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13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

16 UNITED STATES OF AMERICA, and
17 STATE OF CALIFORNIA, on behalf of the
18 Department of Toxic Substances Control and
19 Toxic Substances Control Account,

20 Plaintiffs,

21 v.

22 ABEX AEROSPACE; ABM CMS, INC. (fka
23 COMMAIR MECHANICAL SERVICES);
24 AIR CONDITIONING COMPANY, INC.;
25 AIR PRODUCTS AND CHEMICALS, INC.;
26 AIRCRAFT CYLINDER & TURBINE, INC.;
27 ALCOA INC.; ALLEN FOAM
28 CORPORATION; ALLEN L BENDER, INC.;
ALPHA THERAPEUTIC CORPORATION;
ANZON COMPANY; APPLIED MICRO
CIRCUITS CORPORATION;
APPROPRIATE TECHNOLOGIES II, INC.;

Case No. 2:16-cv-2696

COMPLAINT

1 ARLON PRODUCTS INC.; ARMOR ALL
2 PRODUCTS CORPORATION;
3 ARROWHEAD BRASS PRODUCTS, INC.;
4 ASTRO ALUMINUM TREATING CO. INC.;
5 ATLANTIC RICHFIELD COMPANY;
6 AVERY DENNISON CORPORATION;
7 BASF CORPORATION; BAXTER
8 HEALTHCARE CORPORATION; BC
9 LABORATORIES, INC.; BELL
10 INDUSTRIES, INC.; BETTERBILT
11 CHEMICALS; BOEING SATELLITE
12 SYSTEMS, INC.; BONANZA ALUMINUM
13 CORP.; BOURNS, INC.; BOWEN
14 PRINTING, INC.; BP AMOCO CHEMICAL
15 COMPANY; BROADWAY STORES, INC.;
16 BUILDING MATERIALS CORPORATION
17 OF AMERICA / GAF; BURKE STREET
18 LLC; C.T.L. PRINTING INDUSTRIES, INC.;
19 CABOT CERAMICS, INC.; CAL-AIR, INC.;
20 CALIFORNIA DEPARTMENT OF
21 CORRECTIONS AND REHABILITATION;
22 CALIFORNIA HYDROFORMING
23 COMPANY, INC.; CALIFORNIA MART;
24 CALSONIC NORTH AMERICA, INC.;
25 CANON BUSINESS MACHINES, INC.;
26 CASTATE, METROPOLITAN STATE
27 HOSPITAL; CATHOLIC HEALTHCARE
28 WEST; CENTRE PROPERTIES LTD.;
CERADYNE, INC.; CHEMICAL WASTE
MANAGEMENT, INC.; CHEROKEE
INTERNATIONAL; CINTAS
CORPORATION (successor to UNITOG
COMPANY); CITY OF CARLSBAD; CITY
OF COSTA MESA; CITY OF IRVINE; CITY
OF LOS ANGELES, DEPARTMENT OF
AIRPORTS; CITY OF SANTA BARBARA;
CITY OF SANTA MARIA; COASTCAST
CORPORATION; COLLEGE OF THE
DESERT; COLUMBIA SHOWCASE &
CABINET COMPANY, INCORPORATED;
COUNTY OF LOS ANGELES; COUNTY OF
SAN BERNARDINO; COVIDIEN; CROSBY
& OVERTON, INC.; DATATRONICS

