

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

United States of America,

Plaintiff,

v.

A.R. Sandri, Inc., 23 West Bacon Corporation, A.P. New Jersey, Inc., Acushnet Company, AGC Incorporated, Akzo Nobel Coatings Inc., Allied Printing Services Incorporated, American Biltrite Inc., American Electro Products, Inc., American Radionic Company, Inc., American Sugar Refining, Inc., Archer Rubber, LLC, Atlantic Richfield Company, B.A. Ballou & Co., Inc., BAE Syatems Information and Electronic Systems Integration Inc., Ball Corporation, Barnes Group Inc., Bauer Electro Inc., Bedoukian Research Inc., Belden Inc., Bemis Company, Bennett Heat Treating & Brazing Co., BIC Corporation, BICC Cables Corporation, BP Amoco Chemical Company, Bradford Industries, Inc., Branson Ultrasonics Corporation, Bridgeport Magnetics Group Inc., Bull Metal Products Co., Inc., BWAY Corporation, C & M Technologies Group, Inc., C. Cowles & Co., C.L.H. Inc., C.R. Bard, Inc., Camger Coatings Systems, Inc., Capitol Records, Inc., Carris Reels of Connecticut, Inc., CBS Corporation, CCL Label, Inc., Chamberlain Manufacturing Corporation, Chartpak, Inc., Chelsea Industries, Inc., Chemical Coatings Corporation, Chromium Process Company, Ciba Corporation, City of Torrington, City of Woburn, Massachusetts, Clair Saco Volkswagen, Inc., Commercial Industrial Motors Division of Emerson Electric Co., Conarc, Inc., Concord Litho Group, Inc., Cooper Industries, LLC, Courtaulds Aerospace, Inc., D.C.I. (Design Contempo) Corp., Dampney Company, Inc., Darworth Company, David Muise dba Dave's Auto Body, Deitsch Plastic Co., Inc., Delker Corporation, The, Design Label Mfg., Diccico's Auto Body, Dielectric Polymers, Inc., DII Industries, LLC, Dino Corp., Divest, Inc., Dossert Corporation, E.I. duPont de Nemours and Company, Easco Hand Tools, Inc., Eastern Etching & Manuf. Co., Ecological Fibers, Inc., Electro-Films, Inc., Semi-Films Division, EMD Chemicals Inc., Emhart Industries, Inc., Energy Maintenance Corp., Enthone Inc., Ethan Allen, Inc., Evonik Degussa Corporation, Exxon Mobil Corporation, **Fahey's Tire Center, Inc.**, FCI USA, Inc., Fenner, Inc., Frank J. Coscina Associates, Inc., Freudenberg-NOK, Galaxy Auto Body, General Motors Corporation, George Schmitt & Co., Inc., Giering Metal Finishing, Inc., Gintzler Graphics, Inc., Gloucester Marine Railway Corporation, Gotham Ink Corporation, Great American Financial Resources, Inc., Grodel Mfg. Co., GTE Operations Support Incorporated OSRAM Sylvania, Inc., Guilford Gravure, Inc., H.B. Fuller Company, Hampford Research, Inc., Harris Corporation, Heminway Corp., Henkel Corporation, Hercules Incorporated,

**AMENDED  
COMPLAINT**

Civil No.  
3:08CV01508  
(CFD)

