

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

THE STATE OF MISSOURI,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	
)	
)	
NORTHROP GRUMMAN)	
GUIDANCE AND ELECTRONICS)	
COMPANY, INC.,)	
)	
Defendant.)	

COMPLAINT

The State of Missouri, at the relation of Chris Koster, Attorney General, and the Missouri Department of Natural Resources, jointly file this complaint and allege as follows:

NATURE OF THE ACTION

1. This is a civil action brought pursuant to Sections 107 and 113(g) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9606, 9607 and 9613(g), as amended by the Superfund Amendments and Reauthorization Act of 1986 (“CERCLA”) and §§ 260.500 through 260.552, RSMo. The State of Missouri seeks injunctive relief pursuant to § 260.530, RSMo and the common law of public nuisance, and the recovery, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), of unreimbursed response costs incurred, and to be incurred, in response to releases and threatened releases of hazardous substances into the environment

at and from the property, located at 4811 West Kearney Street, Springfield, Greene County, Missouri (the “Site“). The State also seeks a declaratory judgment pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), holding the defendant liable for all response costs incurred by the State in connection with the Site.

2. Defendant’s operations at the Site began in the mid-1960’s. The primary activities at the Site included the manufacture of printed circuit boards. As a result of operations conducted by defendant and its predecessors, the Site which it owns and on which it operated, adjoining property, and groundwater are contaminated with hazardous substances. This contaminated property includes, but is not limited to, the Site, and adjacent agricultural, commercial and residential properties.

JURISDICTION AND VENUE

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

4. 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) and (c) because the claims arose and the threatened and actual releases of hazardous substances occurred in this district.

DEFENDANT

5. At times relevant hereto, defendant Northrop Grumman Guidance and Electronics Company, Inc. (formerly Litton Systems, Inc.), or its predecessors, owned and operated a

facility at the Site, within the meaning of sections 107(a)(1) and (a)(2) of CERCLA, 42 U.S.C. §§ 9607(a)(1) and (a)(2).

6. Defendant is a corporation in good standing authorized to do business in Missouri. Settling Defendant's principal place of business is located at 1840 Century Park East, Los Angeles, California, 90067.

GENERAL ALLEGATIONS

7. The Site is located at 4811 West Kearney Street, in the city of Springfield, Greene County Missouri and is adjacent to the Springfield airport, and agricultural, commercial and residential properties.

8. The Site consists of approximately 61 acres.

9. At times relevant hereto, the circuit board manufacturing operations conducted by defendant resulted in the treatment and/or disposal of hazardous substances at the Site.

10. The contamination present at the Site is attributable to the operations of defendant. The hazardous substances that were disposed of at the Site have migrated to other areas.

11. There were and are "releases", as defined at Section 101(22) of CERCLA, 42 U.S.C. § 9601(22), and the threat of continuing releases, of "hazardous substances", as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), into the environment at the Site.

12. The releases and threatened releases of hazardous substances at the Site caused the State of Missouri to incur “response” costs, within the meaning of Section 101(25) of CERCLA, 42 U.S.C. § 9601(25) and § 260.500(2), RSMo.

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

CLAIM FOR RELIEF

14. The allegations of paragraphs 1 through 13 are included in this claim for relief.

15. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides, in pertinent part:

(a) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section B

. . .

- (1) the owner or 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
- (3) any person who by contract, agreement, or otherwise arranged for disposal or treatment . . . of hazardous substances

. . . shall be liable for B

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

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

17. The State of Missouri has incurred response costs in connection with response actions at the Site, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604. The State of Missouri continues to incur response costs, including enforcement costs associated with the recovery of funds expended as a result of the releases and threatened releases of hazardous substances at the Site.

18. The response actions taken and the response costs incurred by the State of Missouri at the Site are not inconsistent with the National Contingency Plan, 40 C.F.R. Part 300.

19. Defendant is jointly and severally liable to the State under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), and the Missouri common law of public nuisance for all response costs incurred by the State of Missouri in connection with the Site.

REQUEST FOR RELIEF

WHEREFORE, the State of Missouri respectfully requests that the Court:

1. Enter judgment against defendant for all response costs incurred by the State of Missouri in connection with the Site;

2. Enter a declaratory judgment holding jointly and severally liable for all future response costs incurred by the State of Missouri in connection with the Site;
3. Award the State of Missouri its costs in this action; and
4. Grant such other and further relief as is appropriate.

Respectfully submitted,

CHRIS KOSTER
ATTORNEY GENERAL
STATE OF MISSOURI

s/ JOHN K. MCMANUS _____
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