1 ROMOLAND, INC; DEL MAR AVIONICS;
2 DEUTSCH ENGINEERED CONNECTING
3 DEVICES, INC.; DISNEY ENTERPRISES
4 INC.; DOLE DRIED FRUIT AND NUT
5 COMPANY; DOMESTIC LINEN SUPPLY
6 COMPANY; EASTMAN KODAK
7 COMPANY; EATON CORPORATION; EL
8 PASO ENERGY INTERNATIONAL
9 COMPANY; ELAN PHARMACEUTICALS,
10 INC.; FEDERAL-MOGUL CORPORATION;
11 FHL GROUP; FORENCO, INC.; FORT
12 KENT HOLDINGS, INC.; FRESNO
13 UNIFIED SCHOOL DISTRICT; GAISER
14 TOOL COMPANY; GAMBRO, INC.;
15 GENERAL DYNAMICS CORPORATION;
16 GENERAL ELECTRIC COMPANY;
17 GEORGE INDUSTRIES; GIUMARRA
18 VINEYARDS CORPORATION; GOLDEN
19 WEST REFINING COMPANY; GREAT
20 WESTERN CHEMICAL COMPANY;
21 GREENBRIDGE TECHNOLOGY, INC.;
22 GSF ENERGY LLC; GULFSTREAM
23 AEROSPACE CORPORATION;
24 HARTWELL CORPORATION; HENKEL
25 CORPORATION; HERCULES INC.;
26 HEXCEL CORPORATION; HILTON
27 HOTELS CORPORATION; HITACHI
28 HOME ELECTRONICS (AMERICA), INC.;
HLM LABELING INCORPORATED;
HONEYWELL INTERNATIONAL INC.;
HOWMET ALUMINUM CASTING, INC.;
HUBBELL INC. and MARVIN ELECTRIC
MFG. CO., INC.; HUNTINGTON PARK
RUBBER STAMP CO.; I COAT COMPANY;
IMO INDUSTRIES, INC.; INDALEX INC.,
d/b/a/ COLUMBIA PACIFIC ALUMINUM;
INTEGRATED MICROELECTRONICS,
INC. for AVX CORP.; INTERNATIONAL
PAPER COMPANY; INTERNATIONAL
RECTIFIER CORPORATION; ITT
CORPORATION; IVY HILL
CORPORATION; JAN-KENS ENAMELING
COMPANY; JOHANSON DIELECTRICS,

1 INC.; JOHNS MANVILLE CELITE
2 CORPORATION; K C PHOTO
3 ENGRAVING COMPANY; KESTER
4 SOLDER DIVISION, LITTON SYSTEMS,
5 INC.; KEY MECHANICAL SERVICE
6 COMPANY; KIMBERLY CLARK
7 WORLDWIDE, INC., FULLERTON MILL;
8 KINDER MORGAN LIQUIDS TERMINALS
9 LLC; KOLMAR LABORATORIES, INC.;
10 L.A. SUPPLY COMPANY, dba LABEL
11 HOUSE; LA COUNTY MTA (SO.
12 CALIFORNIA RTD); LA MIRADA
13 PRODUCTS CO., INC.; LANSDALE
14 SEMICONDUCTOR, INC.; LEAR SIEGLER
15 DIVERSIFIED HOLDING CORP.;
16 LEUCADIA, INC.; LEVAN SPECIALTY
17 COMPANY, INC.; LOCKHEED MARTIN
18 LIBRASCOPE CORP.; LOMA LINDA
19 UNIVERSITY; LOS ANGELES UNIFIED
20 SCHOOL DISTRICT; LUXFER USA
21 LIMITED BY BRITISH ALCAN
22 ALUMINUM PLC; MADISON
23 INDUSTRIES; MARTEK POWER ABBOTT,
24 INC.; MASCO CORPORATION OF
25 INDIANA; MATTEL, INC.; MAXON
26 INDUSTRIES, INC.; MAXWELL
27 TECHNOLOGIES, INC.; MCDONNELL
28 DOUGLAS HELICOPTER COMPANY;
MCCRAW-EDISON COMPANY;
MCKESSON CORPORATION; MEDEVA
PHARMACEUTICALS CA, INC.; MELLES
GRIOT, INC.; METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA;
MICO, INC.; MINNESOTA MINING AND
MANUFACTURING (3M) RIKER;
MONTGOMERY TANK LINES, INC.; MTI
ENGINEERING CORPORATION
(MITULOYO AMERICAN
CORPORATION); NBCUNIVERSAL
MEDIA, LLC; NCR CORPORATION; NEW
HAMPSHIRE BALL BEARINGS, INC.;
NORTHROP GRUMMAN SPACE &
MISSION SYSTEMS CORP.; NORTHROP

