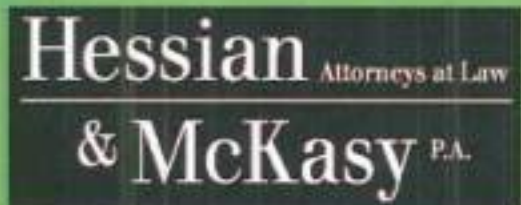




JOSEPH G. MATERNOWSKI HESSIAN & MCKASY, P.A.



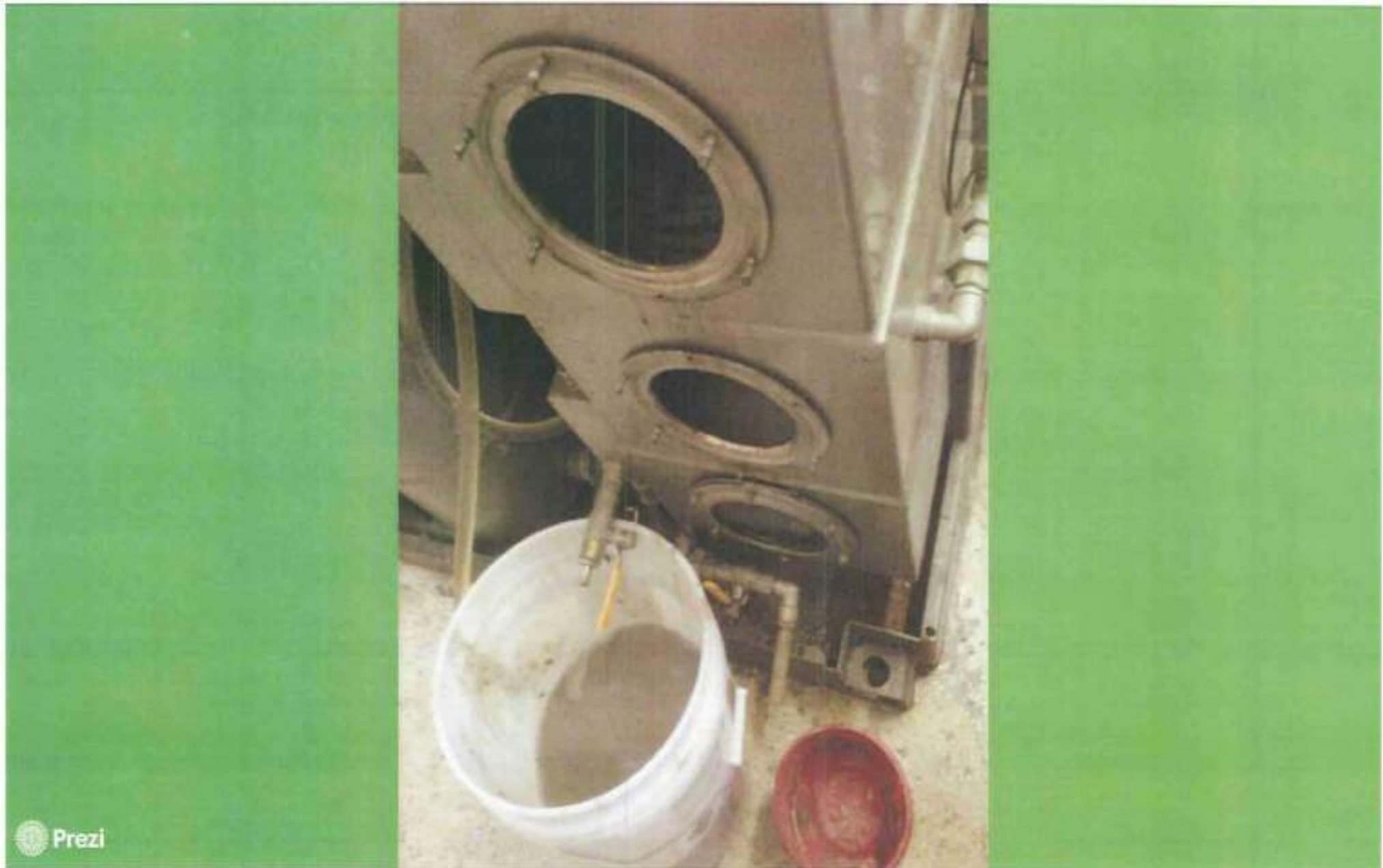
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

Vine St. LLC v. Borg Warner Corp

In the Fifth Circuit, following *Burlington Northern*, arranger liability requires intent to dispose of hazardous substances.



