

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America,

Plaintiff,

v.

Civil Action No. 25-10115

Aerosols Danville, Inc., f/k/a KIK Custom
Products, Inc.;
Avnet, Inc.;
Bank of America, N.A., Trustee u/w of Lloyd
G. Balfour;
BASF Catalysts LLC;
Chevron Environmental Management
Company, for itself and as Attorney-in-Fact
for Kewanee Industries, Inc.;
City of Attleboro, Massachusetts;
ConocoPhillips Company;
Handy & Harman;
International Paper Company;
Swank Holdings, Inc.;
Teknor Apex Company;
Texas Instruments Incorporated;
Waste Management of Massachusetts, Inc.;
Town of Norton, Massachusetts

Defendants.

COMPLAINT

1. The United States of America, by authority of the Attorney General, acting on behalf of the United States Department of the Interior, Fish and Wildlife Service (“DOI”), brings this complaint and states as follows:

NATURE OF THE ACTION

2. This is a civil action for natural resource damages against the named Defendants under Sections 107(a) and (f)(1) of the Comprehensive Environmental Response, Compensation,

and Liability Act (“CERCLA”), 42 U.S.C. § 9607(a) and (f)(1), for damages for injury to, destruction of, or loss of, or loss of use of, natural resources, including the reasonable costs of assessing such injury, destruction or loss, resulting from the release of hazardous substances into the environment at or related to the Shpack Landfill Superfund Site located in both Norton and Attleboro, Massachusetts (the “Site”).

3. The hazardous substances released at or related to the Site include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and heavy metals such as lead, arsenic, chromium, copper, cadmium, nickel, and zinc. Releases of the hazardous substances have resulted in injury to various natural resources, such as mammals (e.g., raccoon, red fox), migratory birds (e.g., dabbling ducks, songbirds), amphibians, reptiles, fish, and invertebrates, as well as other wildlife for which Federal and State agencies serve as trustees.

JURISDICTION AND VENUE

4. 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(a) and 9613(b).

5. 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 give rise to this claim occurred in this district, and because the Site is located in this district.

STATUTORY BACKGROUND

6. Section 107(f) of CERCLA, 42 U.S.C. § 9607(f), authorizes duly-designated Federal and State natural resource trustees to recover natural resource damages (“NRD”), i.e. damages for any injury to, destruction of, or loss of natural resources resulting from the release of hazardous substances, including the reasonable costs of assessing such injury.

7. Section 107(a)(4)(C) of CERCLA, 42 U.S.C. § 9607(a)(4)(C), imposes liability for NRD on certain classes of potentially responsible parties (“PRPs”), including current owners and operators of a facility from which there has been a release of a hazardous substance, parties that owned or operated a facility at the time of disposal of a hazardous substance, and parties that arranged for disposal or treatment of a hazardous substance at a facility owned by another party or entity.

8. Under CERCLA, the term “natural resources” includes “land, fish, wildlife, biota, air, water . . . and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States [or] any State or local government” 42 U.S.C. § 9601(16).

9. The Secretary of DOI has been designated as a natural resource trustee for federal trust resources at or related to the Site under 42 U.S.C. § 9607(f)(2)(A), 40 C.F.R. § 300.600, and Exec. Ord. No. 12,580, 52 Fed. Reg. 2923 (Jan. 23, 1987). DOI acts on behalf of the public as a trustee for natural resources, including threatened or endangered species, migratory birds, other fish and aquatic life, and their supporting ecosystems, belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States. See 40 C.F.R. § 300.600.

10. The Secretary of the Executive Office of Energy and Environmental Affairs of the Commonwealth of Massachusetts, acting by and through its Department of Environmental Protection (the “State Trustee”), has been designated as the State natural resource trustee for Massachusetts trust resources at or related to the Site under 42 U.S.C. § 9607(f)(2)(B) and 40 C.F.R. § 300.605. The State Trustee acts on behalf of the public for natural resources, including their supporting ecosystems, within the boundaries of Massachusetts or belonging to, managed by, or appertaining to Massachusetts. See 40 C.F.R. § 300.605.

11. Federal trusteeship over natural resources may overlap with that of States. The National Contingency Plan directs that, where there are multiple trustees, the trustees should coordinate and cooperate in carrying out their responsibilities. 40 C.F.R. § 300.615(a).

GENERAL ALLEGATIONS

12. The Site is approximately 9.4 acres and consists of two parcels of land located on the Norton/Attleboro, Massachusetts town boundary, on the southerly side of Union Road in Norton and Peckham Street in Attleboro. The Site includes both the “Shpack Parcel” in Norton and the “Dumont Parcel” in Attleboro.

13. The Shpack Parcel, which consists of 6.0 acres situated in Norton, is bounded by Union Road and the former Shpack residence to the northwest, Chartley Swamp to the east/southeast, and the Norton-Attleboro corporate boundary to the south/southwest.

