

CERCLA Contribution Claims Provisions Interpretation Continues To Be Reviewed by the Courts

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In *Guam v. United States*, Guam sued for contribution for the costs to remediate the landfill the U.S. Navy created and in which it allegedly disposed hazardous substances in the 1940s and subsequently ceded back to Guam. Previously, there was a resolution of Guam's liability under the Clean Water Act, not CERCLA. However, the lower court had dismissed Guam's contribution claim against the United States. The U.S. Supreme Court found in favor of Guam holding that "[a] settlement must resolve a CERCLA liability to trigger a contribution action under CERCLA §113(f)(3)(B), not a Clean Water Act liability." In sum, the Court held a party seeking contribution under CERCLA §113(f)(3)(B) "may seek [its] contribution under CERCLA only after settling a CERCLA-specific liability."