

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

VEOLIA WATER DELAWARE, INC.
f/k/a SUEZ WATER DELAWARE,
INC.,

Plaintiff,

v.

AMETEK, INC.; SYENSQO
SPECIALTY POLYMERS, USA, LLC
f/k/a SOLVAY SPECIALTY
POLYMERS USA, LLC; SOLVAY
SOLEXIS, INC.; NICHE POLYMER
LLC; MARSHALLTON REALTY
HOLDINGS LLC; WESTCHESTER
PLASTICS LLC; COHERENT CORP.;
FMC CORPORATION; EDLON, INC.,

Defendants.

C.A. No. _____ [CCLD]

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Veolia Water Delaware, Inc. f/k/a SUEZ Water Delaware Inc. (hereinafter, “Veolia”) hereby files this Complaint against Defendants Ametek, Inc. (“Ametek”); Syensqo Specialty Polymers USA, LLC f/k/a Solvay Specialty Polymers USA, LLC (“Solvay”); Solvay Solexis, Inc. (“Solvay Solexis”); Niche Polymer LLC (“Niche”); Marshallton Realty Holdings, LLC (“Marshallton”); Westchester Plastics LLC (“Westchester”); Coherent Corp. (“Coherent”); FMC

Corporation (“FMC”); and Edlon Inc. (“Edlon”), (collectively, the “Defendants”), and alleges as follows:

NATURE OF THE ACTION

1. Veolia brings this action against Defendants for damages sustained as a direct and proximate result of Defendants’ acts that caused contamination of the water sources that Veolia relies upon to provide safe drinking water to approximately 40,000 Delaware customers, which represents approximately 100,000 people served across New Castle County, Delaware, through the Defendants’ manufacture, use, and/or disposal of per- and polyfluoroalkyl substances (“PFAS”)¹, including without limitation perfluorooctanoic acid (“PFOA”), perfluorooctanesulfonic acid (“PFOS”), perfluorohexanesulfonic acid (“PFHxS”), perfluorononanoic acid (“PFNA”), hexafluoropropylene oxide-dimer acid (“HFPO-DA,” known as “GenX” chemicals), and perfluorobutanesulfonic acid (“PFBS”), among others.

¹ This Complaint encompasses the thousands of PFAS, known or unknown, including but not limited to the chemicals themselves, as well as all of their salts, ionic states, acid forms of molecules, precursor chemicals, perfluoroalkyl acids, perfluoroalkyl carboxylic acids and carboxylates, perfluoroalkane sulfonic acids and perfluoroalkyl sulfonates, perfluoroalkane sulfonamides, fluorotelomer-based substances, perfluoroalkane sulfonamide substances, polyfluoroalkyl ether carboxylic acids, as well as similar polymer substances including fluoropolymers, polymeric perfluoropolyethers, and side-chain fluorinated polymers, and any other perfluoroalkyl and polyfluoroalkyl substances whether now existing or designated or discovered in the future, and further including those per- and polyfluoroalkyl substances, including the PFAS Salts and PFAS included now and in the future on DNREC’s HSCA Screening Level Table. Notwithstanding the foregoing, this Complaint explicitly is not making claims regarding PFAS directly associated with aqueous film forming foam, also known as “AFFF.”

2. Veolia owns and operates a drinking water system in the State of Delaware that serves approximately 40,000 customers, which represents approximately 100,000 people served across New Castle County, Delaware. Veolia supplies drinking water from the Stanton Water Treatment Plant (the “Stanton Plant”), which draws water from the White Clay and Red Clay Creeks.

3. Defendants manufactured, used, and/or disposed of PFAS and PFAS-containing products that contaminated waterways in Delaware, including the water sources on which Veolia relies to provide drinking water from its Stanton Plant.

4. As a provider of drinking water, Veolia Delaware is subject to significant regulatory requirements to deliver water that meets very low PFAS level requirements. On April 10, 2024, the United States Environmental Protection Agency (“EPA”) finalized a National Primary Drinking Water Regulation establishing maximum contaminant levels (“MCLs”) for six PFAS, including PFOA (4.0 parts per trillion “ppt”), PFOS (4.0 ppt), PFHxS (10 ppt), PFNA (10 ppt), HFPO-DA (10 ppt), and mixtures containing two or more of PFHxS, PFNA, HFPO-DA and PFBS (MCL is a Hazard Index of 1) (collectively the “federal MCLs”). *See* PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 32532 (April 26, 2024). That regulation became effective on June 25, 2024. *Id.*, 40 C.F.R. § 141.6(l). Effective January 15, 2026, Delaware adopted these six federal MCLs. *See* 16 Del. C. § 3002R.

5. As a provider of drinking water, Veolia Delaware is subject to significant enforcement penalties for failing to deliver acceptable drinking water. The Delaware Department of Health and Social Services (“DHSS”) has the power to adopt and promulgate regulations to provide for the sanitary protection of all drinking water supplies furnished to the public, including establishment of primary MCLs², operational requirements and public notice requirements. 16 *Del. C.* § 122(3)(c). Whoever refuses, fails or neglects to perform these required public water supplier duties shall be subject to a judicially imposed penalty of up to \$10,000 per day, together with costs, for every day from and after the effective date of an order of DHSS directing compliance until such compliance has been achieved. 16 *Del. C.* § 122(4). Observance of a DHSS order may be compelled by mandamus or injunction, or by an action to compel specific performance of the order made, or of the duties imposed by law upon the public water supplier. *Id.* Further, in lieu of judicially imposed penalties, the Secretary of DHSS may impose administrative penalties on any public water supplier who refuses, fails, or neglects to perform the duties required under § 122(3)(c), where administrative penalties shall be at least \$1,000 and not more than \$10,000 per day of violation for a system serving a population greater than 10,000 people. 16 *Del. C.* § 122(5)(A).

² “Primary maximum contaminant levels” is defined as a maximum contaminant level which involves a biological, chemical or physical characteristic of drinking water that may adversely affect the health of a consumer. 16 *Del. C.* § 122(3)(c).

6. Further, Veolia Delaware could have its source water prohibited for use or face corrective action if the water fails to meet applicable standards after treatment. DHSS regulations provide that the Division of Public Health (“DPH”) may prohibit the use of sources of water which after treatment do not provide water conforming to the standards established by the regulations or which for any reason may pose a threat to the public’s health. 16 *Del. Admin. C.* § 4462-1.7. The Director of DPH shall notify any alleged violator whenever the Director has reason to believe that a violation of any regulations has occurred or is occurring, where notice of violation may be accompanied by an order that requires corrective action be taken, which may include immediate cessation or correction of the violation, acquisition or use of additional equipment or supplies to ensure the violation does not recur, and submission of a plan to prevent future violations. *Id.* at § 4462-1.9. The Secretary of DHSS has authority to impose an administrative penalty upon any public water system that refuses, fails or neglects to perform the duties required of it, which shall be \$1,000-\$10,000 per day of violation for systems serving more than 10,000 people. *Id.* at § 4462-1.9.1.5.