14. The Dumont Parcel, which consists of approximately 3.4 acres located in Attleboro, is a triangular shaped parcel bounded by Peckham Street to the north/northwest, the Attleboro-Norton town line to the east/northeast, and a line between Peckham Street and the Attleboro-Norton town line to the south.

15. The Dumont Parcel portion of the Site was operated as an open burning dump for the City of Attleboro from approximately 1946 through 1965.

16. The Shpack Parcel portion of the Site received hazardous substances and other waste from approximately 1946 through 1975.

17. Bulldozers periodically leveled the land on the Dumont Parcel without strict adherence to property boundaries, causing the wastes originally disposed on each of the two contiguous parcels to become commingled.

18. Contaminants have been detected in the soils and groundwater at the Site, including, but not limited to, the following: VOCs; SVOCs; PCBs; heavy metals, such as lead, arsenic, chromium, copper, cadmium, nickel, and zinc; and radiological compounds.

19. The contaminants referred to in Paragraph 18 are “hazardous substances” within the meaning of Section 104(14) of CERCLA, 42 U.S.C. § 9601(14).

20. In 1986 the Site was placed on the National Priorities List (NPL). The NPL is a list of hazardous waste sites posing the greatest threat to human health, welfare, and the environment. 42 U.S.C. § 9605(a) and 40 C.F.R. Part 300, Appendix B.

21. There have been “releases” of hazardous substances at or from the Site within the meaning of Sections 101(22) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(22) and 9607(a).

22. The Site is a “facility” within the meaning of CERCLA Sections 101(9) and 107(a), 42 U.S.C. §§ 9601(9) and 9607(a).

23. The releases of hazardous substances and materials at the Site contaminated the soils, groundwater, surface waters, and wetlands on and adjacent to the Site.

24. DOI and the State Trustee (collectively, the “Trustees”) have assessed injuries to natural resources resulting from the release of hazardous substances at the Site.

25. Plaintiff has incurred costs in assessing injuries to natural resources resulting from the releases of hazardous substances at or from the Site.

26. The Trustees have determined that injuries to natural resources at or related to the Site, including sediment, soil, wetlands, and wildlife, were caused by exposure of those resources to the hazardous substances which were released at or from the Site. These injuries resulted in a loss of these resources as well as the ecological services that these resources would otherwise have provided.

27. “Natural Resources” within meaning of Section 101(16) of CERCLA, 42 U.S.C. § 9601(16), have been or/are being injured, lost, or destroyed as a result of the releases of hazardous substances at or from the Site.

DEFENDANTS

28. Each of the Defendants is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

29. Defendants Aerosols Danville, Inc., f/k/a KIK Custom Products, Inc.; Avnet, Inc.; Bank of America, N.A., Trustee u/w of Lloyd G. Balfour; BASF Catalysts LLC; Chevron Environmental Management Company, for itself and as Attorney-in-Fact for Kewanee Industries, Inc.; ConocoPhillips Company; Handy & Harman; International Paper Company; Swank Holdings, Inc.; Teknor Apex Co.; and Texas Instruments, Inc. (collectively “Arranger Defendants”), or their predecessors, generated waste materials that contained hazardous

substances including VOCs, SVOCs, PCBs, lead, arsenic, chromium, copper, cadmium, nickel, and/or radiological compounds.

30. Each Arranger Defendant or its predecessor arranged (by contract, agreement or otherwise) for disposal of the waste materials it generated, or arranged with a transporter for transport for disposal.

31. Waste materials that contained hazardous substances and that each Arranger Defendant arranged for disposal (either directly or through a transporter) were disposed of at the Site.

32. The Arranger Defendants are persons, or successors in interest to persons, that by contract, agreement or otherwise, arranged for disposal or arranged with a transporter for transport for disposal, of hazardous substances owned or possessed by such person, which were disposed of at the Site.

33. The City of Attleboro, Massachusetts entered into agreements to use the Dumont Parcel of the Site as a city dump. Agreements signed by the City of Attleboro stipulated that the dump would be open daily for the use of Attleboro inhabitants and that the City of Attleboro would bulldoze material periodically to make the land level and would grade and plow the roads within the dump.

34. Goditt & Boyer, a predecessor of Defendant Waste Management of Massachusetts, Inc., entered into an agreement with the City of Attleboro, Massachusetts, in which Goditt & Boyer agreed to furnish equipment and labor to maintain dumping areas at the Dumont Parcel of the Site. The agreement required Goditt & Boyer to level the refuse with a bulldozer.

35. Defendant Waste Management of Massachusetts, Inc. and the City of Attleboro, Massachusetts (collectively “Operator Defendants”) are persons, or successors in interest to persons that, at the time of the disposal of hazardous substances, were operators of the Site.

