



Portions of Lower Hackensack River to be Added to the National Superfund List

April 4, 2022

On March 17, 2022, the U.S. Environmental Protection Agency announced that it is proposing to add portions of the Lower Hackensack River in Bergen and Hudson Counties, New Jersey to the National Priorities List (NPL), commonly known as the Superfund list. A site, once it is placed on the NPL list, undergoes a multi-year process to determine the nature and extent of contamination, to decide what treatment technologies are best suited to treat the contamination, to evaluate the costs involved and to eventually decide on a remedy.

According to announcements issued by New Jersey DEP and EPA, the Lower Hackensack River has been impacted over a period of decades by various industrial discharges, resulting in contamination of the River's sediments. This will not be the first River in New Jersey that has been designated as a Superfund site. Portions of the Passaic River were placed on the NPL more than twenty years ago, and investigation, cleanup and cost recovery actions in the Passaic have been ongoing since then.

The listing of a site on the NPL does not assign liability to any particular person or entity, but it does authorize EPA and/or NJDEP to identify Potentially Responsible Parties (PRPs) and to pursue cost recovery actions against them. PRPs will then typically bring any third party which may have liability into those cost recovery actions, so anyone who owns commercial or industrial property that drains to the Lower Hackensack River should be alert to this possibility.

If you have any questions about this or any other related matter, please feel free to contact us. Neil Yoskin at 609-279-0900 or NYoskin@cullenllp.com or Amie C. Kalac at 609-279-0900 or AKalac@cullenllp.com

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Practices

- Environmental

Attorneys

- Neil Yoskin
- Amie C. Kalac