1 GRUMMAN SYSTEMS CORPORATION;
2 NOVACAP, INC.; OJAI
3 MANUFACTURING TECHNOLOGY, INC.;
4 OMNI METAL FINISHING, INC.;
5 PACESETTERS SYSTEMS INC./SIEMENS
6 CORPORATION; PACIFIC BELL
7 TELEPHONE COMPANY; PACIFIC GAS
8 AND ELECTRIC COMPANY; PETRO
9 LOCK, INC.; PFIZER INC.; PHARMAVITE
10 LLC; PILKINGTON PLC; PIONEER VIDEO
11 MANUFACTURING INC.; POLYONE
12 CORPORATION; PUTZMEISTER
13 AMERICA, INC.; QUAD CHEMICAL
14 CORPORATION; QUAKER CHEMICAL
15 CORPORATION; QUALITY
16 FABRICATION, INC.; QUEST
17 DIAGNOSTICS CLINICAL
18 LABORATORIES, INC.; RATHON CORP.
19 (f/k/a DIVERSEY); RAYTHEON
20 COMPANY; REED & GRAHAM, INC.;
21 REMET CORPORATION; RESINART
22 CORPORATION; RICOH PRINTING
23 SYSTEMS AMERICA, INC.; ROBINSON
24 HELICOPTER COMPANY,
25 INCORPORATED; ROBISON PREZIOSO
26 INC.; ROCKWELL COLLINS OPTRONICS,
27 INC.; ROGERS CORPORATION; SAFETY-
28 KLEEN SYSTEMS, INC.; SCHERING
CORPORATION; SCRIPTO-TOKAI
CORPORATION; SEARS, ROEBUCK AND
CO.; SEMBRA ENERGY SOLUTIONS;
SHAMROCK SCIENTIFIC SPECIALTY
SYSTEMS, INC.; SHELL OIL COMPANY;
SIEMENS BUILDING TECHNOLOGIES,
INC. (fka MCC POWERS); SIERRACIN
CORPORATION; SIGNET ARMORLITE,
INC.; SOCO WEST, INC. as successor to
HOLCHEM, INC.; SONOCO PRODUCTS
COMPANY; SOUTHERN CALIFORNIA
EDISON COMPANY; SPARTON
TECHNOLOGY, INC.; STADLER FAMILY
LIMITED PARTNERSHIP; STATE OF
CALIFORNIA DOT; STRUCTURAL

1 COMPOSITES INDUSTRIES, INC.;
2 SUPERIOR CONTROLS CO., INC.;
3 SUPRACOTE, INC.; SYMMETRICOM,
4 INC.; TDY INDUSTRIES, INC.; TELEDYNE
5 TECHNOLOGIES; TENSION ENVELOPE
6 CORPORATION; TERADYNE INC;
7 TEXACO; TEXAS INSTRUMENTS
8 INCORPORATED; TEXTRON INC.; THE
9 AT&T GROUP, INC.; THE BOEING
10 COMPANY; THE CITY OF WHITTIER,
11 CALIFORNIA; THE DOW CHEMICAL
12 COMPANY; THE FAIRCHILD
13 CORPORATION; THE HERTZ
14 CORPORATION; THE MAY
15 DEPARTMENT STORES COMPANY; THE
16 REGENTS OF THE UNIVERSITY OF
17 CALIFORNIA; THE SHERWIN-WILLIAMS
18 COMPANY; TIMEMED LABELING
19 SYSTEM, INC.; TITAN CORPORATION;
20 TODD PACIFIC SHIPYARDS
21 CORPORATION; TRANE U.S., INC.;
22 TRIBUNE COMPANY; TRIMAS
23 CORPORATION; TUBING SEAL CAP, INC.
24 PACIFIC PRECISION METALS, INC.;
25 TYCO ELECTRONICS; TYOO
26 INTERNATIONAL; UNION OIL
27 COMPANY OF CALIFORNIA; UNITED
28 PARCELS SERVICE, INC.; UNIVAR
CORPORATION UNIVAR USA INC.;
UNIVERSAL STUDIOS LLC; UNIVERSITY
OF SOUTHERN CALIFORNIA (USC);
VALEANT PHARMACEUTICALS
INTERNATIONAL; VALLEY MOTOR
CENTER, INC.; VENTURA
TOWNEHOUSE, INC.; VERTEX
MICROWAVE PRODUCTS, INC.; VIASYS
HEALTHCARE, INC.; W & B
MARKETING, INC.; WARNER-LAMBERT
COMPANY; WEBER AIRCRAFT
CORPORATION; WESTERN METAL
DECORATING CO.; WESTERN TUBE &
CONDUIT CORPORATION; WESTMONT
COLLEGE; XARD CORPORATION;

