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Aboveground Storage Tanks: Complaint Filed in Circuit Court of Jefferson County, Arkansas Addressing Alleged Petroleum Release

Arkansas Environmental, Energy, and Water Law Blog

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A Jefferson County, Arkansas individual (Givens) filed a Complaint in the Circuit Court of Jefferson County, Arkansas on January 11th against an individual and an associated company (Casey Reed and Reed Development Company a/k/a Reed's Demolition ["Reed"]).

The Complaint alleges that Plaintiff Givens hired Defendant Reed to remove several aboveground storage tanks ("ASTs") located on Givens Altheimer, Arkansas property. Givens further alleges that during the removal of the ASTs one of them was determined to contain "petroleum liquid." Givens mother is stated to have instructed Reed to cease removal of the tanks and vacate the property.

Plaintiff Givens alleges that Reed returned to the property (without permission) and removed the remaining AST. During the removal of this AST petroleum, it is alleged that petroleum was released on the ground and into Flat Bayou.

The Arkansas Department of Environmental Quality is alleged to have subsequently conducted a complaint investigation at the property regarding the petroleum release.

Plaintiff alleges that:

- The release of petroleum onto the property into Flat Bayou violated Arkansas Code Annotated 8-4-217(a)(10) and § 8-4-102.
- ADEQ hired Waste Services, Inc. to remove the hazardous waste on the property.
- Givens was required to pay ADEQ a \$15,000 penalty and an environmental lien was placed on the property.
- Givens has expended more than \$28,500 in costs to clean up the property and legal fees.

Plaintiff's Complaint seeks various damages and the causes of action alleged include:

- Negligence – injury to real property
- Breach of contract
- Trespass

[Click here to download a copy of the Complaint.](#)