

Passaic River Restoration Initiative (PRRI)



Satellite image Passaic River, NJ

“This situation went from being an explosively litigious one, to a public-private cooperative process with tremendous positive environmental results.”

– Dr. Jonathan Deason, Dawson & Associates

Client

A major corporate entity that handles nationwide remedial liabilities for several large corporations.

Background

In the mid-1990s, a six-mile stretch of the lower Passaic River in New Jersey was designated as a Superfund National Priorities List site by the US Environmental Protection Agency (EPA). Despite the fact that hundreds of companies had contributed to the chemical degradation of the Passaic, only a handful were being held responsible for the cleanup. By the late 1990s, after spending more than \$50 million on the cleanup, our client was the only company participating.

Unless an alternative approach was found, the situation was headed towards massive litigation involving hundreds of responsible companies and dozens of public entities, significant delay in the cleanup and hundreds of millions of dollars in unnecessary litigation expenses. To avoid this “doomsday” scenario, our client sought the help of Dawson & Associates (D&A).

Response

D&A, in consultation with senior officials of the Executive Branch and key members and committees of the US Senate and US House of Representatives, designed a fundamentally new approach to the restoration. This innovative plan established a partnership between the Corps of Engineers and EPA.

To ensure implementation of the plan, D&A worked with the Transportation and Infrastructure Committee of the House of Representatives to prepare a Congressional resolution that was approved in April of 2000. The success of the new approach was demonstrated in July, 2002 when the Corps and EPA signed a formal Memorandum of Understanding (MOU) at a White House ceremony extending the concept nationwide. After execution of the MOU, the agencies jointly designated the Passaic River as a pilot study area under the new “Urban River Restoration Initiative.”

Other companies interested in contributing to the restoration and to resolving their potential liabilities began to join the effort and by mid-2006, the “PRRI Cooperating Parties Group” included 50 companies contributing to a very successful public-private, inter-governmental partnership. Today, our client shares liability with a substantially larger stakeholder base, is no longer in the enforcement cross-hairs of the regulatory agencies, and has saved tremendous costs associated with litigation. More importantly, PRRI will ensure a faster and more comprehensive Passaic River restoration.