

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

No. _____

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
RICHARD MIDDLETON, CIRCLE)
ENVIRONMENTAL, INC., BSJR, LLC, and)
WATERPOLLUTIONSOLUTIONS.COM, INC.,)
)
Defendants.)

COMPLAINT

The United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), files this complaint and alleges as follows:

PRELIMINARY STATEMENT OF THE CASE

1. This is a civil action commenced pursuant to Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9607(a), for recovery of response costs from the Defendants that the United States incurred in response to releases and threatened releases of hazardous substances at the Circle Environmental #1 and #2 Superfund Sites (the “Sites”) in Dawson, Terrell County, Georgia.

2. The United States also seeks a judgment, pursuant to CERCLA Section 113(g)(2), 42 U.S.C. § 9613(g)(2), declaring each defendant is liable for future response costs that the

United States shall incur as a result of releases or threatened releases of hazardous substances from the Sites.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of and the parties to this action pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. §§ 1331 and 1345.

4. Venue is proper in this district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the releases or threatened releases of hazardous substances that give rise to the United States' claims have occurred in this district.

DEFENDANTS

5. Each of the defendants is a "person" within the meaning of CERCLA Section 101(21), 42 U.S.C. § 9601(21), because each is a natural person or a corporation.

6. Circle Environmental, Inc. ("CEI") and Waterpollutionsolutions.com, Inc. ("WPS") are closely-held South Carolina corporations owned and operated by Richard Middleton. Middleton developed an industrial cleaning business which he incorporated as "Circle Environmental, Inc." He also operated parts of the business through WPS. Through CEI, Middleton sold a franchise, along with the rights to do business as "Circle Environmental," to Scott Harpole in 1995. Harpole initially operated the business at Circle Environmental #1 Site ("Site #1") and stored and/or disposed of hazardous substances received and/or generated in this business at both Sites. At times relevant to this Complaint, Middleton, CEI and WPS, by contract, agreement, or otherwise, arranged for treatment, or arranged with a transporter for

transport or treatment, of hazardous substances owned or possessed by each such defendant at the Sites within the meaning of CERCLA Section 107(a)(3), 42 U.S.C. § 9607(a)(3).

7. Defendant BSJR, LLC was a closely-held Georgia corporation which was owned and operated by John Harris. BSJR was the owner of Circle Environmental #2 Site (“Site #2”) at the time that Harpole transferred drummed waste to the site and at the time there was a release or threatened release of hazardous substances from the site. BSJR was incorporated in May 2006, prior to release or threatened release hazardous substances at Site #2, and was involuntarily, administratively dissolved by the State of Georgia in September 2010 for failure to file its annual registration. At times relevant to this Complaint, BSJR owned Site #2, which is a facility at which there was a release of hazardous substances within the meaning of CERCLA Section 107(a)(1), 42 U.S.C. § 9607(a)(1). This suit is proper as to BSJR pursuant to Ga. Code § 14-4-161.

STATUTORY SCHEME

8. 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).

9. 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.

10. For CERCLA response actions and enforcement purposes, the Administrator of EPA is the President's delegate, as provided in operative Executive Orders, and, within certain limits, the Regional Administrators of EPA have been re-delegated this authority.

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

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

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

...

(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, hazardous substances owned or possessed by such person, by any other party or entity, at any facility . . . 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 . . . not inconsistent with the national contingency plan.

12. “Facility” is defined in CERCLA Section 101(9) as “any building, structure, installation, equipment, pipe or pipeline” or “any site or area where a hazardous substance has been deposited, stored, disposed of, or placed” 42 U.S.C. § 9601(9).

13. “Release” is defined in CERCLA Section 101(22) as “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or

disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)

...” 42 U.S.C. § 9601(22).

14. “Treatment” is defined in CERCLA Section 101(29) by reference to the Solid Waste Disposal Act (SWDA). 42 U.S.C. § 9601(29). The SWDA defines “treatment” as

any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

42 U.S.C. § 6903(34).

15. “Person” is defined in CERCLA Section 101(21) as “an individual, firm, corporation” 42 U.S.C. § 9601(21).