Hicks & Otis Prints Inc., Honeywell International Inc., Hopewell Precision, Inc., Howe Folding Furniture Co., Hubbard-Hall Inc., Illinois Tool Works Inc., Indalex Inc., Indusol, Inc., Industrial Polymers & Chemicals, Inc., Jared Manufacturing Company Inc., K.J.Quinn & Co., Inc., Kanthal Corporation, Keymark Corp., Keystone Cement Company, King Industries, Inc., Kollmorgen Corporation, Kollmorgen Corporation, Macbeth Division, L & D Safety Marking Corp., L.E. Carpenter & Company, Lance Valve - A Division of Advanced Thermal Systems, Inc., Larson Tool & Stamping Company, Lewcote Corporation, Liberty Oil Equipment Co., Inc., Lonza Inc., Lutco, Inc., Lyman Products Corp., MacDermid, Inc., Mal's Towing & Autobody, Mayhew Steel Products Inc., Meyer Pak, Miller Brewing Company, Miniature Precision Bearing- MPB Corp., Moore Special Tool Co., Morton International, Inc., Nashua Corporation, NEPTCO Incorporated, New England Aircraft Products, New England Etching Co., Inc., Newell Rubbermaid Inc., Nitto Denko Company, Original Charter Corp., Owens-Illinois General Inc., Owosso-Delaware, Inc., Parker Hannifin Corporation, Pepsi-Cola Bottling Co., Pharmacia & Upjohn Company LLC, Philips Electronics North America Corporation, Pitney Bowes, Inc., Polymetal Finishing, Porcelen LTD. CT. LLC, Poughkeepsie Newspapers, a division of Gannett Satellite Information Network, Inc., Power Semi-Conductors Inc., PPG Architectural Finishes, Inc., Quad / Graphics, Inc., Quality Name Plate, Inc., R.T. Vanderbilt Company, Inc., Reflexite Corporation, Reichhold, Inc., Rexem, Inc., Robertshaw Controls Company, Rockbestos-Surprenant Cable Corp., Rogers Corporation, Rohm and Haas Electronic Materials LLC, Rotair Industries, Inc., **Roy Brothers, Inc.**, Sara Lee Corporation, Sargent Manufacturing Company, Scapa Tapes North America (Windsor) Inc., Schlumberger Technology Corporation, Sebago, Inc., SI Group, Inc., Silvered Electronic Mica Co., Inc., SPC Divestiture, Inc., Spectrum Coatings Laboratories, Inc., Stamford Wall Paper Co., Inc., Stanadyne Corporation, StanChem, Inc., State of Vermont, Agency of Transportation, Strathmore Products, Inc., Sullivan Paper Company, Inc., Sun Chemical Co., Supreme-Lake Mfg., Inc., Tapecon Inc., Tech-Etch, Inc., Tensolite Company, Tex Tech Industries, Inc., The Anchorage, Inc., The Durham Manufacturing Company, The Genlyte Group Incorporated, The Gillette Company, The Hartford Courant Company, The Sherwin-Williams Company, The Truesdale Company, Titeflex Corporation, Trane U.S. Inc., Triple A Spring Ltd., Tyco Healthcare Group LP, Uncas Manufacturing Company, Uniroyal, Inc., Uniroyal Holding, Inc., Uretek, LLC, Venture Tape Corp., Verla International Ltd., Vitramon Inc., Voltarc Technologies, Inc., Warner-Lambert Company, LLC, Waste Management Holdings, Inc., Waterbury Companies, Inc., Web Technologies, Inc., Weyerhaeuser Company, Winslow Automatics, Inc., Wright Line LLC, and Wyeth Holdings Corporation,

Defendants.

The United States of America, by authority of the Attorney General and acting at the request of the Administrator of the Environmental Protection Agency (EPA), alleges:

NATURE OF THE ACTION

1. This is a civil action brought under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (“CERCLA”), 42 U.S.C. § 9607(a), regarding the Solvents Recovery Service of New England, Inc. Superfund Site (“Site”) in the Town of Southington, Connecticut. Plaintiff the United States seeks payment from the defendants of costs incurred by the United States for response actions regarding the Site including accrued interest.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action and over the parties pursuant to 42 U.S.C. § 9613(b), and 28 U.S.C. §§ 1331, 1345 and 1355.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1391 and 1395, and 42 U.S.C. § 9613(b), because the claims arose in this district and the release or threatened release of hazardous substances occurred in this district.

DEFENDANTS

4. Each of the persons listed in Appendix A is a person within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

THE STATUTORY SCHEME

5. 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).

6. 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 . . .

7. 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.

8. 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 . . .

#### THE SITE

9. The Site is located on the site of a former solvents recovery, blending and resale facility which was in operation from 1955 through 1991 (“SRS facility”).

10. The SRS facility accepted spent solvents which it distilled and resold. The distillation process produced a solvent-laden sludge that was, depending on the time period, disposed of in lagoons or burned in an open-pit incinerator. Spent solvent handled at the facility also leaked and was spilled onto the bare ground.

11. These activities resulted in the contamination of the Site. The Site's soils and groundwater are heavily contaminated with hazardous substances, primarily volatile organic compounds and semi-volatile organic compounds.

12. EPA has conducted various response actions at the Site, including the following: (a) the removal of soils contaminated with hazardous substances; (b) the removal of drums and other containers of hazardous substances; (c) the performance of a remedial investigation at the Site; (d) oversight of response actions being implemented by a group of potentially responsible parties at the Site; and (e) various enforcement actions.

13. Each of the persons listed in Appendix A, hereto, sent waste solvents to the SRS facility for treatment and/or disposal. Their waste solvents contained hazardous substances.

14. EPA listed the Site on the National Priorities List ("NPL") in September 1983. The NPL was established pursuant to Section 105(a) of CERCLA, 42 U.S.C. § 9605(a), and is found at 40 C.F.R. Part 300, Appendix B. The NPL is a list of those sites at which there are releases of hazardous substances, and which EPA has ranked as having the highest priority for remediation or other response action among all nationally identified releases, based on relative risk or danger to public health, welfare or the environment.

15. EPA has incurred costs in conducting various response actions at the Site.

CLAIM FOR RELIEF

16. Each of the persons listed in Appendix A is a person within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
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 Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and threatened releases of hazardous substances 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 regarding the Site are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.
21. Each of the persons listed in Appendix A is liable to the United States pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. § 9797(a)(3), as a 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 a facility owned or operated by another party or entity and containing such hazardous substances.
22. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), each of the persons listed in Appendix A is jointly and severally liable to the United States for response costs incurred and to be incurred in connection with the Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests that this

Court:

1. Enter judgment in favor of the United States, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), holding each of the persons listed in Appendix A liable for all unreimbursed costs incurred by the United States with respect to the Site, plus interest accrued thereon;
2. Award the United States its costs of this action; and
3. Grant the United States such other and further relief as the Court deems just and proper.

Respectfully Submitted,

RONALD J. TENPAS  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

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APPENDIX A  
LIST OF DEFENDANTS

A.R. Sandri, Inc.  
23 West Bacon Corporation  
A.P. New Jersey, Inc.  
Acushnet Company  
AGC Incorporated  
Akzo Nobel Coatings Inc.  
Allied Printing Services Incorporated  
American Biltrite Inc.  
American Electro Products, Inc.  
American Radionic Company, Inc.  
American Sugar Refining, Inc.  
Archer Rubber, LLC  
Atlantic Richfield Company  
B.A. Ballou & Co., Inc.  
BAE Syatems Information and Electronic  
Systems Integration Inc.  
Ball Corporation  
Barnes Group Inc.  
Bauer Electro Inc.  
Bedoukian Research Inc.  
Belden Inc.  
Bemis Company  
Bennett Heat Treating & Brazing Co.  
BIC Corporation  
BICC Cables Corporation  
BP Amoco Chemical Company  
Bradford Industries, Inc.  
Branson Ultrasonics Corporation  
Bridgeport Magnetics Group Inc.  
Bull Metal Products Co., Inc.  
BWAY Corporation  
C & M Technologies Group, Inc.  
C. Cowles & Co.  
C.L.H. Inc.  
C.R. Bard, Inc.  
Camger Coatings Systems, Inc.  
Capitol Records, Inc.  
Carris Reels of Connecticut, Inc.  
CBS Corporation  
CCL Label, Inc.  
Chamberlain Manufacturing Corporation  
Chartpak, Inc.  
Chelsea Industries, Inc.  
Chemical Coatings Corporation  
Chromium Process Company  
Ciba Corporation  
City of Torrington  
City of Woburn, Massachusetts  
Clair Saco Volkswagen, Inc.  
Commercial Industrial Motors Division of  
Emerson Electric Co.  
Conarc, Inc.  
Concord Litho Group, Inc.  
Cooper Industries, LLC  
Courtaulds Aerospace, Inc.  
D.C.I. (Design Contempo) Corp.  
Dampney Company, Inc.  
Darworth Company  
David Muise dba Dave's Auto Body  
Deitsch Plastic Co., Inc.  
Delker Corporation, The  
Design Label Mfg.  
Dicicco's Auto Body  
Dielectric Polymers, Inc.  
DII Industries, LLC  
Dino Corp.  
Divest, Inc.  
Dossert Corporation  
E.I. duPont de Nemours and Company  
Easco Hand Tools, Inc.  
Eastern Etching & Manuf. Co.  
Ecological Fibers, Inc.  
Electro-Films, Inc., Semi-Films Division  
EMD Chemicals Inc.  
Emhart Industries, Inc.  
Energy Maintenance Corp.  
Enthone Inc.  
Ethan Allen, Inc.  
Evonik Degussa Corporation  
Exxon Mobil Corporation  
**Fahey's Tire Center, Inc.**  
FCI USA, Inc.  
Fenner, Inc.  
Frank J. Coscina Associates, Inc.  
Freudenberg-NOK  
Galaxy Auto Body  
General Motors Corporation  
George Schmitt & Co., Inc.  
Giering Metal Finishing, Inc.  
Gintzler Graphics, Inc.  
Gloucester Marine Railway Corporation  
Gotham Ink Corporation  
Great American Financial Resources, Inc.  
Grodel Mfg. Co.

GTE Operations Support Incorporated OSRAM  
Sylvania, Inc.  
Guilford Gravure, Inc.  
H.B. Fuller Company  
Hampford Research, Inc.  
Harris Corporation  
Heminway Corp.  
Henkel Corporation  
Hercules Incorporated  
Hicks & Otis Prints Inc.  
Honeywell International Inc.  
Hopewell Precision, Inc.  
Howe Folding Furniture Co.  
Hubbard-Hall Inc.  
Illinois Tool Works Inc.  
Indalex Inc.  
Indusol, Inc.  
Industrial Polymers & Chemicals, Inc.  
Jared Manufacturing Company Inc.  
K.J.Quinn & Co., Inc.  
Kanthal Corporation  
Keymark Corp.  
Keystone Cement Company  
King Industries, Inc.  
Kollmorgen Corporation  
Kollmorgen Corporation, Macbeth Division  
L & D Safety Marking Corp.  
L.E. Carpenter & Company  
Lance Valve - A Division of Advanced Thermal  
Systems, Inc.  
Larson Tool & Stamping Company  
Lewcott Corporation  
Liberty Oil Equipment Co., Inc.  
Lonza Inc.  
Lutco, Inc.  
Lyman Products Corp.  
MacDermid, Inc.  
Mal's Towing & Autobody  
Mayhew Steel Products Inc.  
Meyer Pak  
Miller Brewing Company  
Miniature Precision Bearing- MPB Corp.  
Moore Special Tool Co.  
Morton International, Inc.  
Nashua Corporation  
NEPTCO Incorporated  
New England Aircraft Products  
New England Etching Co., Inc.  
Newell Rubbermaid Inc.  
Nitto Denko Company

Original Charter Corp.  
Owens-Illinois General Inc.  
Owosso-Delaware, Inc.  
Parker Hannifin Corporation  
Pepsi-Cola Bottling Co.  
Pharmacia & Upjohn Company LLC  
Philips Electronics North America Corporation  
Pitney Bowes, Inc.  
Polymetal Finishing  
Porcelen LTD. CT. LLC  
Poughkeepsie Newspapers, a division of  
Gannett Satellite Information Network, Inc.  
Power Semi-Conductors Inc.  
PPG Architectural Finishes, Inc.  
Quad / Graphics, Inc.  
Quality Name Plate, Inc.  
R.T. Vanderbilt Company, Inc.  
Reflexite Corporation  
Reichhold, Inc.  
Rexem, Inc.  
Robertshaw Controls Company  
Rockbestos-Surprenant Cable Corp.  
Rogers Corporation  
Rohm and Haas Electronic Materials LLC  
Rotair Industries, Inc.  
**Roy Brothers, Inc.**  
Sara Lee Corporation  
Sargent Manufacturing Company  
Scapa Tapes North America (Windsor) Inc.  
Schlumberger Technology Corporation  
Sebago, Inc.  
SI Group, Inc.  
Silvered Electronic Mica Co., Inc.  
SPC Divestiture, Inc.  
Spectrum Coatings Laboratories, Inc.  
Stamford Wall Paper Co., Inc.  
Stanadyne Corporation  
StanChem, Inc.  
State of Vermont, Agency of Transportation  
Strathmore Products, Inc.  
Sullivan Paper Company, Inc.  
Sun Chemical Co.  
Supreme-Lake Mfg., Inc.  
Tapecon Inc.  
Tech-Etch, Inc.  
Tensolite Company  
Tex Tech Industries, Inc.  
The Anchorage, Inc.  
The Durham Manufacturing Company  
The Genlyte Group Incorporated

The Gillette Company  
The Hartford Courant Company  
The Sherwin-Williams Company  
The Truesdale Company  
Titeflex Corporation  
Trane U.S. Inc.  
Triple A Spring Ltd.  
Tyco Healthcare Group LP  
Uncas Manufacturing Company  
Uniroyal, Inc., Uniroyal Holding, Inc.  
Uretek, LLC  
Venture Tape Corp.  
Verla International Ltd.  
Vitramon Inc.  
Voltarc Technologies, Inc.  
Warner-Lambert Company, LLC  
Waste Management Holdings, Inc.  
Waterbury Companies, Inc.  
Web Technologies, Inc.  
Weyerhaeuser Company  
Winslow Automatics, Inc.  
Wright Line LLC  
Wyeth Holdings Corporation