1 YELLOW TRANSPORTATION, INC.;
2 YORK INTERNATIONAL CORPORATION;
3 YORT, INC.

4 Defendants.

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25 *Attorneys for Plaintiff State of California*
26 *Department of Toxic Substances Control and Toxic Substances Control*
27 *Account*

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

7 **STATEMENT OF THE ACTION**

8 1. This is a civil action by the United States of America for injunctive
9 relief and recovery of costs under Sections 106(a) and 107 of the Comprehensive
10 Environmental Response, Compensation, and Liability Act of 1980, as amended
11 (“CERCLA”), 42 U.S.C. §§ 9606(a) and 9607, and Section 7003 of the Resource
12 Conservation and Recovery Act, as amended (“RCRA”), 42 U.S.C. § 6973, related
13 to the releases and threatened releases of hazardous substances at Operable Unit 2
14 (“OU2”) or which have come to be located at OU2, a portion of the Omega
15 Chemical Corporation Superfund Site (“Site”) in Los Angeles County, California,
16 which releases and threatened releases may present an imminent and substantial
17 endangerment to health or welfare and the environment.

18 2. This is also a civil action by DTSC for recovery of costs under
19 Section 107 of CERCLA, 42 U.S.C. § 9607, and to seek injunctive relief pursuant
20 to California Health and Safety Code sections 25187 and 25358.3(e) related to
21 OU2.

22 3. Plaintiffs have incurred response costs and expect to continue to incur
23 response costs in connection with actions taken in response to releases and/or
24 threatened releases at OU2.

25 4. Plaintiffs also make a claim under Section 113(g)(2) of CERCLA, 42
26 U.S.C. § 9613(g)(2), for a declaratory judgment that each of the defendants named
27 in this action (“Defendants”) is jointly and severally liable to Plaintiffs for future
28

1 response costs incurred by Plaintiffs in responding to releases and/or threatened
2 releases of hazardous substances at and/or from OU2.

3 5. Defendants are among the parties the Plaintiffs have determined to be
4 potentially responsible parties (“PRPs”) for OU2, but are not the only such parties.
5 The Plaintiffs may have additional claims regarding Defendants, or other parties, at
6 OU2, aside from the claims alleged herein.

7 **JURISDICTION AND VENUE**

8 6. This Court has jurisdiction over the subject matter of this action and
9 over Defendants pursuant to 28 U.S.C. §§ 1331, 1367, and 1345; CERCLA
10 Sections 106, 107, and 113(b), 42 U.S.C. §§ 9606, 9607, and 9613(b); and RCRA
11 Section 7003, 42 U.S.C. § 6973.

12 7. Venue is proper in this district under Sections 106(a) and 113(b) of
13 CERCLA, 42 U.S.C. §§ 9606(a) and 9613(b); Section 7003 of RCRA, 42 U.S.C.
14 § 6973; and 28 U.S.C. § 1391(b), because the claims arose, and/or the threatened
15 and actual releases of hazardous substances occurred, in the Western Division of
16 the Central District of California.

17 **PLAINTIFFS**

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

20 9. Plaintiff Department of Toxic Substances Control is a public agency
21 of the State of California existing under and pursuant to sections 58000-58018 of
22 the California Health and Safety Code. The Department of Toxic Substances
23 Control is a state agency responsible under state law for determining whether there
24 has been a release and/or threatened release of a hazardous substance into the
25 environment, and for determining the actions to be taken in response thereto.
26 Plaintiff the Toxic Substances Control Account is an account within the State of
27 California General Fund. California Health and Safety Code section 25173.6
28

1 establishes the account, and the director of the Department of Toxic Substances
2 Control administers it. Under California Health and Safety Code section 25361(a),
3 the Toxic Substances Control Account shall be a party in any action for recovery
4 of response costs or expenditures incurred from the account under Chapter 6.8 of
5 Division 20 of the California Health and Safety Code.