16. “Hazardous substance” is defined in CERCLA Section 101(14) by reference to other federal statutes and by reference to a list of substances published by EPA at 40 C.F.R. § 302.4. 42 U.S.C. § 9601(14).

17. “Response,” as defined in CERCLA Section 101(25), includes “removal” actions and enforcement activities related thereto. 42 U.S.C. § 9601(25).

CIRCLE ENVIRONMENTAL #1 SITE

18. Site #1 is located at 170 5th Avenue in Dawson, Terrell County, Georgia. It consists of a warehouse of brick and wood construction, measuring approximately 120 by 60 feet in size. It is located in the business district of Dawson, adjacent to City Hall and a number of active businesses. Private residences are located within three (3) city blocks of the warehouse.

19. From approximately January 1995 through at least 2001, Scott Harpole leased the Site #1 warehouse from the site's owner and operated an industrial waste recycling business (known to customers by the same name as Middleton's business: "Circle Environmental, Inc.") at this site. The business sold absorbent materials to industrial customers, which generated liquid waste as part of their operations, and provided industrial cleaning services to launder the absorbents in batches for reuse. The used, contaminated absorbents were transported to the site in standard 55 gallon drums or 275 gallon totes.

20. From 1995 to 1997, the absorbents were cleaned using a water-washing operation. In late 1997, Harpole converted his business to use a dry cleaning process. To dry clean the absorbents, they were first placed in an onsite centrifuge machine, which spun them at high speeds, separating out the bulk of the dirt and suspended liquids. Next, the absorbents were dry cleaned with the chemical solvent perchloroethylene ("PCE"). PCE is a hazardous substance under CERCLA and an F-listed hazardous waste under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 9601 *et seq.*

21. In the dry cleaning process, waste petroleum, waste paint, solvents, coolants, debris, and other contaminants dissolve into the PCE. Subsequently, the PCE is sent through a distillation unit to separate out as much PCE as possible from the contaminants so the PCE may be reused. The residual contaminants and unreclaimable PCE are known as "still bottoms."

22. In early 2002, Harpole moved the business to a new location in Dawson; however, in February 2005, Harpole leased Site #1 once again from the owner for use as additional storage space for his waste recycling and dry cleaning business.

23. In May 2006, Harpole closed his business and ceased cleaning operations at the new location; however, he continued to use Site #1 to store drums of absorbent waste material and PCE still bottoms for an extended period of time. As of June 2007, approximately 2000 drums were stored at Site #1. Between August 6 and August 10, 2007, 826 of these drums purportedly sent to Harpole by Middleton for another customer were removed by that customer. The rest of the drums remained.

24. In August and September 2007, Harpole continued to dispose of rags and absorbent pads at Site #1 as follows: Solvent-soaked rags and absorbents were dumped onto the Site #1 warehouse floor to in an attempt to “air-dry” the hazardous solvents from the rags before loading them into open-top roll-off containers to be sent to another waste disposal facility under non-hazardous wastes manifests. Strong chemical odors released by the air-drying rags were prevalent in the vicinity of Site #1 and attracted the attention and concern of the site’s owner and several neighboring community members. At about this time, Harpole transferred many of the remaining drums and open-top roll-off containers to Site #2 to continue the disposal process.

25. On September 10, 2007, the Georgia Environmental Protection Division (EPD) called EPA to respond to the Sites. EPA mobilized to the Sites on the same day. At Site #1, EPA identified a total of 526 drums. The drums contained a variety of wastes, including wipe rags and absorbent materials tainted with solvents, waste oil, paint waste, as well as liquids including paint waste, and spent PCE still bottoms. Many of the drums were labeled with placards indicating they contained “hazardous waste” and “flammable” substances. The majority of the drums were in poor condition. Some drums had developed minor leaks and were seeping their contents onto the floor. A strong solvent odor was present in the vicinity. EPA air

monitoring results confirmed elevated levels of volatile organic compounds (VOCs) in the Site #1 warehouse. The levels of VOCs were high enough to require EPA responders to use special respiratory protection.

