

hazardous substances that gave rise to the claims in this complaint occurred in this district, and because the Site is located in this district.

DEFENDANT

4. Defendant is a United States Virgin Islands corporation with its principal address at Remainder Plot 1 Estate Body Slob, St. Croix.

5. Defendant is a person, within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

THE STATUTORY SCHEME

6. 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).

7. 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 . . .

8. 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.

9. Under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3):

[A]ny person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances [a “generator” of hazardous substances]; . . .

shall be liable for—

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

GENERAL ALLEGATIONS

10. The Site is located at One North Carlton Road, Estate Carlton, St. Croix, U.S. Virgin Islands. The Site is owned by Marina Charles.
11. Two businesses, T.C. Waste Oil Services, Inc. (“T.C. Waste Oil”) and St. Croix Waste Oil Services (“St. Croix Waste Oil”), operated at the Site.
12. T.C. Waste Oil and St. Croix Waste Oil picked up and transported waste oil and/or other wastes containing hazardous substances from various businesses in St. Croix. TC Waste Oil and St. Croix Waste Oil stored and disposed these wastes at the Site.
13. On various dates from 1998 to 2003, Defendant, through its subsidiaries including Chrysler Dodge Jeep of St. Croix, arranged with T.C. Waste Oil and/or St. Croix Waste Oil for the pickup and transport of waste including waste oil owned or possessed by Defendant.
14. The Site became contaminated with hazardous substances including lead, tetrachloroethylene, ethylbenzene, benzene, toluene, xylene, and asbestos.
15. In 2008, in response to these releases and threats of releases of hazardous substances, EPA performed a response action at the Site. The response action comprised the removal and off-site disposal of: (a) tanks and drums containing waste oil and other hazardous substances; (b) contaminated soils; (c) crushed metal drums; (d) used automobile batteries; and (e) used asbestos floor tiles.

CLAIM FOR RELIEF

16. Paragraphs 1 to 15 are realleged and incorporated herein by reference.

17. The Site is a “facility” within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

18. There have been releases, within the meaning of Sections 101(22) of CERCLA, 42 U.S.C. §§ 9601(22), and threatened releases, of hazardous substances, within the meaning of Section 101(14) of CERCLA, 42 U.S.C. §§ 9601(14), at or from the Site.

19. The United States has incurred costs of response, within the meaning of Section 101(25) of CERCLA, 42 U.S.C. §§ 9601(25), to respond to the releases or threatened releases of hazardous substances at the Site.

20. The United States' response actions at the Site are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

21. Defendant is liable under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), as a person who contracted or otherwise arranged for the disposal or for the transport for disposal or treatment of hazardous substances owned or possessed by such person, or by any other person or entity, which came to be located at the Site.

22. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), Defendant is liable to the United States for response costs incurred regarding the Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff United States respectfully requests that this Court:

a. Enter judgment in favor of the United States, under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), holding Defendant liable for all unreimbursed costs incurred by the United States regarding the Site, including interest,

- b. Award the United States its costs of this action; and
- c. Grant such other and further relief as the Court deems appropriate.

Respectfully submitted,

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