

USING A CREATIVE APPROACH TO SOLVE A CITY'S ENVIRONMENTAL CONTAMINATION PROBLEM

Our Client's Challenge

Our client, the City of Hattiesburg, Mississippi, had struggled for years with issues stemming from an inactive industrial manufacturing site located in the middle of one of its neighborhoods. Although the Environmental Protection Agency (EPA) required investigations of the site as early as 1980 and had issued a site inspection report in 1993, many city officials and residents of the surrounding neighborhood believed that the site was still heavily contaminated. High levels of contamination were discovered in a few offsite locations, but those belonged to private parties. When the first firm the city approached failed to develop an appropriate approach, Hattiesburg engaged Lightfoot to investigate what relief was available and ensure the site and its surrounding neighborhoods were safe.

Our Approach

Lightfoot quickly determined a traditional tort claim would not provide the kind of relief and assurances that Hattiesburg and its citizens deserved. So the team got creative. Realizing it could not trust existing records, the firm thoroughly researched the manufacturing history of the site and retained experts to test for undisclosed pollutants. Those tests revealed high levels of hazardous waste that had never been reported. Based on these findings, Lightfoot filed an amended complaint for the city against the previous owners of the site under the Resource, Conservation and Recovery Act (RCRA) alleging liability for the contamination that was never disclosed.

The Result

Based on this new work, Lightfoot secured a substantial settlement for Hattiesburg, as well as administrative orders from the EPA requiring new investigations and cleanup work on the site. Taking a fresh approach to an old problem, which included innovative pleading, produced a great result in a very difficult case for the City of Hattiesburg. Lightfoot lawyers Johnny Johnson, Larkin Radney and Clint Speegle handled the case.