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15  
16 IN THE UNITED STATES DISTRICT COURT  
17 CENTRAL DISTRICT OF CALIFORNIA  
18 WESTERN DIVISION

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 HILL BROTHERS CHEMICAL  
23 COMPANY,

24 Defendant.

Civil Action No.

COMPLAINT

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1 COMPLAINT

2 The United States of America, by and through the undersigned attorneys, by  
3 authority of the Attorney General and at the request of and on behalf of the  
4 Administrator of the United States Environmental Protection Agency (“EPA”),  
5 alleges as follows:

6 STATEMENT OF THE CASE

7 1. This is a civil action brought under Section 107 of the Comprehensive  
8 Environmental Response, Compensation, and Liability Act of 1980, as amended  
9 (“CERCLA”), 42 U.S.C. § 9607, relating to releases of hazardous substances at the  
10 Puente Valley Operable Unit of the San Gabriel Valley Superfund Site, Area 4,  
11 Los Angeles County, California (the “Site”).

12 2. Plaintiff seeks reimbursement of certain costs incurred and to be  
13 incurred by EPA and the United States Department of Justice (“DOJ”) (herein  
14 collectively referred to as the “United States”), including accrued interest, for  
15 response actions at the Site, pursuant to CERCLA.

16 JURISDICTION AND VENUE

17 3. This Court has jurisdiction over the subject matter of this action and  
18 over Defendant pursuant to 28 U.S.C. §§ 1331 and 1345, and 42 U.S.C. §§ 9607(a)  
19 and 9613(b).

20 4. Venue is proper in this District pursuant to 42 U.S.C. § 9613(b), and  
21 28 U.S.C. § 1391, because the releases and damages of hazardous substances  
22 occurred in Los Angeles County, California, in the Western Division of the Central  
23 District of California.

24 DEFENDANT

25 5. Defendant Hill Brothers Chemical Company (“Hill Brothers”) is an  
26 operator of a facility at the time disposal of hazardous substances occurred, within  
27 the meaning of Section 107(a)(1) and (2) of CERCLA, 42 U.S.C. § 9607(a)(1) and  
28 (2).



1 42 U.S.C. § 9617(c). The ESD requires the containment and treatment of 1,4  
2 dioxane, an additional contaminant of concern recently identified at the Site. The  
3 ESD also requires the treatment of perchlorate under certain circumstances.

4 13. The United States has incurred and continues to incur response costs  
5 (including interest) in responding to releases or threatened releases of hazardous  
6 substances at the Site, which costs are not inconsistent with the National  
7 Contingency Plan (“NCP”).

8 14. The United States has entered into certain consent decrees with other  
9 Potentially Responsible Parties at the Site. These consent decrees provide for the  
10 performance of certain response actions to accomplish clean up at the Site and  
11 reimbursement of certain of EPA’s past response costs. EPA has unreimbursed  
12 response costs in excess of \$12 million.

13 CLAIM FOR RELIEF

14 COST RECOVERY UNDER CERCLA SECTION 107(A)(1) and (2)

15 15. Paragraphs 1 through 14 are incorporated herein by reference.

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

18 (a) Notwithstanding any other provision or rule of law, and  
19 subject only to the defenses set forth in subsection (b) of  
20 this section –

21 (1) the owner and operator of a vessel or a facility, [and]

22 (2) any person who at the time of disposal of any  
23 hazardous substance owned or operated any facility at  
24 which such hazardous substances were disposed of,

25 . . . from which there is a release, or threatened release  
26 which causes the incurrence of response costs, of a  
27 hazardous substance, shall be liable for –

28 (A) all costs of removal or remedial action incurred by  
the United States Government or a State . . . not  
inconsistent with the national contingency plan . . . .

1 17. Hill Brothers operates a manufacturing facility at 15017 Clark  
2 Avenue, City of Industry, California (“the Facility”), where it manufactures  
3 various chemical products as well as conducts chemical repackaging and  
4 distribution operations.

5 18. Hill Brothers has operated the Facility since approximately 1955 and  
6 continues to operate on the Property currently.

7 19. PCE, TCE, and carbon tetrachloride were found in groundwater  
8 beneath the facility at or above the Maximum Contaminant Levels for these  
9 chemicals.

10 20. Soil and soil gas analyses revealed the presence of PCE, TCE,  
11 methylene chloride, and carbon tetrachloride in soils at the Facility, indicating that  
12 releases of these chemicals occurred onsite.

13 21. Defendant Hill Brothers is the current operator of 15017 Clark  
14 Avenue. As such, Hill Brothers is liable as an operator of a facility at which  
15 hazardous substances were released, within the meaning of CERCLA section  
16 107(a)(1), 42 U.S.C. § 9607(a)(1).

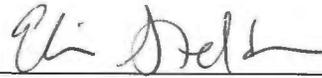
17 22. On the basis of Hill Brothers’ operation of the Facility during the time  
18 of disposal of hazardous substances, Hill Brothers is liable under CERCLA Section  
19 107(a)(2), 42 U.S.C. § 9607(a)(2).

20 23. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),  
21 the United States is entitled to a declaratory judgment that Defendant is liable for  
22 such future response costs that the United States may incur in connection with the  
23 Site.

24 24. The actions taken by the United States in connection with the Site  
25 constitute “response” actions within the meaning of Section 101(25) of CERCLA,  
26 42 U.S.C. § 9601(25) in connection with which the United States has incurred  
27 costs.  
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