

CAN'T WE ALL JUST GET ALONG?

“Problems can become opportunities when the right people come together.”
(Robert South, 1634-1716)

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Combined sewer overflows (CSOs) and treatment work by-passes release millions of gallons of discharge into the Passaic River every year. These discharges contain heavy metals, PAHs, PCBs, mercury and other hazardous substances which have contributed, and continue to contribute, to the contamination of the Passaic River.

In order to successfully remediate and restore the Passaic River, it is imperative that sewer system authorities and municipalities participate with individual PRPs in cleanup initiatives. The task is too great for industry alone to bear the burdens of all polluters. Individual PRPs are not the sole polluters of the river, and they have no ability to eliminate continuing discharges or past releases by combined sewer systems over which the PRPs have no control. The sewer system entities' level of participation cannot be limited to mere compliance with pollution prevention regulations. While such compliance may help prevent future contamination, it fails to address the damage that has already been done. Reversing such damage will require extensive activity, including such efforts as habitat reclamation, species rehabilitation, waterfront redevelopment, and sediment recovery, particularly near CSO outfall points. Indeed, sewage pollution is the oldest known to the Passaic River.

The cleanup initiatives at Boston Harbor, as well as Portland Harbor and the Willamette River, prove that this type of cooperation works. In those locations, sewer system authorities took leadership roles, made broad improvements to sewer system infrastructure, exerted influence over users to meet more stringent, and therefore, protective, wastewater quality standards, and served as focal points for the community. As a result, these rivers and harbors that were severely polluted have been and are being substantially restored. However, in other places, such as the Lower Duwamish Waterway in Washington state, where sewer system authorities and municipalities have not effectively participated with the other PRPs, successful restoration does not appear likely.

Ultimately the participatory benefits to north-central New Jersey sewer system authorities and municipalities far outweigh the burdens. By working with individual PRPs, these entities will have a broader audience and more opportunity for creative outreach than they do individually. In addition to helping communities reclaim their river efficiently, they will also be positioning themselves for a substantial and effective investment in compliance measures and facilities that can anticipate the growth and revitalization of the region for decades to come. Their participation will also provide access to federal funding of upgrades for their infrastructure and for remediation measures. Such funding is essential for the comprehensive investigation of combined sewer systems' condition and complete upgrades of the systems to eliminate CSOs.

Sewer system authorities and municipalities must accept responsibility for their part in contaminating the Passaic River. These entities are not exempt from CERCLA liability. It behooves no one to expend significant amounts of money and time litigating complicated liability and damage issues. From cooperation springs an environmental success. From litigation recoils wasted money, delayed remediation, and loss of federal funding. *“Problems can become opportunities when the right people come together.”* - - He may have said it when the Passaic was a pristine, clear blue, but today Robert South is still correct.