6 **DEFENDANTS**

7 10. The defendants to this action (collectively “Defendants”) are Abex
8 Aerospace; ABM CMS, Inc. (fka Commair Mechanical Service); Air Conditioning
9 Company, Inc.; Aircraft Cylinder & Turbine, Inc.; Alcoa Inc.; Air Products and
10 Chemicals, Inc.; Allen Foam Corporation; Allen L Bender, Inc.; Alpha Therapeutic
11 Corporation; Anzon Company; Applied Micro Circuits Corporation; Appropriate
12 Technologies II, Inc.; Arlon Products Inc.; Armor All Products Corporation;
13 Arrowhead Brass Products, Inc.; Astro Aluminum Treating Co. Inc.; Atlantic
14 Richfield Company; Avery Dennison Corporation; BASF Corporation; Baxter
15 Healthcare Corporation; BC Laboratories, Inc.; Bell Industries, Inc.; Betterbilt
16 Chemicals; Boeing Satellite Systems, Inc.; Bonanza Aluminum Corp.; Bourns,
17 Inc.; Bowen Printing, Inc.; BP Amoco Chemical Company; Building Materials
18 Corporation of America / GAF; Burke Street LLC; C.T.L. Printing Industries, Inc.;
19 Cabot Ceramics, Inc.; CAL-AIR, Inc.; California Department of Corrections and
20 Rehabilitation; California Hydroforming Company, Inc.; California Mart; Calsonic
21 North America, Inc.; Canon Business Machines, Inc.; CAState, Metropolitan State
22 Hospital; Catholic Healthcare West; Centre Properties Ltd.; Ceradyne Inc.;
23 Chemical Waste Management, Inc.; Cherokee International; Cintas Corporation
24 (successor to Unitog Company); City of Carlsbad; City of Costa Mesa; City of
25 Irvine; City of Los Angeles, Department of Airports; City of Santa Barbara; City
26 of Santa Maria; Coastcast Corporation; College of the Desert; Columbia Showcase
27 & Cabinet Company, Incorporated; County of Los Angeles; County of San
28

1 Bernardino; Crosby & Overton, Inc.; Covidien; Datatronics Romoland, Inc.; Del
2 Mar Avionics; Deutsch Engineered Connecting Devices, Inc.; Disney Enterprises
3 Inc.; Dole Dried Fruit and Nut Company; Domestic Linen Supply Company;
4 Eastman Kodak Company; Eaton Corporation; El Paso Energy International
5 Company; Elan Pharmaceuticals, Inc.; Federal-Mogul Corporation; FHL Group;
6 Forenco, Inc.; Fort Kent Holdings, Inc.; Fresno Unified School District; Gaiser
7 Tool Company; Gambro, Inc.; General Dynamics Corporation; General Electric
8 Company; George Industries; Giumarra Vineyards Corporation; Golden West
9 Refining Company; Great Western Chemical Company; Greenbridge Technology,
10 Inc.; GSF Energy LLC; Gulfstream Aerospace Corporation; Hartwell Corporation;
11 Henkel Corporation; Hercules Inc.; Hexcel Corporation; Hilton Hotels
12 Corporation; Hitachi Home Electronics (America), Inc.; HLM Labeling
13 Incorporated; Honeywell International Inc.; Howmet Aluminum Casting, Inc.;
14 Hubbell Inc. and Marvin Electric Mfg. Co., Inc.; Huntington Park Rubber Stamp
15 Co.; I Coat Company; IMO Industries, Inc.; Indalex Inc., d/b/a/ Columbia Pacific
16 Aluminum; Integrated Microelectronics, Inc. for AVX Corp.; International Paper
17 Company; International Rectifier Corporation; ITT Corporation; Ivy Hill
18 Corporation; Jans-Kens Enameling Company; Johanson Dielectrics, Inc.; Johns
19 Manville Celite Corporation; K C Photo Engraving Company; Kester Solder
20 Division, Litton Systems, Inc.; Key Mechanical Service Company; Kimberly Clark
21 Worldwide, Inc., Fullerton Mill; Kinder Morgan Liquids Terminals LLC; Kolmar
22 Laboratories, Inc.; L.A. Supply Company, dba Label House; LA County MTA (So.
23 California RTD); La Mirada Products Co., Inc.; Lansdale Semiconductor, Inc.;
24 Lear Sigler Diversified Holding Corp.; Leucadia, Inc.; Levan Specialty Company,
25 Inc.; Lockheed Martin Librascope Corp.; Loma Linda University; Los Angeles
26 Unified School District; Luxfer USA Limited by British Alcan Aluminum PLC;
27 Madison Industries; Martek Power Abbot, Inc.; Masco Corporation of Indiana;
28

