



Operators Of Manufacturing Site Settle TCE Discharge Claims For \$14 Million

(May 21, 2024, 8:47 AM EDT) -- HACKENSACK, N.J. — Several companies that operated a manufacturing site where trichloroethylene (TCE) and other hazardous substances were discharged into soil and groundwater agreed to settle state and federal environmental law claims brought against them by New Jersey officials for more than \$14 million in a consent judgment entered in New Jersey state court.

(New Jersey Department of Environmental Protections, et al. v. Handy & Harman, et al., No. BER-L-8605-19, N.J. Super, Bergen Co.)

(Consent judgment available. Document #08-240614-034X.)

In the May 10 consent judgment, the companies agreed to pay natural resource damages, as well as past cleanup and removal costs.

Groundwater Contamination

In 2019, the New Jersey Department of Environmental Protection and several state officials (collectively, New Jersey) sued Handy & Harman, Handy & Harman Electronic Materials Corp., Plessey Inc. and Steel Partners Holdings LP (collectively, Handy & Harman) and Cycle Chem Inc. in the Superior Court. New Jersey alleged that the companies violated the New Jersey Spill Compensation and Control Act, N.J.S.A. § 58:10-23.11 et seq., the New Jersey Site Remediation Reform Act, N.J.S.A., 58:10C-1 et seq., the CWA, 33 U.S.C. § 1251 et seq., and the New Jersey Water Pollution Control Act (WPCA), N.J.S.A. 58:10A-1 et seq.

New Jersey asserted that the companies discharged TCE, a solvent used for degreasing operations, and other hazardous substances at a manufacturing site in Montvale, N.J., from 1966 until 1985. TCE is closely linked to some forms of cancer.

Testing performed in 1985 revealed that TCE had entered the soil and groundwater near the site and migrated to a number of public-water supply wells serving Park Ridge, N.J. As a result of

the contamination, New Jersey restricted the use of groundwater in the area around the site in 1990.

During discovery, the parties participated in a voluntary mediation process that resulted in a resolution of the claims.

Consent Judgment

Under the terms of the consent judgment, Handy & Harman agreed to pay \$10,406,664.79 in settlement of natural resource damages and \$93,335.21 in settlement of past cleanup and removal costs. Cycle Chem will pay \$3,468,888.27 in settlement of natural resource damages and \$31,111.73 in settlement of past cleanup and removal costs.

In return, New Jersey agreed to release the defendants from any current or future liability arising from the discharges of hazardous substances from the facility.

The parties clarified that nothing in the consent judgment is considered an admission of wrongdoing or liability by the defendants.

Counsel

New Jersey is represented by Deputy Attorney General Thoman Lihan, New Jersey Spill Compensation Fund Administrator David E. Haymes and New Jersey Department of Environmental Protection Commissioner Shawn M. LaTourette, all in Trenton, N.J.

Handy & Harman, et al. are represented by John M. Agnello of Carella, Byrne, Cecchi, Olstein, Brody & Agnello PC in Roseland, N.J., and John McGahren of Morgan, Lewis & Bockius LLP in Princeton, N.J.

Cycle Chem is represented by John P. Beyel of McElroy, Deitsch, Mulvaney & Carpenter LLP in Morristown, N.J.

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Attached Documents



Consent judgment