

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
Energy and Natural Resources Division
JAMES R. MacAYEAL, (D.C. Bar # 474664)
Senior Counsel
Environmental Enforcement Section
Energy and Natural Resources Division
United States Department of Justice
P.O. Box 7611 Washington, D.C. 20044 7611
jamie.macayeal@usdoj.gov
Telephone: (202) 532-3245

Attorneys for the United States

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES of AMERICA,

Plaintiff,

v.

Case No.

GOLDCORP USA,
INC., GOLDCORP INC.,
GLAMIS RAND MINING
COMPANY, NEW VERDE
MINES, LLC, and YELLOW
ASTER MINING AND MILLING
COMPANY,

Complaint

Defendants.

Plaintiff the United States of America ("United States"), by the authority of the Attorney General and at the request and on behalf of the United States Department of the Interior through the Bureau of Land Management ("BLM"), acting under delegated authority of the President of the United States, alleges as follows:

STATEMENT OF THE CASE

1
2 1. This is a civil action against Goldcorp USA, Inc., Goldcorp, Inc., Glamis
3 Rand Mining Company, New Verde Mines, LLC, and Yellow Aster Mining and
4 Milling Company (“Defendants”) pursuant to Section 107 of the Comprehensive
5 Environmental Response, Compensation, and Liability Act of 1980, as amended,
6 (“CERCLA”), 42 U.S.C. § 9607, for the recovery of response costs incurred by BLM,
7 acting under delegated CERCLA authority from the President of the United States, in
8 connection with releases or threatened releases of hazardous substances into the
9 environment at or from the site known as the Rand Historic Mining Complex, in Kern
10 County and San Bernardino County, California (the “Site”). The United States also
11 seeks a declaratory judgment pursuant to Section 113(g) of CERCLA, 42 U.S.C. §
12 9613(g), declaring that Defendants are liable for any further response costs that the
13 United States may incur in responding to releases or threatened releases of hazardous
14 substances into the environment at or from the Site.

JURISDICTION AND VENUE

15
16 2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331,
17 and 1345, and 42 U.S.C. §§ 9607(a) and 9613.

18 3. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and (c) and
19 42 U.S.C. § 9613 because the Site is located, and the releases of hazardous substances
20 that give rise to the claims for costs associated with the Site occurred, in this district.

THE DEFENDANTS

21
22 4. Goldcorp USA, Inc. is a Nevada corporation and is a wholly owned
23 subsidiary of Goldcorp, Inc. Goldcorp, Inc. is a Delaware corporation. In 2019,
24 Newmont Mining Corporation merged with Goldcorp, Inc., forming Newmont
25 Goldcorp Corporation, a Delaware corporation. In 2020, Newmont Goldcorp
26 Corporation changed its name to Newmont Corporation (“Newmont”).

27 5. Glamis Rand Mining Company is a Nevada corporation that was acquired
28 by Goldcorp, Inc. in 2006. Glamis Rand Mining Company is now a subsidiary of

1 Newmont. Glamis Rand Mining Company was a subsidiary of Glamis Gold, Inc.,
2 which was a subsidiary of Glamis Gold, Ltd., a Canadian company. In 2006, Glamis
3 Gold, Inc. merged into Glamis Gold, Ltd., which then merged into Goldcorp, Inc.

4 6. New Verde Mines LLC is a Delaware corporation that is a wholly owned
5 subsidiary of Newmont.

6 7. Yellow Aster Mining and Milling Company (“YAMM”) is a Nevada
7 corporation.

8 8. Each Defendant is a “person” under Section 101(21) of CERCLA, 42
9 U.S.C. § 9601(21).

10 STATUTORY BACKGROUND

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

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

15 (1) the owner and operator of a . . . facility,

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

19 (3) any person who by contract, agreement, or otherwise arranged
20 for disposal or treatment, or arranged with a transporter for transport for
21 disposal or treatment, of hazardous substances owned or possessed by
22 such person, by any other party or entity, at any facility or incineration
23 vessel owned or operated by another party or entity and containing such
24 hazardous substances,

25 * * *

26 from which there is a release, or threatened release which causes
27 the incurrence of response costs, of a hazardous substance, shall be liable
28 for

(A) all costs of removal or remedial action incurred by the United
States Government . . . not inconsistent with the national contingency
plan; . . .