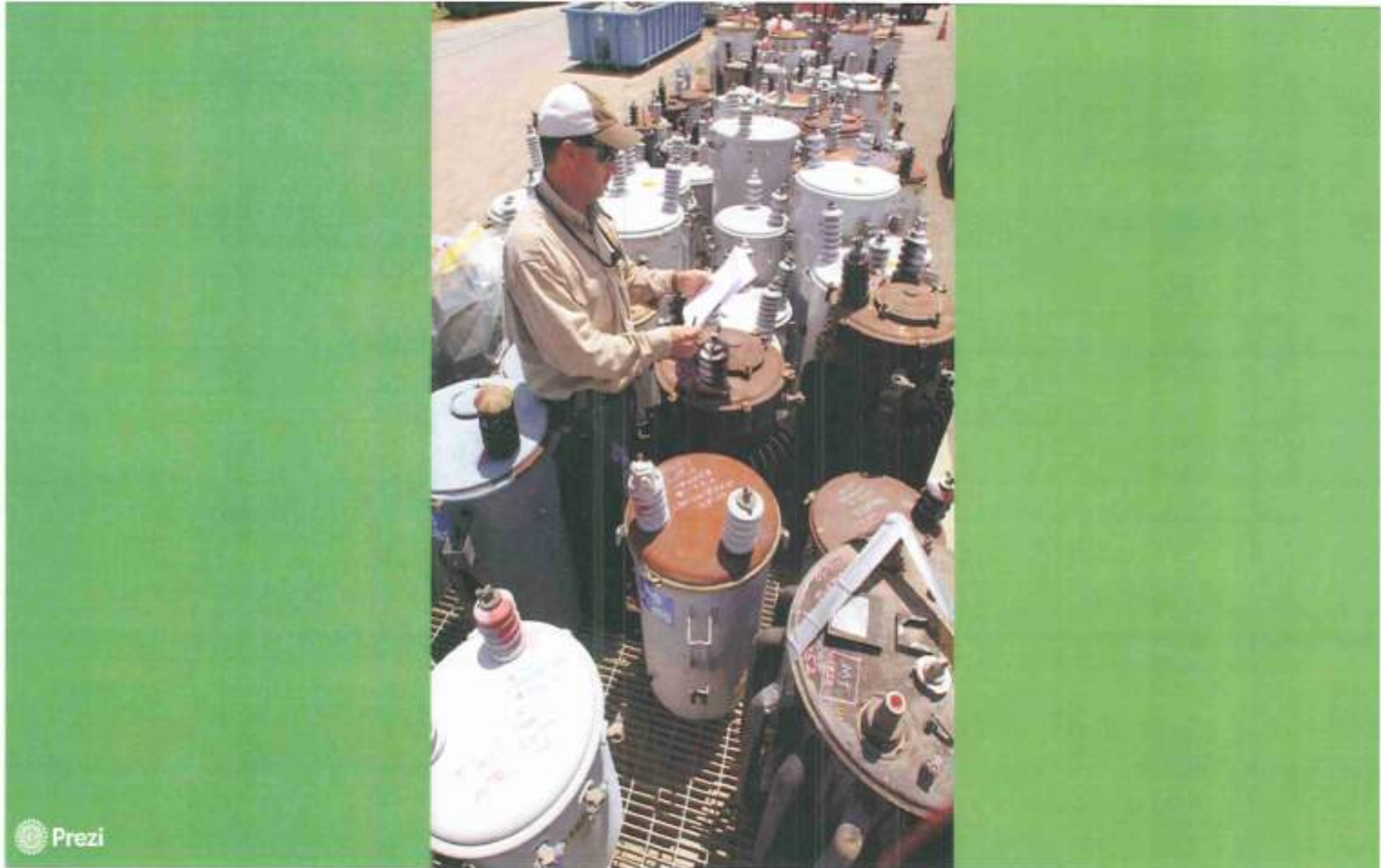




Consolidation Coal Co. v. Georgia Power Co.

