



STATE OF MISSISSIPPI
PHIL BRYANT
GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
GARY C. RIKARD, EXECUTIVE DIRECTOR

December 12, 2016

CERTIFIED MAIL #7010 1870 0003 4946 9623

Harry Lewis
Murphy Oil USA Inc.
200 Peach Street
El Dorado, Arkansas 71730

Re: Agreed Order No. 6711 16

Dear Mr. Lewis:

Enclosed you will find a copy of Agreed Order No. 6711 16, which has been executed by the Executive Director of the Mississippi Department of Environmental Quality, Gary Rikard, on behalf of the Mississippi Commission on Environmental Quality.

The enclosed Order assesses a civil penalty. The penalty payment, when due, should be made by check payable to the Mississippi Department of Environmental Quality and returned in the enclosed, self-addressed envelope to the MDEQ Fees Division at P.O. Box 2339, Jackson, MS 39225.

If you have any questions regarding your obligations under the enclosed order, please contact Mike Pigford at (601) 961-961-5052.

Sincerely,

A handwritten signature in blue ink that reads "Lynn Chambers".

Lynn S. Chambers, P.E.
Division Chief
Ground Water Assessment and Remediation

Enclosure
cc: Mike Pigford

Agency Interest No. 25100
ENF20160001

BEFORE THE MISSISSIPPI COMMISSION
ON ENVIRONMENTAL QUALITY

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

COMPLAINANT

6711 16

VS.

ORDER NO: _____

MURPHY OIL USA INC
BRAD WEINISCHKE
200 PEACH STREET
EL DORADO, AR 71730

RESPONDENT

AGREED ORDER

COME NOW the Mississippi Commission on Environmental Quality (Commission), acting through the staff and Executive Director of the Mississippi Department of Environmental Quality (MDEQ), Complainant, and MURPHY OIL USA INC, Respondent, in the above captioned cause and agree as follows:

1.

Respondent owns and/or operates underground storage tanks (USTs) at establishments known as Murphy USA #5508 (I.D. #11979), 9350 A Highway 49, Gulfport, MS, Harrison County; Murphy USA #6917 (I.D. #12568), 1609 East Beach Boulevard, Pass Christian, MS, Harrison County; Murphy Express # 8532 (I.D. #12830), Highway 90/dolphin Road, Gautier, MS, Jackson County; Murphy Express # 8579 (I.D. #12900), 4021 Bienville Boulevard, Ocean Springs, MS, Jackson County, and is subject to the provisions of the laws of this state governing the ownership/operation of USTs as specified in Mississippi Code Ann. § 49-17-401 et seq. and the rules and regulations of the Commission.

RECEIVED
NOV - 3 2016
HSSE Department

2.

On October 13, 2016, Respondent was contacted by Complainant and notified of the following violations:

Facility ID #11979

- a. Failure to report a suspected release {280.50}.: Interstitial monitoring records indicating a possible leak have not been reported to MDEQ as a suspected release (Premium Tank interstice has been in alarm for over a year)
- b. Failure to test automatic line leak detectors once every twelve (12) months {280.44 (a)}.: One or more of the mechanical automatic line leak detectors have not been tested within the previous twelve (12) month period
- c. An acceptable leak alarm history with proper reconciliation of all alarms is not available (Premium Tank)
- d. One or more of the submersible pump heads are not accessible and can not be visually inspected to verify that automatic line leak detectors are properly installed (Covered in dirty water)
- e. One or more of the piping flex connectors apparently do not meet the corrosion protection requirements as our inspector was unable to achieve a passing cathodic protection reading. (Dispensers)
- f. The inspector was unable to verify the corrosion protection status of one or more of the piping terminations located at the tanks
- g. The cathodic protection of one or more of the piping terminations has not been tested within the previous three (3) year period (CP test does not address dispenser termination CP)

Facility ID #12568

- a. There are metallic components of the piping system submerged in water within the containment sumps that do not meet the corrosion protection requirements (Regular)

