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CERCLA Cost Recovery: U.S. Department of Justice and Owner/Operator of Former Barrel Reconditioning Facility Enter into Consent Decree

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The United States Department of Justice (“DOJ”) and Dayton Industrial Drum, Inc. (“Dayton”) entered into an April 15th Consent Decree addressing the resolution of a Superfund or Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) action. See Civil Action 3:16cv-232-WHR.

The cost recovery action involved DOJ seeking to recover certain unreimbursed costs incurred for response activities it states were undertaken to address the release or threatened release of hazardous substances from facilities at and near a Superfund site in Greene, Ohio.

The Consent Decree resolves an Amended Complaint that DOJ had filed against Dayton seeking to recover the previously referenced costs. The Superfund site is stated to consist of 2.5 acres of property and include a contaminated groundwater plume.

The Consent Decree provides that Dayton does not admit any liability to the United States or to a CERCLA potentially responsible party group arising out of the transactions or occurrences alleged in the Complaints in the referenced cases.

The Consent Decree provides that Dayton shall deposit \$825,000 into an interest-bearing escrow account. It further describes the distribution of such monies in regards to special accounts related to the Superfund site.

A copy of the Consent Decree can be found [here](#).