

1 JEFFREY H. WOOD  
2 Acting Assistant Attorney General  
3 Environmental & Natural Resources Division

4 GABRIEL ALLEN (Ga. Bar No. 740737)  
5 U.S. Department of Justice  
6 Environmental Enforcement Section  
7 301 Howard Street, Suite 1050  
8 San Francisco, CA 94105  
9 Tel: (415) 744-6469 / Fax: (415) 744-6476  
10 Email: gabriel.allen@usdoj.gov

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

<p>13 UNITED STATE OF AMERICA,</p> <p>14 Plaintiff</p> <p>15</p> <p>16 v.</p> <p>17 HONEYWELL</p> <p>18 INTERNATIONAL, INC.,</p> <p>19 Defendant</p> <p>20</p>	<p>Civil Action No. 2:18-cv-6556</p> <p><b>COMPLAINT FOR RELIEF UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)</b></p>
--	--

21  
22 The United States of America, by authority of the Attorney General of the  
23 United States and through the undersigned attorneys, acting at the request of the  
24 United States Air Force (the “Air Force”), files this Complaint and alleges as  
25 follows:

26 **Nature of the Action**

27 1. This is a civil action against Defendant Honeywell International Inc.  
28 (“Honeywell”) pursuant to Section 107(a) of the Comprehensive Environmental

1 Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42  
2 U.S.C. § 9607(a), in connection with the release or threatened release of hazardous  
3 substances at Installation Restoration Program (“IRP”) Site 50 (hereinafter, Site  
4 50), located at Vandenberg Air Force Base (“Vandenberg AFB” or “Base”) in  
5 Santa Barbara County, California. Plaintiff seeks judgment against Defendant for  
6 costs that it incurred to conduct response activities in connection with releases or  
7 threatened releases of hazardous substances into the environment at or from Site 50  
8 pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a). Plaintiff also seeks a  
9 declaratory judgment, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C.  
10 § 9613(g)(2), declaring that Defendant will be liable for any further response costs  
11 that Plaintiff may incur in responding to releases or threatened releases of  
12 hazardous substances into the environment at or from Site 50.

13 2. Environmental investigations from 1985 to the present show that, as a  
14 result of operations at Vandenberg AFB, soil and groundwater in various areas of  
15 the Base—including Site 50, an area operated and used by the Defendant’s  
16 predecessor—are contaminated with hazardous substances, including  
17 trichloroethylene (“TCE”).

18 **Jurisdiction and Venue**

19 3. This Court has jurisdiction over the subject matter of this action under  
20 28 U.S.C. §§ 1331 (federal question) and 1345 (United States as a plaintiff), and  
21 CERCLA Section 113(b), 42 U.S.C. § 9613(b) (jurisdiction; venue).

22 4. Venue is proper in the Central District of California pursuant to 28  
23 U.S.C. §§ 84(c) and 1391(b) (venue, generally) and CERCLA Section 113(b), 42  
24 U.S.C. § 9613(b) (jurisdiction; venue) because the releases and threatened releases  
25 at or from Site 50 that give rise to the claims herein occurred in Santa Barbara  
26 County, California, in this judicial district.

27 \\  
28 \\  
29

1 **Background**

2 5. Vandenberg AFB is located on the Central Coast of California,  
3 approximately 60 miles north of Santa Barbara, in Santa Barbara County.

4 6. Known areas of contamination that are currently undergoing  
5 environmental response activities are designated by the Air Force as IRP sites.

6 7. Vandenberg AFB includes thirteen IRP sites that were and are  
7 operated by governmental and private entities, including Honeywell's predecessor,  
8 where IRP projects have been instituted to clean up and remove numerous  
9 hazardous substances released or likely to have been released between the late  
10 1950s and 1990s. Site 50 is one of these IRP sites.

11 **Defendant Honeywell International, Inc.**

12 8. Honeywell is a corporation incorporated under the laws of Delaware.

13 9. By contract with the Air Force, Bendix Corporation ("Bendix")  
14 exercised control over operations at and occupied a portion of Site 50 between  
15 approximately 1972 and 1975, including exercising control over hazardous waste  
16 management and disposal.

17 10. Bendix Corporation merged with Allied Corporation in 1982.

18 11. Allied Corporation changed its name to AlliedSignal Inc. in 1985.

19 12. AlliedSignal merged with Honeywell Inc. in 1999.

