



## Environmental Litigation – Lower Passaic River Study Area

We represent a client in connection with enforcement initiatives instituted by the United States Environmental Protection Agency (USEPA) and the New Jersey Department of Environmental Protection (“NJDEP”) for alleged contamination of the Passaic River Study Area. As a result of these enforcement initiatives, the client joined the Lower Passaic River Study Area Potentially Responsible Party (“PRP”) Group which entered into a multi-party Administrative Order of Consent requiring the investigation of the River.

The Lower Passaic River Study Area is a 17-mile stretch of river from Dundee Dam near Garfield, New Jersey to Newark Bay and several tributaries, while the Newark Bay Study Area includes the bay and portions of the Hackensack River, Arthur Kill and Kill Van Kull. The area encompassed by these two study areas is both densely populated and heavily industrialized. The Lower Passaic River Study Area is one of eight pilot contaminated urban river systems identified by the Army Corps of Engineers for priority remediation and restoration. The project will include an EPA-sponsored remedial investigation and feasibility study, a feasibility study sponsored by the Army Corps of Engineers, using WRDA and local funding and natural resource damage assessments by the federal and state natural resources trustees.

Subsequent to the formation of the PRP Group, the NJDEP commenced litigation in State court against several PRPs to recover Natural Resource Damages (“NRD”) and NJDEP’s past remediation costs for Dioxin contamination in the River. We represent a client recently named as one of over 300 Third Party Defendants in this litigation. NJDEP claims that the PRPs were responsible for environmental contamination to a particular State natural resource (the Lower Passaic River), based on alleged direct or indirect discharges of hazardous or toxic substances. In the LPRSA NRD litigation, the State seeks recovery of damages from PRP’s for alleged injuries injury to the ecosystems and natural resources of the State of New Jersey) and deprivation of natural resource services (e.g., economic injury to the State and its citizens and natural resources such as loss of commerce, navigation, water supply, recreation).

Defense of USEPA Superfund claims, NJDEP cost recovery claims, and NRD claims is a complex undertaking, which requires experience and creativity to achieve the best possible result for the client. Our environmental attorneys have the skills necessary to provide superior representation in these complex practice areas.

