Webinar

2015 an ‘Interesting’ Year In Superfund Litigation, Lawyers Say

BY STEVEN M. SELLERS

Settlement risks, divisibility questions and arranger liability issues made 2015 an “interesting” year in Superfund litigation, lawyers say.

The common thread in a Dec. 17 webinar by a panel of Superfund lawyers was one of lingering uncertainties in the Comprehensive Environmental Response, Compensation, and Liability Act—35 years after the law was enacted.

“This year is one of the most interesting to study,” Richard Faulk, of Hollingsworth’s office in Washington, D.C., said. When it comes to settlements, “we’re getting into a series of problems the courts are compounding exponentially,” Faulk said.

“CERCLA settlement jurisprudence is about as improvisatory as one can imagine.”

RICHARD FAULK, HOLLINGSWORTH LLP

“The weight of the case law is that you can have air emissions coming out of your smokestack in full compliance with your Clean Air Act permit, but that may not stop your neighbor from bringing a common law nuisance action against you. That may be the bigger issue,” Bell said.

The webinar was hosted by the American Law Institute in Washington, D.C.

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