Facility ID #12830

- a. Failure to report a suspected release {280.50}.: Interstitial monitoring records indicating a possible leak have not been reported to MDEQ as a suspected release (The STP sumps are in alarm and the alarm reconciliation records states that they pump the water out every 3 months.)
- b. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: There are one or more containment sumps that do not appear to be liquid tight (STP Sump full of water)
- c. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: An acceptable leak alarm history with proper reconciliation of all alarms is not available (Stating reconciliation is to remove water without making sump liquid tight is not proper reconciliation)
- d. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: The piping interstice does not appear to be in communication with the sumps (Inspector could not confirm is interstice is open)
- e. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: There are one or more containment sumps that have an inch or more of water in them
- f. Free phase product was found in one or more of the tank sumps (Diesel STP sump has 1/8" of product; North Regular STP sump has approximately 1/4" of product)
- g. One or more of the submersible pump heads are not accessible and can not be visually inspected to verify that automatic line leak detectors are properly installed

- h. Failure to meet UST system overfill prevention requirements {280.20 (d)}.: Standard drop tubes were not properly installed as needed (Drop tubes missing)

Facility ID #12900

- a. Failure to report a suspected release {280.50}.: Interstitial monitoring records indicating a possible leak have not been reported to MDEQ as a suspected release (It appears the STP sump sensors are in alarm most of the time. The inspector indicated that the reconciliation records state that they occasionally pump out the water)
- b. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: An acceptable leak alarm history with proper reconciliation of all alarms is not available (Occasionally pumping the water out is not a satisfactory reconciliation)
- c. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: The piping interstice does not appear to be in communication with the sumps (inspector could not verify)
- d. Failure to provide adequate release detection method/records for a UST system {280.40 - 280.45}.: There are one or more containment sumps that have an inch or more of water in them
- e. There are one or more tanks that do not have all of the tank top fittings/risers properly capped and sealed (Two direct fill risers on tank-This allows the possibility for a driver to leave one cap off and overfill the tank. This can be addressed by either permanently capping off one riser, installing overfill drop tube devices or installing an overfill alarm device.)

3.

In lieu of a formal enforcement hearing, Respondent agrees to provide the following within sixty (60) days after this order has been executed by the MDEQ Executive Director or their designee:

Facility ID #11979

- a. Submittal of the previous 12 months of your leak detection records
- b. Submittal of a written report detailing the circumstances of the suspected release.
- c. Documentation that the automatic line leak detectors have been tested for proper operation and can detect a leak equivalent to three (3) gallons per hour at ten (10) pounds per square inch line pressure. Please be aware that automatic line leak detectors must be tested for proper operation at least once every 12 months.
- d. Submittal of "Electronic Interstitial Monitoring" records that document any alarms you experience related to a possible leak are properly reconciled.
- e. Documentation that automatic line leak detector are installed in each of the submersible pumps.
- f. Documentation that adequate cathodic protection has been provided for the piping flex connectors.
- g. As our inspector was unable to verify that the piping flex connectors located at the tanks meet the corrosion protection requirements, you must ensure that the piping flex connectors are properly constructed and maintained in accordance with the corrosion protection requirements.

- h. Documentation that the piping flex connector cathodic protection has been tested for proper operation and meets the criteria as provided in the "Guidelines for the Evaluation of Underground Storage Tank Cathodic Protection Systems"; Please be aware that all cathodic protection systems must be tested once every three years.

Facility ID #12568

- a. Documentation that the metallic components of the piping system that are submerged under water and/or in contact with the soil have been adequately protected from corrosion. You may meet the corrosion protection requirements by: a) providing cathodic protection; b) isolating the metallic component from contact with the soil/water; or c) removal of the water from the containment sump.

