

Superfund/CERCLA Cost Recovery Action/Mercury Refinery Site: U.S. Department of Justice and Four Companies Enter into Consent Decree



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The United States Department of Justice (“DOJ”) and four companies entered into a proposed August 18th Consent Decree (“CD”) settling a Comprehensive Environmental Response, Compensation, and Liability Act (“Superfund”) cost recovery action in regards to what is described as the Port Refinery Co., Inc. (“Port Refinery”) site in Westchester County, New York.

The four companies executing the CD include:

- E.I. DuPont de Nemours and Company
- D & D Salvage Corporation
- OXY USA Inc.
- W.A. Baum Company, Inc. (collectively “Settling Defendants”)

The CD was lodged simultaneously with a Complaint that was filed in the United States District Court (Southern District of New York).

Port Refinery is described in the CD as a mercury refinery business that operated through the 1970s and early 1980s. It is stated to have engaged in:

... among other things, the business of mercury reclaiming, refining, and processing.

Port Refinery is stated to have been operated out of a husband and wife’s two-story garage located behind their residential home in Westchester County, New York.

The CD provides that the United States Environmental Protection Agency (“EPA”) determined Port Refinery released a significant amount of mercury into the environment. Further, the Complaint states that mercury-containing products from the Settling Defendants was co-mingled at the Port Refinery site contributing to the mercury released into the environment.

The amount of mercury allegedly delivered by each of the four Settling Defendants is described in the CD.

Appendix A of the CD provides for the payments Settling Defendants are required to make to the EPA Hazardous Substance Superfund. The amounts and schedule are set forth in Appendix A.

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