1 Mattel, Inc.; Maxon Industries, Inc.; Maxwell Technologies, Inc.; McDonnell
2 Douglas Helicopter Company; McCraw-Edison Company; McKesson Corporation;
3 Medeva Pharmaceuticals CA, Inc.; Melles Griot, Inc.; Metropolitan Water District
4 of Southern California; Mico, Inc.; Minnesota Mining and Manufacturing (3M)
5 Riker; Montgomery Tank Lines, Inc.; MTI Engineering Corporation (Mituloyo
6 American Corporation); NBCUniversal Media, LLC; NCR Corporation; New
7 Hampshire Ball Bearings, Inc.; Northrop Grumman Space & Mission Systems
8 Corp.; Northrup Grumman Systems Corporation; Novacap, Inc.; Ojai
9 Manufacturing Technology, Inc.; Omni Metal Finishing, Inc.; Pacesetters Systems
10 Inc./Siemens Corporation; Pacific Bell Telephone Company; Pacific Gas and
11 Electric Company; Petro Lock, Inc.; Pfizer Inc.; Pharmavite LLC; Pilkington PLC;
12 Pioneer Video Manufacturing Inc.; Polyone Corporation; Putzmeister America,
13 Inc.; Quad Chemical Corporation; Quaker Chemical Corporation; Quality
14 Fabrication, Inc.; Quest Diagnostics Clinical Laboratories, Inc.; Rathon Corp.
15 (f/k/a Diversey); Raytheon Company; Reed & Graham, Inc.; Remet Corporation;
16 Resinart Corporation.; Ricoh Printing Systems America, Inc.; Robinson Helicopter
17 Company, Incorporated; Robison Prezioso Inc.; Rockwell Collins Optronics, Inc.;
18 Rogers Corporation; Safety-Kleen Systems, Inc.; Schering Corporation; Scripto-
19 Tokai Corporation; Sears, Roebuck and Co.; Sempra Energy Solutions; Shamrock
20 Scientific Specialty Systems, Inc.; Shell Oil Company; Siemens Building
21 Technologies, Inc. (fka MCC Powers); Sierracin Corporation; Signet Armorlite,
22 Inc.; Soco West, Inc. as successor to Holchem, Inc.; Sonoco Products Company;
23 Southern California Edison Company; Sparton Technology, Inc.; Stadler Family
24 Limited Partnership; State of California DOT; Structural Composites Industries,
25 Inc.; Superior Controls Co., Inc.; Supracote, Inc.; Symmetricom, Inc.; TDY
26 Industries, Inc.; Teledyne Technologies; Tension Envelope Corporation; Teradyne
27 Inc; Texaco; Texas Instruments Incorporated; Textron Inc.; The AT&T Group,
28

