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

16 UNITED STATES OF AMERICA)
17)
18 Plaintiff,)
19 v.)
20 RICHARD A. MANCINO and)
21 YOLANDA E. MANCINO, as)
22 Individuals and as Trustees for The)
23 MANCINO TRUST,)
24 Defendants.)

Civil Action No.
COMPLAINT
FOR COST RECOVERY

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 of hazardous substances occurred in Los
22 Angeles County, California, in the Western Division of the Central District of
23 California.

24 DEFENDANTS

25 5. Defendants Richard A. Mancino and Yolanda E. Mancino, as Trustees
26 of the Mancino Trust, (“Mancino Trust”) are current owners of a facility from
27 which disposal of hazardous substances occurred, within the meaning of Section
28 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1).

1 groundwater from the Site at the mouth of the Puente Valley, and to treat
2 groundwater to remove the VOC contaminants.

3 13. On June 14, 2005, EPA published an Explanation of Significant
4 Differences (“ESD”) for the Interim Record of Decision, pursuant to Section
5 117(c) of CERCLA, 42 U.S.C. § 9617(c). The ESD requires the containment and
6 treatment of 1,4 dioxane, an additional contaminant of concern recently identified
7 at the Site. The ESD also requires the treatment of perchlorate under certain
8 circumstances.

9 14. The United States has incurred and continues to incur response costs
10 (including interest) in responding to releases or threatened releases of hazardous
11 substances at the Site, which costs are not inconsistent with the National
12 Contingency Plan.

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

18 16. 649 South Alderton Avenue, City of Industry, California (“649 South
19 Alderton Avenue” or the “Property”) is located on the Puente Valley Operable
20 Unit.

21 17. 649 South Alderton Avenue is a “facility” within the meaning of
22 Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

23 18. The Individual Defendants owned the Property from approximately
24 1973 through June 2, 1992 and operated a printing company on the Property during
25 some of that time.

26 19. Defendant Mancino Trust acquired the Property by deed on June 2,
27 1992 from the Individual Defendants.

28

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

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

6 (1) the owner and operator of a vessel or a facility, [and]
7 (2) any person who at the time of disposal of any hazardous
8 substance owned or operated any facility at which such
9 hazardous substances were disposed of,

10 . . . [and] from which there is a release, or threatened
11 release which causes the incurrence of response costs, of
12 a hazardous substance, shall be liable for –

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

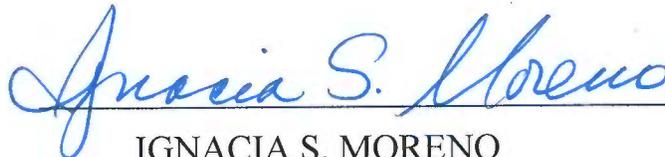
17 32. Defendant Mancino Trust is the current owner of 649 South Alderton
18 Avenue. As such, Mancino Trust is liable as an owner of a facility at which
19 hazardous substances were released, within the meaning of CERCLA section
20 107(a)(1), 42 U.S.C. § 9607(a)(1).

21 33. The Individual Defendants owned 649 South Alderton Avenue at the
22 time that disposal of Hazardous Substances occurred. As such, the Individual
23 Defendants are liable owners of a facility at which hazardous substances were
24 released at the time of disposal of hazardous substances, within the meaning of
25 CERCLA section 107(a)(2), 42 U.S.C. § 9607(a)(2).

26 34. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),
27 the United States is entitled to a declaratory judgment that the Defendants are
28 liable for such future response costs that the United States may incur in connection
with the Site.

1 Dated: _____, 2012
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4 FOR THE UNITED STATES OF AMERICA

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