20 13. After the merger, Honeywell Inc. changed its name to Honeywell  
21 International, Inc.

22 14. On information and belief, Honeywell is the successor-in-interest to  
23 Bendix's liability.

24 **Operations at Site 50**

25 15. Site 50 is located between Sixth Street and Eighth Street, and between  
26 Iceland Avenue and Nevada Avenue, within the San Antonio Creek Valley,  
27 approximately 2.5 miles north of the Santa Ynez River.  
28

1           16. Bendix operated three buildings on Site 50, including a component  
2 cleaning facility (“CCF”), also known as Building 8430, and its associated storage  
3 sheds, Buildings 8431 and 8432 (“Storage Sheds”).

4           17. The CCF was used to clean and calibrate aerospace components from  
5 1965 to 1990 and used for electroplating operations from 1971 to 1979.

6           18. Bendix operated at Site 50 from approximately 1972 to 1975.  
7 Bendix’s operations included parts-cleaning and metal-plating of aerospace  
8 systems components. During this time period, Bendix used TCE on a monthly  
9 basis in its cleaning operations at the CCF and stored TCE and other solvents at the  
10 Storage Sheds.

11           19. High TCE concentrations have been found in soil and groundwater in  
12 and around the CCF and Storage Sheds.

13           20. On information and belief, Bendix disposed of TCE at Site 50.

14           21. TCE is a hazardous substance within the meaning of Section 101(14)  
15 of CERCLA, 42 U.S.C. § 9601(14).

16           22. Bendix was an operator of Site 50 at the time of disposal of hazardous  
17 substances, within the meaning of Section 107(a)(2) of CERCLA, 42 U.S.C. §  
18 9607(a)(2).

19           23. Site 50 is a “facility” within the meaning of Section 101(9) of  
20 CERCLA, 42 U.S.C. § 9601(9) in that it is a place where hazardous substances  
21 have come to be located.

22           24. At all times relevant to this action, there has been a “release” or  
23 “threatened release” of “hazardous substances” into the environment at or from  
24 Site 50 within the meaning of Sections 101(14), 101(22), 101(29) and 107(a) of  
25 CERCLA, 42 U.S.C. §§ 9601(14), 9601(22), 9601(29) and 9607(a), in that TCE,  
26 among other substances, has been detected in the soil and groundwater.

27           25. In undertaking response actions to address the release or threatened  
28 release of hazardous substances at Site 50, the Air Force has incurred and will

1 continue to incur “response costs” as defined in Section 101(25) of CERCLA, 42  
2 U.S.C. § 9601(25). The Air Force has unreimbursed past costs of over \$4.3  
3 million and anticipates future costs of over \$4.2 million, attributable to the CCF  
4 portion of Site 50.

5 26. The Air Force’s response actions taken at or in connection with Site  
6 50 and the costs incurred incident thereto were not inconsistent with the National  
7 Contingency Plan.

8 **Claims for Relief**

9 27. Paragraphs 1 through 25 are realleged and incorporated herein by  
10 reference.

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

13  
14 Notwithstanding any other provision or rule of law, and subject only  
15 to the defenses set forth in subsection (b) of this Section –

16 . . .

17 (2) any person who at the time of any hazardous substance  
18 owned or operated any facility at which such hazardous  
19 substances were disposed of, . . .

20 . . . shall be liable for –

21 (A) all costs of removal or remedial action incurred by  
22 the United States Government . . . not inconsistent  
23 with the National Contingency Plan.

24 29. Defendant is within the class of liable persons described in Section  
25 107(a)-(2) of CERCLA, 42 U.S.C. § 9607(a)(2), because it is the successor-in-  
26 interest to Bendix, which operated facilities at Site 50 at the time hazardous  
27 substances were disposed of.

28 **Prayer for Relief**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

31. Enter judgment in favor of the United States and against Defendant

for response costs incurred by the United States relating to Site 50, including enforcement costs and prejudgment interest, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a); and

32. Enter a declaratory judgment, pursuant to Section 113(g)(2) of

CERCLA, 42 U.S.C. § 9613(g)(2), in favor of the United States against the Defendant, for all costs, including enforcement costs, incurred in the future in connection with Site 50 plus interest; and

33. Award the United States its costs of this action; and

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

Respectfully submitted,

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

Date: July 30, 2018

/s/ Gabriel Allen  
GABRIEL ALLEN  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
301 Howard St., Suite 1050  
San Francisco, CA 94105