In the Fourth Circuit, following *Burlington Northern*, arranger liability requires intent to dispose of hazardous substances.





ASARCO, LLC v. Celanese Chem. Co.,

Judicially approved settlement agreements trigger CERCLA's three-year statute of limitations.

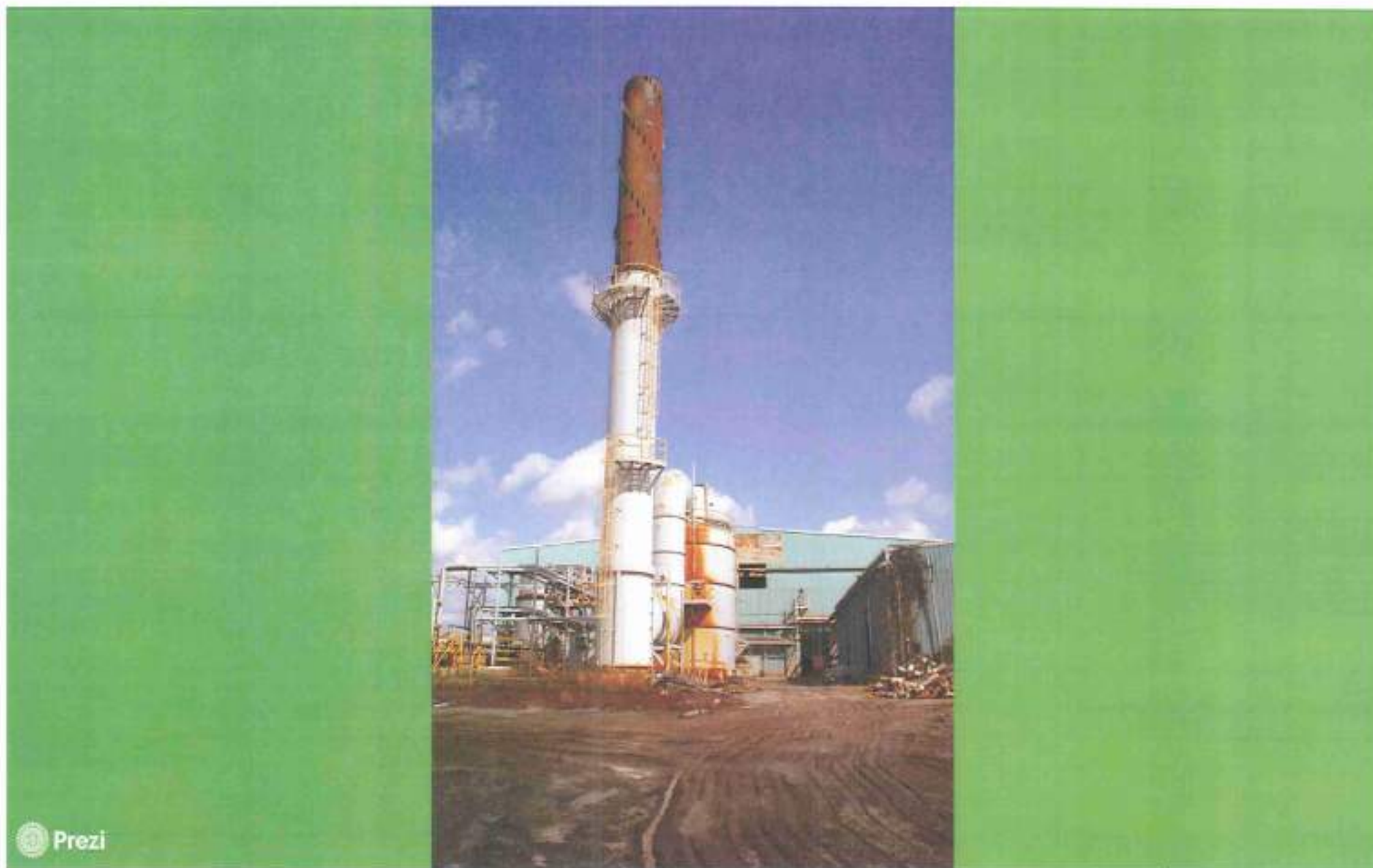




LWD PRP Grp. v. Alcan Corp

CERCLA statute of limitations is tolled at the signing of the administrative settlement, not the completion date of the removal actions.



