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WILLIAM T. WALSH, CLERK

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

UNITED STATES OF AMERICA, Plaintiff, v. FORD MOTOR COMPANY, FORD INTERNATIONAL SERVICES, INC., and THE BOROUGH OF RINGWOOD, Defendants.	CIVIL ACTION NO. 91-4281 HLS

COMPLAINT

The United States of America, at the request of the United States Environmental Protection Agency ("EPA"), alleges that:

240074

STATEMENT OF THE CASE

1. This is a civil action brought pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. § 9607. The United States seeks to recover costs it has incurred or will incur under Section 104 of CERCLA, 42 U.S.C. § 9604, in connection with conducting actions in response to the release of hazardous substances at the 455 acre site located immediately west of the town of Ringwood, in the northeast corner of Passaic County, New Jersey, known as the Ringwood Mines Landfill Site ("the Site").

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and 28 U.S.C. §§ 1331 and 1345.

3. Venue is proper in this district pursuant to Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391(b) because the release of hazardous substances occurred in this judicial district.

DEFENDANTS

4. Ford Motor Company ("Ford Motor") is a corporation organized under the laws of Delaware.

5. Ford International Services, Inc. ("Ford Services") is a corporation organized under the laws of Delaware.

6. The Borough of Ringwood is a political corporation organized under the laws of New Jersey and is the current owner of a portion of the Site.

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

GENERAL ALLEGATIONS

8. The Site occupies approximately 455 acres in the northeast corner of Passaic County, New Jersey. The Site is identified by the Passaic County Tax Assessor's Office as Block No. 600, Lots 1, 3, 12, 13 and 14 and Block 601, Lot 1.

9. The Site is located immediately west of the town of Ringwood, approximately one-quarter mile west of Ringwood Manor State Park, and one mile northwest of the northernmost segment of the Wanaque Reservoir, which serves as the water supply for most of northeastern New Jersey.

10. Ford Services, formerly named Ringwood Realty Corporation, owned the Site from 1964-1970 and by contract, agreement or otherwise arranged and authorized various haulers to enter the Site and dump various wastes containing hazardous substances.

11. Between 1969-1972, Ford Motor by contract, agreement or otherwise arranged for the transport and disposal of wastes containing hazardous substances which were sent to the Site.

12. The Borough of Ringwood became the owner of a portion of the Site in 1980.

13. In 1983 the Site was placed on the National Priorities List ("NPL"), 40 C.F.R. 300, Appendix B, which is a national list of hazardous waste sites posing the greatest threat to health, welfare and the environment.

14. On March 16, 1984, pursuant to Section 3013 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6934, EPA issued an Administrative Order to Ford Services to perform field studies and conduct an investigation at the Site. This investigation was conducted by Ford Services in four phases between March 1984 and April 1988 under EPA oversight.

15. On June 26, 1987, pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606, EPA issued an Administrative Order to Ford Services requiring it to undertake a Feasibility Study ("FS") and to develop and evaluate remedial alternatives for the Site. The FS was completed by Woodward-Clyde Consultants and submitted to EPA in August 1988.

16. The RI/FS demonstrated that groundwater at the Site is contaminated with hazardous substances, including arsenic, lead, cadmium, and benzene.

17. There was a release or threat of release of hazardous substances into the environment from the waste disposed of at the Site.

18. On June 26, 1987, EPA issued a Unilateral Administrative Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606, to Ford Services which required it to remove approximately 6,000 cubic yards of paint sludge from the Site and dispose of the sludge.

19. In 1987 Ford Services excavated and removed approximately 7,000 cubic yards of surficial paint sludge from four areas at the Site. The paint sludge was sampled and found to contain levels of lead which exceeded the applicable Maximum Concentration Limits ("MCL's).

20. On September 29, 1988, EPA issued a Record of Decision ("ROD") which called for a long-term program to monitor on-site and off-site ground water and surface water quality and for soil sampling.

21. On August 25, 1989, EPA signed an Administrative Order on Consent with Ford Services whereby Ford SErvices agreed to perform long term surface water and ground water monitoring program.

22. By letter dated April 26, 1990, EPA notified Ford Services that drums containing liquid waste had been discovered in the paint sludge removal area and EPA directed Ford Services to remove and dispose of these additional drums. Ford Services performed this work in June 1990.

23. EPA has incurred response costs of at least $475,604 related to preliminary Site work, oversight of the RI/FS, removal action, long-term monitoring, and drum removal, and other administrative costs. EPA will continue to incur additional response costs related to the Site.