7. On May 8, 2024, EPA published a final rule designating PFOA and PFOS as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). *See* Designation of Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as

CERCLA Hazardous Substances, 89 Fed. Reg. 39124 (May 8, 2024). That rule became effective on July 8, 2024. *Id.*; *see also* 40 C.F.R. § 302.4. Challenges to EPA’s designation were consolidated in *Chamber of Commerce of the United States of America v. EPA*, Case No. 24-1193, currently pending in the D.C. Circuit. On September 17, 2025, EPA advised the D.C. Circuit that it intends to keep the PFAS rule in effect. *See* Case No. 24-1193, Document #2135418, EPA’s Motion to Govern.

8. Delaware’s state law equivalent to CERCLA, the Hazardous Substance Cleanup Act, Title 7, Chapter 91 (“HSCA”), defines “hazardous substance” as “any hazardous substance as defined in CERCLA” and as “any substance determined by the Secretary through regulation to present a risk to public health or welfare or the environment if released into the environment.” *See* 7 Del. C. § 9103(15)(b), (c). Delaware’s Department of Natural Resources and Environmental Control (“DNREC”) HSCA regulations further define “hazardous substance” as, among others, “any substance included in the HSCA screening level table that will be updated semiannually[.]” 7 Del. Admin. C. 1375 § 2.0.

9. In 2018, DNREC adopted a policy regarding sampling for PFOA and PFOS in groundwater and surface water. *See* Policy for Sampling and Evaluation of Per- and Poly-Fluoroalkyl Substances (PFAS) in Surface Water and Groundwater,

issued July 2, 2018³. In 2023, DNREC updated this policy, and added four PFAS to the HSCA screening level table. The four PFAS that were added to the HSCA screening level table were PFBS, PFNA, PFHxS, and HFPO-DA, meaning those are hazardous substances regulated under HSCA. Presently, DNREC's screening level tables lists thirty-seven (37) PFAS and PFAS salts, meaning those PFAS and PFAS salts listed are "hazardous substances" under HSCA.⁴

10. As a result of Defendants' acts and omissions regarding PFAS and in light of the federal and state regulation of PFAS including in drinking water, Veolia has been, and will continue to be, required to make significant and costly upgrades to the Stanton Plant and will incur significant maintenance and ongoing costs required to operate and maintain those upgrades, as well as to engage in the regular monitoring of PFAS levels.

11. Defendants were, or reasonably should have been, aware and are currently aware that their acts and omissions directly and proximately caused the release of PFAS and contamination of waterways in Delaware, including the water sources on which Veolia relies to provide drinking water from its Stanton Plant. Veolia brings this action against Defendants in an effort to recover the costs to treat

³ Available at <https://documents.dnrec.delaware.gov/dwhs/remediation/watar/2018-PFAS-Sampling-Policy.pdf>

⁴ See <https://documents.dnrec.delaware.gov/dwhs/remediation/HSCA-Screening-Level-Table-Guidance.pdf>

and remove PFAS from its drinking water system and to ensure that Veolia has the resources necessary to continue to provide its customers and members of the public with safe drinking water that meets federal and state drinking water standards, and federal and state law and regulations.

12. Veolia is not seeking to recover through this Complaint any claim or damages resulting or stemming from aqueous film forming foam (“AFFF”), a firefighting material that contains certain PFAS. AFFF is used as a fire suppressant at airports and similar establishments to extinguish flammable liquid fires.

THE PARTIES

13. Veolia is a Delaware corporation with its principal place of business in Wilmington, Delaware. Veolia owns and operates the Stanton Plant, which is a public water system in Delaware.

14. Defendant Syensqo Specialty Polymers USA, LLC f/k/a Solvay Specialty Polymers USA, LLC (“Solvay”) is a Delaware limited liability company whose sole member is Ausimont Industries Inc., which is incorporated in Delaware and has its principal place of business located at 4500 McGinnis Ferry Road, Alpharetta, Georgia, 30005. Solvay does business throughout the United States, including in New Castle County, Delaware. Solvay previously operated a manufacturing facility located at 800 Greenbank Road, New Castle County, Delaware (the “Solvay Site”)—adjacent to the Ametek Site (as defined further

herein) and Red Clay Creek, and upstream from the Stanton Plant—that was used to process polytetrafluoroethylene (“PTFE”), a fluoropolymer with numerous applications. Manufacturing and industrial use of PTFE is commonly associated with PFOA and other PFAS. Solvay operated the manufacturing plant at the Solvay Site from approximately 1998 until September 2020. DNREC conducted an investigation at the Solvay Site and identified PFAS in soil, sediment, groundwater, and surface water at the Solvay Site and nearby locations. On September 12, 2025, Solvay Specialty Polymers USA, LLC changed its name to Syensqo Specialty Polymers USA, LLC.

15. Defendant Solvay Solexis, Inc., is the current record owner of the Solvay Site, where Solvay Specialty Polymers USA, LLC is the successor by merger to Solvay Solexis, Inc.

16. Defendant Ametek, Inc. (“Ametek”) is a Delaware corporation with its principal place of business located at 1100 Cassatt Road, Berwyn, Pennsylvania 19312. Ametek does business throughout the United States, including in New Castle County, Delaware. Ametek owned and operated a manufacturing facility located at 900 Greenbank Road, New Castle County, Delaware—adjacent to the Red Clay Creek and Solvay Site, and upstream from the Stanton Plant—that was used to manufacture, among other things, phenolic resin and Teflon tubing (the “Ametek Site”), processes that are commonly associated with PFAS. Ametek owned the

Ametek Site until 2021. PFAS have been detected in soil, surface water, and groundwater at the Ametek Site.

17. Defendant Westchester Plastics LLC f/k/a Ametek WP LLC (“Westchester”) is a Delaware limited liability company located at 42 Mountain Avenue, Nesquehoning, Pennsylvania 18240. Westchester acquired the Ametek Site from Ametek, Inc. by deed dated August 17, 2021. On June 25, 2021, Ametek WP LLC amended its certificate of formation with the Delaware Secretary of State to change its name from Ametek WP LLC to Westchester Plastics LLC. Westchester is a wholly owned subsidiary of defendant Niche (as defined herein).

18. Defendant Niche Polymer LLC (“Niche”) is a West Virginia limited liability company with its principal office at 880 South Washington Street, Ravenswood, West Virginia. On information and belief, Niche acquired defendant Westchester from Ametek in 2021.