36. Goditt & Boyer, a predecessor of Defendant Waste Management of Massachusetts, Inc., brought several loads of waste materials per day to the Dumont Parcel of the Site for disposal from companies in or around the City of Attleboro, Massachusetts, including several of the Arranger Defendants.

37. L.W. Fontaine Trucking, another predecessor of Defendant Waste Management of Massachusetts, Inc., brought loads of waste materials to the Shpack Parcel of the Site for disposal.

38. Defendant Waste Management of Massachusetts, Inc. (“Transporter Defendant”) is a person, or a successor in interest to a person, that accepted waste, which contained hazardous substances, for transport to the Site for disposal.

39. Defendant Town of Norton, Massachusetts acquired the Shpack Parcel of the Site in 1981 and is the current owner of that parcel.

CLAIM FOR RELIEF

40. The allegations in Paragraphs 1 through 39 are re-alleged and incorporated herein by reference.

41. Each of the Arranger Defendants, named in Paragraph 29, is liable under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), because each arranged for the disposal or treatment, or arranged with a transporter for transport for disposal or treatment, at the Site, of hazardous substances that it owned or possessed, or is a successor in interest to such an entity.

42. Each of the Operator Defendants, named in Paragraph 35, is liable under Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), because each, at the time of the disposal of hazardous substances, was an operator of the Site, or is a successor in interest to such an entity.

43. The Transporter Defendant, named in Paragraph 38, is liable under Section 107(a)(4) of CERCLA, 42 U.S.C. § 9607(a)(4), because it accepted and transported hazardous substances to the Site for disposal there, or is a successor in interest to such an entity.

44. Defendant Town of Norton, Massachusetts is liable under Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1) because it is the current owner of a portion of the Site.

45. The release of hazardous substances into the environment at or from the Site has resulted in injury to, destruction of, or loss of natural resources within the trusteeship of DOI.

46. DOI has incurred and continues to incur costs related to the assessment of natural resource damages resulting from the release of hazardous substances from the Site.

47. The Defendants are jointly and severally liable for natural resource damages, including the reasonable costs of assessing natural resource injuries, resulting from releases of hazardous substances at or related to the Site pursuant to Section 107(a)(4)(C) of CERCLA, 42 U.S.C. § 9607(a)(4)(C).

PRAYER FOR RELIEF

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

(1) Enter judgment in favor of Plaintiff and against the Defendants, jointly and severally, for all damages for injury to, destruction of, or loss, or loss of use of, natural resources,

and the reasonable costs of assessing such injury, destruction, or loss, or loss of use of, natural resources resulting from the release of hazardous substances at or relating to the Site;

(2) Enter a declaratory judgment in favor of Plaintiff and against the Defendants that the Defendants are jointly and severally liable for any future costs or expenses incurred by the United States in the restoration or replacement of natural resources damaged or destroyed as a result of the release or threatened release of hazardous substances at or related to the Site, including future natural resource damage assessment costs and costs of implementing natural resource restoration activities;

(3) Award Plaintiff its costs and fees in this action; and

(4) Grant Plaintiff such other relief as this Court deems just and proper.

Respectfully submitted,

TODD KIM
Assistant Attorney General

/s/ Andrew W. Keir
Andrew W. Keir
Senior Counsel
Environment and Natural Resources Division
United States Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044-7611
(202) 532-2228

JOSHUA S. LEVY
United States Attorney
District of Massachusetts

Hillary H. Harnett
Assistant United States Attorney
U.S. Attorney's Office
John J. Moakley U.S. Courthouse
One Courthouse Way, Suite 9200

Boston, MA 02210
Office: (617) 748-3252

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) United States of America V. Aerosols Danville, Inc. et al.
-
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- ☒ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- *Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☐
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Andrew W. KeirADDRESS USDOJ, PO Box 7611 Washington, DC, 20044TELEPHONE NO. (202) 532-2228

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

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

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

Andrew W. Keir, USDOJ, PO Box 7611 Washington, DC, 20044, ph:
202-532-2228; Hillary Harnett, US Attorney's Office, 1 Courthouse
Way, Suite 9200, Boston, MA, ph: 617-748-3252

DEFENDANTS

Aerosols Danville, Inc. et al.

County of Residence of First Listed Defendant Cook County, IL
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

Michael P. Last, Verrill Dana LLP, One Federal Street, 20th Floor, Boston,
MA 02110, ph: (617) 357-3738; Mark R. Reich, KP Law P.C., 101 Arch
Street, 12th Floor, Boston, MA 02110, ph: (617) 654-1786

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

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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 <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 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 (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <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 type="checkbox"/> 893 Environmental Matters <input checked="" 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):
Comprehensive Environmental Response, Compensation, & Liability Act, 42 U.S.C. Section 9607

Brief description of cause:

United States seeks damages for injuries to natural resources and recovery of assessment costs in connection with the Shpack Landfill 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

SIGNATURE OF ATTORNEY OF RECORD

January 16, 2025

/s/ Andrew W. Keir

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____