24. EPA has not been reimbursed for any of the response costs that it has incurred at the Site.

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

26. "Hazardous substances", within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), have been transported to, treated, stored or disposed of at the Site.

27. There have been and continue to be releases and threatened releases, within the meaning of Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), of hazardous substances into the environment at the Site.

28. The actions taken by the United States in connection with this Site constitute "response" actions within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

29. The United States has incurred, and will continue to incur "response costs" as defined in Sections 101(25) and 107(a) of CERCLA, 42 U.S.C. §§ 9601(25) and 9607(a), in response to the release and threatened release of hazardous substances at the Site.

30. The costs incurred by the United States in response to the release or threatened release of hazardous

substances at the Site were in connection with response actions not inconsistent with the National Contingency Plan ("NCP"), which was promulgated pursuant to Section 105(a) of CERCLA, 42 U.S.C. § 9605(a), and codified at 40 C.F.R. Part 300.

31. The United States has satisfied any conditions precedent to undertaking response actions at the Site, incurrence of response costs, and the recovery of costs under Section 107 of CERCLA, 42 U.S.C. § 9607.

FIRST CLAIM FOR RELIEF - FORD MOTOR

32. Paragraphs 1-31 are realleged and incorporated herein by reference.

33. Defendant Ford Motor arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Site.

34. Defendant Ford Motor is jointly and severally liable to the United States pursuant to Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), for all response costs incurred by the United States at the Site.

35. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United Stated is now entitled to a declaratory judgment that Ford Motor is also jointly and severally liable for all response costs to beincurred in the future by the United States in connection with response actions at the Site that are not inconsistent with the NCP.

36. Defendant Ford Motor is also liable to the United States for interest on all past costs, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and for the expenses of the United States in seeking to recover these costs, pursuant to Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

SECOND CLAIM FOR RELIEF - BOROUGH OF RINGWOOD

37. Paragraphs 1-36 are realleged and incorporated herein by reference.

38. Defendant Borough of Ringwood is the owner of a facility from which there has been or is a release or threatened release of a hazardous substance, which release or threatened release has caused the incurrence of response costs.

39. Defendant Borough of Ringwood is jointly and severally liable to the United States pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C § 9607(a)(1) for all response costs incurred by the United States at the Site.

40. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States is now entitled to a declaratory judgment that the Borough of Ringwood is also jointly and severally liable for all for response costs to be incurred in the future by the United States in connection with response actions at the Site that are not inconsistent with the NCP.

41. Defendant Borough of Ringwood is also liable to the United States for interest on all past costs, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and for the

expenses of the United States in seeking to recover these costs, pursuant to Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

THIRD CLAIM FOR RELIEF - FORD SERVICES

42. Paragraphs 1-41 are realleged and incorporated herein by reference.

43. Defendant Ford Services was the owner or operator of a facility at a time of disposal of hazardous substances at that facility.

44. Defendant Ford Services is jointly and severally liable to the United States pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), for all costs incurred by the United States at the Site.

45. Pursuant to Section 113(g), of CERCLA, 42 U.S.C. § 9613(g) the United States is now entitled to a declaratory Judgment that Ford Services is also jointly and severally liable for all response costs to be incurred in the future by the United States in connection with response actions at the Site that are not inconsistent with the NCP.

46. Defendant Ford Services is also liable to the United States for interest on all past costs, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and for the expenses of the United States in seeking to recover these costs, pursuant to Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

PRAYER FOR RELIEF

WHEREFORE, the United States prays that this Court:

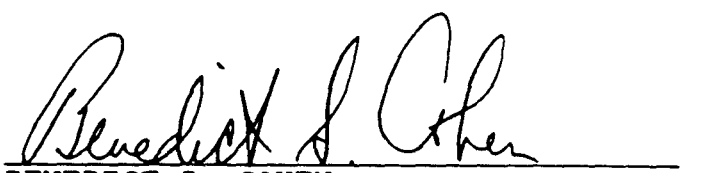
1. Enter judgment in favor of the United States and against each of the defendants for all response costs, including interest, incurred by the United States in connection with the Site;

2. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), and 28 U.S.C. § 2201, award the United States a declaratory judgment that each of the defendants is jointly and severally liable for response costs incurred by the United States at the Site in connection with response actions not inconsistent with the NCP;

3. Award the United States its costs and fees in this action; and

4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,



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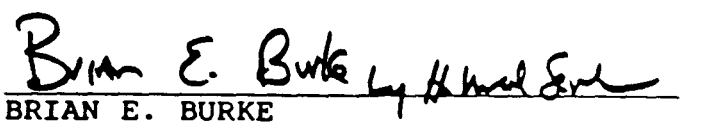

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