



U.S. ENVIRONMENTAL PROTECTION AGENCY

# NEWS RELEASE

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## Parties Agree to Pay \$150 Million Toward Clean Up of the Lower Passaic River in New Jersey

*Part of the Diamond Alkali Superfund Site*

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**NEW YORK** (December 16, 2022) – The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) announced today a proposed consent decree with 85 potentially responsible parties, requiring them to pay a total of \$150 million to support the cleanup work and resolve their liability for discharging hazardous substances into the Lower Passaic River, which is part of the Diamond Alkali Superfund Site in Newark, New Jersey.

EPA and DOJ alleged that these 85 parties are responsible for releases of hazardous substances into the Lower Passaic River, contaminating the 17-mile tidal stretch, including the lower 8.3 miles. The proposed consent decree seeks to hold the parties accountable for their share of the total cost of cleaning up this stretch of the river.

"This agreement continues our work of ensuring responsible parties pay for or conduct the cleanup of the Passaic River. Today's agreement requires those responsible for the contamination to pay their fair share for releasing hazardous substances into the Lower Passaic," **said Regional Administrator Lisa F. Garcia**, "This work brings us closer to a cleaner healthier river that can be enjoyed by those who live near its banks."

"This agreement holds responsible parties financially accountable for the legacy of pollution in the Lower Passaic River," **said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division**. "The settlement will advance the cleanup of the river for the benefit of those communities living alongside it who have been historically overburdened by pollution."

"Newark, Harrison, and many other vibrant communities have borne the brunt of pollution along the Lower Passaic River for too long," **said First Assistant U.S. Attorney Vikas Khanna for the District of New Jersey**. "This agreement is an important step forward. It will support significant cleanup efforts that restore this historic waterway, advance a new chapter of responsible land use, and return the river to the people of New Jersey."

On behalf of EPA, DOJ lodged the consent decree with the U.S. District Court for the District of New Jersey. If and when the settlement becomes final, EPA expects to use the settlement funds to support ongoing efforts to clean up the site, specifically the lower 8.3 miles and the upper 9 miles which make up the entire 17-mile Lower Passaic River Study Area. In addition to the proposed consent decree, EPA has reached several related agreements, including one whereby many parties investigated the 17-mile Lower Passaic River, another whereby Occidental Chemical Corporation, a potentially responsible party, is designing the cleanup chosen for the lower 8.3 miles, and several cost recovery agreements that resulted in payments to EPA of millions of dollars.

This consent decree is subject to a 45-day public comment period and will be available for public review on the Justice Department [website](#).

After the close of the comment period, DOJ and EPA will evaluate any comments received and prepare a response to the comments. If the government still considers the settlement appropriate, it will seek approval of the consent decree by the court.

For additional information and site background, visit [Diamond Alkali Superfund Profile Page](#).

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22-095