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Metal Recycling Cos. Hit With Proposed Class Action Over Site



By [Carla Baranauckas](#) · [Listen to article](#)

Law360 (January 16, 2026, 6:17 PM EST) -- Eastern Metal Recycling LLC and its affiliates were hit Friday with a proposed class action by property owners who claim the companies are illegally operating a waterfront scrap-metal facility that has inundated their New Jersey neighborhood with toxic dust, deafening noise and repeated fires since opening in 2023.

The Bayonne residents allege in the 39-page complaint filed in state Superior Court that the companies ignored environmental rules, evaded permitting requirements, and left working-class families to bear the health and safety fallout.

EMR opened its East Second Street operation in Bayonne without the required air permits, failed to implement basic dust-suppression measures, and continued running the facility even after state and local regulators issued multiple violations documenting heavy-metal particulates, visible emissions and hazardous conditions inside towering scrap piles, the complaint says. The plaintiffs — all residents of the several-block area surrounding the Duraport Marine and Rail Terminal — claim the facility's operations had made their homes nearly uninhabitable.

"Since it illegally opened in April 2023, the EMR facility has dramatically and negatively impacted the quality of life of the plaintiffs and putative class members," the complaint said, citing "extremely loud noise," "toxic dust and particulate matter," and "multiple fires" that have sent smoke billowing into the neighborhood.

The lawsuit alleges EMR, a subsidiary of global metal recycling conglomerate European Metal Recycling Ltd., relocated its operations from Newark to Bayonne in 2023, touting an "innovative dust-suppression system" that would prevent hazardous materials from escaping into the surrounding community. But residents say the opposite occurred: dust-coated cars, windowsills and outdoor furniture, and metallic particulates found on nearby rooftops. The Hudson Regional Health Commission documented heavy-metal contamination after a two-day surveillance operation in October 2024, according to the suit.

HRH inspectors observed fugitive dust clouds blowing off the scrap piles "even in very low winds," with particles striking their faces as they monitored the site from the roof of a neighboring industrial building and from Brady's Dock, a public park adjacent to the facility, the complaint says. Dust samples collected in the investigation allegedly contained arsenic, barium, cadmium, lead, chromium, mercury and silver, all hazardous metals that can pose serious health risks with prolonged exposure.

The residents also point to two fires — one in September 2024 and another in October 2025 — as evidence that EMR's operations posed an ongoing threat to public safety. The Bayonne Fire Department, which responded to both incidents, reported finding oil-filled transformers, propane tanks, crushed vehicles and other combustible materials inside the scrap piles. In the 2025 fire, particulate matter readings reportedly spiked to more than 25 times the national ambient air quality standard, prompting assistance from the New York City Fire Department and sending smoke drifting into downtown Bayonne, according to the lawsuit.

The complaint alleges EMR failed to notify the [New Jersey Department of Environmental Protection](#) of the 2024 fire, as required by state regulations, and that the company had been cited for multiple fire code violations. The Bayonne fire chief also wrote to the DEP expressing concerns about the facility's hazards, warning that the mix of materials inside the scrap piles posed risks to both firefighters and nearby residents.

The plaintiffs also say the facility had generated persistent noise, including loud mechanical banging and nighttime operations, that violated state noise control rules and Bayonne ordinances. Residents lodged dozens of complaints with HRH and the city, and inspectors documented suspicious activity, including a security guard allegedly signaling to workers when an investigator approached the site, the complaint says.

In addition, the lawsuit raises questions about EMR's permitting history. EMR operated for more than a year without the required pre-construction permit or operating certificate, prompting the DEP to issue multiple notices of violation in 2024 and 2025, according to the complaint. The plaintiffs argue EMR strategically opened the facility just before New Jersey's Environmental Justice Law took effect, avoiding requirements that would have forced the company to assess cumulative environmental impacts on the surrounding low-income minority community.

The complaint further alleges the DEP's January 2025 revision of the state's Environmental Justice Map — which removed the Duraport Terminal from the list of "overburdened communities" — allowed EMR to secure a permit in September 2025 that it otherwise might not have obtained. Had EMR applied earlier, the plaintiffs argue, the company would have been required to hold public hearings and demonstrate that its operations would not disproportionately harm the neighborhood.

The plaintiffs seek compensatory and punitive damages, injunctive relief requiring EMR to abate the alleged nuisances, and attorney fees.

The plaintiffs accuse EMR and the Duraport property owners of "negligently, unreasonably, knowingly, intentionally, recklessly, willfully and grossly" failing to operate the facility safely, and of exploiting gaps in regulatory enforcement to continue running the site despite repeated complaints and violations. They also allege government agencies lacked the capacity to respond quickly enough to document violations in real time, allowing EMR to avoid accountability even as conditions worsened.

The lawsuit seeks to hold both EMR and the Duraport entities jointly responsible, alleging they acted as each other's agents and collectively benefited from the facility's operations. The plaintiffs claim the companies' conduct had reduced property values, interfered with residents' use and enjoyment of their homes, and exposed them to ongoing health risks.

In a [separate action](#), state Attorney General Matthew J. Platkin filed suit against EMR on Jan. 12 in Camden County, claiming the company's operations in Camden were a public nuisance.

"EMR has been playing fast and loose with the law, and the people of downtown Bayonne have had to pay the price. By filing this lawsuit, we hope to compel EMR to be responsible neighbors and to compensate the victims of their actions," William C. Matsikoudis of [Matsikoudis & Fanciullo LLC](#), counsel for the plaintiffs in the proposed class, said in a statement Friday.

Representatives for EMR and the Duraport entities did not immediately respond to requests for comment Friday.

The proposed class is represented by William C. Matsikoudis and Derek S. Fanciullo of Matsikoudis & Fanciullo LLC and G. Martin Meyers and Justin A. Meyers of the Law Offices of G. Martin Meyers PC.

Counsel information for the defendants was not immediately available Friday.

The case is [Heaney et al. v. Eastern Metal Recycling LLC et al.](#), docket number HUD-L-000213-26, in the [Superior Court of New Jersey](#), Hudson County.

--Editing by Janice Carter Brown.

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