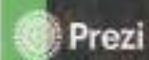


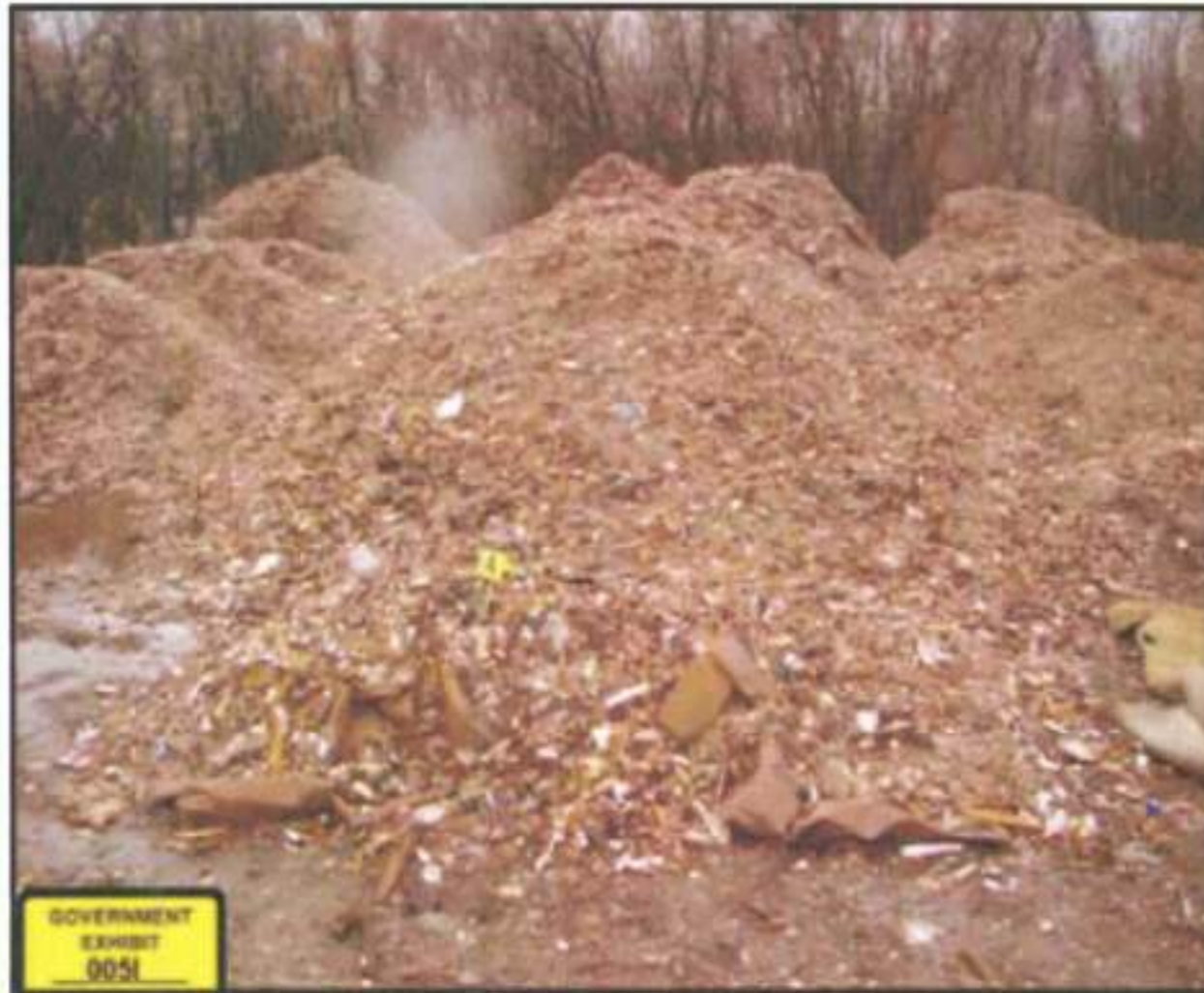
United States v. Mazza

An individual can be charged and fined or imprisoned for up to five years for conspiring to commit an offense which would violate CERCLA.



Piles of illegally dumped asbestos-contaminated debris at the site.





Piles of illegally dumped asbestos-contaminated debris at the site.

Goodyear Tire & Rubber Co. v. Lockheed Martin Corp

When trying to recover attorneys' fees for a CERCLA claim, the timing of the clean up and language of indemnification clause is critical as it may bar a company from recovering attorneys' fees to which it would otherwise be entitled.





Peoples Gas Light & Coke Co. v. Beazer E., Inc.

Courts will reach back to the distant past, before CERCLA was enacted, to determine if a company is absolved of contribution liability.

United States v. NCR Corp.

Defendant NCR failed to demonstrate that the harm is theoretically capable of divisibility and that there is a reasonable basis for apportionment



PCB cleanup to begin

Starting in May, crews will begin removing contaminated sediments from 13 miles of the Fox River.



Source: U.S. Environmental Protection Agency

Journal Sentinel



United States v. Dico, Inc

Just because a company sold properties, some of which are worthless, that does not necessarily transform a legitimate sale into a play to dispose of hazardous waste. The court rejected the useful product defense.





Ebert v. General Mills, Inc.

Plaintiffs' allegations regarding need for remedial action to remove the source of toxic vapor from underground storage site were sufficient to establish Article III standing.

Como Neighborhood Class has been certified.



General Mills/Henkel Corp. Superfund Site Study Area Sampling Status



Resource Conservation and Recovery Act (RCRA)

Goldfarb v. Mayor & City Council of Baltimore

Plaintiffs who asserted that contaminants were migrating toward recreational park maintained a plausible RCRA claim.

