Coughlin Midlige & Garland LLP

Alert

New Jersey Continues Aggressive Enforcement Actions For Environmental Harms

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On Friday, October 25, 2019, State Attorney General Grubir S. Grewal ("Grewal") and New Jersey Department of Environmental Protection ("NJDEP") Commissioner Catherine R. McCabe ("McCabe") announced the filing of six lawsuits against companies and individuals who allegedly polluted sites in Trenton, Kearny, Camden, East Orange, and Newark. It is alleged that these companies and individuals polluted low income and minority New Jersey communities and worked to hide the extent of their pollution.

The allegations include a wide range of environmental misconduct, including companies that have released hazardous and toxic substances into soil and water and individuals who have illegally dumped solid waste in residential areas. In some cases, polluters released hazardous substances and refused to clean them up despite NJDEP orders to do so.

The sites subject to these lawsuits include:

- 461-491 Fourth St., Newark (Nanes Metal Finishing Company);
- 723-725 Chestnut St., Trenton (Sainte Marie Dry Cleaners);
- 1474 West State Street, Trenton (Schofield Cleaners);
- 34-38 Stover Ave., Kearny (Auto Scrap);
- 66-68 North Park St., East Orange (Gas Mart); and
- 260-268 Chestnut St., Camden, where significant illegal dumping occurred.

These six lawsuits are consistent with Governor Phil Murphy's executive order, issued in April, directing the NJDEP to promote environmental justice by targeting issues of quality of life, health, and housing. "Our message to polluters is once again clear: you cannot pollute the state's air, water, or land and get away with it under our watch. No matter whether a company is releasing hazardous substances into the soil or an individual is maintaining an illegal dump in a residential neighborhood, we will take them to court," Grewal said.

However, the issues for many of these sites and other sites like these are that in many instances the parties alleged to have caused the problems are now defunct, have abandoned their properties, or have an inability to pay for the cleanups. Thus, non-dischargers such as current property owners become the targets of these lawsuits.

Grewal also reinforced his commitment to fight for communities that have been ignored in the past. These lawsuits are the latest enforcement offensive used by the State to address environmental harm. Prior initiatives involved filing Natural Resource Damage cases, environmental justice lawsuits, enforcement actions involving solid waste dump sites, and even lawsuits against the federal government.

Individuals and companies should consider the financial impacts New Jersey's aggressive enforcement initiatives will have on their businesses and real estate and these initiatives may result in more aggressive and costly remediation efforts.

If you should have any questions about enforcement or compliance issues, please feel free to contact Timothy Duffy, Heidi Minuskin, or Michael Seeburger.