Sanitary Sewer Overflow/Alleged Damages: Circuit Court of Carrol County, Arkansas Complaint Filed Against Eureka Springs



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James McEvoy ("McEvoy") filed an April 2nd Complaint in the Circuit Court of Carroll County, Arkansas against Eureka Springs, Arkansas alleging damages due to a sanitary sewer overflow ("SSO"). See Case No. 08WCV-25-39.

The Complaint seeks alleged damages due to:

…events that transpired in January 2025 when the home of McEvoy was flooded and inundated with significant amounts of raw sewage that flowed back through the sewer lines of the City of Eureka Springs into McEvoy's home.

The Complaint alleges that the referenced January 2025 event is one of a series of occurrences over the years that have resulted in homes, businesses, and property located in Eureka Springs being damaged by SSO's out of the Eureka Springs sewer lines. Further alleged is that recurring frequency reflects what the Complaint characterizes as a:

…policy, procedure, usage, or custom of the City of Eureka Springs.

Eureka Springs is stated to have previously claimed municipal tort immunity under A.C.A. § 21-9-301.

Alleged causes of action cited in the Complaint include:

- Damages to Real Property and Personal Property Caused by Defendants' Acts that Were Intentional, Malicious, Willful and Wanton, Recklessly Indifferent or Grossly Negligent.
- Unconstitutional Takings in Violation of Amendment 5 of United States Constitution and Article 2, Section 22 of Arkansas Constitution.
- A Claim Based Upon the Arkansas Hazardous Waste Management Act of 1979, A Private Right of Action Conferred by Statute, A.C.A. 8-7-206.
- A Claim Under 42 USC §1983.
- Trespass.
- Breach of Contract.
- Request for Permanent Injunction.

The Complaint also requests damages and a demand for a jury trial.

A copy of the Complaint can be downloaded here.