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Natural Resource Damages/Oil Pollution Act Enforcement: United States/Arkansas Game and Fish Commission File Judicial Action Addressing Mayflower Oil Pipeline Release

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A complaint was filed in the United States District Court for the District of Arkansas against ExxonMobil Pipeline Company, LLC and Mobil Pipe Line Company (collectively, "Exxon") addressing the 2013 release of oil from the Pegasus Pipeline in Mayflower, Arkansas by the following:

- United States of America ("Department of Justice [DOJ]")
- Arkansas Game and Fish Commission ("AG&FC")
- Arkansas Department of Energy and Environment – Division of Environmental Quality ("DEQ")

The complaint seeks to recover damages related to the release from the pipeline for:

...injuries to, destruction of, loss of, or loss of use of natural resources and natural resource services (including the unreimbursed costs of assessing such damages, and for restoration planning...

The complaint cites the following authorities for the ability to recover such alleged damages:

- Section 1002 of the Oil Pollution Control Act of 1990.
- Arkansas Water and Air Pollution Control Act.
- Arkansas Game and Fish Commission Code 01.00-8-restitution.

The alleged damages are stated to involve the discharge of heavy crude oil from the Pegasus Pipeline on March 29, 2013, that:

...migrated into nearby waterways, wetlands, and a portion of Lake Conway in Mayflower, Arkansas.

ExxonMobil Pipeline Company is stated to be the operator of the Pegasus Pipeline. ExxonMobil is described as the legal successor of ExxonMobil Pipeline Company.

The United States Fish and Wildlife Service, AG&FC, and DEQ are stated to have initiated pursuant to 15 C.F.R. Part 990, assessment of injuries to natural resources resulting from the release of oil.

The complaint requests a judgment:

- For the full value of all damages for injury to, destruction of, loss of, and/or use of natural resources, or resource services, within the trusteeship of U.S. Fish and Wildlife Service, AG&FC, and DEQ resulting from the release of oil.
- Full value of all damages to natural resources resulting from the release of oil including for all reasonable costs and expenses incurred in connection with the detection, investigation, damage assessment, and restoration replacement activities plus monetary restitution under the AG&FC Code 0.1.00-h for injury to wildlife species, including waterfowl and other birds, turtles, snakes, amphibians, mammals, other reptiles, fish, invertebrates, macroinvertebrates, and other fauna.

A copy of the complaint can be downloaded [here](#).