1
2 10. Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), provides that the
3 term “facility” includes any impoundment or landfill or “any site or area where a
4 hazardous substance has been deposited, stored, disposed of, or placed, or
5 otherwise come to be located . . .”

6 11. Section 101(29) of CERCLA provides that the term “disposal” has
7 the meaning provided in section 1004 of the Solid Waste Disposal Act [42
8 U.S.C. §§ 6903].” 42 U.S.C. § 9601(29). Section 1004 of the Solid Waste
9 Disposal Act defines “disposal” as: “the discharge, deposit, injection, dumping,
10 spilling, leaking, or placing of any solid waste or hazardous waste into or on any
11 land or water so that such solid waste or hazardous waste or any constituent
12 thereof may enter the environment or be emitted into the air or discharged into
13 any waters, including ground waters.” 42 U.S.C. § 6903(3).

14 12. Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), provides that
15 in an action for cost recovery of removal or remedial costs, a “court shall enter a
16 declaratory judgment on liability for response costs or damages that will be
17 binding on any subsequent action or actions to recover further response costs or
18 damages.”

19 GENERAL ALLEGATIONS

20 The Site

21 13. The Site is a gold and silver mining district dating to the 1890s in
22 California's Mojave Desert, centered around the towns of Randsburg, Red
23 Mountain, and Johannesburg, California. The Site includes mines where gold
24 and silver were extracted, abandoned mineshafts, tailings impoundments, waste
25 rock piles, and ruins from mining operations.

26 14. BLM has divided the Site into three Operable Units (“OUs”) for
27 purposes of CERCLA response actions. OU1 is the Kelly Silver Mine near Red
28

1 Mountain, California. OU2 is the Yellow Aster Mine near Randsburg,
2 California. OU3 is the Marigold Mine near Johannesburg, California.

3 15. Each OU includes a mine, a processing area, a tailings impoundment
4 or impoundments, and associated drainage washes.

5 16. YAMM held patented and unpatented lode mining claims for the
6 Yellow Aster Mine and conducted mining operations at the Yellow Aster Mine
7 between 1895 and 1933. YAMM ceased mining operations by 1933 but
8 continued to hold mining claims for the Yellow Aster Mine.

9 17. From 1933 to 1939, Anglo American Mining Corporation, Ltd.
10 (“Anglo American”) conducted mining operations at OU2 that resulted in the
11 disposal of waste tailings, containing high levels of arsenic, in an impoundment
12 now known as the Descarga tailings impoundment (the “Descarga”). The
13 Descarga tailings impoundment filled the end of a valley between two ridges.

14 18. Between 1915 and 2019, YAMM held unpatented placer mining
15 claims at the Descarga, and owned two claims when contaminated tailings were
16 dumped at the Descarga. The unpatented placer claims gave YAMM the
17 exclusive right to develop locatable minerals and to exclude all others, except
18 the United States, from interfering with the claimant’s mining operations.
19 YAMM held complete beneficial title to the valuable mineral deposits within its
20 claims during that time.

21 19. In 1984, Chemgold, Inc. (“Chemgold”), a Glamis Gold, Inc.
22 (“Glamis Gold”) subsidiary, entered into a lease with YAMM to use a portion of
23 the Descarga to process materials using a chemical heap leaching process.

24 20. Glamis Gold then transferred the Chemgold operations to Rand
25 Mining Company, a newly formed Glamis Gold subsidiary, and Chemgold
26 dissolved in 2005.

1 21. In 1989, the Rand Mining Company, later known as Glamis Rand
2 Mining Company, leased unpatented placer claims from YAMM to process
3 materials at the Descarga.

4 22. Glamis Rand Mining Company continued operations on the Descarga
5 until 2003. Thereafter, the operations continued in the form of
6 reclamation/restoration work.

7 23. Between 2003 and 2025, Glamis Gold, Goldcorp USA, Inc., and
8 Goldcorp, Inc. conducted reclamation/restoration operations on the Descarga,
9 including grading areas, covering areas with rip rap and seeding areas with
10 vegetation.