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United States v. Richter

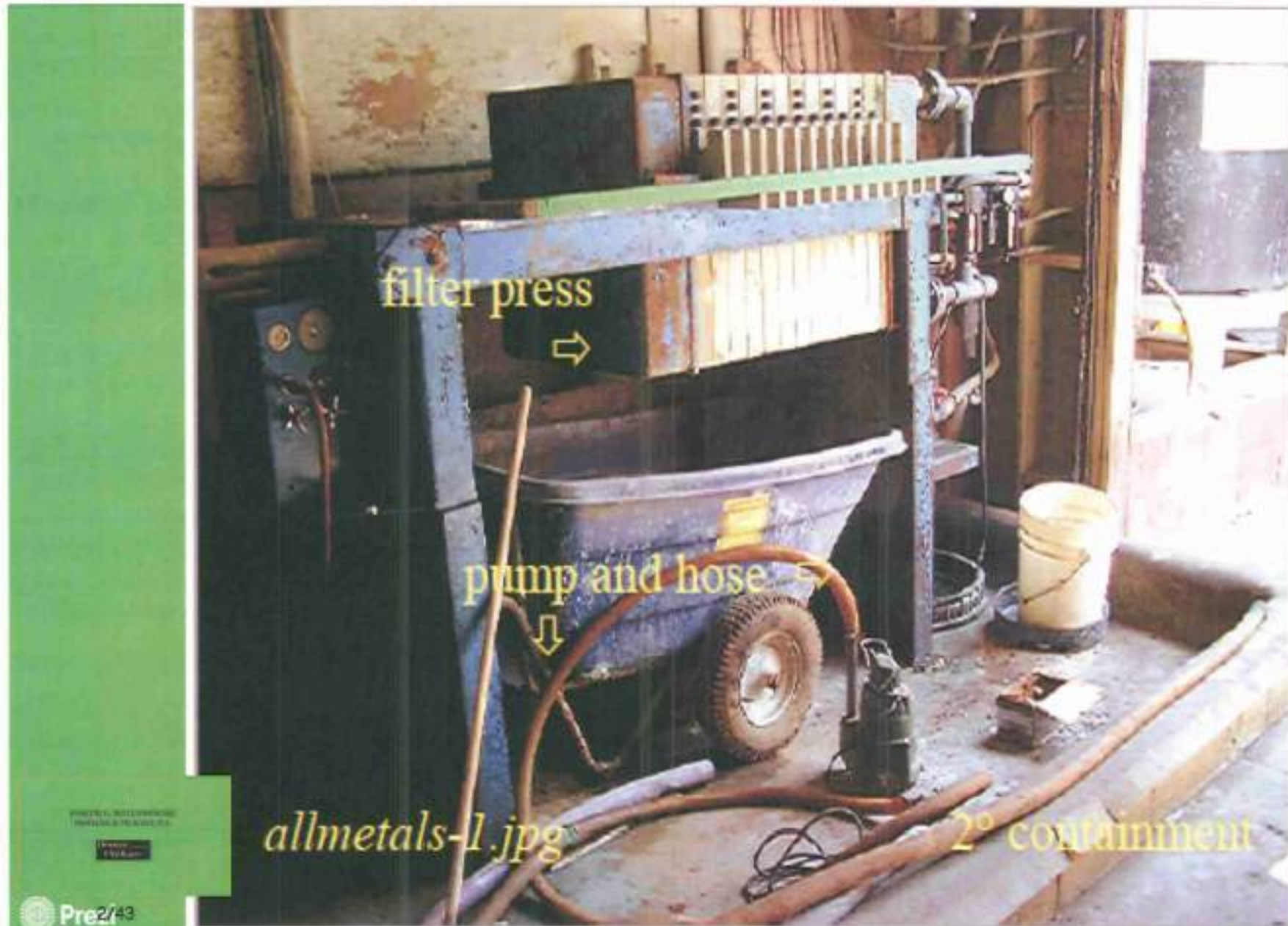
Intentional RCRA violations may be prosecuted as crimes.



