Paint Release: Pulaski County Circuit Court Action Filed Addressing Trucking Company Spill



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ARCAP Environmental, LLC ("ARCAP") filed a January 5th Complaint against Oak Truck Lines, LLC ("OTL") regarding an alleged release of paint. See 60CV-26-92.

The Complaint alleges that a truck owned by OTL was travelling eastbound on I-40 near Forrest City, Arkansas when the truck was involved in a motor vehicle accident.

OTL's tractor trailer was stated to have been hauling an adhesive chemical, which may have been paint.

White Motor Co., Inc. ("White"), a wrecker service, is stated to have been retained by OTL to remove its truck and trailer from the accident site. It is stated to have been removed to OTL's salvage lot located in Forrest City.

Because of the OTL accident, the Complaint alleges that paint moved within the trailer becoming detached from wrapping and skits which caused it to leak onto the White lot.

The Complaint further alleges that the White property is located near the Forrest City municipal water supply. White is alleged to have notified OTL that it needed to remove the leaking paint (i.e., cargo) immediately. It is further alleged that OTL failed to act and that due to the proximity to the Forrest City municipal water supply that the paint would either drain or leak, through the ground, thereby contaminating the Forrest City water supply.

White is stated to have contacted ARCAP to remediate the paint spillage. This company is stated to have stopped the leakage and remediated the damage to White's property caused by the leakage of the paint.

White is stated to have assigned its rights to ARCAP. Further, the Complaint alleges that as a result of ARCAP's remediation actions, it has incurred costs equal to $34,350. ARCAP is stated to have made demand to OTL for payment of these costs, but OTL has refused to pay.

The Complaint alleges the following counts:

- Negligence.
- Nuisance.

The Complaint requests that the Circuit Court enter judgment against OTL in the amount of $34,350.

A copy of the Complaint can be found here.