19. Defendant Marshallton Realty Holdings, LLC (“Marshallton”) is a Delaware limited liability company formed on September 2, 2021. Marshallton acquired the Ametek Site from Ametek WP, LLC by deed dated December 20, 2021.

20. Defendant Coherent Corp. (“Coherent”) is a Pennsylvania corporation with a business address of 1300 Marrows Road, Newark Delaware (the “Coherent Site”). The Coherent Site is located near the Cool Run tributary to White Clay Creek, and upstream from the Stanton Plant. On information and belief, Coherent has or

currently manufactures ceramics, ceramic matrix composites, metal matrix composites, and polymeric materials at the Coherent Site, which processes are commonly associated with PFAS.

21. Defendant FMC Corporation (“FMC”) is a Delaware corporation with a principal executive office address of 2929 Walnut Street, Philadelphia, Pennsylvania 19104. On information and belief, FMC was or is associated with the real property known as 1301 Ogletown Road, Newark, Delaware, 19711 (the “FMC Site”), which is located near the Cool Run tributary to White Clay Creek and is upstream of the Stanton Plant. On information and belief, the fungicide Kalida, which contains fluindapyr, a PFAS, was produced at the FMC Site. Also on information and belief, pharmaceutical coatings and ingredients were also produced at the FMC site, and are commonly associated with PFAS.

22. Defendant Edlon Inc. (“Edlon”) is a Delaware Corporation that owns and operates the real property known as 117 West State Street, Avondale, Pennsylvania, and 150 Pomeroy Avenue, Avondale, Pennsylvania (collectively the “Edlon Site”). The Edlon Site is adjacent to the East Branch of the White Clay Creek, and is upstream of the Stanton Plant. On information and belief, Edlon manufactures fluoropolymers, which are PFAS, at the Edlon Site.

JURISDICTION AND VENUE

23. Jurisdiction is proper in this Court pursuant to DE CONST., Art. 4, § 7 and 10 *Del. C.* § 541.

24. Defendants have intentionally sought and obtained benefits from their tortious and purposeful acts in the State of Delaware, in that Defendants reside within this State, are subject to personal jurisdiction in this State, and/or the wrongs averred herein occurred within this State.

25. The events giving rise to these claims occurred in Delaware.

26. Venue is also appropriate in New Castle County because it is the county in which Plaintiff is located and has its usual place of business, and it is where the events giving rise to this claim occurred.

27. Pursuant to Superior Court Administrative Directive No. 2010-3, Veolia asserts that in light of the significant expenditures and upgrades it made to its Stanton Plant to be able to process and remove PFAS from its source water, which costs were at least \$34.6 million for capital expenditures alone, and that Veolia is looking to recover its costs and expenses for such PFAS treatment upgrades as well as continuing annual operating costs in excess of \$3.5 million for such treatment from the Defendants, that this matter includes claims asserted against the Defendants with an amount in controversy of significantly more than One Million Dollars, and accordingly there is good cause to assign this case to a CCLD judge.

FACTUAL BACKGROUND

Per- and Polyfluoroalkyl Substances (PFAS)

28. PFAS are a group of manufactured fluorinated organic chemicals that are incorporated into a wide variety of industrial and commercial products.

29. Due to their unique properties that resist heat, oil, stains, grease, and water, certain PFAS have played a central role in the manufacture and development of many consumer products since their introduction in the 1940s. PFAS have been used to produce many consumer and industrial products including feedstocks for nonstick coatings including brand names such as Teflon®, bearings, pipe liners, metal coatings, electrical insulation, resins, carpets, clothing, fabrics, food packaging, and cookware.

30. PFAS have been put to wide industrial use due to their unique ability to resist harsh chemicals and high temperatures. DuPont and Chemours, as manufacturers of PFAS, have a long history of selling their PFAS and PFAS-containing products and solutions to industrial manufacturers for use at their own manufacturing facilities.

31. Two of the most prevalent PFAS are PFOA and PFOS, both of which have been widely used and applied in the manufacturing industry.

32. EPA has identified widespread PFAS contamination in the environment, and has concluded that these substances have likely been released into the environment in several different ways.

33. For example, EPA found that certain PFAS can be released during the manufacture, normal use, disposal, and/or biodegradation of consumer products containing PFAS. Some PFAS may also be released into the air, soil, and water during the manufacture, use, and disposal of PFAS and PFAS-containing products.

34. Once present in the environment, certain PFAS are extremely persistent and often have degradation periods of years, decades, or longer under natural conditions. Certain PFAS are also highly resistant to chemically-aided degradation processes. For these reasons, some PFAS are often referred to as “forever chemicals.”

35. Additionally, certain PFAS are soluble and mobile in water, which further amplifies the spread of PFAS beyond the initial sources of introduction into the environment. And, because certain PFAS are water-soluble, they can migrate readily from soil to groundwater and surface water. Therefore, once certain PFAS are released into the environment, they are extremely difficult to remove and even more difficult to contain.

Federal and State Regulation of PFAS

36. In light of emerging scientific evidence regarding the potential long-term effects that certain PFAS may have on the environment, EPA has designated the substances as “emerging contaminants.”

37. In 2016, EPA issued drinking water health advisories for PFOA and PFOS. Specifically, EPA guidance provided that a combined level of PFOA or PFOS in excess of 70 parts per trillion (“ppt”) in drinking water may pose increased risks for people who consume such water.

38. In February 2019, EPA announced an Action Plan to address PFAS contamination that includes initiating steps to establish a federal MCL for PFOA in drinking water. In March 2023, EPA proposed a National Primary Drinking Water Regulation for certain PFAS. On April 10, 2024, the proposed rule became final, and on June 25, 2024, the final rule became effective. Under the final rule, public water systems must supply drinking water with less than 4 ppt of PFOA and PFOS, individually. The final rule also provides that public water systems must supply drinking water with less than 10 ppt of PFNA, PFHxS, and HFPO-DA (GenX Chemicals), individually. If a water system exceeds an MCL, it must take certain corrective actions, including the installation of suitable treatment and remediation processes. Effective January 2026, Delaware adopted these federal MCLs to mirror the federal requirements, and further provided that if the federal MCLs are set lower

in the future, then the new lower federal MCL will be the MCL in Delaware. *See* 16 *Del. C. § 3002R(3)b*.

39. In June 2021, EPA also initiated the process of designating PFAS as a hazardous substance under CERCLA. On May 8, 2024, EPA finalized a rule designating PFOA and PFOS as hazardous substances under CERCLA. That rule became effective on July 8, 2024.