CIRCLE ENVIRONMENTAL #2 SITE

26. Site #2 is an undeveloped lot located at 2222 Albany Highway (Highway 520) in unincorporated Terrell County, Georgia. It lies immediately adjacent to a busy highway and an operating business, with residential and other commercial areas located within a quarter mile. Dawson, Georgia is less than one mile away.

27. About the time that Site #1's owner and several neighboring community members became concerned about strong chemical odors released by air-drying rags at the Site, Harpole transferred a number of the remaining drums and open-top roll-off containers to Site #2 to continue the disposal process. At Site #2, Harpole continued to "air-dry" and dispose of contaminated wipe rags using similar methods as he used at Site #1.

28. Site #2 is presently owned by Charles Mark Willis and Kathlyn Marie Willis. The Willises purchased the Site #2 property on November 13, 2008, after the completion of the cleanup, from defendant BSJR. BSJR was the owner of Site #2 at the time that Harpole transferred drummed waste to the site and at the time of the release or threatened release of hazardous substances which took place as a result of Harpole's activities. John Harris, by and through BSJR, agreed to allow Harpole to store drums and open-top roll-off containers from Site #1 at Site #2.

29. When EPA responded to Site #2, EPA identified a total of 364 drums and two (2) open-top roll-off containers filled with contaminated rags onsite. The drums and roll-off

containers were stored on the open lot on bare ground, with no roof or other covering to shield them from rain and other weather. Tainted rags were littered across the property. The drums carried labels similar to those found at Site #1. The majority of the drums were empty; their contents had been emptied into the two roll-off containers. A strong solvent odor was present in the vicinity, and air monitoring results above the drums and roll-off containers confirmed the presence of VOCs. Other wastes identified at Site #2 in the remaining drums included paint waste, contaminated rags, aerosol cans and contaminated rainwater.

THE REMOVAL ACTION

30. Harpole's business had ceased operations approximately eighteen (18) months prior to the time EPA was first contacted to evaluate the Sites in September 2007. However, it had been storing drummed waste at the Site #1 warehouse for approximately 30 months. Drummed waste had been stored at Site #2 since August or September 2007.

31. EPA sampling and analysis of the ambient air and wastes stored at the Sites revealed that CERCLA hazardous substances were present at the Sites, including the following: flammable liquids, flammable solids, tetrachloroethylene wastes, 1,4-Dichlorobenzene, Isophorone, Acetone, Di-n-butylphthalate, Bis(2-Ethylhexyl)phthalate, Dimethylphthalate, 4-Methyl-2-pentanone, 2-Butanone, Ethylbenzene, Isopropylbenzene (a/k/a Cumene), Tetrachloroethene, Toluene, Trichloroethene, and Xylenes. See 40 C.F.R. § 302.4.

32. There were releases and/or threatened releases of hazardous substances at and from the Sites.

33. EPA commenced Emergency Removal Actions at the Sites on September 10, 2007. At both Site #1 and Site #2, EPA provided site security, air monitoring, segregated and

staged the drums, conducted waste sampling and analysis, overpacked drums, created a drum inventory database for identified waste streams and container information, and arranged for off-site treatment, recycling and/or disposal, as appropriate.

34. On October 29, 2008, Harpole was indicted in the U.S. District Court for the Middle District of Georgia, Albany Division, Case No. 1:08-CR-40 (WLS) for (1) transporting hazardous waste to a facility without a proper permit in violation of 42 U.S.C. § 6928(d)(1); (2) storage of hazardous waste without a proper permit in violation of 42 U.S.C. § 6928(d)(2)(A); and (3) transporting hazardous waste without a proper manifest in violation of 42 U.S.C. 6928(d)(5). Harpole pled guilty to count 3 of the indictment, and the Court entered an Order sentencing him to two (2) years probation.

35. On April 6, 2009, Harpole filed a Chapter 7 bankruptcy petition in the Middle District of Georgia Bankruptcy Court, Albany Division, Case No. 09-10647, citing approximately \$1,000,000 in liabilities and less than \$50,000 in assets. The Chapter 7 Trustee certified to the bankruptcy court that there were no assets available for distribution to creditors over and above that exempted by law, and that the estate had been fully administered. Accordingly, on July 31, 2009, the Bankruptcy Court issued its Final Decree and Order discharging Harpole's debt obligations, including any obligations to the Government that arose as a result of the emergency removal action at issue in this case.

