Message

From: Payne, James (Jim) [payne.james@epa.gov]
Sent: 9/26/2020 8:03:34 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; Lewis, Jen [Lewis.Jen@epa.gov]
Subject: Private CERCLA Complaint - WASCO v Northrop Grumman, No 1:20-cv-00227, WD NC (Asheville Dyeing and Finishing Facility)

Hi,

OGC paper mail is being forwarded to me during the pandemic.

OGC rec'd the above Complaint - see attached pics.

Jim
202-672-3727 cell

ROBINSON
BRADSHAW

ssullivan@robinsonbradshaw.com
919.328.8815 | Direct Phone
919.328.8820 | Direct Fax

September 3, 2020

BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Andrew R. Wheeler
Administrator
U.S. EPA
1200 Pennsylvania Ave. NW
Mail Code 1101A
Washington, DC 20004

William P. Barr
Attorney General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

Re: Notice of Litigation under 42 U.S.C. §§ 9607 & 9613 of CERCLA regarding the Asheville Dyeing and Finishing Facility in Swannanoa, North Carolina

Dear Administrator Wheeler and General Barr:

This firm represents WASCO LLC ("WASCO") regarding the Asheville Dyeing and Finishing Facility located at 850 Warren Wilson Road in Swannanoa, North Carolina (the "Facility").

In accordance with 42 U.S.C. § 9613(l), this letter provides notice to your respective organizations of an action filed by WASCO in the United States District Court for the Western District of North Carolina to recover WASCO's previous response costs for the Facility and seeking declaratory judgment regarding the defendants' liability to WASCO for future response costs. A file-stamped copy of the complaint and its exhibits is enclosed.

Please feel free to contact me at (919) 328-8815 if you need additional information.

Sincerely,

Sean M. Sullivan

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Case No: [___]

WASCO LLC,	)	
Plaintiff,	)	
v.	)	
	)	
NORTHROP GRUMMAN	)	
CORPORATION,	)	
CNA HOLDINGS LLC,	)	
CHEMTRONICS, INC.,	)	**COMPLAINT**
WMI II, LLC, MCGREGOR II, LLC,	)	
SAMSONITE LLC	)	
GILDAN USA INC., DYNA-DIGGR LLC,	)	
BLUE RIDGE INDUSTRIAL	)	
SUPPORT CO. &	)	
SMOKEY MOUNTAIN PALLET, INC.,	)	
	)	
Defendants.	)	

Plaintiff WASCO LLC ("WASCO"), complaining of Defendants Northrop Grumman Corporation ("Northrop"), CNA Holdings LLC ("CNA"), Chemtronics, Inc. ("Chemtronics"), WMI II, LLC ("WMI II"), McGregor II, LLC ("McGregor II"), Samsonite LLC ("Samsonite"), Gildan USA Inc. ("Gildan"), Dyna-Diggr LLC ("Dyna-Diggr"), Blue Ridge Industrial Support Co. ("Brisco") and Smokey Mountain Pallet, Inc. ("Smokey Mountain Pallet") (collectively, the "Defendants") avers:

1. This is an action to recover the response costs WASCO has incurred as a result of the release or threatened release of hazardous substances at a property known as the Asheville Dyeing and Finishing facility located at 850 Warren Wilson Road in Swannanoa, North Carolina (the "AD&F Facility"). The Defendants are liable for said response costs pursuant to the Comprehensive Environmental Response Compensation and Liability Act, 42

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U.S.C. § 9601, *et seq.* ("CERCLA") and the common law of North Carolina. WASCO also seeks Declaratory Judgment under CERCLA as to the Defendants' liability for future costs.

PARTIES AND JURISDICTION

2. WASCO is a limited liability company organized under the laws of the State of Delaware, with its principal place of business in Boston, Massachusetts. WASCO did not cause or contribute to the releases of hazardous substances described herein.

3. Northrop is a corporation incorporated under the laws of the State of Delaware, with its headquarters in Falls Church, Virginia.

4. CNA is a limited liability company organized under the laws of the State of Delaware, with its headquarters in Irving, Texas.

5. Chemtronics is a corporation incorporated under the laws of the State of North Carolina, with its headquarters in Houston, Texas.

6. WMI II is a limited liability company organized under the laws of the State of Delaware, with its headquarters in Denver, Colorado.

7. McGregor II is a limited liability company organized under the laws of the State of Delaware, with its headquarters in Denver, Colorado.

8. Samsonite is a limited liability company organized under the laws of the State of Delaware, with its headquarters in Mansfield, Massachusetts.

9. Gildan is corporation incorporated under the laws of the State of Delaware, with its headquarters in Charleston, South Carolina.

10. Dyna-Diggr is a limited liability company organized under the laws of the state of North Carolina, with its principal place of business in Swannanoa, North Carolina.

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Dated: August 18, 2020

/s/ Sean M. Sullivan
Sean M. Sullivan
NC Bar No. 38967
SSullivan@robinsonbradshaw.com
R. Steven DeGeorge
NC Bar No. 20723
sdegeorge@robinsonbradshaw.com
Andrew R. Wagner
NC Bar No. 53649
AWagner@robinsonbradshaw.com

ROBINSON, BRADSHAW & HINSON, P.A.
1450 Raleigh Road
Suite 100
Chapel Hill, NC 27517

Telephone: 919.328.8800
Facsimile: 919.328.8790

Attorneys for Plaintiff

Sent from my iPhone