1 Inc.; The Boeing Company; The City of Whittier; The Dow Chemical Company;
2 The Fairchild Corporation; The Hertz Corporation; The May Department Stores
3 Company; The Regents of the University of California; The Sherwin-Williams
4 Company; Timemed Labeling System, Inc.; Titan Corporation; Trane U.S., Inc.;
5 Tribune Company; Todd Pacific Shipyards Corporation; Trimas Corporation;
6 Tubing Seal Cap, Inc. Pacific Precision Metals, Inc.; Tyco Electronics; Tyoo
7 International; Union Oil Company of California; United Parcel Service, Inc.;
8 Univar Corporation Univar USA Inc.; Universal Studios LLC; University of
9 Southern California (USC); Valeant Pharmaceuticals International; Valley Motor
10 Center, Inc.; Ventura Townhouse, Inc.; Vertex Microwave Products, Inc.;
11 VIASYS Healthcare, Inc.; W & B Marketing, Inc.; Warner-Lambert Company;
12 Weber Aircraft Corporation; Western Metal Decorating Co.; Western Tube &
13 Conduit Corporation; Westmont College; Xard Corporation; Yellow
14 Transportation, Inc.; York International Corporation; and Yort, Inc.

15
16 11. Each of the Defendants is a “person” within the meaning of Section
17 101(21) of CERCLA, 42 U.S.C. § 9601(21), and Section 1004(15) of RCRA, 42
18 U.S.C. § 6903(15).

19 **THE SITE AND ITS OPERABLE UNITS**

20 12. The Site includes the location of a former hazardous waste treatment
21 and storage facility at 12504 and 12512 Whittier Boulevard, Whittier, California,
22 known as the Omega Chemical Corporation (“Omega”), and also includes certain
23 associated and/or nearby contamination in soil and groundwater. Omega operated
24 from 1976 through 1991 as a spent solvent and refrigerant recycling facility.
25 During its years of operation, drum and bulk loads of waste solvent and chemicals
26 from various industrial activities were processed at the Site. During part of its
27 operation, Omega was subject to regulation as an interim status hazardous waste
28 facility in accordance with California Health and Safety Code section 25200.5.

1 unreimbursed response costs (including interest), as defined in Section 101(25) of
2 CERCLA, 42 U.S.C. § 9601(25), and California Health and Safety Code section
3 25323.3, by responding to the releases or threatened releases of hazardous
4 substances at or to OU2. Such costs were not inconsistent with the National
5 Contingency Plan, which is codified at 40 C.F.R. Part 300. Plaintiffs' response
6 actions include, but are not limited to, the following activities: remedial
7 investigation, oversight of work by settling defendants, community relations
8 activities, and preparation of feasibility studies and decision documents.

9
10 19. All Defendants named in this Complaint other than Defendant
11 McKesson Corporation ("McKesson"), Burke Street LLC ("Burke Street"), and
12 Stadler Family Limited Partnership ("Stadler") have, either directly or by virtue of
13 their predecessors, contracted, agreed, or otherwise arranged for disposal or
14 treatment of hazardous substances at OU2, or of hazardous substances which came
15 to be located at OU2, or arranged with a transporter for transport for disposal or
16 treatment of such hazardous substances owned or possessed by Defendants, within
17 the meaning of Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3).

18 20. Defendant McKesson, a Delaware corporation, operated a chemical
19 repackaging and distribution facility ("McKesson Facility") at 9005 Sorensen
20 Avenue, Santa Fe Springs, California. The McKesson Facility is downgradient of
21 Omega and within the area where OU2 contamination has come to be located.

22 21. The McKesson Facility is a "facility" within the meaning of Section
23 101(9) of CERCLA, 42 U.S.C. § 9601(9).

24 22. At all times relevant to this Complaint, Defendant McKesson is or
25 was "the owner or operator of a vessel or a facility" and/or a "person who at the
26 time of disposal of any hazardous substance owned or operated any facility at
27 which such hazardous substances were disposed of," within the meaning of
28 Sections 107(a)(1) and/or 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(1), (2).

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

4 33. Defendants McKesson, Burke Street, and Stadler are liable under
5 Sections 107(a)(1) and/or 107(a)(2) of CERCLA, 42 U.S.C. §§ 9607(a)(1), (a)(2),
6 as a person who owns or operates, or at the time of disposal of hazardous
7 substances owned or operated, a facility at which hazardous substances were
8 disposed of.

9 34. All other Defendants are liable under Section 107(a)(3) of CERCLA,
10 42 U.S.C. § 9607(a)(3), as person who arranged for the disposal or treatment of
11 hazardous substances at OU2, or of hazardous substances which came to be located
12 at OU2, or who arranged for transport for disposal or treatment of such substances.

