 Sherman Way, 11620 Sherman Way, 11666 Sherman Way,
17 and 11668 Sherman Way, caused the incurrence of response costs by Plaintiffs in
18 connection with the NHOU.

19 49. Under CERCLA Section 107(a), 42 U.S.C. § 9607(a), each of the
20 Defendants is jointly and severally liable to the United States for all unrecovered
21 response costs, including the Basin-Wide Remedial Investigation costs allocated to
22 the NHOU, incurred by the United States in connection with the NHOU, plus
23 accrued interest on those response costs.

24 50. Under CERCLA Section 107(a), 42 U.S.C. § 9607(a), each of the
25 Defendants is jointly and severally liable to the DTSC Plaintiffs for all
26 unrecovered response costs incurred by DTSC in connection with the NHOU, plus
27 accrued interest on those response costs.

28

1 51. Under CERCLA Section 113(g)(2), 42 U.S.C. § 9613(g)(2), the
2 United States is entitled to a declaratory judgment on liability against Defendants
3 that will be binding in any subsequent action to recover further response costs,
4 including further Basin-Wide Remedial Investigation costs allocated to the NHOU,
5 incurred by the United States in connection with the NHOU.

6 52. Under CERCLA Section 113(g)(2), 42 U.S.C. § 9613(g)(2), the
7 DTSC Plaintiffs are entitled to a declaratory judgment on liability against
8 Defendants that will be binding in any subsequent action to recover further
9 response costs incurred by DTSC in connection with the NHOU.

10 SECOND CLAIM FOR RELIEF
11 Performance of Remedial Action (NHOU2IR) Under CERCLA

12 53. Paragraphs 1 through 47 are realleged and incorporated herein by
13 reference.

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

16 In addition to any other action taken by a State or local
17 government, when the President determines that there may be
18 an imminent and substantial endangerment to the public health
19 or welfare or the environment because of an actual or
20 threatened release of a hazardous substance from a facility, he
21 may require the Attorney General of the United States to secure
22 such relief as may be necessary to abate such danger or threat,
23 and the district court of the United States in the district in which
24 the threat occurs shall have jurisdiction to grant such relief as
25 the public interest and the equities of the case may require.

26 55. By Executive Order 12580 of January 23, 1987, the President's
27 functions under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), were delegated
28 to the Administrator of EPA.

1 56. EPA has determined that there is or may be an imminent and
2 substantial endangerment to the public health or welfare or the environment
3 because of the release and threatened release of hazardous substances from the
4 NHOU.

5 57. Under CERCLA Section 106, 42 U.S.C. § 9606, Defendants—as
6 liable parties under CERCLA Section 107(a), 42 U.S.C. § 9607(a)—are each
7 jointly and severally liable for the remedial injunctive relief selected by EPA for
8 the NHOU.

9 THIRD CLAIM FOR RELIEF
10 California Health and Safety Code Sections 78660 and 79650

11 58. Paragraphs 1 through 57 are realleged and incorporated herein by
12 reference.

13 59. Under the California Health and Safety Code, Plaintiff DTSC has
14 authority to, among other things, investigate and conduct removal and/or remedial
15 action at contaminated sites (Cal. Health & Safety Code § 79130(a)), issue and
16 enforce removal or remedial action orders to any responsible parties (*id.* §§
17 79055(a)(1)(A)-(B), 78870); impose penalties for noncompliance with an order (*id.*
18 § 79550), and recover DTSC’s response costs from liable parties in a civil action
19 (*id.* § 79650; *see also id.* § 78145(a)(1)).

20 60. Pursuant to California Health and Safety Code Section 78660, DTSC
21 is entitled to such relief as may be necessary from Defendants to abate the danger
22 or threat of releases and threatened releases of hazardous substances at the NHOU,
23 including without limitation preliminary and permanent injunctive relief to require
24 Defendants to take actions necessary to abate the release and/or threatened release
25 of hazardous substances at the NHOU causing an imminent or substantial
26 endangerment to the public health or welfare or to the environment.

27 61. Defendants are responsible parties within the meaning of California
28 Health and Safety Code Section 78145.

1 62. Pursuant to section 79650 of the California Health and Safety Code,
2 DTSC may bring an action against responsible parties in order to recover all costs
3 DTSC has incurred in carrying out or overseeing a response or corrective action as
4 a result of any release or threatened release of a hazardous substance at the NHOU.

5 63. The release and/or threatened release of hazardous substances has
6 occurred at the NHOU, as defined by California Health and Safety Code section
7 78105.

8 64. DTSC has incurred response costs in carrying out or overseeing
9 response actions addressing the releases and/or threatened releases of hazardous
10 substances at the NHOU, as defined in California Health and Safety Code section
11 78135.

12 65. To the extent any portion of DTSC's response costs are not recovered
13 pursuant to the First Claim for Relief, each of the Defendants are liable to DTSC
14 under section 79650 of the California Health and Safety Code for such costs
15 incurred by DTSC.

16 66. Under sections 79650 and 79655 of the California Health and Safety
17 Code, Defendants are liable to the DTSC Plaintiffs for interest at the rate provided
18 by law on any costs that may be recovered under the Hazardous Substance
19 Account Act ("HSAA"), codified at Division 45 (sections 78000-81050) of the
20 California Health and Safety Code.

21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiffs respectfully request that the Court:

- 23 (1) Enter judgment in favor of Plaintiffs against Defendants, jointly and
24 severally, for all response costs incurred by Plaintiffs relating to the
25 NHOU, including enforcement costs and prejudgment interest, pursuant
26 to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a);
27 (2) Enter a declaratory judgment in favor of Plaintiffs against Defendants,
28 jointly and severally, which will be binding in any subsequent action

1 against Defendants seeking to recover further response costs incurred by
2 Plaintiffs relating to the NHOU, including enforcement costs and
3 interest, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C.
4 § 9613(g)(2);

5 (3) In the alternative to the CERCLA Section 107(a) claim and only to the
6 extent a portion of DTSC's response costs are not recovered pursuant to
7 that claim, for a judgment that each of the Defendants are liable to DTSC
8 under section 79650 of the HSAA, for response costs incurred by DTSC
9 responding to the release and/or threatened release of hazardous
10 substances at the NHOU, in an amount to be proven at trial, including
11 interest pursuant to California Health and Safety Code section 79655;

12 (4) Enter an order against Defendants, jointly and severally, ordering
13 Defendants to implement the NHOU2IR and take any other actions
14 necessary to abate the imminent and substantial endangerment to the
15 public health or welfare or the environment because of the releases and
16 threatened releases of hazardous substances from the NHOU;

17 (5) Award Plaintiffs the costs of this action; and

18 (6) Grant such other and further relief as this Court may deem just and
19 proper.
20

21 Respectfully submitted,

22 FOR THE UNITED STATES OF
23 AMERICA

24 TODD KIM
25 Assistant Attorney General
26 Environment and Natural Resources
27 Division
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