40. Delaware’s HSCA defines “hazardous substance” to include “[a]ny hazardous substance as defined in CERCLA,” thus EPA’s designation of PFOA and PFOS as hazardous substances under CERCLA means PFOA and PFOS are also hazardous substances under HSCA. 7 *Del. C. § 9103(b)*.

41. Further, DNREC has designated thirty-seven (37) additional PFAS and PFAS salts as “hazardous substances” under HSCA pursuant to policy and inclusion in DNREC’s screening level tables.

**Defendants’ Manufacture, Use, and/or Disposal of PFAS
Within Veolia’s Source Watershed**

42. Defendants knowingly manufactured, used, and/or disposed of PFAS and PFAS-containing products that have directly and proximately caused the release of significant amounts of PFAS into Delaware’s natural resources, including soil, sediment, groundwater, surface water, and water systems that have impacted, are impacting, and will in the future impact Veolia’s surface water intakes, and drinking water treatment and supply systems at the Stanton Plant.

43. Solvay manufactured and distributed products containing PFAS in Delaware in spite of the environmental ramifications. Solvay released PFAS from its facility in the Marshallton area of New Castle County. At this facility, Solvay processed PTFE by irradiating the PTFE feedstock and milling it to a powder that was sold as a product. PTFE is used as a nonstick coating for cookware, is fabricated into industrial products including bearings and pipe liners, is used in lubricants, and for coatings and electrical insulation.

44. In 2020, DNREC found Solvay to be a potentially responsible party for the release of PFOA at its facility located on Red Clay Creek, which is located directly upstream of Veolia's public water supply intakes. On February 15, 2021, Solvay and DNREC executed a settlement agreement (the "Solvay Settlement") to resolve certain matters arising from the Notice of Administrative Cost Recovery Demand and Secretary's Order No. 2020-WH-035. Under the terms of the settlement, Solvay must perform a comprehensive environmental investigation and provide remedies for soil, sediment, groundwater, and surface water contamination. On October 16, 2025, DNREC sent Solvay a letter regarding status of remediation of the Solvay Site, noting that groundwater sampling data showed results of 33,000 part per trillion ("ppt") of PFOA, which was noted to be the highest detection of PFOA detected in Delaware. DNREC's letter noted numerous deficiencies with Solvay's investigation of the Solvay Site, and noted Solvay was in breach of the

Solvay Settlement, including the obligation to complete a remedial investigation and feasibility study. To date, those remedies are not complete and, as a result, the risk of PFAS contamination and releases from the Solvay facility to the Stanton Plant remains ongoing.

45. Ametek owned and operated a plant, the Ametek Site, located adjacent to Red Clay Creek and the Solvay facility and also directly upstream of Veolia's public water supply intakes. Before the Ametek Site closed in 2003, it was used as an iron works, vulcanized fiber, and insulated piping manufacturing facility. On August 11, 2025, DNREC sent Ametek a letter stating that DNREC had documented the release or threatened release of hazardous substances, pollutants, or contaminants from the Ametek Site, and that as an owner and/or operator of the Ametek Site, Ametek is a potentially responsible party under HSCA §§ 9103(23) and 9105. DNREC further stated that it had determined that remedial action was required under HSCA to protect the public health, welfare and the environment, which conclusion arose from the presence of hazardous substances including PFAS, among others, in soil, groundwater, surface water and sediment.

46. Like Solvay, Ametek produced and disposed of products containing PFAS into Delaware's natural resources, including Veolia's source watershed which includes adjacent soil and groundwater.

47. On August 11, 2025, DNREC sent Marshallton a letter stating that DNREC had documented the release or threatened release of hazardous substances, pollutants, or contaminants from the Ametek Site, and that as an owner and/or operator of the Ametek Site, Marshallton is a potentially responsible party under HSCA §§ 9103(23) and 9105. DNREC further stated that it had determined that remedial action was required under HSCA to protect the public health, welfare and the environment, which conclusion arose from the presence of hazardous substances including PFAS, among others, in soil, groundwater, surface water and sediment.

48. On April 26, 2026, the Secretary of DNREC issued Secretary's Order No. 2026-WH-0006 to Ametek, Marshallton, and Niche ("Secretary's Order") stating that the Secretary has found these entities in violation of HSCA and HSCA regulations at 7 *Del. Admin. C.* § 1375 regarding the Ametek Site.⁵ The Secretary's Order recounted how DNREC issued separate Notices of Liability to Marshallton and Ametek pursuant to §§ 9104 and 9015 of HSCA for release or threatened release of hazardous substances, pollutants, or contaminants at the Ametek Site, and that a remedy was required under HSCA due to the presence of hazardous substances, including PFAS, among others. The Secretary's Order, issued pursuant to 7 *Del. C.*

⁵ Available at <https://documents.dnrec.delaware.gov/Admin/Orders/Secretarys-Order-No-2026-WH-0006.pdf>

§ 9109(a)(3)⁶, requires Ametek, Marshallton, and Niche to immediately initiate a remedy, to begin with submission of a remedial investigation work plan, a remedial investigation report that characterizes the nature and extent of the hazardous substance release, a risk assessment evaluating human health and ecological risks, a feasibility study evaluating remedial alternatives, and to implement the requirements of a final plan of remedial action.

49. The Solvay Site is currently owned by defendant Solvay Solexis, Inc., which has been the record owner since September 16, 2010; prior to that Ausimont U.S.A., Inc. was record owner from October 6, 1993 until September 16, 2010, when a confirmatory deed was filed to reflect the name change from Ausimont U.S.A., Inc. to Solvay Solexis, Inc.

50. The Ametek Site is currently owned by Marshallton. From October 8, 1980 through August 17, 2021, Ametek was record owner of the Ametek Site. From August 17, 2021 through December 20, 2021, Ametek WP LLC was record owner of the Ametek Site. A corrective deed was recorded on November 3, 2021 between

⁶ 7 Del. C. § 9109(a)(3) states that whenever, in the Secretary of DNREC's opinion, a person has not submitted a proposed settlement or has submitted a proposed settlement and the Secretary has rejected the proposal, the Secretary may seek to have the potentially responsible party perform a remedy at a facility by giving written notice and specifying the basis of the person's liability for a remedy, identifying the remedy to be performed and a timeline for completion, advising that a public hearing on the person's alleged liability and remedy to be performed may be had, and that the proposed remedy and timeframe for completion will be ordered unless a public hearing is requested.

Ametek as grantor, and Westchester as grantee, which stated that the August 17, 2021 deed inadvertently included Westchester's former name, where Westchester had changed its name from Ametek WP LLC to Westchester Plastics LLC by certificate of amendment filed with the Delaware Secretary of State on June 25, 2021. Marshallton has been the record owner of the Ametek Site since December 20, 2021.