United States v. Roach

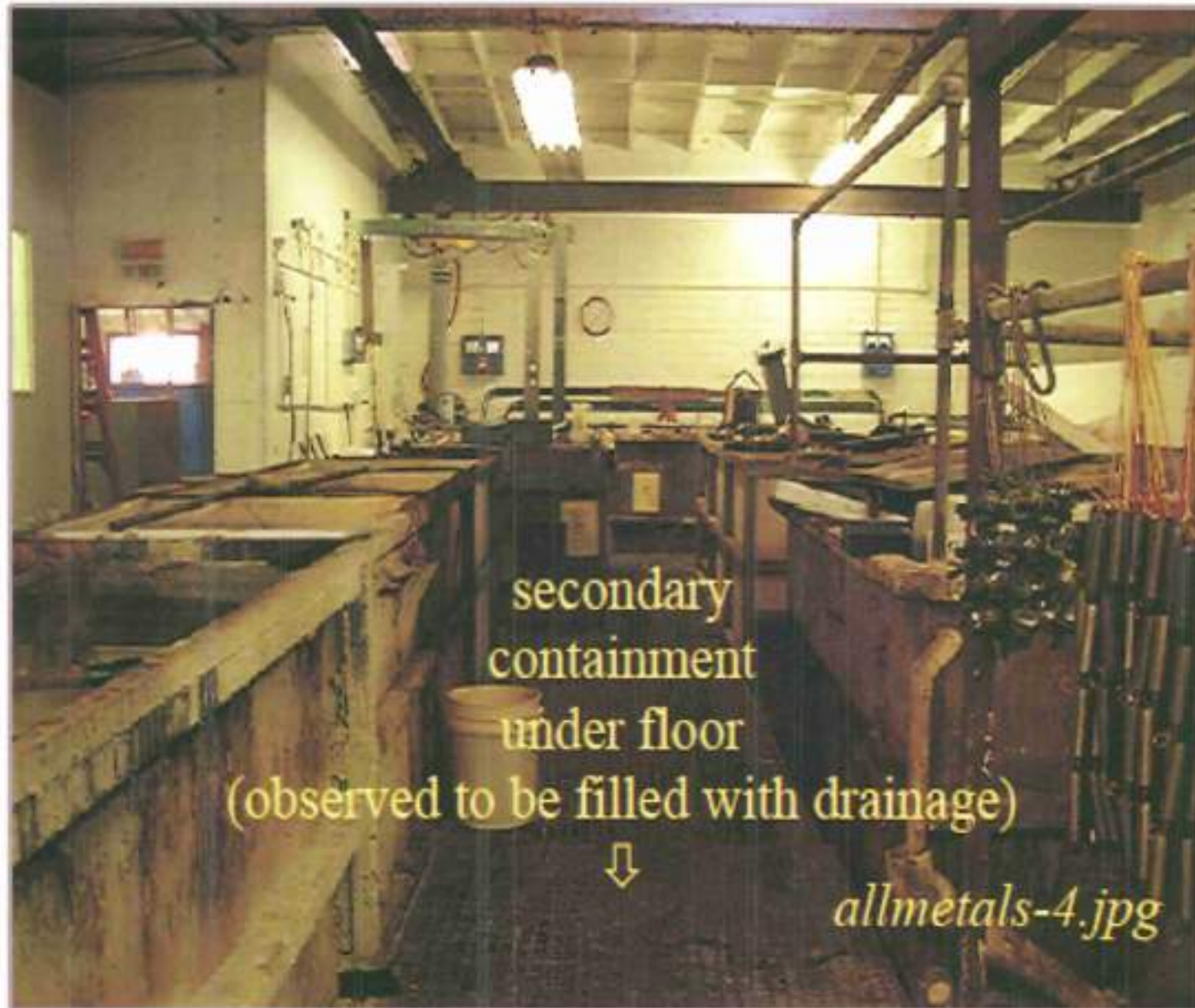
When a party abandons a building containing hazardous waste, the building is abandoned. The hazardous waste is not abandoned.











Minnesota Environmental Response and Liability Act (MERLA)

State ex rel. Swanson v. 3M Co.

After many appeals, Hennepin County District Judge John McShane decided that Covington & Burling can represent the State of Minnesota because 3M implicitly waived its right to object.



