Dep't of Envtl. Prot. v. Hess Corp., Docket A-2893-18T2 (N.J. App. Div. Apr. 7, 2020) (per curiam)

Unpublished decision concerning environmental contamination of property that had been historically used as an oil refinery and terminal. Complaint sought relief against the former property owner and its successor in interest under the Spill Compensation and Control Act (the Spill Act), N.J.S.A. 58:10-23.11, et seq., the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and common law claims for public nuisance, trespass, and strict liability. The motion judge dismissed the common law trespass and strict liability claims and limited the public nuisance claim to solely injunctive relief. The Appellate partially reversed and concluded the motion judge incorrectly determined the Spill Act subsumed a common law claim for strict liability and held that petroleum storage and processing of petroleum allegedly undertaken by a property owner on its property was an abnormally dangerous condition for which strict liability may be imposed. However, the Appellate Division found strict liability inapplicable to a successor in interest not alleged to have been involved in any discharge or contamination. The court affirmed dismissal of the trespass claim but clarified, as to the public nuisance claim, that the limitation on that claim did not preclude recovery of costs of abatement.