51. Defendant Niche acquired Defendant Westchester and thus the Ametek Site in 2021, and pursuant to that transaction, Ametek has recently alleged in litigation in the District of Delaware that Niche assumed Westchester's assets and liabilities and is responsible for all historic environmental liability related to the Ametek Site. *See* Complaint, Case No. 1:25-cv-01540-RGA, filed Dec. 12, 2025. Thus, on information and belief Niche is also responsible for any PFAS contamination of the Stanton Plant regarding or arising out of the Ametek Site and/or Westchester.

52. Defendant Marshallton is the current record owner of the Ametek Site, where the Ametek Site is adjacent to Red Clay Creek and a continuing source of PFAS to the Stanton Plant.

53. Defendant Coherent is on information and belief a manufacturer of ceramics, ceramic matrix composites, metal matrix composites, and polymeric composites at the Coherent Site, where on information and belief such

manufacturing activities are commonly associated with PFAS. The Coherent Site is located near the Cool Run tributary to White Clay Creek, thus there is a pathway for transport of PFAS from the Coherent Site to White Clay Creek to the Stanton Plant.

54. Defendant FMC, on information and belief, manufactured the fungicide Kalida, which contains fluindapyr, a PFAS, and/or other pharmaceutical coatings and ingredients that are commonly associated with PFAS, at the FMC Site, where the FMC Site is located near the Cool Run tributary to White Clay Creek. Thus, a pathway exists for transport of PFAS from the FMC Site to White Clay Creek to the Stanton Plant.

55. Defendant Edlon, on information and belief, manufactures fluoropolymers at the Edlon Site, where the Edlon Site is adjacent to the East Branch of the White Clay Creek. Thus, a pathway exists for transport of PFAS from the Edlon Site to White Clay Creek to the Stanton Plant.

56. Collectively and individually, the Defendants have contributed to the unremediated and thus ongoing release of PFAS from the use and disposal of PFAS and PFAS-containing products near Veolia's surface water intakes and water treatment facility in Delaware. Defendants each knew or should have known of the nature of the processes and discharges of chemicals and wastes from their respective facilities, including as to the nature of the uses and discharges of PFAS.

**Defendants' Manufacture, Use, and/or Disposal of PFAS and
PFAS-Containing Products Has Caused Harm to Veolia**

57. As discussed above, each of the Defendants reasonably should have known that PFAS could harm the environment, but failed to take meaningful steps to prevent or mitigate the foreseeable contamination to Delaware's natural resources and Veolia's source watershed.

58. Likewise, each of the Defendants reasonably should have known that they were releasing potentially toxic PFAS into the environment through their operations and use of PFAS at several industrial sites throughout Delaware, but the Defendants failed to take any or sufficient actions to remedy such harm or to disclose the risks to regulators, Veolia, or the Delaware public.

59. The Defendants' respective manufacture, use, and/or disposal of PFAS and PFAS-containing products has directly and proximately caused PFAS contamination that is directly impacting the Stanton Plant, by contamination of surface water that feeds the Stanton Plant intakes, and by contamination of soil, sediment, groundwater, and other media that acts as a continuing source of PFAS contamination of the Stanton Plant's surface water intakes.

60. By causing the release of PFAS into Delaware's environment, each of the Defendants has contributed to the infliction of an indivisible injury upon Veolia that has caused unitary harm.

61. Therefore, because each of the Defendants' own actions has caused harm that is not capable of division, the Defendants are jointly and severally liable and responsible for all damages Veolia has incurred, as well as those that Veolia imminently will incur, as a direct and proximate result of the Defendants' respective manufacture, use, and/or disposal of PFAS and PFAS-containing products in Delaware.

Remedial Measures Across Delaware

62. DNREC is actively exploring sources of PFAS contamination in Delaware, with various investigations underway, including in the Red Clay Creek Watershed in which the Stanton Plant is located.

63. There are remedial action proceedings underway for both Solvay and Ametek. In July and September of 2020, DNREC issued notices of liability to Solvay related to PFOA at Solvay's facility in Marshallton, Delaware. Thereafter, DNREC and Solvay entered into the Solvay Settlement that will require Solvay to perform a remedial investigation, risk assessment, and feasibility study to meet Delaware's Regulations Governing Hazardous Substance Cleanup and then implement a Final Plan of Remedial Action. Notably, Solvay has consistently identified Ametek as a contributing source of PFOA in the immediate area of the Stanton Plant.

64. DNREC has also identified contamination from Ametek's facility at 900 Greenbank Road, New Castle County, Delaware, and included it as one of

Delaware's Resource Conservation and Recovery Act ("RCRA") corrective action facilities. Further, DNREC has identified Ametek and Marshallton as potentially responsible parties for PFAS contamination at the Ametek Site.

Impact of Defendants' Acts and Omissions on Veolia's Water System

65. Veolia operates the Stanton Plant, a public drinking water system in Delaware. The Stanton Plant, which draws water from the White Clay and Red Clay creeks, has experienced detection of certain PFAS at levels exceeding the now applicable federal and state MCLs. Both Stanton Plant intakes are located in New Castle County, Delaware, and allow Veolia to serve approximately 40,000 customers, which represents approximately 100,000 people served across New Castle County, Delaware.

66. Defendants are sources of PFAS contamination within and near the Stanton Plant and the sources of water used by the Stanton Plant.

67. Veolia is committed to supplying its customers with safe drinking water that meets the federal guidelines and restrictions, including EPA's stringent MCLs for PFOA, PFOS, PFHxS, PFNA, and HFPO-DA. Veolia therefore has implemented and will need to continue to implement significant upgrades to the Stanton Plant to assure that the water it supplies to its Delaware customers meets the federal and state MCLs.

68. Veolia has conducted sampling in accordance with its monitoring initiative in Delaware. At several separate sites, testing of the raw water samples revealed levels of PFOA and/or PFOS exceeding the federal and state MCLs. Many other samples confirmed the presence of PFOA and/or PFOS at varying levels.

69. Upon information and belief, the Defendants' actions in releasing or causing the release of PFAS into the soil, groundwater, surface waters and waterways, and air of Delaware has directly and proximately caused the contamination of Veolia's public water system.

70. As a result, Veolia has incurred, and will continue to incur, significant expense related to PFAS contamination in its water treatment infrastructure and the remedial steps that must be taken to comply with the federal and state MCLs and to monitor for such compliance in the future, as well as numerous other costs necessitated by, associated with, or related to compliance with the federal and state MCLs and otherwise needed to supply its customers with clean drinking water.

