

Predecessors' pollution

BP liable for old contamination in Kansas refinery town



File photo by Matt Frye

A BP storage tank in Sugar Creek, Mo. The company was found liable for chemical pollution in a southeast Kansas town.

By Liane Kufchock
Bloomberg News

BP was found liable by a judge for chemical pollution in a southeast Kansas town from a refinery operated by two predecessor companies until 1970.

Monday's ruling by a state judge overrules a jury's finding in January that BP didn't need to pay additional money to clean up contaminated water and soil in Neodesha, Kan. Judge Daniel D. Creitz, saying he made an error in instructing jurors, said he will

pick a new jury to decide damages.

"The contaminants involved in this case are some of the most dangerous known to mankind," Creitz wrote in an 86-page ruling. "Given the defendants' admissions and the evidence here, no rational juror could return a verdict stating that defendants were not guilty of contaminating the groundwater underneath Neodesha."

The plaintiffs in the original trial sought \$424 million in actual damages and unspecified punitive damages. They claimed the refinery, run by BP predecessor companies Standard Oil

Co. and Amoco Corp. until 1970, contaminated the area with unsafe levels of lead and petroleum products including benzene, endangering residents and lowering property values.

The city of Neodesha, about 100 miles east of Wichita, sued London-based BP in 2004 in a class action lawsuit joined by residents, the school board and businesses.

The plaintiffs were represented by Kansas City attorney John. M. Edgar and his sons, David W. Edgar and John F. Edgar, all of the Edgar Law Firm.

"For a company of that size to dump

their garbage in southeast Kansas and then high step out of town to make record profits is not justice,” David Edgar said in a phone interview. “This is a long time coming for the residents of Neodesha.”

The judge said he made a mistake in his previous refusal to hold BP strictly liable for the pollution. He said the only question now for a jury is how much BP should pay in damages.

BP spokeswoman Scott Dean declined to comment.

“The decision buoys us up again,” said Rochelle Chronister, a former state lawmaker and Neodesha resident. “We never gave up. They socked it to us and we fought back.”

The jury verdict on Jan. 7 followed a 17-week trial and three days of deliberations. It was the longest trial in the state of Kansas, Edgar said.

The plaintiffs were the city of Neodesha, the Wilson County board of commissioners, Unified School District No. 461 of Wilson County, businesses Neodesha Plastics and Fiberglass Engineering, and residents Anna Harshman and Wade Jones.

The plaintiffs sued as a group on behalf of other residents and businesses. The class sought compensation for property damage, a declaration that BP is responsible for the contamination, an order forcing the company to clean up the area and independent monitoring of the remediation.

The company has been working with the Kansas state environmental agency to clean up the area. The plaintiffs said the effort wasn’t enough. BP said in January that the company was committed to “proper

cleanup of the site and returning the land to productive use.”

The lawsuit claimed BP’s predecessors misled Neodesha residents, assuring them the groundwater contamination was contained and wouldn’t spread. The plaintiffs said BP conducted a campaign to convince residents that there was no health risk and that the company intended to clean the polluted area.

During the trial, BP said the contamination hasn’t spread from the area around the refinery, and the company is working with the state to clean it up. BP’s lawyers said contamination levels are stable or declining.

An Erie, Kan., jury concluded in January that BP didn’t stall efforts to remove unsafe levels of lead and petroleum product from water and soil.



David Edgar



John F. Edgar



John M. Edgar