11 24. After Newmont Corporation merged with Goldcorp, Inc. in 2019,
12 Newmont Corporation formed New Verde Mines LLC as a subsidiary to take
13 over reclamation at the Descarga.

14 25. As of 2025, New Verde Mines LLC has taken over the reclamation
15 operations on the Descarga.

16 BLM Response Actions at the Site

17 26. Between 2005 and 2007, BLM conducted a preliminary assessment
18 at the Site. BLM sampling results showed highly elevated concentrations of
19 arsenic at the Site, exceeding United States Environmental Protection Agency
20 (“EPA”) regional screening levels. BLM documented a release of arsenic and a
21 threat of further release of arsenic at and from the Site.

22 27. In 2007, BLM began a Site-wide remedial investigation and
23 feasibility study to characterize the nature and extent of contamination
24 associated with the Site and to evaluate remedial alternatives. The remedial
25 investigation included sampling to determine the concentration of arsenic in
26 yards of homes located adjacent to waste rock piles or mill tailings, or subject to
27 runoff from these areas.
28

1 28. Between 2005 and the present, BLM has conducted response
2 activities at the Site pursuant to action memoranda and other decision
3 documents that are part of the administrative record.

4 29. On May 13, 2015, following notice and comment by the public,
5 BLM issued a Record of Decision (“ROD”) selecting a CERCLA remedial
6 action for OU2. The selected remedy for OU2 included, among other things, (1)
7 removing and consolidating material onto the base of the Descarga dam face; (2)
8 stabilizing a section of the road that overlies or is adjacent to tailings; (3)
9 grading of the Descarga dam face to a more stable slope; (4) grading the surface
10 of the Descarga and surrounding areas to control surface water; (5) installing
11 fencing; (6) conducting desert tortoise surveys; (7) implementing land use
12 restrictions, and (8) and capping selected areas. BLM selected a remedial action
13 of spreading tackifier to control dust. The ROD established a phased approach to
14 remediation, whereby further capping of all or a portion of the Descarga tailings
15 impoundment could be later evaluated following an evaluation of the remedy’s
16 effectiveness.

17 30. The remedial action for OU2 commenced in 2016.

18 31. After a 5-year review of the effectiveness of the remedy, in
19 accordance with the ROD, BLM determined that the original remedy for OU2
20 was insufficient to protect human health and the environment and determined
21 that a rock cap for the Descarga tailings impoundment was required.

22 32. In a 2024 Explanation of Significant Differences, BLM determined
23 that a synthetic liner, instead of rock, was an appropriate material for the cap.

24 33. BLM has incurred costs responding to a release or threat of further
25 release at or from the Site. BLM continues to incur costs responding to releases
26 or threatened releases of hazardous substances at the Site.

1 34. BLM's response actions taken at or in connection with the Site and
2 the costs incurred incident thereto were not inconsistent with the National
3 Contingency Plan.

4 FIRST CLAIM FOR RELIEF
5 (Cost Recovery under Section
6 107 of CERCLA against YAMM)

7 35. Paragraphs 1 through 34 are re-alleged and incorporated by
8 reference.

9 36. Arsenic is a hazardous substance under Section 101(14) of CERCLA, 42
10 U.S.C. § 9601(14); *see* 40 C.F.R. § 302.4.

11 37. The Site is an area where a hazardous substance has been deposited,
12 stored, disposed of, or placed, or otherwise come to be located. The Site is a
13 "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. §
14 9601(9).

15 38. There have been releases and threatened releases of "hazardous
16 substances" within the meaning of Section 101(14) of CERCLA, 42 U.S.C. §
17 9601(14), at and from the Site.

18 39. The releases and threatened releases of hazardous substances at and from
19 the Site have caused and continue to cause the BLM, acting under the CERCLA
20 authority of the President, to incur costs to conduct response actions at the Site,
21 including, but not limited to, studies, investigations, remediation, oversight,
22 enforcement and indirect costs.