71. Specifically, Veolia has identified three prudent, reliable, and cost-effective drinking water treatment options for PFAS removal: granular activated carbon ("GAC"), closed circuit reverse osmosis ("CCRO"), and ion exchange ("IX"). The efficacy of these options depends on source water quality, existing treatment technology, site layout, waste stream options, and other site-specific conditions. Veolia elected to and did construct a GAC treatment system to treat water

for PFAS at the Stanton Plant. The GAC treatment system capital cost was at least \$34.6 million, with annual operation and maintenance expenses for media exchange and disposal/regeneration projected to be over \$3.5 million.

CLAIMS FOR RELIEF

COUNT ONE **(Public Nuisance)**

72. The allegations of Paragraphs 1 through 71 above are incorporated by reference as if fully set forth herein.

73. The Defendants' acts and omissions, including failure to exercise due care in their manufacture, use, and/or disposal of PFAS and PFAS-containing products at several industrial sites within Delaware, have resulted in the release of significant amounts of PFAS into the environment and natural resources of Delaware, including water sources used by the Stanton Plant.

74. The Defendants' acts and omissions have substantially and unreasonably interfered with, and continue to interfere with, Veolia's right to the use and enjoyment of Delaware's natural resources and Veolia's right to the use of Delaware's groundwater and surface water as sources of public drinking water, rights which Veolia holds in common with members of the public and which are specifically authorized by the State, thereby creating a public nuisance.

75. The public nuisance created by the Defendants' acts and omissions is an interconnected and continuing tort, and the Defendants have failed to take steps or sufficient steps to abate this public nuisance.

76. Moreover, as the owner and operator of a public water system, Veolia is required to provide drinking water that complies with federal and state MCLs. In order to meet these MCLs, and as a direct and proximate result of the Defendants' acts and omissions, Veolia has been required to design, install, and operate new and/or additional drinking water treatment systems. Therefore, Veolia has suffered, continues to suffer, and will in the future suffer, a special injury different in kind from, and of a greater magnitude than, that suffered by the public as a whole.

77. As a direct and proximate result of the continuing public nuisance created by the Defendants' acts and omissions, including the Defendants' failure to exercise due care in the manufacture, use, and/or disposal of PFAS and PFAS-containing products, Veolia has suffered, is currently suffering, and will continue to suffer, a special injury, separate and apart from that shared by the public as a whole, and is therefore entitled to damages including costs associated with testing and investigations and costs associated with the creation or acquisition, as well as installation and implementation, of treatment necessary to remove PFAS from its source water and to comply with the federal and state MCLs, as well as the additional

ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by these standards.

78. The Defendants' creation and maintenance of a continuing public nuisance have directly and proximately caused, continue to cause, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly and severally liable for all such damages incurred by Veolia in an amount to be proved at trial.

COUNT TWO
(Private Nuisance)

79. The allegations of Paragraphs 1 through 78 above are incorporated by reference as if fully set forth herein.

80. Veolia owns and has the right to the possession and use of its surface water intakes, and drinking water treatment and supply systems that make up Veolia's public water system in Delaware, and Veolia has a recognized possessory interest in the water sources that supply its public water system.

81. The Defendants' acts and omissions, including the Defendants' failure to exercise due care in their manufacture, use, and/or disposal of PFAS and PFAS-containing products, from and at several industrial sites within Delaware, have resulted in the release of significant amounts of PFAS into the environment and natural resources of Delaware, including water sources used by the Stanton Plant.

82. The Defendants' acts or omissions have had the foreseeable effect of causing the release of PFAS, including without limitation PFOA and PFOS, which, in turn, have directly and proximately caused environmental contamination that has substantially and unreasonably interfered with, and continues to interfere with, Veolia's ability to use the water sources that supply its public water system to provide safe drinking water to Delaware citizens, thereby constituting a private nuisance.

83. As alleged herein, the water sources that supply Veolia's public water system are contaminated with PFAS, and Veolia has likewise detected PFAS in its surface water intakes, and drinking water treatment and supply systems at levels exceeding the federal and state MCLs.

84. The private nuisance created by the Defendants' acts and omissions is an interconnected and continuing tort, and the Defendants have failed to abate or sufficiently abate or remedy this private nuisance.

85. Therefore, as a direct and proximate result of the continuing private nuisance created by the Defendants' acts and omissions, including the Defendants' failure to exercise due care in the manufacture, use, and/or disposal of PFAS and PFAS-containing products, Veolia has suffered, is currently suffering, and will continue to suffer damages including costs associated with testing and investigations and costs associated with the creation or acquisition, as well as installation and

implementation, of the treatment necessary to comply with the federal and state MCLs, as well as the additional ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by these standards.

86. The Defendants' creation and maintenance of a continuing private nuisance has directly and proximately caused, is causing, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly and severally liable for all such damages incurred by Veolia in an amount to be proved at trial.

COUNT THREE
(Negligence)

87. The allegations of Paragraphs 1 through 86 above are incorporated by reference as if fully set forth herein.

88. The Defendants had, and continue to have, a duty to exercise due care in the manufacture, use, and/or disposal of PFAS and PFAS-containing products, so as to prevent foreseeable harm to nearby natural resources and those who, like Veolia Delaware, are known or foreseeable users of those resources.

89. As alleged herein, the Defendants reasonably should have known that PFAS could be released during the manufacture of PFAS, as well as during the normal use and disposal of the Defendants' PFAS-containing products in or from their respective facilities, and that once released into the environment, PFAS could cause widespread and long-lasting environmental harm.

90. Accordingly, the Defendants reasonably should have known that their failure to exercise due care in manufacturing, using, and/or disposing of PFAS and PFAS-containing products from and at several industrial and other sites within Delaware, would contaminate Delaware's sources of drinking water, including those owned and operated by Veolia to provide safe drinking water to Delaware residents.

91. By manufacturing, using, and/or disposing of PFAS and PFAS-containing products without implementing safety precautions sufficient to prevent foreseeable releases of PFAS, the Defendants failed to exercise due care.

92. As a direct and proximate result of the Defendants' failure to exercise due care, Delaware's groundwater, surface water, and other environmental media have been contaminated with PFAS, including without limitation PFOS and PFOA, with a direct impact on the water sources that supply the Stanton Plant. As alleged herein, the water sources that supply Veolia's public water system are contaminated with PFAS, and Veolia has likewise detected PFAS in its surface water intakes, and drinking water treatment and supply systems at levels exceeding the federal and state MCLs.

93. Defendants' failure to exercise due care is an interconnected and continuing tort, and the Defendants have failed to abate or sufficiently abate or remedy these negligent acts and/or omissions.

94. As a result, Veolia has suffered, is currently suffering, and will continue to suffer damages including costs associated with testing and investigations and the costs associated with the creation or acquisition, as well as installation and implementation, of treatment necessary to remove PFAS from its source water and to comply with the federal and state MCLs, as well as additional ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by the federal and state MCLs.

