Atl. Richfield Co. v. Christian, 590 U.S. \_\_ (2020)

The U.S. Supreme Court held that a group of landowners’ state common law claims for nuisance, trespass, and strict liability can be pled and the Montana state courts have jurisdiction to hear those claims concerning investigation and remediation of environmental contamination despite the fact the site had been subject to handling by the Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation, and Lia­bility Act, 42 U.S.C. §9601 *et seq*. (CERCLA). In this case, the landowners (residents who owned property within a massive Superfund Site) sued Atlantic Richfield Company (the owner and successor of a copper smelter) under state law seeking to collect damages for a restoration plan for the site. The restoration plan advocated by the landowners exceeded the requirements set by the EPA which had been working with Atlantic Richfield for over 30 years to direct remediation of the site. SCOTUS first held it had jurisdiction to review the decision of the Montana Supreme Court which affirmed a grant of summary judgment for the landowners ruling CERLCA did not preclude their claim for restoration damages. The ruling, in part, was a rejection of Atlantic Richfield’s argument that the landowners were potentially responsible parties under CERCLA which would require them to seek EPA approval for their proposed restoration plan. SCOTUS found that the Montana state courts did have jurisdiction over the claims, but, ruled substantively that the subject landowners were potentially responsible parties under CERCLA, even if the limitations period for recovery of remedial costs had run. Thus, as potentially responsible parties, they needed to seek EPA approval for their restoration plan and the Montana Supreme Court’s order was affirmed in part, vacated in part, and the matter remanded for further proceedings consistent with the opinion.