



# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY NEWS RELEASE

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## Department of Toxic Substances Control

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### **United States Federal Court Rulings Favors DTSC Neville Chemical to Pay \$1.2 Million**

Los Angeles --- The United States Supreme Court denied a petition from Neville Chemical Company (NCC) regarding the Department of Toxic Substances Control's (DTSC) ability to recover oversight costs for addressing contamination at a former manufacturing plant owned by NCC in Santa Fe Springs, Los Angeles County. As a result, NCC must pay a total of \$1.2 million in past costs, interest, and attorneys' fees, along with future costs to the state.

The Supreme Court denied NCC's Petition for Writ of Certiorari, letting stand a previous ruling of the Ninth Circuit Court of Appeals.

"I am very pleased that the Supreme Court has upheld prior decisions. The public good is best served when those responsible for contamination are held accountable. Oversight of cleanup activities and independent verification of outcomes are vital to ensuring that the people of California are protected from toxins. The Department is committed to protecting people and the environment by pursuing and remediating polluted sites," and B.B. Blevins, DTSC Director.

NCC operated a chlorinated paraffin manufacturing plant from 1952 to 1988 at the facility located at 12800 East Imperial Highway. Chlorinated paraffin is used as a fire retarding composition and as a plasticizer. The plant was dismantled in 1990.

DTSC issued an Order for investigation and cleanup of the site in 1986. When NCC refused to pay DTSC's oversight costs, the case was referred to the California Attorney General's Office for cost recovery under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

The Attorney General's Office filed a case on behalf of DTSC in September 2000. The United States District Court ruling was in favor of DTSC; however, NCC appealed, first to the Ninth Circuit Court of Appeals, and then to the Supreme Court, claiming the cost recovery action did not meet the statute of limitations.

The Ninth Circuit ruled that CERCLA's statute of limitations period for recovery of remedial action costs could not commence until after DTSC had adopted the cleanup action plan and therefore DTSC's action against NCC was timely.

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**The Department of Toxic Substances Control's mission is to restore, protect, and enhance the environment and ensure public health, environmental quality and economic vitality by regulating hazardous waste, conducting and overseeing cleanups, and developing and promoting pollution prevention.**