95. The Defendants' continuing negligent acts and/or omissions have directly and proximately caused, are causing, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly and severally liable for all such damages incurred by Veolia in an amount to be proved at trial.

COUNT FOUR
(Trespass)

96. The allegations of Paragraphs 1 through 95 above are incorporated by reference as if fully set forth herein.

97. Veolia owns and has the lawful and exclusive right to the possession and use of its surface water intakes, and drinking water treatment and supply systems that make up Veolia's public water system in Delaware and particularly the Stanton Plant, and Veolia has a recognized and exclusive possessory interest to draw certain quantities of water from the water sources that supply its public water system.

98. The Defendants recklessly, negligently, and/or intentionally manufactured, used, and/or disposed of PFAS and PFAS-containing products from and at their respective industrial sites within Delaware, which resulted in the release of significant amounts of PFAS into the environment and natural resources of Delaware, including the water that supplies Veolia's water treatment infrastructure, where such contaminants freely migrated onto and into Veolia's property.

99. The Defendants knew or reasonably should have known that the manufacture, release, and/or disposal of PFAS and PFAS-containing products from the specific industrial sites within Delaware identified herein would contaminate Veolia's surface water intakes, drinking water treatment and supply systems, and property at the Stanton Plant.

100. As alleged herein, the water sources that supply Veolia's public water system are contaminated with PFAS, and Veolia has likewise detected PFAS in its surface water intakes, and drinking water treatment and supply systems at levels exceeding the federal and state MCLs.

101. Veolia did not consent to the Defendants' releases of PFAS onto and into Veolia's surface water intakes, and drinking water treatment and supply systems.

102. As long as Veolia's surface water intakes, and drinking water treatment and supply systems remain contaminated by PFAS, the Defendants' trespasses are an interconnected and continuing tort.

103. As a direct and proximate result of the continuing trespasses created by the Defendants' acts and/or omissions, Veolia has suffered, is currently suffering, and will continue to suffer damages including costs associated with testing and investigations and costs associated with the creation or acquisition, as well as installation and implementation, of treatment necessary to remove PFAS from its source water and to comply with the federal and state MCLs, as well as additional ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by the federal and state MCLs.

104. The Defendants' continuing trespasses have directly and proximately caused, are currently causing, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly and severally liable for all such damages incurred by Veolia in an amount to be proved at trial.

COUNT FIVE
(HSCA Remedial Costs pursuant to 7 Del. C. § 9105(d))

105. The allegations of Paragraphs 1 through 104 above are incorporated by reference as if fully set forth herein.

106. As a direct and proximate result of the continuing torts of public nuisance, private nuisance, negligence, trespass, abnormally dangerous activities,

and negligence per se created by the Defendants' acts and omissions as alleged in Counts One through Four inclusive, and Counts Six and Seven, Veolia has suffered, is currently suffering, and will continue to suffer damages including costs associated with testing and investigations and costs associated with the creation or acquisition, as well as installation and implementation, of the treatment necessary to remove PFAS from its source water and property, and to comply with the federal and state MCLs, as well as the additional ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by these standards.

107. Thus, pursuant to HSCA, 7 *Del. C.* § 9105(d), Veolia has expended money performing a remedy or remedial action under Title 7, Chapter 91, and brings this count against Defendants as “potentially responsible part[ies]” as that term is defined under HSCA. Veolia is entitled to reimbursement for its costs incurred which are consistent with Title 7, Chapter 91.

COUNT SIX
(Strict Liability for Abnormally Dangerous Activities)

108. The allegations of Paragraphs 1 through 107 above are incorporated by reference as if fully set forth herein.

109. Delaware recognizes strict liability for damage to another when the defendant undertakes an abnormally dangerous activity.

110. DNREC and EPA have classified certain PFAS as “hazardous substances” due to the harmful and long-lasting effects that such contaminants have on both the environment and those who ingest or otherwise come into contact with them.

111. To determine whether an activity is one which is so inherently dangerous that strict liability will result, Delaware courts have adopted §§ 519 and 520 of the Restatement (Second) of Torts.

112. The Restatement (Second) of Torts § 519 provides that “(1) One who carries on an abnormally dangerous activity is subject to liability for harm to the person, land or chattels of another resulting from the activity, although he has exercised the utmost care to prevent the harm. (2) This strict liability is limited to the kind of harm, the possibility of which makes the activity abnormally dangerous.”

113. In determining whether an activity is abnormally dangerous, Section 520 directs a court to consider six factors: “(a) existence of a high degree of risk of some harm to the person, land or chattels of others; (b) likelihood that the harm that results from it will be great; (c) inability to eliminate the risk by the exercise of reasonable care; (d) extent to which the activity is not a matter of common usage; (e) inappropriateness of the activity to the place where it is carried on; and (f) extent to which its value to the community is outweighed by its dangerous attributes.”

114. Defendants are strictly liable because Defendants engaged in abnormally dangerous activities that have resulted, are currently resulting in, and will result in harm to Veolia by contamination of its source water and Stanton Plant intakes with PFAS, which is the specific kind of harm that makes Defendants' activities abnormally dangerous.

115. In applying the § 520 factors to the Defendants and their actions affecting the Stanton Plant's source water, there is a high degree of risk of harm involved with the manufacture, use, and distribution of products and processes that contain and/or use PFAS in close proximity to the Stanton Plant and its intakes because PFAS are persistent, mobile, bioaccumulative, and toxic substances that readily migrate through air, soil, and groundwater and easily contaminate soil, and groundwater and surface water used for drinking water.

116. The likelihood that the harm that will result will be great is due to PFAS' "forever chemical" nature and ability to bioaccumulate in humans, and cause deleterious health effects in humans at very low concentrations, including that, according to the EPA⁷, exposure to certain levels of PFAS may lead to: reproductive effects (decreased fertility or increased high blood pressure in pregnant women); developmental effects or delays in children (including low birth weight, accelerated

⁷ See OUR CURRENT UNDERSTANDING OF THE HUMAN HEALTH AND ENVIRONMENTAL RISKS OF PFAS, <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas>.

puberty, bone variations, or behavioral changes); increased risk of certain cancers (including prostate, kidney, and testicular cancers); reduced ability of the body's immune system to fight infections (including reduced vaccine response); interference with the body's natural hormones; and increased cholesterol and/or risk of obesity.

117. Elimination of the risk from PFAS is unlikely even when exercising due care due to Defendants' close proximity to the Stanton Plant source water, the mobility of PFAS in environmental media, and PFAS' ability to bioaccumulate and cause adverse health outcomes in humans.

118. Using PFAS in manufacturing, industrial, commercial, and other processes is not a matter of common usage because PFAS are typically only used in specific applications that require high resistance to heat, oil, stains, grease and water, and PFAS are generally being phased out of use.

