

## **ENVIRONMENTAL LAW BULLETIN**

### ***New Jersey's High Court Finds There is No Time Limitation to Bring a Spill Act Claim***

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On January 26, 2015, in *Morristown Associates v. Grant Oil Co.*, the New Jersey Supreme Court held that there is no time limitation to bring a lawsuit against a party who may have contributed to contamination under the New Jersey Spill Compensation and Control Act (the "Spill Act"). Under the Spill Act, anyone who discharges or is in any way responsible for the discharge of a hazardous substance is liable, without regard to fault, for all costs of remediating contamination. The Spill Act also provides that a person who remediates contamination may sue other responsible parties for contribution for those cleanup costs.

Since the early days of the Spill Act, parties undergoing cleanups did not have any time constraints to bring a lawsuit seeking contribution from a liable party until a federal court applying New Jersey law held that a responsible party had six years to bring suit. However, this ruling was overturned by the NJ Supreme Court, when it held there is no time limitation to bring a lawsuit against another person who is liable under the Spill Act for such contamination. The significance of this case is that now parties can complete remedial activities and perform a cost benefit analysis to determine whether pursuing litigation is the proper business decision without the pressure of racing to the courthouse steps prematurely.

Douglas I. Eilender is a Partner in the firm's Environmental Law Department. His practice emphasizes all aspects of environmental law,

**including transactional, regulatory, land use and litigation matters. Doug's practice also includes the oversight and negotiation of cost recovery and insurance coverage claims. Part of his practice focuses on the redevelopment of brownfields sites that are underutilized due to contamination.**

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