36. EPA commenced the Emergency Removal Action at the Sites on September 10, 2007. EPA completed its work at Site #1 on September 18, 2008 and completed its work at Site #2 on November 13, 2008.

37. As of February 28, 2011, EPA has incurred past response costs of \$578,283.34 at Site #1 and \$135,463.30 at Site #2.

FIRST CLAIM FOR RELIEF
(Recovery of Response Costs at Site #1)

38. The allegations contained in paragraphs 1 through 37 are incorporated herein by reference.

39. Site #1 is a “facility” as defined in CERCLA Section 101(9), 42 U.S.C. § 9601(9), because it is a site or area where hazardous substances have been stored and/or deposited.

40. There have been “releases” and/or threatened “releases” as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances at or from Site #1, as described above.

41. Flammable liquids, flammable solids, tetrachloroethylene wastes, Isophorone, Acetone, Dimethyl phthalate, 4-Methyl-2-pentanone, 2-Butanone, Benzene, Ethylbenzene, Isopropylbenzene (a/k/a Cumene), Tetrachloroethene, Toluene, Trichloroethene, and Xylenes are “hazardous substances” within the meaning of Sections 101(14) and 102(a) of CERCLA, 42 U.S.C. §§ 9601(14) and 9602(a), and 40 C.F.R. § 304.2.

42. On one or more occasion, Middleton, either individually or through CEI and/or WPS, arranged for metal drums and/or other containers of rags and pads soaked with hazardous substances in his, or his businesses’ possession, to be sent to Harpole’s business for treatment, because he was unable to process the materials at his own facility. At least 231 cubes and 1137 drums were sent by Middleton and/or his businesses to Harpole. Harpole treated, stored and/or disposed of these hazardous substances at Site #1.

43. As a result of the releases and/or threatened releases of hazardous substances at or from Site #1, the United States has incurred and expects to incur “response” costs, as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

44. The response actions taken by Plaintiff in connection with Site #1, and, thus, the response costs incurred, are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

45. Middleton, CEI, and WPS are jointly and severally liable pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), to the United States for all costs of response actions incurred by the United States in connection with Site #1. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment on liability should be entered against Middleton, CEI, and WPS that will be binding in any subsequent action or actions seeking to recover further response costs or damages incurred by the United States in connection with Site #1.

SECOND CLAIM FOR RELIEF
(Recovery of Response Costs at Site #2)

46. The allegations contained in paragraphs 1 through 37 are incorporated herein by reference.

47. Site #2 is a “facility” as defined in CERCLA Section 101(9), 42 U.S.C. § 9601(9) because it is a site or area where hazardous substances have been stored and/or deposited.

48. There has been a “release” and/or threatened “release” as defined by Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances at or from Site #2, as described above.

49. Flammable liquids, flammable solids, Acetone, Ethylbenzene, Benzene, and Xylenes are “hazardous substances” within the meaning of Sections 101(14) and 102(a) of CERCLA, 42 U.S.C. §§ 9601(14) and 9602(a), and 40 C.F.R. § 304.2.

50. Middleton, either individually or through CEI and WPS, both shipped and arranged for shipment of hazardous substances for treatment to Harpole, operating through his Circle Environmental franchise. Harpole stored these hazardous substances at Site #2.

51. BSJR was an owner/operator of Site #2 at the time Harpole stored and disposed of hazardous substances at the Site at the time of the release or threatened release of hazardous substances, and at the time EPA incurred response costs.

52. As a result of the release and threatened release of hazardous substances at or from Site #2, the United States has incurred and expects to incur “response” costs, as that term is defined by Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

53. The response actions taken by Plaintiff in connection with Site #2, and, thus, the response costs incurred, are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

54. BSJR, Middleton, CEI, and WPS are jointly and severally liable pursuant to Sections 107(a)(1) and (3) of CERCLA, 42 U.S.C. § 9607(a)(1) and (3), to the United States for all costs of response actions incurred by the United States in connection with Site #2. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment on liability should be entered against BSJR, Middleton, CEI, and WPS that will be binding in any subsequent action or actions seeking to recover further response costs or damages incurred by the United States in connection with Site #2.

PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court:

1. Enter against Middleton, CEI, and WPS, jointly and severally, a judgment for all costs incurred by the United States in connection with Site #1 through the date of judgment, plus interest, pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607;
2. Enter against Middleton, CEI, and WPS, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment that Middleton, CEI, and WPS are jointly and severally liable, which will be binding on any subsequent action or actions against Middleton, CEI, and/or WPS seeking to recover further response costs or damages incurred by the United States in connection with Site #1;
3. Enter against BSJR, Middleton, CEI, and WPS, jointly and severally, a judgment for all costs incurred by the United States in connection with Site #2 through the date of judgment, plus interest, pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607;
4. Enter against BSJR, Middleton, CEI, and WPS, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment that BSJR, Middleton, CEI, and WPS are jointly and severally liable, which will be binding on any subsequent action or actions against BSJR, Middleton, CEI, and/or WPS seeking to recover further response costs or damages incurred by the United States in connection with Site #2; and
5. Grant such other relief as the Court deems appropriate.

Respectfully submitted,



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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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
UNITED STATES OF AMERICA
(b) County of Residence of First Listed Plaintiff
(c) Attorney's (Firm Name, Address, and Telephone Number)
Rachael Amy Kamons, U.S. Dept. of Justice, ENRD/EES, P.O. Box 7611
Washington, DC 20044-7611, (202) 514-5260

DEFENDANTS
Richard Middleton; Circle Environmental, Inc.; BSJR, LLC;
waterpollutionsolutions.com, Inc.
County of Residence of First Listed Defendant Terrell
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
X 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)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT TORTS FORFEITURE/PENALTY LABOR IMMIGRATION BANKRUPTCY SOCIAL SECURITY FEDERAL TAX SUITS OTHER STATUTES
110 Insurance 310 Airplane 362 Personal Injury - Med. Malpractice 610 Agriculture 422 Appeal 28 USC 158 400 State Reapportionment
120 Marine 315 Airplane Product Liability 365 Personal Injury - Product Liability 620 Other Food & Drug 423 Withdrawal 28 USC 157 410 Antitrust
130 Miller Act 320 Assault, Libel & Slander 368 Asbestos Personal Injury Product Liability 625 Drug Related Seizure of Property 21 USC 881 430 Banks and Banking
140 Negotiable Instrument 330 Federal Employers' Liability 340 Marine 370 Other Fraud 630 Liquor Laws 820 Copyrights 440 Commerce
150 Recovery of Overpayment & Enforcement of Judgment 345 Marine Product Liability 371 Truth in Lending 640 R.R. & Truck 830 Patent 450 Patent
151 Medicare Act 350 Motor Vehicle 380 Other Personal Property Damage 650 Airline Regs. 835 Patent 460 Deportation
152 Recovery of Defaulted Student Loans (Excl. Veterans) 355 Motor Vehicle Product Liability 385 Property Damage Product Liability 660 Occupational Safety/Health 840 Trademark 470 Racketeer Influenced and Corrupt Organizations
153 Recovery of Overpayment of Veteran's Benefits 360 Other Personal Injury 510 Motions to Vacate Sentence Habeas Corpus: 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prison Condition 480 Consumer Credit
160 Stockholders' Suits 441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 445 Amer. w/Disabilities - Employment 446 Amer. w/Disabilities - Other 440 Other Civil Rights 490 Cable/Sat TV
190 Other Contract 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS—Third Party 26 USC 7609 810 Selective Service
195 Contract Product Liability 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice
196 Franchise 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
X 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
7 Appeal to District Judge from Magistrate Judgment

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. sections 9607(a) and 9613(g)(2)
Brief description of cause:
CERCLA action to recover response costs incurred and declaratory judgment for future costs

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY
(See instructions): JUDGE DOCKET NUMBER

DATE 09/16/2011 SIGNATURE OF ATTORNEY OF RECORD /s/ Rachael Amy Kamons

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE