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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. /
	)	
CORNELL-DUBILIER ELECTRONICS, INC.,	)	
	)	
Defendant.	)	
_____	)	

COMPLAINT

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

NATURE OF THE ACTION

1. This is a civil action brought under Sections 107(a) and 113(g)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended

("CERCLA"), 42 U.S.C. §§ 9607(a) and 9713(g)(2). In this action, the United States seeks to recover costs incurred and to be incurred by the United States in response to releases or threatened releases of hazardous substances into the environment at or from the Cornell-Dubilier Electronics Inc. Superfund Site ("Site") located in South Plainfield, New Jersey.

#### JURISDICTION AND VENUE

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

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the releases or threatened releases of hazardous substances that gave rise to this claim occurred in this district, and because the Site is located in this district.

#### DEFENDANT

4. Defendant Cornell-Dubilier Electronics, Inc. ("CDE") is a Delaware corporation with its principal place of business in South Carolina. CDE operated an electronics manufacturing facility at the Site, and owned the Site.

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

#### STATUTORY FRAMEWORK

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, as amended, whenever any hazardous substance is released into the environment, or there is a substantial threat of such a release into the environment, the President is authorized to act, consistent with the National Contingency Plan, to remove or arrange for the removal of the hazardous substance, and provide for remedial action relating to such hazardous substance. 42 U.S.C. § 9604(a)(1).

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

9. Section 107(a) of CERCLA provides:

a) 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,
- (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,

... from which there is a release, or threatened release which causes the incurrence of response costs, of a hazardous substance, 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; ...

42 U.S.C. § 9607(a).

SITE DESCRIPTION AND FACTUAL BACKGROUND

10. The Site consists of a 26-acre former electronics manufacturing facility, and areas contaminated as a result of releases of hazardous substances from the facility. These contaminated areas include surrounding residential, commercial, and municipal properties; groundwater in the aquifer system beneath the facility; and the abutting soils and the sediments in a nearby waterway named Bound Brook and associated low-lying areas.
11. EPA testing revealed that the Site was primarily contaminated with polychlorinated biphenyls ("PCBs") and trichloroethylene ("TCE") among other contaminants.
12. CDE manufactured electronic parts on the Site from 1936 to 1962.
13. CDE manufactured PCB-filled capacitors and disposed of PCB-contaminated materials and other hazardous substances at the Site.
14. CDE used TCE degreasers in its manufacturing operation.
15. From 1956 to 1961, CDE owned the land on which it operated its factory at the Site. During CDE's other years of operation at the Site, it leased the land.
16. From 1997 to 2004, EPA conducted a removal action at the Site. The removal activities included cleaning the interiors of residences in the vicinity of the former CDE facility where PCB-contaminated dust had been found. As part of this removal action, CDE excavated PCB-contaminated soils from residential properties and disposed of it at off-site disposal facilities, under two administrative orders on consent.
17. EPA added the Site to the National Priorities List in 1998. See 63 Fed. Reg. 40182, 40185 (July 28, 1998).
18. EPA has divided the Site into four "Operable Units" ("OUs") or discrete actions that comprise steps towards complete remediation. OU1 addresses contaminated soil and

interior dust at residential, commercial and industrial properties in the vicinity of the former CDE facility. OU2 addresses buildings and soil at the former CDE facility. OU3 addresses groundwater contaminated with PCBs, TCE and other contaminants originating at the facility. OU4 addresses soils and sediments in the Bound Brook corridor contaminated by PCBs from the former CDE facility.

19. EPA issued the Record of Decision ("ROD") for OU1 in 2003. In November 2005, EPA commenced work on the OU1 remedy. The ROD calls for excavation of PCB-contaminated soils from several properties and restoration of those properties, interior cleaning to remove PCB-contaminated dust, investigation of additional properties to determine which, if any, require remediation, and remediation of those properties. Currently, OU1 remedial work is continuing.

20. EPA issued the ROD for OU2 in 2004. The OU2 remedy includes relocation of the tenants in the former CDE facility, demolition of the facility buildings, excavation and off-site disposal of the capacitors buried at the facility and some of the contaminated soils, on-site treatment by thermal desorption of contaminated soils, and capping of the property. EPA commenced work on OU2 in 2006. Currently, OU2 remedial work is continuing.

21. EPA has not issued a ROD for OU3. EPA is currently investigating the nature and extent of groundwater contamination and evaluating potential remedial alternatives to select a remedy.

22. EPA has not issued a ROD for OU4. EPA is currently investigating the nature and extent of soil and sediment contamination relating to OU4 and will evaluate potential remedial alternatives to select a remedy.

23. As of September 30, 2011, the United States had incurred response costs of approximately \$133,000,000 at the Site.

24. The United States will continue to incur response costs at the Site.

25. The United States estimates that its response costs at the Site will total at least \$365,000,000.

#### GENERAL ALLEGATIONS

26. CDE's manufacturing plant formerly located on the Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. §9601(9).

27. At all times relevant to this action, there has been a "release" or a "threatened release" of "hazardous substances" into the environment at or from the Site, within the meaning of Sections 101(14), 101(22) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(14), 9601(22) and 9607(a), including, but not limited to, PCBs and TCE.

28. Defendant CDE is within the class of liable persons described in Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), because it owned and operated a facility, and disposed of hazardous substances at the facility.

#### CLAIM FOR RELIEF

(Response Costs under CERCLA 107(a))

29. Paragraphs 1 through 28 are realleged and incorporated herein by reference.

30. In undertaking response actions to address the release or threat of release of hazardous substances at the Site, the United States has incurred and will continue to incur "response costs" as defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25), including but not limited to (a) the costs of investigating the Site, (b) the costs of the removal action and remedial actions for Operable Units 1-4, and (c) the costs of various enforcement activities.

31. EPA's response actions taken at or in connection with the Site, and the costs incurred incident thereto, are not inconsistent with the National Contingency Plan, which was promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, and is codified at 40 C.F.R. Part 300.

32. Pursuant to Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), Defendant CDE is jointly and severally liable to the United States for all costs incurred by the United States in connection with the Site, including enforcement costs and interest on all such costs.

33. Pursuant to Section 113(g) of CERCLA, 42 U.S.C. § 9613(g), the United States is entitled to a declaratory judgment on the liability of CDE to the United States for response costs to be incurred in the future by the United States in connection with the Site, plus interest.

PRAYER FOR RELIEF

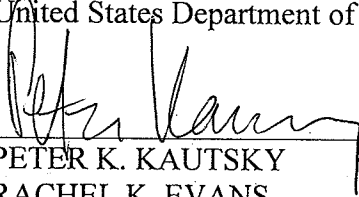
WHEREFORE, Plaintiff, the United States of America, respectfully requests that this Court:

- a. Enter judgment in favor of the United States and against Defendant CDE for all unreimbursed response costs incurred by the United States relating to the Site, including enforcement costs and prejudgment interest, pursuant to Section 107(a)(4)(A) of CERCLA, 42 U.S.C. § 9607(a)(4)(A); and
- b. Enter against Defendant CDE and in favor of the United States, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment on liability for all unreimbursed response costs, including enforcement costs, to be incurred in the future by the United States in connection with the Site, plus interest, that will be binding on any subsequent action or actions to recover further response costs; and

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

Respectfully submitted,

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