Facility ID #12830

- a. Submittal of a written report detailing the circumstances of the suspected release.
- b. Documentation that any needed repairs/modifications have been made to the containment sumps and that they are liquid tight. Integrity testing of the sumps is normally accomplished by conducting a hydrostatic test. Please contact us for further clarification if you do not understand what the requirements for interstitial monitoring are.
- c. Documentation that indicates all of the alarms you have experienced related to a suspected release have been adequately resolved.
- d. Documentation that the double-walled piping system has been repaired/modified to allow adequate communication of the piping interstice with the containment sumps and/or leak detection sensors.
- e. Documentation that the water that was found in the containment sumps has been removed. Please be aware that in order to conduct interstitial monitoring, you must be able to keep the water out and demonstrate that the sumps are liquid tight. Integrity testing of the sumps is normally accomplished by conducting a hydrostatic test. Please contact us for further clarification if you do not understand what the requirements for interstitial monitoring are.
- f. Documentation that the fuel found by our inspector within one or more of the tank sumps has been properly removed and disposed of.
- g. Documentation that automatic line leak detector are installed in each of the submersible pumps.
- h. Documentation that overfill prevention has been provided for the tanks by the installation of standard drop tubes

Facility ID #12900

- a. Submittal of a written report detailing the circumstances of the suspected release.
- b. Documentation that indicates all of the alarms you have experienced related to a suspected release have been adequately resolved.
- c. Documentation that the double-walled piping system has been repaired/modified to allow adequate communication of the piping interstice with the containment sumps and/or leak detection sensors.
- d. Documentation that the water that was found in the containment sumps has been removed. Please be aware that in order to conduct interstitial monitoring, you must be able to keep the water out and demonstrate that the sumps are liquid tight. Integrity testing of the sumps is normally accomplished by conducting a hydrostatic test. Please contact us for further clarification if you do not understand what the requirements for interstitial monitoring are.

- e. Documentation that the water has been removed from the tank sumps
- f. Documentation that all of the tank top fittings are properly capped and liquid tight for use with your overflow prevention.

4.

Respondent further agrees to pay and Complainant agrees to accept a civil penalty in the amount of \$7500 for the matters addressed herein. Respondent shall pay this penalty to the Mississippi Department of Environmental Quality within sixty (60) days after this order has been executed by the MDEQ Executive Director or their designee.

The settlement payment shall be submitted to:

Mississippi Department of Environmental Quality
Attn: Jennifer Parish
P.O. Box 2339
Jackson, MS 39225

5.

Nothing in this Agreed Order shall limit the rights of the MDEQ or the Commission in the event Respondent fails to comply with this Agreed Order. The Agreed Order shall be strictly construed to apply to those matters expressly resolved herein.

6.

Nothing contained in this Agreed Order shall limit the rights of Complainant to take enforcement or other actions against Respondent for violations not addressed herein and for future violations of environmental laws, rules, and regulations.

7.

Respondent understands and acknowledges that it is entitled to an evidentiary hearing before the Commission pursuant to Mississippi Code Ann. § 49-17-31 (Rev. 2003), and has

made an informed waiver of that right.

ORDERED, this the 11th day of DECEMBER, 2016.

MISSISSIPPI COMMISSION ON
ENVIRONMENTAL QUALITY

BY: 

GARY C. RIKARD
EXECUTIVE DIRECTOR
MISSISSIPPI DEPARTMENT
OF ENVIRONMENTAL QUALITY

AGREED, this the 30th day of November, 2016.

BY: 

TITLE: Sr. Director, HSSE

STATE OF Arkansas

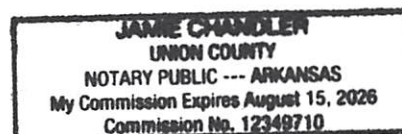
COUNTY OF Union

PERSONALLY appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Harry Lewis who first being duly sworn, did state upon his/her oath and acknowledge to me that he/she is the Sr. Dir. HSSE of MURPHY OIL USA INC and is authorized to sign and enter this Agreement on its behalf.

SWORN AND SUBSCRIBED BEFORE ME, this, the 30th day of November, 2016.


NOTARY PUBLIC

My Commission expires: 8-15-2026



Commission No. 1340510
My Commission Expires April 12, 2026
NOTARY PUBLIC -- ARKANSAS
JAMIE CHAMBERLAIN
UNION COUNTY