Natural Resources Damages/Spill Compensation and Control Act Enforcement: New Jersey and Seven Companies Enter Into Consent Judgment



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

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The New Jersey Attorney General and the New Jersey Department of Environmental Protection in the Superior Court of New Jersey entered into a Consent Judgment ("CJ") with seven defendants pursuant to the New Jersey Spill Compensation and Control Act and Water Pollution Control Act. See Docket No. WRN-L-000230-18.

The CJ includes a $49.5 million settlement for alleged natural resources damages and cleanup costs resulting from the discharge of hazardous chemicals into soil and groundwater in the Pohatcong Valley.

The defendants executing the CJ include:

- PECHINEY PLASTICS PACKAGING, INC.
- BRISTOL-MYERS SQUIBB COMPANY
- MYSET INVESTMENT COMPANY
- CITIGROUP, INC.
- MRC HOLDINGS, INC.
- REXAM BEVERAGE CAN COMPANY
- ALBÉA AMERICAS, INC.
- "ABC CORPORATIONS" 1-10 (Names Fictitious).

New Jersey is stated to have filed an action against the referenced defendants in 2018 asserting claims to recover past and future cleanup and removal costs, and Natural Resource Damages pursuant to:

- Spill Compensation and Control Act
- New Jersey Spill Compensation and Control Act
- Water Pollution Control Act,
- Common law

Groundwater and soil contamination was alleged to be present at the Pohatcong Valley Superfund Site located in Warren County, New Jersey.

A contaminate groundwater plume is stated to be present at the site containing trichloroethylene and tetrachloroethylene. Such contamination is alleged to be from industrial operations over several decades under succession of owner-operators.

The CJ provides for a payment of $45 million for natural resources damage and $4.5 million for past remediation cost incurred by the state of New Jesey. A significant portion of the proposed settlement is stated to be imposed upon Pechiney Plastics Packaging, Inc.

The CJ provides that the referenced defendants filed responsive pleadings in which they denied liability and asserted various defenses. Further, the CJ provides that in settling, the referenced defendants do not admit any fact, fault, or liability arising from the transactions or occurrences alleged in the previously filed complaint.

A copy of the CJ can be found here.