13 35. Plaintiffs have incurred and will continue to incur costs of removal
14 and remedial actions not inconsistent with the National Contingency Plan to
15 respond to the release or threatened release of hazardous substances at OU2, or of
16 hazardous substances which came to be located at OU2, within the meaning of
17 sections 101(23), 101(24), and 101(25) of CERCLA, 42 U.S.C. §§ 9601(23), (24),
18 and (25).

19 36. Defendants are jointly and severally liable to Plaintiffs pursuant to
20 CERCLA Section 107(a), 42 U.S.C. § 9607(a), for all unrecovered response costs,
21 plus interest on those response costs, incurred by Plaintiffs in connection with
22 OU2.

23 37. Plaintiffs are entitled to a declaratory judgment on liability against
24 Defendants, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),
25 that will be binding in any subsequent action to recover further response costs
26 incurred by Plaintiffs in connection with OU2.
27
28

1 **THIRD CLAIM FOR RELIEF**

2 38. Paragraphs 1-37 are realleged and incorporated herein by reference.

3 39. Section 7003 of RCRA, 42 U.S.C. § 6973(a), provides in pertinent
4 part:

5 [U]pon receipt of evidence that the past or present handling, storage,
6 treatment, transportation or disposal of any solid waste or hazardous
7 waste may present an imminent or substantial endangerment to health
8 or the environment, the Administrator may bring suit on behalf of the
9 United States . . . against any person . . . to restrain such person from
10 such handling, storage, treatment, transportation, or disposal, to order
11 such person to take such other action as may be necessary, or both.

12 40. Hazardous wastes, as defined in Section 1004(27) of RCRA, 42
13 U.S.C. § 6903(27), are present at OU2.

14 41. Defendants' past handling, storage, treatment, transportation, or
15 disposal of solid or hazardous waste at OU2, and/or which came to be located at
16 OU2, may present an imminent and substantial endangerment to health or the
17 environment. Defendants are liable, pursuant to Section 7003 of RCRA, 42 U.S.C.
18 § 6973, to perform certain response actions at OU2 to abate this danger or threat.
19 Defendants are also liable pursuant to California Health and Safety Code sections
20 25187 and 25358.3(e) to take such action as necessary to abate the danger or
21 threat.
22

23 **PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiffs respectfully request that the Court enter:

25 1. Against Defendants, jointly and severally, an order pursuant to Section
26 106 of CERCLA, 42 U.S.C. § 9606, requiring Defendants to perform certain
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1 response actions that are necessary to abate the danger or threat of a release of
2 hazardous substances at or from OU2;

3 2. Against Defendants, jointly and severally, a judgment for all costs
4 incurred by Plaintiffs relating to OU2 through June 30, 2015, plus interest;

5 3. Against Defendants, jointly and severally, a declaratory judgment,
6 pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), of Defendants'
7 liability, which will be binding in any subsequent action against Defendants
8 seeking to recover further response costs incurred by Plaintiffs in connection with
9 OU2;

10 4. Against Defendants, jointly and severally, an order requiring Defendants
11 to take certain actions necessary to abate the imminent and substantial
12 endangerment to health or the environment, pursuant to Section 7003(a) of RCRA,
13 42 U.S.C. § 6973(a), and an order requiring each Defendant to take action pursuant
14 to California Health and Safety Code 25185 and 25358(e) to abate the danger or
15 threat from an imminent or substantial endangerment from the release or
16 threatened release of hazardous substances, relating to the releases and/or
17 threatened releases of hazardous waste at OU2 or that has come to be located at
18 OU2; and
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1 5. Against Defendants, an order granting such other relief as the Court
2 deems appropriate.

3 Respectfully submitted,
4 FOR THE UNITED STATES OF
5 AMERICA

6
7 4/18/16
8 Date


9 JOHN C. CRUDEN
10 Assistant Attorney General
11 Environment and Natural Resources
12 Division

11
12 4/19/16
13 Date


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FOR THE STATE OF CALIFORNIA
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL AND TOXIC
SUBSTANCES CONTROL ACCOUNT

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April 6, 2016
Date

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