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

Prepared for the Katten Environmental Advisory Group

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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 statue 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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