

## Supreme Court Rules that CERCLA Does Not Preempt State Statute of Repose

**Prepared for the Katten Environmental Advisory Group**

June 10, 2014

On June 9, 2014, the U.S. Supreme Court (Supreme Court) ruled in a 7-2 decision that the discovery rule articulated in Section 9658 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq. (CERCLA) does not preempt a North Carolina repose statute providing a 10-year limitation on state law environmental actions. *CTS Corp. v. Waldburger*, No. 13-339, slip op. (U.S. June 9, 2014). The ruling reversed a July 10, 2013 decision by the U.S. Court of Appeals for the Fourth Circuit holding that Section 9658 of CERCLA preempts both statutes of limitations and statutes of repose. *Waldburger v. CTS Corp.*, No. 12-1290, 2013 WL 3455775 (4th Cir. July 10, 2013)....

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