REGULATORY UPDATE



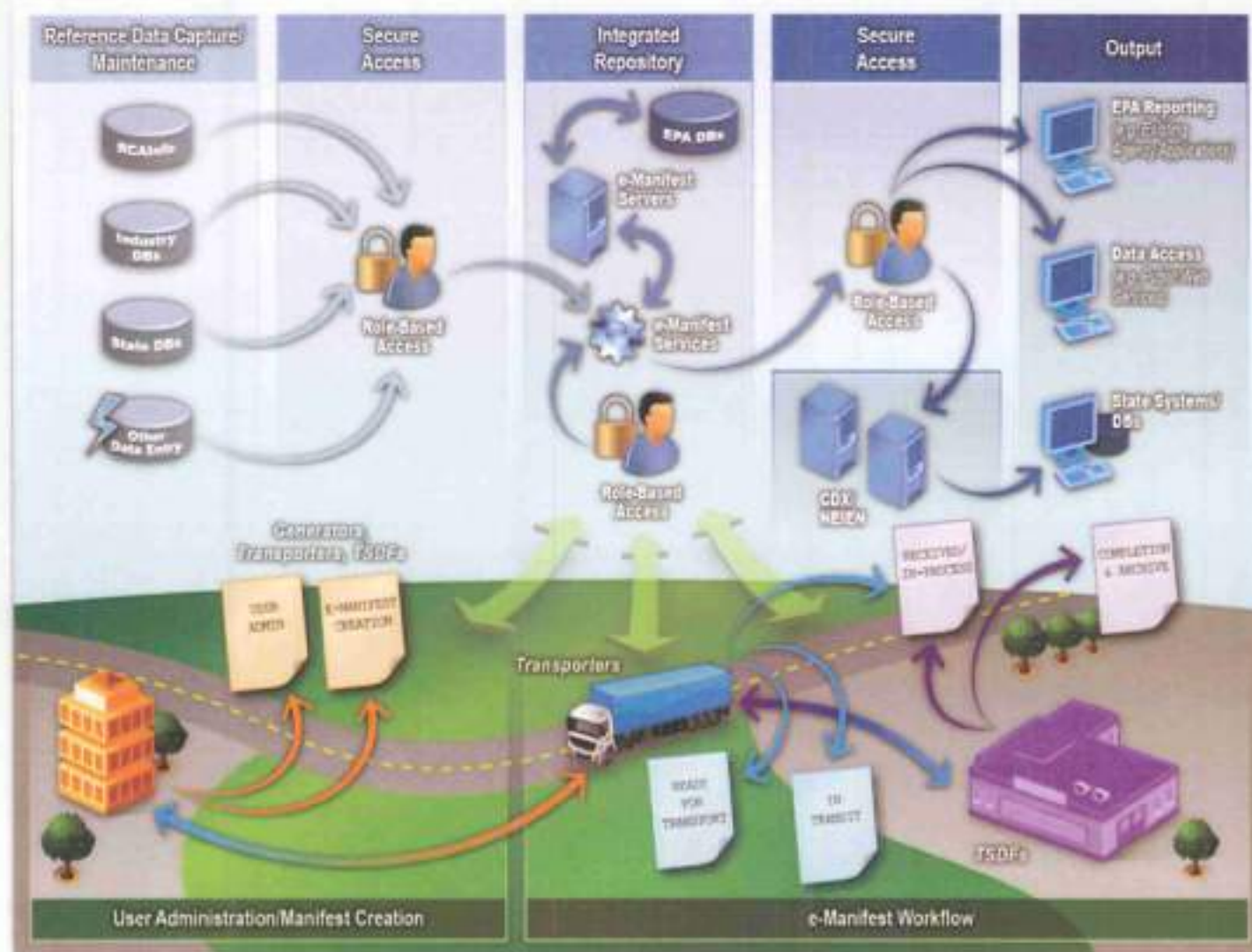
Manifest Update

The U.S. EPA is currently developing the e-manifest system. RCRA generators will be able to submit manifests in the following ways: (1) Paper, (2) Web Based, (3) System to System Application and (4) Mobile Application.





EPA e-Manifest Conceptual Model



Revised Model Documents for Removal Actions Under CERCLA

In September of 2015 the U. S. EPA issued new model documents for Administrative Settlement Agreements and Order on Consent and Unilateral Administrative Order for Removal Actions.

RCRA Proposed Rule: Hazardous Waste Generator Improvements

On December 24, 2015 the comment period closed for a proposed rule regulating hazardous waste generators under RCRA. According to the EPA, the proposed rule will allow flexibility for episodic waste generators allowing them to avoid becoming classified under a higher generator status.



Prezi

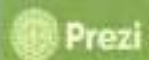
MERLA Revived

While liability protections remain available to innocent purchasers under the Minnesota Brownfields program, the MPCA is looking to MERLA to compel responsible parties to investigate and remediate releases. Many parties have entered into Cooperative Cleanup Agreements with the MPCA.



**Minnesota Pollution
Control Agency**

The Freeway Landfill



THANK YOU!