

PFAS/Natural Resource Damages: New Jersey Attorney General Files Cost Recovery Action Against Gloucester County Facility



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

11/25/2020

The New Jersey Attorney General ("AG") on behalf of the New Jersey Department of Environmental Protection filed a lawsuit in Superior Court of New Jersey Law Division ("Gloucester County") against Solvay Specialty Polymers USA, LLC ("Solvay"); Arkema Inc. ("Arkema"); and ABC Corporations 1-10 (Names Fictitious).

The Complaint and Jury Trial Demand ("Complaint") alleges that Solvay and Arkema are responsible for contamination related to per- and polyfluoroalkyl substances ("PFAS") originating from a Gloucester County facility ("Facility").

Hazardous substances, pollutants, and contaminants are alleged to have been discharged and emitted at and from the Facility which include PFAS. Further, the Complaint alleges that the current owner of the Facility (Solvay) has refused to comply with directions to investigate contamination from the Facility and pay for treatment of contaminated drinking water.

The Complaint is filed pursuant to:

- Spill Compensation and Control Act, N.J.S.A. 58:10-23.11 to -23.24
- Water Pollution Control Act, N.J.S.A. 58:10A-1 to -20
- Air Pollution Control Act, N.J.S.A. 26:2C-1 to -57
- Solid Waste Management Act, N.J.S.A. 13:1E-1 to -230.
- Brownfield and Contaminated Site Remediation Act, N.J.S.A. 58:10B-1 to -31
- Common law of New Jersey

The New Jersey Department of Environmental Protection is stated to have become aware of the PFAS allegedly released at the Facility through a study conducted by the Delaware River Basin Commission from 2007-2009. It is described as a multi-year survey of contaminants of emerging concern in the Delaware River.

The AG states that the Complaint has been brought to require Solvay and Arkema to fully investigate and delineate all of the pollutants and hazardous substances, including PFAS compounds, that allegedly were and continue to be discharged, released, and/or emitted from the Facility wherever they have come to be located.

In the alternative, the AG seeks all the costs necessary to fully investigate and delineate all the pollutants and hazardous substances, including PFAS compounds, that allegedly were and continue to be discharged, released, and/or emitted from the Facility wherever they have come to be located.

Also included is a request that both companies remediate, assess and restore the Facility and all the off-site areas and natural resources of New Jersey that have allegedly been contaminated from the Facility.

A copy of the Complaint can be downloaded [here](#).