119. Using PFAS in manufacturing, industrial, commercial, and other processes in close proximity to surface water sources used for drinking water highlights the extreme level of inappropriateness of Defendants' activities to the place where they are carried on, adjacent to Red and White Clay Creeks and their tributaries which feed the Stanton Plant.

120. Finally, the value of Defendants' manufacturing, industrial, commercial, and other processes using PFAS is not of such value to the community

as to change Defendants' actions from abnormally dangerous to normal activities and thus avoid strict liability, in light of PFAS's ability to easily migrate through environmental media and bioaccumulate, and their forever chemical nature and general phase out from use.

121. As a direct result of Defendants' abnormally dangerous activities, including the manufacture, use, and/or disposal of PFAS in close proximity to the Red and White Clay Creeks, which feed Veolia's Stanton Plant drinking water intakes, Delaware's soil, groundwater, surface water, and other natural resources, including the sources for the Stanton Plant's intake water, have been contaminated with PFAS. As alleged herein, the water sources that supply the Stanton Plant's public water system are contaminated with PFAS, and Veolia has detected PFAS in its surface water intakes at levels exceeding the federal and state MCLs.

122. Defendants' actions constituting abnormally dangerous activities as alleged are an interconnected and continuing tort, and the Defendants have failed to abate or sufficiently abate or remedy these abnormally dangerous activities.

123. As a result, Veolia has suffered, is currently suffering, and will continue to suffer damages equal to the costs associated with the creation and/or acquisition, as well as installation and implementation, of the drinking water treatment systems necessary to remove PFAS from its source water and to comply with state and federal MCLs, as well as additional ongoing costs for the operation and maintenance

of those systems and the regular monitoring of PFAS levels in all water sources necessitated by the federal and state MCLs.

124. The Defendants' continuing abnormally dangerous activities have directly and proximately caused, are causing, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly, severally, and strictly liable for all such damages incurred by Veolia in an amount to be proved at trial.

COUNT SEVEN
(Negligence per se)

125. The allegations of Paragraphs 1 through 124 above are incorporated by reference as if fully set forth herein.

126. Defendants acts and omissions violated and continue to violate the following statutes and regulations:

a. 7 Del. C. § 6003(a), which prohibits any person, without first obtaining a permit, from undertaking any activity in a way which may cause or contribute to the discharge of a pollutant into any surface or ground water, or to the discharge of an air contaminant;

b. 7 Del. C. § 6003(b), which prohibits any person, without first obtaining a permit, from constructing, installing, or using any equipment or device

which may cause or contribute to the discharge of a pollutant into any surface or ground water, or to the discharge of an air contaminant;

c. 7 *Del. C.* § 9105(a), which provides that any person who owned or operated a facility at any time is liable with respect to a facility from which there is or has been a release or imminent threat of release of hazardous substances, and is strictly liable, jointly and severally, for all costs associated with the release and for all natural resource damages resulting from the release;

d. 7 *Del. Admin. C.* § 7201-3.2.1, which prohibits any person from undertaking any activity that causes or contributes to the discharge of a pollutant to any surface water or groundwater except as authorized pursuant to a permit or equivalent authorization;

e. 7 *Del. Admin. C.* § 7201-3.2.2, which prohibits any person from constructing, installing, replacing, modifying, or using any equipment or device intended to control the discharge of pollutants into surface water or groundwater except as authorized pursuant to a permit or equivalent authorization issued by the Secretary of DNREC;

f. 7 *Del. Admin. C.* § 7201-3.2.3, which prohibits any person from discharging any pollutant from a point source into surface or groundwater, directly

or indirectly, except as authorized pursuant to a permit, unless such discharge is exempted;

127. The aforementioned legal authorities are intended to protect human health and safety, and the environment. Defendants' continuing actions and omissions have caused Veolia to previously suffer, currently suffer, and will cause Veolia to suffer in the future the type of harm these legal authorities are intended to prevent, and Veolia, as a member of the public and as a downstream recipient of Defendants' PFAS, is a member of the class that these legal authorities are intended to protect.

128. As a direct and proximate result of the Defendants' continuing acts and omissions that violated the above legal authorities, Delaware's soil, groundwater, surface water, and other natural resources have been contaminated with PFAS, including without limitation PFOS and PFOA, with a direct impact on the water sources that supply the Stanton Plant. As alleged herein, the water sources that supply Veolia's public water systems are contaminated with PFAS, and Veolia has likewise detected PFAS in surface water intakes, and drinking water treatment and supply systems at levels exceeding the federal and state MCLs.

129. Defendants' failure to comply with the aforementioned statutory and regulatory provisions is an interconnected and continuing tort, and the Defendants have failed to abate or sufficiently abate or remedy these violations.

130. As a direct and proximate result, Veolia has suffered, is currently suffering, and will continue to suffer damages including costs associated with testing and investigations and the costs associated with the creation or acquisition, as well as installation and implementation, of treatment necessary to remove PFAS from its source water and to comply with the federal and state MCLs, as well as additional ongoing costs for operation and maintenance and the regular monitoring of PFAS levels in all water sources necessitated by the federal and state MCLs.

131. The Defendants' continuing violations of the aforementioned statutory and regulatory provisions have directly and proximately caused, are causing, and will in the future cause indivisible harm to Veolia, and the Defendants are therefore jointly and severally liable for all such damages incurred by Veolia in an amount to be proved at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Veolia Water Delaware, Inc. respectfully requests that this Court:

(a) enter judgment against Defendants finding them jointly and severally liable for Plaintiff's indivisible harm;

(b) award Plaintiff monetary damages including, but not limited to, the present and future costs associated with:

- (i) the design, creation, acquisition, as well as installation and implementation, of the drinking water treatment systems necessary to remove PFAS and to comply with the federal and state MCLs, including as to any future changes to federal and state MCLs together with a declaration and order requiring Defendants to fund any additional treatment and costs incurred by Plaintiff in the event of future regulatory changes;
 - (ii) the operation and maintenance of the drinking water treatment systems;
 - (iii) the past, ongoing, and future testing and monitoring of PFAS levels in all of Plaintiff's water sources;
 - (iv) the PFAS-related public notice requirements and related communications mandated by federal and state regulation of public water systems; and
 - (v) all other costs necessitated by, associated with, or related to compliance with the federal and state MCLs and future changes to such federal and state MCLs;
- (c) award Plaintiff its reasonable costs and attorneys' fees incurred in pursuing this action; and

(d) award Plaintiff such other and further relief as this Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Delaware Superior Court Rules of Civil Procedure 38, Plaintiff demands a trial by jury of all issues so triable.

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