23 40. Defendant YAMM is a person within the class of covered persons
24 described in Sections 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1) because it owned
25 unpatented placer claims at the Descarga during the time that BLM conducted
26 response actions. YAMM was also the owner of patented and unpatented lode claims
27 associated with the Yellow Aster Mine during the time that BLM conducted response
28 actions. Defendant YAMM was the owner of a facility, from which facility there was a

1 release, or threatened release, of a hazardous substance which caused the incurrence of
2 response costs.

3 41. Defendant YAMM is also a person within the class of covered persons
4 described in Section 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), because it held
5 unpatented placer claims at the Descarga during the time of disposal of contaminated
6 tailings. Defendant YAMM was the owner of a facility at the time of disposal, from
7 which facility there was a release, or threatened release, of a hazardous substance
8 which caused the incurrence of response costs.

9 42. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a),
10 YAMM is jointly and severally liable to the United States for all costs incurred
11 by the United States in connection with the Site.

12 SECOND CLAIM FOR RELIEF
13 (Cost Recovery under Section
14 107 of CERCLA against Goldcorp Entities)

15 43. Paragraphs 1 through 42 are re-alleged and incorporated by
16 reference.

17 44. Defendants Glamis Rand Mining Company, Goldcorp USA, Inc.,
18 Goldcorp, Inc., and New Verde Mines LLC are each persons within the class of
19 covered persons described in Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1),
20 because each company, or its predecessor, operated at the Descarga during the time
21 that BLM was conducting response actions. They are operators of a facility, from
22 which facility there was a release, or threatened release, of a hazardous substance
23 which caused the incurrence of response costs.

24 45. Defendants Glamis Rand Mining Company, Goldcorp USA, Inc.,
25 Goldcorp, Inc. are YAMM within the class of covered persons described in Section
26 107(a)(2) of CERCLA, 42 U.S.C. § 9607(a)(2), because were operators of a facility
27 during the time of disposal of hazardous substances.
28

46. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), Glamis Rand Mining Company, Goldcorp USA, Inc., Goldcorp, Inc., and New Verde Mines LLC are jointly and severally liable to the United States for all costs incurred by the United States in connection with the Site.

THIRD CLAIM FOR RELIEF
(CERCLA Declaratory Judgment)

47. Paragraphs 1 through 46 are re-alleged and incorporated by reference.

48. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), a declaratory judgment should be entered against Defendants declaring that they are jointly and severally liable for all response costs not inconsistent with the NCP incurred by the United States.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff the United States prays that the Court:

1. Enter judgment against the Defendants and in favor of the United States, for all costs incurred in response to the release or threat of release of hazardous substances at and from the Site, plus interest, pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607;
2. Enter a declaratory judgment pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), that the Defendants are liable that will be binding in a subsequent action for future response costs to be incurred by the United States in connection with the Site not inconsistent with the National Contingency Plan;
3. Award the United States its costs of this action; and
4. Grant such other relief as this Court deems appropriate.

Respectfully submitted,

ADAM R.F. GUSTAFSON
Principal Deputy Assistant Attorney General
Energy & Natural Resources Division
U.S. Department of Justice

/s/ James R. MacAyeal

JAMES R. MacAYEAL (D.C. Bar # 474664)

jamie.macayeal@usdoj.gov

Environmental Enforcement Section

Energy and Natural Resources

Division

United States Department of Justice

P.O. Box 7611

Washington, D.C. 20044 7611

Telephone: (202) 532-3245

Facsimile: (202) 514-2583

CIVIL COVER SHEET

Case 1:26-cv-07260-JLT-HBK Document 1-1 Filed 09/09/26 Page 1 of 1

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of a complaint or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James R. MacAyeal, P.O. Box 7611, Washington, D.C.
20044; (202) 532-3245

DEFENDANTS

Goldcorp. USA, Inc., Goldcorp, Inc., Glamis Rand Mining
Companv. New Verde Mines. I.L.C.: Yellow Aster Mining

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Scott Hardt, 33852 Meadow Mountain Rd, Evergreen Co
George Baker, Williams & Jensen, Washington D.C. (Yel.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☒ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 9607

VI. CAUSE OF ACTION

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

9/10/26

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE